# REPORT SUMMARY

**OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION**

**Date of Consideration:** **November 13, 2014** **TIME: 9:35 a.m.**

**File Number:** **B99/14**

**Applicant:** **Robert Stovel**

**Subject Lands:** TOWNSHIP OF CENTRE WELLINGTON (West Garafraxa) – Part of Park Lot 37, Registered Plan 106

**Proposal is a request for consent to convey** fee simple for a proposed severance 0.26 hectares (0.64 acres) with 55.3m frontage in the TOWNSHIP OF CENTRE WELLINGTON (West Garafraxa) – Part of Park Lot 37, Registered Plan 106, vacant land for proposed residential use; retained lands are 0.53 hectares (1.3 acres).

**ISSUES:** neighbour concerns

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Centre Wellington** – staff opinion – in support of application; conforms with Official Plan and Zoning; the applicant will be required to demonstrate proposal can support private services with no negative impacts on adjacent water quality or quantity – conditions to apply

**County Planning** - notice cards were posted at time of site visit; located within the Urban Centre of Fergus; application is consistent with Provincial Policy and generally conforms to Official Plan; applicant has don a Geotechnical study to assess ravine erosion and slope stability of the banks of the Grand River at rear of property; Conservation Authority has review this study and finds its results to be satisfactory;

**Conservation Authority (GRCA)** – no objections; GRCA staff have reviewed report prepared by CMT Engineering Ltd (July 28/14) and have no concerns with its finding; no objections to proposed application as there appears to be sufficient room on severed to construct a new dwelling and associated uses outside of riverine erosion hazard and 6 metre setback; permit would be required from GRCA prior to any development with the regulated portions of the property

**County Engineering** – condition to apply

**Others –**
CMT Engineering Inc. – Geotechnical Assessment for Potential Lot Severance – July 28/14 - attached
Charles Forster (650 Orangeville Rd., Fergus ON N1M 2X8) – letter of comment and opposition – **request notification of consideration**

## ***PROPOSED CONDITIONS of APPROVAL***

**1) THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
**2) THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B99/14.
**3) THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent for the severed parcel.
**4) THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
**5) THAT** the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
**6) THAT** the Owner satisfy all the requirements of the Township of Centre Wellington, financial and otherwise (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Township when deed is Registered; Tax Assessment Roll Setup Fee paid) which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
**7) THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**8) THAT** the Owner indicate existing septic is removed. The Owner must provide confirmation that a new septic system can be adequately located on the retained parcel with no adverse impacts on adjacent water quality or quantity to the satisfaction of the Township of Centre Wellington; and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**9) THAT** the Owner enter into a Development Agreement and/or Site Plan Agreement (Lot Grading and Drainage) to the satisfaction of the Township of Centre Wellington and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**10) THAT** the Owner provide a Pre-servicing Hydrogeological Report confirming the feasibility for an individual well and septic system on the subject property with no adverse impacts on adjacent water quality or quantity to the satisfaction of the Township of Centre Wellington and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**11) THAT** a conveyance of a 1 foot reserve on the retained portion along Wellington Road 18 to restrict access to the County's right-of-way and that future access will be restricted to Orangeville Road to the satisfaction of the County of Wellington Roads Department; and further that the County of Wellington Roads Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

**County of Wellington Planning and Land Division Committee**
**Deborah Turchet, Secretary-Treasurer**
**Wellington County Administration Centre**
**74 Woolwich Street, Guelph, ON N1H 3T9**

October 30, 2014

**NOTICE OF CONSIDERATION IN PUBLIC FORUM**

**Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations**

**with respect to Application for consent,**

**File B99/14**

**APPLICANT**

Robert Stovel
297 Briarhill Drive
Stratford ON N5A 7T1

**LOCATION OF SUBJECT LANDS:**

CENTRE WELLINGTON (West Garafraxa)
Part of Park Lot 37, Reg Plan 106
655 Orangeville Road, Fergus

Proposed irregular shaped severance is 0.26 hectares with 55.3m frontage, vacant land for proposed residential use.

Retained parcel is 0.53 hectares with 79m frontage, existing and proposed residential use with existing house.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

**AT 9:35 a.m.** for the purpose of considering this matter.

**CONSIDERATION WILL BE HELD IN THE:** 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

**NOTICE** is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

**Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.**

**Please also be advised** that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

**Additional Information** regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

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TO: **Applicant – Robert Stovel**
**Other:** Charles and Valerie Forster (650 Orangeville Rd., Fergus ON N1M 2X8)

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OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RECEIVED
SEP 15 2014

**MUNICIPALITY COMMENTING FORM**

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

**FILE NO: B99/14**

**APPLICANT**

Robert Stovel
297 Briarhill Drive
Stratford ON N5A 7T1

**LOCATION OF SUBJECT LANDS**

CENTRE WELLINGTON (West Garafraxa)
Part of Park Lot 37, Reg Plan 106
655 Orangeville Road, Fergus

Proposed irregular shaped severance is 0.26 hectares with 55.3m frontage, vacant land for proposed residential use.

