# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME: 9:20 a.m.**

**File Number:** **B95/14 through B98/14**

**Applicant:** **UAJV Developments Inc.**

**Subject Lands:** TOWN OF ERIN – Part Lots 27 & 28, Concession 9

**Proposal is a request for consent to convey** fee simple for a proposed four lots 1.012 hectares (2.5 acres) with 70.445m frontage each in the TOWN OF ERIN – Part Lots 27 & 28, Concession 9, vacant land for proposed rural residential use; retained lands are 42.5 hectares (105 acres).

## ISSUES:

## SUMMARY of FILED REPORTS and COMMENTS: SEE CONSOLIDATED CONSIDERATION FILE B73/14

**Credit Valley Conservation Authority** – no concerns - have confirmed with County that severances are set back the minimum 30m vegetation protection zone from the wetland feature across the road; severances partially within the CVC's regulated area may require a permit.

**Ministry of Natural Resources:** currently licensed under the Aggregate Resources Act – Category 1 Class A pit; operations of pit ceased in 2008 – understand licensee (UAJV Development Inc.) may evaluate opportunities to continue extraction on a portion of subject lands in future; premature to sever for rural residential uses; staff notes severed area of license would have to be rehabilitated and license partially surrendered prior to development; extraction continue – unclear whether applicant considered potential negative impacts associated with pit's operation – noise drinking water – amendments to license may be required;

**prior to approval of consent**

- Applicant ensure areas of property proposed for severance are surrendered in accordance with Aggregate Resources Act.
- If extraction activities are to continue – recommend applicant review if the operation of pit has to potential to negatively impact rural residential lots (and vise-versa) and mitigate any impacts
- Amendment to the Site Plans may be required to reflect any required mitigation measures.

**Others:** Eileen Costello (Aird & Berlis – 181 Bay Street, Suite 1800 Box 754 T.O. M5J 2T9) – on behalf of Elizabeth and Graeme Hibberd - letter of objection – request notification of consideration and decision
David McPhail (Dale & Lessmann) – legal representative for The Caledon Mountain Trout Club – premature in request for four residential building lots – does not appear to be any filed rehabilitation plan for the gravel pit which are part of the subject lands; suggest more detailed plan be filed;

## ***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 B95/14 through B98/14.

**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.

extraction resource to the satisfaction of the Town of Erin; and further that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**8) THAT** the applicant successfully obtain a zoning amendment approval to remove the M4 Extractive zone and rezone the property to the appropriate zone to support the subsequent land use which has no yet been determined to the satisfaction of the Town of Erin; and further that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**9) THAT** the owner satisfy the requirements of the Town of Erin concerning road widening conveyances along the frontage of the severed and retained parcel; and further that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**10) 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.

**11) THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise 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 Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**12) THAT** the applicant receive driveway permits for each lot to the satisfaction of the Town of Erin; and further that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**13) THAT** the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin (denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation); and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**14) THAT** the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****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 B95/14 through B98/14**

**APPLICANT**

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lots 27 & 28
Concession 9

Proposed four severance 1.012 hectares with 70.445m frontage, (Parts 4, 5, 6 and 7 on sketch) vacant land for proposed rural residential use.

Retained parcel is 42.5 hectares with 177.5m frontage on Sideroad 27 and 297.3m frontage on Eighth Line, existing and proposed gravel pit. (Part 2 on sketch)

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

**AT 9:20 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.

**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 B73/14**

**APPLICANT**

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lot 28
Concession 9

Proposed severance is 6.429 hectares with 189.53m frontage (Part 1 on sketch), vacant land for proposed rural residential use.

Retained parcel is 46.543 hectares with 297m frontage (Part 2 on sketch) existing and proposed gravel pit.

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

**AT 9:20A.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

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# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME: 9:20 a.m.**

**File Number:** **B73/14; B95/14 through B96/14**

**Applicant:** **UAJV Developments Inc.**

**Subject Lands:** TOWN OF ERIN – Part Lot 28, Concession 9

**Proposal is a request for consent to convey** fee simple for a proposed severance 6.429 hectares with 189.53m frontage (Part 1 on sketch) in the TOWN OF ERIN – Part Lot 28, Concession 9, vacant land for proposed rural residential use; retained lands are 46.543 hectares.

**ISSUES:** Town of Erin – not in support; County Planning – justification of lot size support one lot

## SUMMARY of FILED REPORTS and COMMENTS:

**Town of Erin** – not in support of application; premature and creates incompatible lot for residential where site is part of a known aggregate resource with approved zoning for extraction; Owner has had discussions with MNR – Aggregate Office regarding site plan amendment for rehabilitation but no rehabilitation plan has been submitted or approved to date. Conditions to be addressed. **Additional conditions added**

**County Planning Consolidated comments – B73/14; B95/14 through B98/14** - notice cards were posted at time of site visit; creation of 5 residential lost within Secondary Agricultural Policy – not in conformity with Official P:lan; policy support 1 new residential lot – "*10.4.4 b) The lot is not normally larger than 0.8 ha (2 acres) unless existing natural features or development patterns make a larger lot more practical;*" staff could support 1 new lot; proposed lots are within licensed extraction area zoned for extraction; MDS 1 – the 4 contiguous residential lots would constitute a residential cluster (type B use) - this would require increased setback from the surrounding livestock facilities; Conditions to apply

**Conservation Authority (Credit Valley) –** Staff has determined that the proposed new lot is setback sufficiently from any features of concern. No objections to application

## *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 B73/14.
**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.
**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 applicant obtains approval of a major site plan amendment to rehabilitate of the site to the intended long term land use as indicated in the Town of Erin Official Plan and the applicable Provincial Policy (agriculture) to the satisfaction of the Town of Erin; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
**6) THAT** the applicant complete the rehabilitation of the site and provide confirmation from the Ministry of Natural Resources Aggregate Divisions that the rehabilitation has been successfully completed and the aggregate license has been surrendered to the satisfaction of the Town of Erin; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this

**11) THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise 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 Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**12) THAT** the applicant receive driveway permits for each lot to the satisfaction of the Town of Erin; and further that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**13) THAT** the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin (denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation); and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**14) THAT** the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

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

RECEIVED
AUG 25 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**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: B73/14**

**APPLICANT**

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

**LOCATION OF SUBJECT LANDS**

TOWN OF ERIN
Part Lot 28
Concession 9

Proposed severance is 6.429 hectares with 189.53m frontage (Part 1 on sketch), vacant land for proposed rural residential use.

Retained parcel is 46.543 hectares with 297m frontage (Part 2 on sketch) existing and proposed gravel pit.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:*** 08-0528

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

If answer is no, please provide new information: _____

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

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

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

**(Please Specify)** _____

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

**(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** _____

_____

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

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

**MUNICIPALITY COMMENTING FORM**

**FILE NO: B73/14**

**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 [ ]**

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

Is the Municipality in support of this application? **YES**( ) **NO**(X)

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

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

SIGNATURE _____

RECEIVED
SEP 15 2014
TOWN OF ERIN

**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: B98/14**

| **APPLICANT** | **LOCATION OF SUBJECT LANDS** |
|---|---|
| UAJV Developments Inc. | TOWN OF ERIN |

**Corporation of the Town of Erin**
**5684 Trafalgar Road**
**RR2 Hillsburgh ON N0B 1Z0**
**(519) 855-4407 Ext. 240 Fax: (519) 855-4281**
**EMAIL: sally.stull@erin.ca**

Severance Application Recommendation

To: County of Wellington Land Division Committee
From: Sally Stull, Planner, Town of Erin
Date: October 22, 2014
**Applicant:** UAJV Developments Inc. – clarification/additional condition required
**Location:** 9516 Sideroad 27
**File:** B73/14

As part of the review of the conditions of the deferred application B73/14, and although the Town does not support the application, the following conditions are requested to be included in any conditions of approval.

- That the applicant comply with Provincial Policy Section 2.5 and obtain a County Official Plan amendment which removes the aggregate extraction resource designation from the subject lands to recognize that the aggregate resource no longer exists as it has either been depleted and/or is not feasible as an aggregate extraction resource.

- That the applicant successfully obtain a zoning amendment approval to remove the M4Extractive zone and rezone the property to the appropriate zone to support the subsequent land use which has not yet been determined.

RECEIVED

## MUNICIPALITY COMMENTING FORM

## FILE NO: B98/14

**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 [ ]**

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

Is the Municipality in support of this application? **YES**( ) **NO**(X)

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

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

SIGNATURE _____

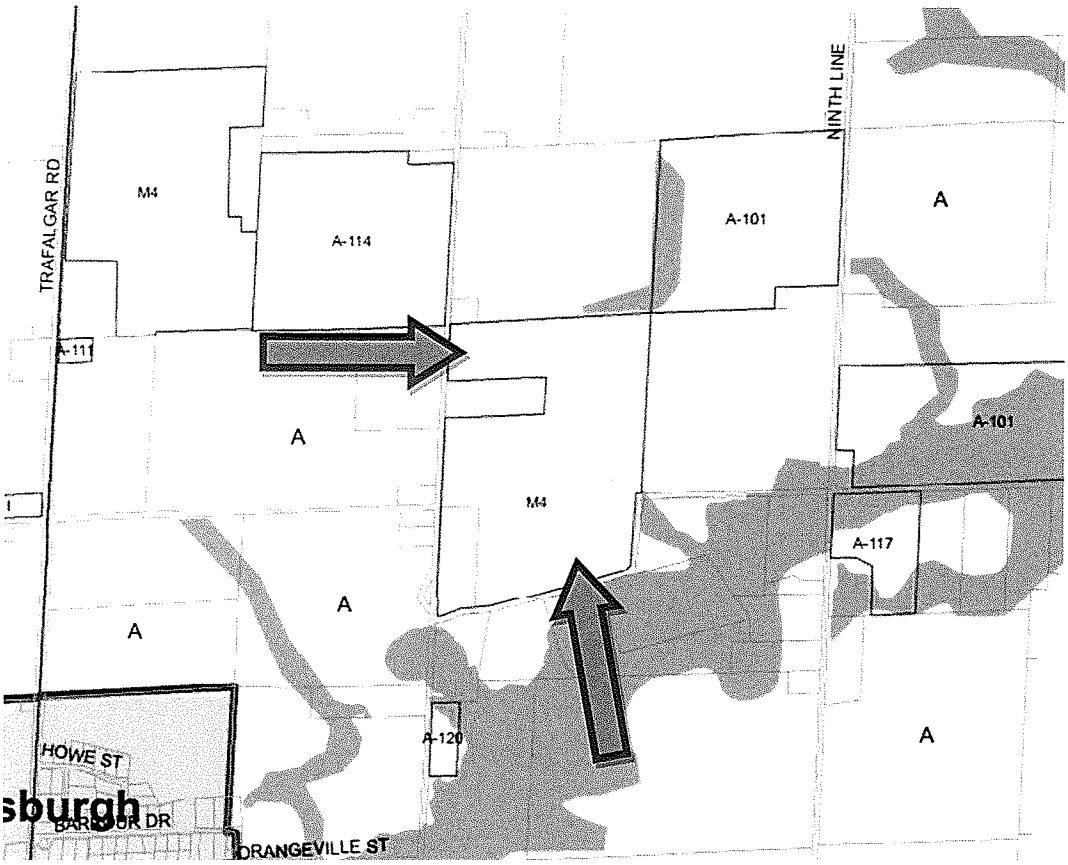
**Corporation of the Town of Erin**
**5684 Trafalgar Road**
**RR2 Hillsburgh ON N0B 1Z0**
**(519) 855-4407 Ext. 240 Fax: (519) 855-4281**
**EMAIL: sally.stull@erin.ca**