Retained parcel is 0.53 hectares with 79m frontage, existing and proposed residential use with existing house.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:*** 2326·000·024·01000

Does this description reasonably describe the parcel holdings? YES(✓) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES(✓) NO( )

What Section(s) does it conform to or contravene? (Please specify)
Section E.9.3 - Consents in Township Official Plan

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

**(Please Specify)** _____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

**(Please Specify)** _____

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO( ) N/A(✓) or **Minor Variance** YES( ) NO( ) N/A(✓)

Is proposal on an opened maintained year-round public road YES(✓) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

**Please specify** Orangeville Road

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(✓)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(✓)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(✓)

**Approximate Time of Servicing Availability:** _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

None

Continued to Page 2

**MUNICIPALITY COMMENTING FORM**

**FILE NO: B99/14**

**Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?**
**YES [ ]NO [ ]**

See attached sheet of conditions.

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

See attached letter of opinion

Is the Municipality in support of this application? **YES**(✓) **NO**( ) Staff opinion only.

What Conditions, if any, are requested by the Municipality if the Consent is granted?

See attached sheet of conditions.

Does the Municipality request a Notice of the Decision? YES(✓) NO( )

SIGNATURE _____

TITLE: Planner

ADDRESS: 1 MacDonald Square, Elora ON N0B 1S0

DATE: Oct. 21/14

**FILE NO:** B 99/14 – R. Stovel
655 Orangeville Road, Fergus

**Conditions requested if the Consent is granted:**

- [x] That land be dedicated or other requirements met for park or other public recreational purposes.
- [x] Satisfy all the requirements of the local municipality, financial and otherwise
- [x] Driveway entrance approval
- [x] Taxes Paid in Full
- [ ] Service Connections to be confirmed
- [ ] Official Plan Amendment
- [ ] Zoning Compliance
- [x] Development Agreement and/or Site Plan Agreement (Lot Grading and Drainage)
- [x] Copy of deposited Reference Plan
- [x] Undertaking to advise Township when deed is Registered
- [x] Tax Assessment Roll Setup Fee

Additional Notes:

Please add the following condition for the Severed Parcel:

- A Pre-servicing Hydrogeological Report is required prior to final consent confirming the feasibility for an individual well and septic system on the subject property with no adverse impacts on adjacent water quality or quantity.

Please add the following condition for the Retained Parcel:

- Plans indicate existing septic to be removed. The owner must provide confirmation that a new septic system can be adequately located on the retained parcel with no adverse impacts on adjacent water quality or quantity prior to final consent.

Centre Wellington

October 21, 2014

County of Wellington
Planning and Development Department (Land Division)
74 Woolwich Street
Guelph, ON
N1H 3T9

Attn: Deborah Turchet
Secretary-Treasurer

Dear Deborah:

Re: Proposed Severance B99/14 (Stovel), 655 Orangeville Road, Fergus

The subject application is for a proposed land severance to create one new buildable residential lot with a frontage of 55 metres (180 ft), depth of approximately 67 metres (220 ft) and lot area of 0.26 hectares (0.64 ac). The proposed retained parcel currently supports a residential dwelling. The applicant has indicated that the existing septic system will be removed.

Provincial Policy:

The Province has issued policies relating to growth in the Province. These policies direct growth through intensification and redevelopment to built-up areas where the capacity exists to best accommodate expected population and employment growth, while providing strict criteria for settlement area boundary expansions. The PPS states as policy that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted" (Policy 1.1.3.1) and "municipal sewage services and municipal water services are the preferred form of servicing for settlement areas" (Policy 1.6.4.2). The subject property lies within the Built Area boundary of the Fergus Urban Centre. However, there are no plans to service this area with municipal sewer and water in the foreseeable future.

County Official Plan:

The creation of new lots is the responsibility of the County of Wellington. The property is located within the "Fergus Urban Centre" and within the "Built Boundary" on Schedule A1 of the County of Wellington Official Plan. The County Plan defers to the Township Plan regarding more detailed Official Plan designations and policies as well as zoning regulations to identify the location and nature of various permitted uses in the urban centres. The County Plan permits the creation of new lots in Urban Centres provided that the land is appropriately zoned. The Plan favours the creation of new lots that can be adequately serviced with municipal sewer and water services (Section 10.1.3). Further, the County

Plan limits the use of individual on-site services for new development to low intensity uses in the rural system and unserviced settlement areas (Section 3.4). The Plan also stipulates that severances may be permitted on private services where the extension of services to the property is not anticipated and where a hydrogeological study supports the severance.

Section 10.1.3 of the County Plan sets out specific matters for consideration regarding the creation of new lots, including, but not limited to: that any new lots will be consistent with official plan policies and zoning regulations; that all lots can be adequately serviced with water, sewage disposal, stormwater management or drainage, fire protection, roads, utilities, solid waste disposal to accepted municipal standards and without undue financial burden on the municipality; that lots are not created in areas which would pose a threat to public health or safety; that the size and shape of proposed lots is suitable, including frontage, area and the proportion of frontage to depth; that all new lots shall have logical lot lines given existing lotting patterns in the area, natural and human-made features and other appropriate considerations; and that provincial legislation and policies are met.

The proposed severed and retained lots would comply with all applicable criteria set out in the County Plan.