## Severance Application Recommendation

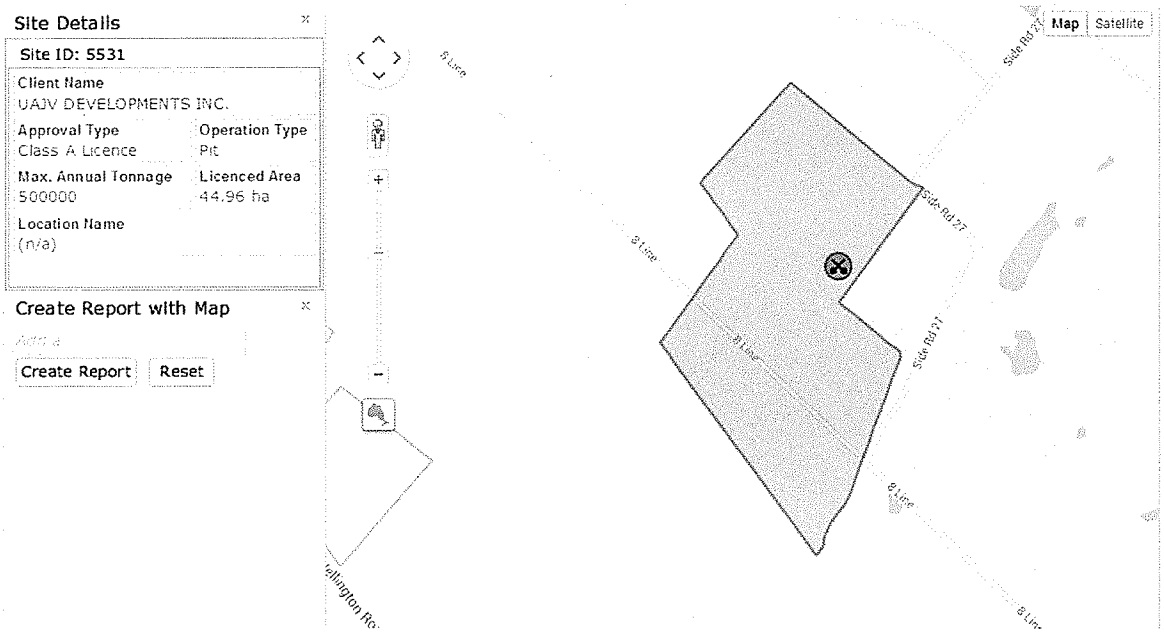
To: County of Wellington Land Division Committee
From: Sally Stull, Planner, Town of Erin
Date: October 22, 2014
**Applicant:** UAJV Developments Inc.
**Location:** 9516 Sideroad 27
**File:** B95/14 B96/14 B97/14 B98/14

Official Plan: Secondary Agricultural, Aggregate Extraction is permitted in the Secondary Agricultural designation. Please review the attached policies related to Aggregate Operations and Resource which protect the resource for extraction and protect the use from incompatible uses being created.

Zoning: M4 - Extractive Industrial



**Recommendation:**




Similar to the comments provided to the Wellington Land Division Committee regarding the earlier severance application B73/14 at the north of the same area of aggregate resource area, the site is subject to the requirements of the Aggregate Resource Act under license 5531.

The Town of Erin does not support a total of 5 severance lots being created within and adjacent to, a zoned and licensed aggregate resource site. This is not in compliance with the severance policies of the County of Wellington and Town of Erin Official Plan it creates land use conflicts. The application is premature. The rehabilitation of the pit must be completed and the final land use established.

The Town of Erin does not support the creation of lots in an area of aggregate resource in accordance with the Town`s Official Plan Policies and the Provincial Policy Statement 2014 as follows:

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**2.5 Mineral Aggregate Resources**

2.5.1
Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified

2.5.2.4
Mineral aggregate operations shall be protected from development and

development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5
In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
a) resource use would not be feasible; or
b) the proposed land use or development serves a greater long-term public interest; and
c) issues of public health, public safety and environmental impact are addressed.

2.5.3 Rehabilitation

2.5.3.1
Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

Town staff has been advised by staff at the MNR, Aggregate Division Guelph Office that the applicant's consultants have had discussions with the MNR regarding a proposed major site plan amendment to undertake rehabilitation of the site, but **no rehabilitation plan has been submitted or approved to date.**

The Town of Erin does not support the proposed severance as it is:

- Creates inappropriate land use conflict
- Premature, no final land use or rehabilitation plan has undertaken
- Aggregate resource still exists at the site, and until it is proven that the resource use would not be feasible it is to be preserved for aggregate extraction use in the future.
- A zoning amendment is required to rezone the lands from M4 Extractive Industrial zone to an appropriate zone to allow agricultural uses.

However, should the Land Division Committee decide to approve the severances, the Town of Erin requests the following conditions of approval;

1. That the applicant obtains approval of a major site plan amendment to rehabilitate of the site to the intended long term land use as indicated in the Town of Erin Official Plan and the applicable Provincial Policy (agriculture).

2. That the applicant **complete** the rehabilitation of the site and provide

3. That the applicant comply with Provincial Policy Section 2.5 and obtain a County Official Plan amendment which removes the aggregate extraction resource designation from the subject lands to recognize that the aggregate resource either no longer exists as it has either been depleted and/or is not feasible as an aggregate extraction resource.

4. That the applicant successfully obtain a zoning amendment approval to remove the M4, Extractive zone and rezone the property to the appropriate zone to support the subsequent land use which has not yet been determined.

5. That the owner convey to the Town of Erin on both the severed and retained parcels of land, a road widening, to achieve a 13m right-of-way from the centerline of the 8$^{th}$ Line and the 27$^{th}$ Sideroad. The parcel(s) conveyed must be free of liens and encumbrances.

6. That the owner pay parkland dedication and satisfy any other requirements of the local municipality, financial and otherwise to 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.

7. That the applicant receive driveway permits for each lot.

8. That the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin, denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation.

**Town of Erin Official Plan**

2.2.3 Natural Environment

a) That the elements of the natural environment, including the rivers, their valleys, wetlands, groundwater and forestry resources of the Town be protected and enhanced and wisely managed to provide a healthy sustainable environment.
b) That the Town will be proactive regarding the wise utilization of natural resources, particularly regarding control over water and aggregate extraction issues.
c) That the Town's urban design standards will respect the Town's natural features and encourage people to live in harmony with the natural environment.

3.12 Land Use Compatibility

For the purposes of this Plan a sensitive land use is defined as a use associated with residences, schools, hospitals and senior citizen homes or other land uses such as outlined in the Ministry of Environment's Separation Distance Guideline.

3.12.1 Noise

Where it is proposed that sensitive land uses, including residential development, be located adjacent to sources of noise which are potentially excessive such as certain industrial facilities, transportation corridors or aggregate operations, the Town will endeavor to ensure that adequate noise attenuation measures are provided. The Town in consultation with the Ministry of the Environment, may require the submission of a noise evaluation study prepared by a qualified acoustical consultant.

Such a study shall be prepared to the satisfaction of the Town and the Ministry of Environment, and shall identify the total noise impact on the site from all sources, and demonstrate whether noise control measures are needed to meet the standard sound level of the Ministry of Environment. Where a need is demonstrated, the study shall recommend the noise reduction measures to be applied.

If the source of noise is a stationary source such as industry or aggregate extraction area or utility, the noise study shall be submitted to Council prior to the approval in principle of a development or land use change (i.e. prior to establishing the principle of development).

Generally, if the source of noise is a line or transportation source such as a highway or railway, the noise study shall be submitted prior to final approval or adoption, as the case may be, unless the impact of noise could restrict the principle of development.

3.15 Economic Development
3.15.1 Overview

The Town's economy is mostly dependent on agriculture, aggregate operations, existing industry and commerce, home based business, tourism and recreation.

The Official Plan will address economic sustainability for the Town of Erin through creation of fiscal and economic policies. Economic development policies are intended to provide a cohesive platform to provide support services for the existing

Mineral aggregate resources, mainly sand and gravel, are necessary to the economic life of the Town, the County and the Province. These resources are vital for road construction and maintenance, and the entire building industry. Sand and gravel are non-renewable resources for which there is no substitute.

The Town's objective is to ensure that mineral aggregate resources remain available to meet the needs of consumers and can be mined in a manner which minimizes the disturbance to the community and the natural environment. Mineral Aggregate Areas are areas of high potential for mineral aggregate extraction identified using information provided by the Ministry of Natural Resources.

4.4.2 Applicable Designation

Mineral aggregate areas with high potential for mineral aggregate extraction are shown as an overlay on Schedule A of the County of Wellington Official Plan. The overlay for mineral aggregate areas only indicates that aggregate deposits are likely to be available. It does not presume that all conditions are appropriate to allow extraction or processing of the resource to proceed.

An amendment to the local Official Plan shall be required in all cases where there is a proposal for mineral aggregate extraction outside of a mineral aggregate area.

4.4.3 Applicable Policy
The use of lands for extraction of mineral aggregate resources will be guided by the policies of Section 6.6 of the County of Wellington Official Plan. Expansion of existing aggregate operations or the establishment of new aggregate operations will not require an amendment of this Plan but will be subject o the Zoning By-law requirements of the Town of Erin and the licensing requirements of he Ministry of Natural Resources.

5.16 Impact Assessments

5.16.1 General

In assessing the merits of any development application requiring approval under the Planning Act, the Town may require studies to be undertaken to measure various impacts and to propose methods of reducing or eliminating negative impacts. These studies shall be prepared by qualified professionals and will include, but are not limited to:

- planning impacts
- environmental impacts
- traffic impacts
- fiscal impacts
- agricultural impactsTown of Erin Official Plan - Page 85
- heritage archaeological impacts

Studies prepared as part of an environmental assessment, licensing procedure or other planning process may fulfill all or part of the requirements of this section.