Township Official Plan:

The subject property is designated "Residential" and is within the "Fergus Urban Centre" boundary as well as the "Built Boundary" area as per "Schedule A-1" of the Township's Official Plan. This designation permits residential development, predominantly in the form of low rise and low density housing such as single-detached and semi-detached housing forms. The Plan strives to protect the character of existing low density residential neighbourhoods from land uses which would cause significant loss of privacy, loss of view, or loss of sunlight due to shadowing or which would be incompatible due to their nature. The use of the proposed severed and retained lots is single family residential development which is considered compatible with the surrounding land uses.

The Plan also contains policies with respect to residential intensification. Section C.5.5 of the Plan encourages residential intensification primarily in the urban centres and within the built boundary. It encourages modest intensification in stable residential areas that respects the character of the area and small scale intensification in rural areas and hamlets consistent with their character and servicing. The addition of one residential dwelling which complies with the requirements of the zoning by-law and is consistent with the existing lotting pattern in nearby residential areas can be considered modest intensification.

The consent policies in the Official Plan (Section E.9.3) set out criteria against which to evaluate such applications. Among the evaluation criteria are the following: the undue extension of any major service is not required; the land fronts on an existing public road which is of a reasonable standard of construction; all parcels comply with the provisions of the Zoning By-law; the size and shape of all parcels is appropriate for the intended use and

generally compatible with adjacent lots; the severance will not unduly contribute to traffic congestion or create a traffic hazard; water and sewage services to accommodate the proposed use are available according to the geotechnical assessment; and the severance complies with the environmental protection policies of the Plan.

Although the Plan anticipates the creation of new lots on full municipal services within the built boundary, there are some areas where the extension of full municipal services is not feasible and/or not anticipated for a considerable period of time (i.e. greater than ten years). The subject site falls within one of these areas where services are not anticipated.

The Township would support a severance on private services where it can be demonstrated through a pre-servicing report by a qualified engineer that water quality and quantity for adjacent affected properties will not be negatively impacted through the installation of a well and septic system on the proposed lot. Upon reviewing the above policies, it is staff's opinion that the proposed severance would comply with all applicable consent policies of the Township's Official Plan.

Zoning By-law:

The Zoning By-law classifies the property as "R1A – Residential". The R1A zone contains special residential use provisions which permit single-detached housing, among other housing forms. R1A is a zone category that applies to lots with various types of servicing, such as lots with individual on-site sewer services, lots with municipal sewer services only, or lots with both municipal sewer and water services, each having specific zoning regulations. Both the severed and retained parcels comply with the requirements of the Zoning By-law with respect to lot width and area (for lots with private services). It is further anticipated that a new single detached dwelling can be constructed within the requirements of the Zoning By-law with respect to setbacks and lot coverage.

Staff reviewed the existing lotting pattern in the vicinity to ensure compatibility if the proposed severance is approved. The subject property is one of the largest lots on this stretch of Orangeville Road and within the immediate vicinity. The proposed severed and retained parcels could adequately support a single detached residence within the zoning regulations. It is staff's opinion that the proposed lots are compatible within the context of the street and neighbhourhood. The housing form for the proposed severed lot will be similar to that found in the existing neighbourhood (single family detached), which will assist with compatibility.

Conclusion:

The Township's planning staff have no objection to the application for consent, subject to the attached conditions, as it satisfies the necessary policies and current criteria of the Province, the County and the Township with respect to lot severances to create a new buildable lot within the Urban Centre and Built Area boundary. The proposed severed and

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retained lots will meet the requirements of the Zoning By-law and be consistent with the current lotting pattern in the neighbourhood. The applicant will be required to demonstrate that the proposal can support private services with no negative impacts on adjacent water quality or quantity.

I trust these comments are of assistance to the Land Division Committee.

Yours truly,

Mariana Iglesias, MCIP, RPP, CAHP
Planner

*Township of Centre Wellington – Planning*
1 MacDonald Square, P.O. Box 10, Elora, ON N0B 1S0 - Office: 519-846-9691 Fax: 519-846-2190

www.centrewellington.ca

Centre Wellington

Memorandum

**To:** **Chantalle Pellizzari – Planning Coordinator, TCW**

**From:** Brandon Buehler - Engineering Technologist Water/Wastewater, TCW

**Date:** October 21, 2014

**Re:** **655 Orangeville Road - Severance Proposal**

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1. **Grading/Drainage Requirements – Severed Lands**

   1.1. A detailed grading and drainage plan will be required that illustrates proper grading and drainage can be achieved without impacting the neighboring properties.

2. **Driveway Entrance Requirements – Severed Lands**

   2.1. The existing driveway location has been reviewed by Public Works and found to be acceptable. Public works will permit the driveway to be relocated elsewhere along the property frontage should the applicant decide to relocate the existing driveway, however only one driveway will be permitted. All works within the Township right-of-way to be constructed by an approved contractor. Applicant is required to apply for the standard Driveway Entrance Permit should they choose to relocate the existing driveway.

3. **Well and Septic Requirements –Severed Lands**

   3.1. The Township requires the applicant to refer to the Ministry of Environment technical guideline ``*Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*`` in order to determine whether the site will permit/accept an on-site sewage system. The Township will require a detailed report prepared by either a Professional Geoscientist or a Professional Engineer that will illustrate the on-site sewage system and private well will not have any impacts to the local or neighbouring ground/surface water quantity/quality, following the above noted guidelines. Along with this guideline the applicant will also be required to follow any applicable building code requirements as per the Ontario Building Code.