5.16.2 Planning Impact Assessment

b) The appropriateness of the proposed site for the use proposed taking into consideration the size and shape of the land and its ability to accommodate the intensity of use proposed;
c) The adequacy of the proposed method of servicing the site;
d) The compatibility of the proposed use with consideration given to the height, location, proximity and spacing of buildings; the separation between various land uses; impacts from noise, odour, or other emissions from the proposed use and from adjacent land uses; loss of privacy, shadowing or effect on heritage resources;
e) The impact on natural resources such as agricultural land and mineral aggregate deposits, if any;
f) The exterior design in terms of bulk, scale and layout of buildings and other design elements;
g) The possibility that site contamination has occurred or the site may contain historic petroleum wells or associated works, and if so, demonstrate compliance with provincial regulations;
h) Methods of reducing or eliminating any negative impacts; and
i) Other planning matters considered important by Council.

PPS 2014 **2.5 Mineral Aggregate Resources**

2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

**2.5.2 Protection of Long-Term Resource Supply**

2.5.2.1
As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.
Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

2.5.3 Rehabilitation

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.
2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

2.5.3.3 In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private 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

RECEIVED
OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B95/14- B98/14 & B73/14 |
| **Location** | Part Lot 27 & 28, Concession 9<br>TOWN OF ERIN |
| **Applicant/Owner** | UAJV Developments |

**PLANNING OPINION:** These applications would create 5 residential lots within a Secondary Agricultural area in the Town of Erin as follows:

| Description | Frontage | Lot Size |
|---|---|---|
| Part 1 (B73/14)- previously deferred | 189.53 m (621.8. ft.) | 6.429 ha (15.8 ac) |
| Part 7 (B95/14) | 70.5 m (231.1 ft.) | 1.012 ha (2.5 ac) |
| Part 6 (B96/14) | 85.1 m (279.1 ft.) | 1.012 ha (2.5 ac) |
| Part 5 (B97/14) | 85.0 m (278.9 ft.) | 1.012 ha (2.5 ac) |
| Part 4 (B98/14) | 84.9 m (278.6 ft.) | 1.012 ha (2.5 ac) |
| Part 2- Retained Parcel | 177.5 m (582.3 ft.) | 42.5 ha (105 ac) |

The creation of 5 residential lots within a Secondary Agricultural area is not consistent with the Provincial Policy and is not in conformity with the Official Plan. The policy supports the creation of 1 new residential lot as of the day of passing of the County Official Plan (1999). Staff could support one severance at this time.

Conditions that should be addressed for any severance approved on this parcel include:

a) That any concerns of the Conservation Authority be addressed;
b) That MDS compliance be achieved to the satisfaction of the County of Wellington Planning Department;
c) That the Ministry of Natural Resources is satisfied that the entire subject property is no longer licenced under the Aggregate Resources Act;
d) That the severed and retained parcel be rezoned to the satisfaction of the local municipality;
e) That access be provided to the site to the satisfaction of the local municipality; and,
f) That safe servicing is provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** Under the Places to Grow policies, section 2.2.2.1 directs a significant portion of new growth to the built up areas of the community through intensification and directs growth to settlement areas.

**PROVINCIAL POLICY STATEMENT (PPS):** Under section 2.5.2.4 "Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. The proposed lots are within a licenced extraction area zoned for extraction.

Regarding MDS 1, we have received the necessary information for the livestock facility located at 9516 Sideroad 27 and are satisfied that the required setback can be achieved. We would require farm data sheets for the livestock facility located at 9531 Sideroad 27 to determine if MDS compliance can be achieved. It should be noted that the 4 contiguous residential lots would constitute a residential cluster (type B use) for the purposes of MDS calculations. This would require an increased setback from the surrounding livestock facilities.

**GREENBELT PLAN:** The subject property is located within the protected countryside of the Greenbelt plan and is subject to the pertinent policies of this plan.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS, GREENLANDS and is within a mineral aggregate overlay. The Greenland features represent hazardlands and portions of the West Credit Sub watershed and are located outside of the proposed severances.

**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



The applicant is requesting to sever 5 new rural residential lots from the property. Lot creation in the Secondary Agricultural area permits the creation of 1 new residential lot from a parcel of land existing on the date of Provincial approval of this plan. Keeping in line with the Secondary Agricultural policies staff would be able to support 1 new lot off the retained parcel, given that a number of conditions can be satisfactorily addressed.

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 a) that any new lots will be consistent with official plan and Zoning regulations; and,...d) that all lots will have safe driveway access; and,...j) that natural resources such as agricultural lands and mineral aggregates would not be affected adversely; and,...l) that the proposed lots and uses are compatible with and designed to minimize adverse impacts on surrounding land uses.

**LOCAL OFFICIAL PLAN:** The subject property is designated Secondary Agricultural, Core Greenlands and Greenlands in the Town of Erin Official plan.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Extractive Industrial (M4). The severed and retained parcels would need to rezoned to remove the extractive zoning.

**ADDITIONAL INFORMATION:** There have been previous discussions with the County Planning Staff about the dedication of the large retained parcel to the Town of Erin/Conservation Authority and some additional severances. It was made clear to the applicant that such a proposal would require support from the Town of Erin and the Conservation Authority. The County has not received any support for such a proposal.