4. **Septic Requirements –Retained Lands**

   4.1. The plan indicates that the existing septic bed/system will be removed. It should be noted that the new septic system required for the existing dwelling shall be located entirely on the retained lands.

**Planning and Development Department | County of Wellington**
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

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OCT 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B99/14 |
| **Location** | Part of Park Lot 37, Reg. Plan 106<br>TOWNSHIP OF CENTRE WELLINGTON |
| **Applicant/Owner** | Robert Stovel |

**PLANNING OPINION:** This application would sever a vacant 0.26 ha (0.64 ac) residential parcel in the Urban Centre of Fergus. A 0.53 ha (1.3 ac) parcel with existing dwelling would be retained.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That any concerns of the Conservation Authority can be addressed ; and,
b) That safe drive way access be provided to the severed parcel to the satisfaction of the local municipality; and,
c) That servicing can be provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** The Places to Grow policies place an emphasis on intensification and optimizing the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states, "population and employment growth will be accommodated by focusing intensification in intensification areas". Intensification is defined as "the development of a property, site or area at a higher density than currently exists through,.....b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development".

**PROVINCIAL POLICY STATEMENT (PPS):** Section 1.1.3 of the Provincial Policy Statement directs growth to occur within settlement areas. The proposed lot creation is located within the Fergus Urban Centre and is consistent with the PPS.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated URBAN CENTRE and CORE GREENLANDS and is located within the Urban Centre of Fergus. The Greenland features represent hazardlands.

Section 10.6.2, states that new lots may be created in Urban Centres provided that the lands are appropriately zoned. Lots may be created for a variety of community uses subject to the policies of this plan. Lot creation will normally proceed by plan of subdivision and will be based on the provisions of full urban services, wherever such services are available. We are satisfied that a plan of subdivision is not necessary for the creation the proposed lot.

Section 10.2.2 states that "where the County is concerned that a proposed lot in or adjacent to the Greenlands System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation."

The matters under section 10.1.3 were also considered including f) that the topography, soils and drainage of the site are satisfactory for the lot sizes and uses proposed, and...h) that natural heritage features are not affected negatively, and...l) that lots are not created in areas which would pose a threat to public health or safety.

Regarding items f) and l), the applicant has done a Geotechnical study completed by CMT Engineering Inc. The study assessed ravine erosion and the slope stability of the banks of the Grand River that make up the rear of property. The Conservation Authority has reviewed this study and finds its results to be satisfactory.

**LOCAL OFFICIAL PLAN:** The subject property is designated Residential and Core Greenland's in the Centre Wellington Official Plan.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Residential (R1A) zone. It appears that the lot area and frontage requirements can be met for both the severed and retained lots.

**SITE VISIT INFORMATION:** The subject property was visited and photographed on October 17th 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
October 21st, 2014

400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6
**Phone:** 519-621-2761 **Toll free:** 866-900-4722 **www.grandriver.ca**

**PLAN REVIEW REPORT TO:** County of Wellington, Planning & Land Division Committee
Deborah Turchet, Secretary-Treasurer

**DATE:** October 17, 2014 **YOUR FILE:** B99/14
**GRCA FILE:** CentWell/2014/Sev/C

**RE:** **Application for Consent B99/14**
655 Orangeville Road
Part of Park Lot 37, Reg Plan 106
Township of Centre Wellington
Robert Stovel

**GRCA COMMENT:***

The Grand River Conservation Authority (GRCA) has no objection to the consent application to create a 0.26 hectare parcel for proposed residential use.

**BACKGROUND:**

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be retained contain the Grand River, floodplain, slope erosion (oversteep and toe erosion), and the allowances associated with these features.

   The lands to be severed and merged with 6389 2nd Line contain the Grand River, a tributary of the Grand River, wetland, and floodplain.

2. **Legislative/Policy Requirements and Implications:**

   Pursuant to the Provincial Policy Statement, County of Wellington and Township Official Plans, and GRCA policies, development shall be directed to areas outside of the natural hazards susceptible to flooding and erosion. The regulatory floodplain is contained below the valley slope on the proposed severed parcel. The limit of the riverine erosion hazard has also been assessed in a July 28, 2014 report prepared by CMT Engineering Ltd. The assessment concludes that the existing valley slope is stable and that a 6 metre setback from the existing top of valley slope is a sufficient setback to any future development on the proposed severed parcel. GRCA staff have reviewed this assessment and have no concerns with its finding. As such, we would have no objection to the proposed application as there appears to be sufficient room on the lands to be severed to construct a new dwelling and associated uses outside of the riverine erosion hazard and 6 metre setback.

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Due to the presence of the above-noted features, portions of the subject lands regulated under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). A permit would be required from the GRCA prior to any development within the regulated portions of the property pursuant to Ontario Regulation 150/06.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   We wish to acknowledge receipt of the applicable plan review fee in the amount of $380.00 for the processing of this application.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

Yours truly,

Jason Wagler, MCIP, RPP
Resource Planner
Grand River Conservation Authority

* ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

Encl. (1)

cc. Township of Centre Wellington
Jana Poechman, County of Wellington
Robert Stovel, 297 Briarhill Drive, Stratgord, ON N5A 7T1

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Grand River Conservation Authority**

Map created: February 14, 2014

## 655 Orangeville Road

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- PARKS (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

**GRCA Disclaimer**

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

*http://grims.grandriver.ca/docs/SourcesCitations1.htm*

0 11.5 23 34.5 46 m.