**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 22nd, 2014

CVC
CREDIT VALLEY CONSERVATION

October 10, 2014

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

**Attention Deborah Turchet, Secretary-Treasurer**

Dear Ms. Turchet:

**Re: CVC File No. B 14/95, B14/96, B14/97 and B14/98**
**Your File No. B95/14, B96/14, B97/14 and B98/14**
**UAJV Development Inc.**
**9516 Sideroad 27**
**Part of Lot 27 and 28, Concession 9**
**Town of Erin**

---

Staff of Credit Valley Conservation (CVC) has reviewed the above-noted application and provide the following comments for your consideration:

**PROSOSAL B95/14**
The purpose of this Consent Application is a proposed severance of 1.012 hectares with 70.445m frontage, (Part 7 on sketch) vacant land for proposed rural residential use.

**PROPOSAL B96/14**
The purpose of this Consent Application is a proposed severance of 1.012 hectares with 85.06m frontage, (Part 6 on sketch) vacant land for proposed rural residential use.

**PROPOSAL B97/14**
The purpose of this Consent Application is a proposed severance of 1.012 hectares with 85.016m frontage, (Part 5 on sketch) vacant land for proposed residential use.

**PROPOSAL B98/14**
The purpose of this Consent Application is a proposed severance of 1.012 hectares with 84.93m frontage, (Part 4 on sketch) vacant land for proposed residential use.

**Retained parcel** for all four severances is 42.5 hectares with 177.5 m frontage on Sideroad 27 and 297.3 m frontage on Eight Line, existing and proposed gravel pit. (Part 2 on sketch)

**Ontario Regulation No. 160/06:**
The subject property is located partially within the Authority's Regulated Area. As such, the property is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse, wetland, or shoreline, and prohibits development (e.g. new structures. additions, site grading) in areas adjacent to the Lake Ontario



Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4
Phone (905) 670-1615 Fax (905) 670-2210

shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit).

SITE CHARACTERISTICS:

***Wetland:*** The subject property is located adjacent to the Alton HillsburghWetland Complex. Wetlands are diverse and productive ecosystems that are hydrologically significant to a watershed. They store water during flood events and provide low flow augmentation during dry periods. The vegetation and organic soils of wetlands aid in the filtration of nutrients and sediments that enhances water quality and assists in the maintenance of cool water temperatures. Wetlands also provide habitat for diverse and uncommon species of flora and fauna. CVC does not support new development in wetlands, including buildings, structures, driveways, septic systems, ponds...etc.

***Provincial Greenbelt:*** According to Schedules 1 of the Province of Ontario's Greenbelt Plan 2005, the entire property falls within the protected Countryside of the Greenbelt Plan Area.

***Species At Risk:*** The subject property may contain or provide habitat for a known Species-at-Risk. Under the Provincial Policy Statement (2005), the Province protects the significant habitat of endangered and threatened species from development. Additionally, the *Endangered Species Act 2007* provides legal protection and recovery for species-at-risk and their habitats. As such, consultation with MNR is advised as a permit under the *Endangered Species Act* may be required.

**COMMENTS:** CVC has no concerns related to these applications .CVC has confirmed with the County that the severances are set back the minimum 30 m vegetation protection zone from the wetland feature across the road. The severances are partially within the CVC's Regulated Area and may require a permit. On this basis, CVC has **no concerns** with these consent applications and **no objection** to its approval by the Committee at this time.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x. 245).

Yours truly,

Suzie Losiak
Planner, M.Sc.Pl.

cc. **County of Wellington**
Attn: Linda Redmond

**Town of Erin**
Attn.: Sally Stull

**UAJV Developments Inc.**
Attn: Grant Horan
30 Floral Parkway, Suite 400,
Concord, On, L4K4R1

B95/14-B98/14

**Ministry of Natural Resources and Forestry**

**Ministère des Richesses naturelles et des Forêts**

Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
Facsimile: (519) 826-4929

Ontario

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

October 22, 2014

Ms. Jana Poechman
Land Division Clerk
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, ON N1H 3T9

**RE: Notice of an Application for Consent – Part Lots 27 & 28, Concession 9, Town of Erin, County of Wellington: Ministry of Natural Resources and Forestry Comments**

Dear Ms. Poechman,

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of a Request for Comments on the above-described Notice of an Application for Consent. MNRF staff has had an opportunity to review the application, and can offer the County of Wellington the following comments for consideration:

## Background

The application proposes the severance of four lots (each approximately 1 ha in size) with frontage on Sideroad 27. The proposed uses associated with these lots will be rural residential. The lot to be retained (42.5 ha) will front onto Sideroad 27 and Eighth Line.

The Ministry notes that the retained and the proposed severed lots are currently licensed under the *Aggregate Resources Act* (ARA), as a Category "1" Class "A" pit. Although the operations of the pit ceased in 2008, the Ministry understands that the licensee (UAJV Developments Inc.) may evaluate opportunities to continue extraction on a portion of the subject lands in the future.

## MNRF's Comments

It is the Ministry's opinion that it is premature to sever the land for rural residential uses, due to the legislative requirements of the *Aggregate Resources Act*. This includes the following matters under the Act:

- The four proposed lots, and the future rural residential uses, are not supported by the current license under the ARA. MNRF staff notes that these areas of the license would have to be rehabilitated, and the license partially surrendered, prior to rural residential development; and

- If extraction is to continue as noted above, it is unclear as to whether the applicant has considered if any potential negative impacts associated with the pit's operation will result on the rural residential lots (e.g., noise, and drinking water), and if amendments to the license may be required to reflect mitigation of these impacts. The proposed rural residential uses may also impact the future extraction activities within the license, and it is unclear as to whether potential impacts in this regard have been considered.

**Closing**

Prior to approval of the consent, it is recommended that the applicant ensure that the areas of the property proposed for severance are surrendered in accordance with the *Aggregate Resources Act.* In addition, if extraction activities are to continue, it is also recommended that the applicant review if the operation of the pit has the potential to negatively impact the rural residential lots (and vise-versa), and mitigate any impacts. An amendment to the Site Plans may be required to reflect any required mitigation measures.

I trust that these comments will be of assistance. Should you have any questions, please contact the undersigned at 519-826-4912 or annemarie.laurence@ontario.ca.

AMLaurence

Anne Marie Laurence
A/District Planner

cc (email): David Marriott, District Planner, Guelph District, MNRF
Diane Schwier, Aggregate Technical Specialist, Guelph District, MNRF
Scott Oliver, Team Lead, Planning, Municipal Services - Western Region, Ministry of Municipal Affairs and Housing

AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello
Direct: 416.865.4740
E-mail:ecostello@airdberlis.com

October 22, 2014

Our File No.: 122363

BY EMAIL

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet, Secretary-Treasurer

Dear Mesdame/Sirs:

**Re: Committee File Nos. B95/14, B96/14, B97/14, and B98/14**
**Part Lots 27 & 28, Concession 9, Town of Erin (the "Subject Property")**
**Application for Consent**

Please be advised that Aird & Berlis LLP has been retained by Elizabeth and Graeme Hibberd in respect of the above-noted applications for consent to sever. The purpose of this correspondence is to advise the Committee of our clients' opposition to the applications.

By way of background, our clients are the registered owners of 9543 Side Road 27, located immediately south and east of the Subject Property. The driveway access to our clients' property would be immediately across from the site of the proposed new lots. Presently the road has low volumes of traffic.

The applicant has submitted four applications for proposed severances of the Subject Property to create four new 1.012 hectares lots for proposed rural residential use on the southeast portion of the Subject Property. Additionally, we understand the same applicant has previously submitted an application for consent to sever another portion of its land holdings, again for residential uses (Committee File B73/14).

We submit that the applications are contrary to the Provincial Policy Statement, do not maintain the general intent and purpose of the County of Wellington Official Plan or the Erin Official Plan, and are intended for a use (residential) not permitted by the Zoning By-law. Accordingly, the applications fail to meet the requirements of subsection 51(24) of the *Planning Act* and should be refused. Additional explanation on each of these points is provided below.

**Mineral Aggregate Resources**

It is our understanding that there is an existing mining pit on the site and that an additional mining pit is proposed for the retained parcel. The Provincial Policy Statement (2014) ("PPS"), County of Wellington Official Plan (the "Wellington Official Plan"), and the Official Plan of the Town of Erin (the "Erin Official Plan"), recognize mineral aggregate deposits as a limited resource and seek to protect such resources from development which would hinder access to such resources.

The PPS protects mineral aggregate resources for long term use. Development or activities that hinder the establishment of access to the resources are prohibited except where the resource use is not feasible or the proposed use serves a greater long-term public interest, and issues of public health, public safety and environmental impact are addressed.

The Erin Official Plan, section 4.4.1 states that, mineral aggregate resources are necessary for a vital economy in the Town and County. In view of the importance placed on areas with mineral aggregate deposits, any development that precludes or hinders new aggregate operations or access to the resource is prohibited, with few exceptions.

The proposed severed lots, which comprise a significant portion of the Subject Property, will impede current and future resource extraction operations of the mineral resource aggregates located on the property. For example, the presence of residential use adjacent to or near a proposed aggregate pit constitutes a conflicting use and will severely impact provincial licensing and permit requirements under the Ministry of the Environment Guidelines with respect to separation, noise, dust and vibration levels.

In this regard, the applications fail to meet the requirements of subsections 51(24)(a), (b) and (d) of the *Planning Act*.

**Wellington Official Plan**

The Subject Property is designated as a Secondary Agricultural Area, Core Greenlands, Greenlands and falls within a Mineral Aggregate overlay in the Wellington Official Plan. The applications do not conform with the Wellington Official Plan in a number of instances and for that reason, fail to meet the requirements of subsection 51(24)(c) of the *Planning Act*.

The creation of new lots in Secondary Agricultural Areas is guided by the policies of the Wellington Official Plan which ensures that the natural environment is protected, natural resources are protected, and good community design is promoted among other things.

Subsection 10.1.3 of the Wellington Official Plan outlines Matters of Concern which the County will consider when creating a new lot. These concerns include:

- That any new lots will be consistent with official plan policies and zoning regulations;
- That natural resources such as agricultural lands and mineral aggregates would not be affected adversely;
- That the proposed lots and uses are compatible with and designed to minimize adverse impacts on surrounding uses; and
- That provincial legislation and policies are met.

Under subsection 10.4 lot severance is restricted to the creation of **one new lot** for residential purposes provided that, among other requirements, the lot is not larger than 0.8 hectares and that the residential use will not hinder or preclude the present use or future potential for agriculture or mineral aggregate operations. Subsection 10.1.2 normally requires a plan of subdivision when four or more lots (including the retained) are being created.