NAD 1983, UTM Zone 17 Scale 1:1,000

N

COUNTY OF WELLINGTON

OFFICE OF THE COUNTY ENGINEER
ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9
T 519.837.2601
T 1.866.899.0248
F 519.837.8138

GORDON J. OUGH, P. Eng.
COUNTY ENGINEER

October 17, 2014

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B99/14**
**Robert Stovel**
**Part of Park Lot 37, Reg plan 106,**
**Township of Centre Wellington, County of Wellington**

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of a 1 foot reserve on the retained portion along Wellington Road 18 to restrict access to the County's right-of-way and future access will be restricted to Orangeville Road.

Sincerely,

Pasquale Costanzo, C.E.T.
Technical Services Supervisor

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

*CMT Engineering Inc.*
**CONSULTING ENGINEERS**
1011 Industrial Crescent, Unit 1
St. Clements, Ontario N0B 2M0
*Tel: 519-699-5775*
*Fax: 519-699-4664*
**www.cmtinc.net**

B99/14

July 28, 2014 14-406.R01

Stovel and Associates Inc.
297 Briarhill Drive
Stratford, Ontario
N5A 7T1

Attention: Mr. Robert Stovel

Dear Sir:

**Re: Geotechnical Assessment for Potential Lot Severance**
**655 Orangeville Road**
**Fergus, Ontario**

## Introduction

CMT Engineering (CMT) was retained by Mr. Robert Stovel of Stovel and Associates Inc. to undertake a geotechnical investigation at 655 Orangeville Road in Fergus (Drawing 1) with respect to potential lot severance. The existing lot presently has a house in the middle portion of the property and it is proposed to sever the property to create a new parcel to the west of the existing house. This report strictly addresses the proposed severance to the west of the existing house. It is our understanding that the proposed new parcel would be irregular shaped with a total area in the order of ± 2,362 $m^2$ (approximately 0.58 acres). The approximate location of the proposed severance is shown on Drawing 2.

## Geotechnical Investigation

Prior to the geotechnical investigation, locates were undertaken to ensure that any existing utilities would not be damaged as a result of the investigation. On July 21, 2014, CMT undertook a geotechnical investigation that involved advancing three (3) test pits on the proposed severance with a rubber-tire backhoe. The first test (Test Pit 1) was advanced in the front of the property where a septic bed could feasibly be constructed. The second test pit (Test Pit 2) was excavated in the middle of the property where a house could potentially be constructed. The

third test pit (Test Pit 3) was excavated near the edge of the slope in order to provide information with respect to slope conditions. The locations of the test pits are shown on Drawing 2.

The following table provides results of the investigation:

| TEST PIT NUMBER | TEST PIT DEPTH (m) | SOIL/ROCK ENCOUNTERED (m) |
|---|---|---|
| 1 | 1.20 | 0.00 - 0.90: Topsoil<br>0.90 - 1.20: Sandy silt<br>1.20: Dolostone bedrock |
| 2 | 2.10 | 0.00 - 0.45: Topsoil<br>0.45 - 2.10: Sandy silt<br>2.10: Dolostone bedrock |
| 3 | 1.70 | 0.00 - 0.90: Topsoil and fill<br>0.90 - 1.13: Granular (former road base)<br>1.13 - 1.70: Sandy silt<br>1.70: Dolostone bedrock |

**Riverine Erosion Hazards**

The following discussion is based on Ontario Regulation 150/06 (November 30, 2007) with reference to River or Stream Valleys and Riverine Erosion Hazards. The stream valley can be considered to be a confined (apparent) valley since the walls are greater than 3.0 m in height. Since the total slope (including upper and lower slopes with a level area in between) is approximately at 1.8H:1V, the slope is considered to be oversteepened. Based on the geotechnical investigation, toe erosion is not considered to be an issue since the base of the lower slope sits on bedrock and the slope beneath the overburden soils is also comprised of dolostone or limestone bedrock. Furthermore, the river is very wide and shallow and the flow of the river is very gentle in the area of concern. Based on the geological history of the bedrock in the gorge, erosion of the bedrock is not considered to be more than 20 cm over a hundred year period. A vertical bedrock outcrop can be seen just to the west of the property. Dolostone bedrock was also found at a depth of 1.7 m at the top of the slope. It would appear that soil may have been placed over the bedrock to create two smaller slopes and a level area as part of the original road construction at the top of the slope.

With respect to development in a regulated area (Section 7.1), it is our opinion that there are no issues that cannot be dealt with as per 7.1.2 of the Regulation. Furthermore, since there is no riverine flooding hazards with respect to this site; Part 8.0 of the Regulation is not applicable.

**Slope Stability Assessment**

Based on field measurements, the total slope at the rear of the property is approximately 6.0 m in height and is comprised of two levels with a relatively flat area of 4.6 m in between. The lower slope is 2.8 m in height and is approximately 0.6H:1V. The upper slope is 3.2 m in height and approximately 1.1H:1V. Combining the two slopes and the level area, the total slope from bottom to top is in the order of 1.8H:1V. The slope presently has some mature trees growing on it and is totally vegetated. There were no signs of slope instability, erosion or tension cracks. Minor seepage was noted at the base of the lower slope.