It is our respectful submission that the applications do not conform to the Wellington Official Plan. At the outset, only one lot is anticipated to be created by way of severance. In this instance, the applicant seeks the creation of four new lots and also seeks, through its deferred application B73/14, the creation of a 6.429 hectare parcel which will surely be the subject of future subdivisions.

Additionally, while a lot severance for residential purposes is permitted under subsection 10.4, the application of the Mineral Aggregate overlay to this site means that the proposed residential use does not maintain the general policies of the Official Plan to protect natural resources. As stated above, the introduction of residential lots immediately adjacent will have an adverse effect on the extraction of mineral aggregates. Finally, the applications exceed the 0.8 hectare restriction on lot size. Each application proposes the creation of a lot 1.012 hectares, a 20.95% increase over the maximum lot size.

Presumably four separate applications were made in order to comply with the one lot restriction and to avoid the Official Plan restriction on multi lot severances and the requirement for a plan of subdivision. The proposed lots are contiguous. It is our respectful submission that the four individual applications are in substance a single application for severance of four lots and is prohibited by subsection 10.4 of the Wellington Official Plan. We also submit that, in the alternative, a plan of subdivision is required for the applications.

**Zoning By-law 67-07**

The Subject Property is zoned Extractive Industrial (M4). Residential use is not a permitted use on the Subject Property under the Zoning By-law. We note that the severances are intended to create residential lots which, in turn, will require zoning amendments to permit the anticipated use. In our respectful submission, these applications

to create lots for a use not presently permitted, and are therefore premature. Indeed, approval now may prejudice any consideration later given to a rezoning application.

**Application B73/14**

As noted at the outset, we are also aware that there is a deferred application (B73/14) with respect to the site which proposes to create a 6.429 hectare parcel for proposed residential use. Our client did not receive notice of application B73/14 and was only made aware of the application for severance through our consultation with the County of Wellington planning staff.

It is our understanding that the hearing of application B73/14 will be consolidated with the applications which are the subject of this letter. The Planning and Land Division Committee Agenda for Thursday, October 9, 2014 indicates that there is a proposed gravel pit on the retained parcel. Our clients' concerns regarding the four applications are compounded by application B73/14. Namely, that the proposed 6.429 hectare parcel will negatively impact present and future use of the property as a mineral aggregate resource, the proposed use is not contemplated by the Zoning By-law, and the proposed severance is prohibited by the Wellington Official Plan. Our clients have additional concerns that the 6.429 hectare parcel will be further subdivided into smaller lots for residential use in the future.

Our clients have owned their property for 27 years and have enjoyed it as a quiet retreat. The applications for four lots fronting onto Side Road 27 represent a significant impact on our clients' reasonable use and enjoyment of their property. Our clients were originally attracted to the property and surrounding area because the surrounding lands were owned as acreages and because of our clients' understanding of the County policies limiting the subdivision of agricultural lands. The applications for four contiguous 1.012 hectare lots directly opposite our clients' property represents a significant departure from the character of the area. Presently, Side Road 27 between Eighth Line and Ninth Line is a quiet road with little traffic. Our clients are particularly concerned about increased traffic and noise resulting from the proposed four new residential lots.

Additionally, our clients have concerns regarding the impact of the applications on the local wildlife. A large pond on our clients' property serves as wildlife sanctuary and a habitat to local wildlife and is maintained by our clients in its natural state. The proposed severances to create four residential lots will have a negative impact on the ability of wildlife to access the pond safely from the site due to increased development, loss of habitat and increased traffic on Side Road 27.

Based on all of the foregoing reasons, our clients are strenuously opposed to the applications for proposed severance and ask that the Committee refuse the applications, along with deferred application B73/14. We ask that the Committee refuse the

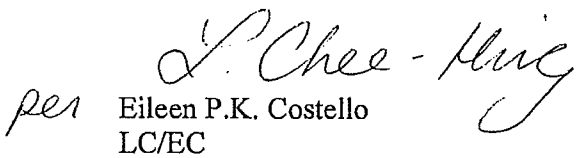
applications and thank the Committee in advance for its consideration of our clients' concerns.

In addition, we ask that our submission be noted in the Committee's Minutes and that the Committee add our firm to the notification list concerning this matter.

Please do not hesitate to contact the undersigned if you have any questions.

Yours truly,

AIRD & BERLIS LLP



per Eileen P.K. Costello
LC/EC
20085339.2

Dale & Lessmann
LLP
Canadian Legal Counsel

Reply to: J. David McPhail, Q.C.
Direct Dial: 416-369-7836
Email: dmcphail@dalelessmann.com
Our File No.: 136658-1

October 17, 2014

County of Wellington
Planning and Land Division Committee
74 Woolwich Street
Guelph, ON N1H 3T9

RECEIVED
OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Dear Sirs:

**Re: File No. B96/14**

I am the legal representative for The Caledon Mountain Trout Club.

It seems to us that the Applicant, UAJV Developments Inc., may be premature in its request for a severance for 4 residential building lots on Part Lots 27 and 28, Concession 9, Erin, in that there does not appear to be any filed rehabilitation plan for the gravel pit which are part of the subject lands.

We suggest that a more detailed plan be filed and plans divulged with respect to the 4 lots for water (depth of wells), septic disposal, location of tile beds and topography of the lands, as these plans may effect the water flow ground and aquifer to the surrounding lands. .

Yours very truly,

**DALE & LESSMANN** LLP

J. David McPhail

JDM/jc

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