In assessing the stability of the slope, it is important to realize that dolostone bedrock is located beneath the soil (assumed fill material) in the slope. Bedrock layers are laid down horizontally and vertical jointing would be most prevalent in a direction parallel to the rock slope. As such, classical circular slope failures (as may occur in soil slopes) generally do not occur in rock slopes unless they are extremely blocky in nature. This is not the case with this bedrock. The most common form of failure in rock masses of this nature is toppling due to the stress relief cracks. These failures are fairly rare and are generally minor in scale. The most likely causes are due to the formation of ice or tree roots in the stress relief joints causing the rock to be pushed away from the face. The process would generally involve moving a thin slab (metre or less) of bedrock from the face.

Based on the assessment, it is the opinion of CMT that no stable slope allowance is required in the area of the proposed home due to the rigid nature of the dolostone bedrock. Considering the height and shape (two small slopes with plateau between them) of the slope adjacent to the river, there are also no concerns with respect to potential flooding or erosion on the property. It is our opinion that in consideration of the fact that both the slope (beneath the overburden soil) and the proposed house foundation are comprised of sound bedrock, a setback of 6.0 m from the edge of the top of the slope is considered to be adequate for construction of the proposed house.

**Proposed House Construction**

The foundation of the proposed house would be founded on dolostone bedrock at an approximate depth of 2.1 m below the present ground surface. As such, the bearing capacity of the bedrock will be substantially higher than what is required for the construction of the house and any potential settlement should not be of concern.

Based on discussions with the landowner, the current plan is to install the septic bed in front of the house and away from the rock face. The septic tank and distribution piping must be at least 15.0 m from any drilled well with a minimum of 6.0 m of casing (30.0 m for any well with less than 6.0 m of casing). As indicated by the test pit data, the bedrock is located at a fairly shallow depth. This means that the septic bed must be raised somewhat in order to comply with Part 8 of the Ontario Building Code (2012). Since a new drilled well must be installed at least 15.0 m from the septic components, it would be logical to assume that the well would therefore be

located in the backyard. In so doing, consideration must also be given to ensure that the proposed well is also located at least 15.0 m from neighboring septic systems.

**Summary**

CMT undertook a geotechnical assessment with respect to a potential lot severance and a possible future construction of a house on the "severed" property. Based on the investigation, house construction and suitable development could be safely undertaken on the vacant "severed" portion of the property at a recommended minimum distance of 6.0 m from the top of the slope. Furthermore, the house would be founded on dolostone bedrock, which has a very high loadbearing capacity. A partially raised septic bed could be installed in the front yard and a drilled well in the rear yard. From a geotechnical point of view, CMT has no concerns with respect to the safe construction of a house on the proposed "severed" portion of the property provided that the appropriate 6.0 m setback and current Ontario Building Code requirements are complied with.

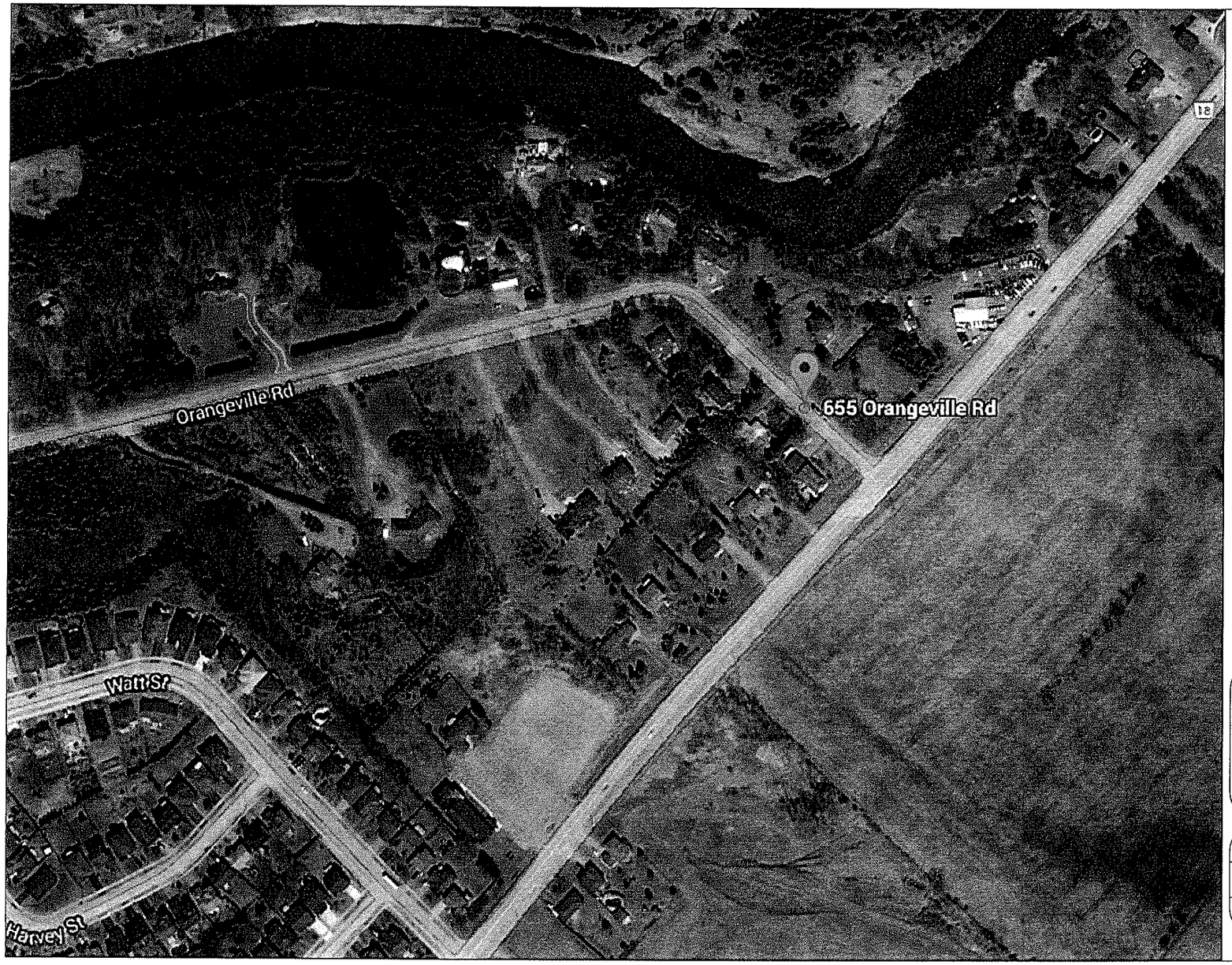
If you have any concerns or questions, please contact our office at your convenience.

Yours very truly,

LICENSED PROFESSIONAL ENGINEER
Aug 26/14
R. KOOPMANS
PROVINCE OF ONTARIO

Robert Koopmans, P.Eng.
Designated Consulting Engineer
BCIN: 15464

Enclosures: Drawing 1 - Site Location
Drawing 2- Proposed Severance and Test Pit Locations

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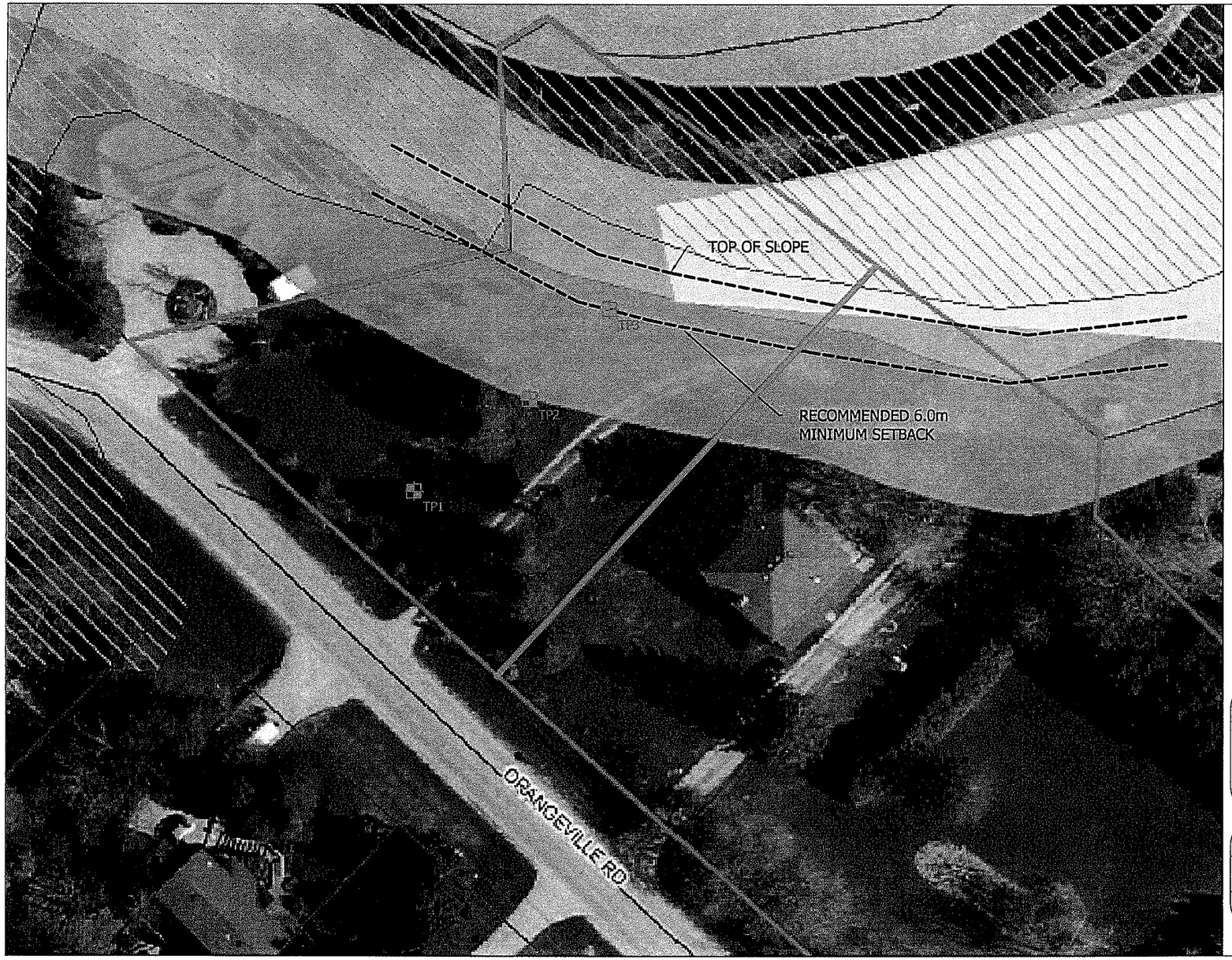
LOCATION MAP

Proposed Lot Severance
655 Orangeville Road
Fergus, Ontario
Township of Centre Wellington

| | | |
|---|---|---|
| Project: | 14-406 | Drawing: 1 |
| Date: | July 2014 | Sheet: 1 |
| Scale: | N.T.S. | |

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PLAN VIEW SHOWING
PROPOSED SEVERANCE AND
TEST PIT LOCATIONS

655 Orangeville Road
Fergus, Ontario
Township of Centre Wellington

| | |
|---|---|
| Project: 14-406 | Drawing: 2 |
| Date: July 2014 | Sheet: 1 |
| Scale: N.T.S. | |

TO: The Land Division Committee, County of Wellington,
74 Woolwich Street
Guelph, ON N1H 3T9

RE: File No. B99/14 – Robert Stovel

FROM: Charles Forster and Valerie Forster
650 Old Orangeville Road, Fergus, ON

HEARING DATE: November 13th, 2014 – 10:00 a.m.

RE: Comment and Opposition to Requested Severance

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1a. Applicant's severance sketch, prepared by Van Harten Surveyors in support of the Application (and with designations taking into account the Wellington County Official Plan – Core Greenlands – the Township of Centre Wellington Official Plan designations – Residential and Core Greenlands) shows approximately 40% of the proposed severed lot to be in the environmental protection zone, approximately 45% in the environmental protection overlay zone and approximately 15% in the residential zone. Directly across the Grand River from the proposed severed lot are significant protected wetlands designated as "Core Greenlands" on the Official Plan.

1b. The proposed residence will be sited in both the EP zone and the EP overlay zone and will detrimentally affect wetlands and wildlife along both sides of the Grand River at this location, and will put undue pressure on the "Core Greenlands" situated across the river to the north of the proposed severance, and on the wildlife and wetlands protected on the proposed severed lot.

1c. The GRCA comment of Jason Wagler in his report of October 17th, 2014, states at Paragraph 2:

> "As such, we would have no objection to the proposed application **as there appears to be significant room on the lands to be severed to construct a new dwelling and associated uses outside the riverine erosion hazard and 6 metre setback.**"

It is submitted that a 6 metre setback still leaves the proposed "new dwelling" partly in an EP zone and an EP overlay zone and would be in contravention of the policies of the GRCA and the municipality regarding the protection of Core Greenlands, wetlands and wildlife habitat..

1d. Mr. Wagler further states in Paragraph 2:

> "Due to the presence of the above-noted feature ..., a permit would be required from GRCA prior to any development within the regulated portion of the property pursuant to Ontario Regulation."

What are the regulated portions on the proposed severed lot and where are they, and will a "new dwelling" partly situated in the regulated portions defeat the policies and objectives of the official plans and the GRCA mandate.

2. It is suggested that a significant planning principle for a new residence on a proposed severed lot is that public services, including municipal sewer and water services, must be available. Such services should be available before consideration is given to a severance with the stated intention of building a new residence.

There are no such services available in the relevant area. The granting of a building permit to build a new dwelling would involve the removal and relocation of the existing septic system on the retained lot, and a new septic system (with a raised bed at the front of the proposed severed lot to take into account the limestone bedrock and the regular shape of the lot) and will also involve the drilling of a new well somewhere on the property. Septic systems, under these conditions, adjacent to the Grand River, are to be discouraged for new construction on proposed severed lots.

3. The Applicant's Engineering Report (CMT Engineering, July 28th, 2014), states at Page 2 under the heading "Riverine Erosion Hazard", the following:

> "Furthermore, the river is very wide and shallow and the flow of the river is very gentle in the area of concern".

This statement may be true in July at the time of the report, but when the Shand Dam opens its gates up river, the waterflow at this significant bend in the river at the proposed severed site is torrential and significant.

4. Intensification of traffic by adding another residence and driveway, would have significant impact. The Old Orangeville Road is a major road for commuters leaving town to travel east and there are regular accidents at the corner of the Old Orangeville Road, just north of the proposed severed lot.

5. The granting of a severance in this case, by shoehorning a new residence into an irregularly shaped lot and taking into account the environmental protection issues and setback issues, would significantly change the character of the neighbourhood. The new dwelling will by necessity be in close proximity to an existing heritage home, a stone farmhouse of at least 100 years old and its positioning on the proposed severed lot would be out of keeping with the existing character of the neighbourhood.

6. A history of previous severance inquiries by previous owners at this property, and other property owners in the immediate vicinity regarding severances to their own property have been met with negative comments from township planners and the GRCA with respect to the viability of a proposed severance.

DATED at Fergus, Ontario, this 23rd day of October, 2014.

CHARLES FORSTER / for UAF FORSTER