# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME: 10:25 A.M.**

**File Number:** **B110/14**

**Applicant:** **Faith Green**

**Subject Lands:** TOWN OF ERIN – Part Lot 1, Concession 11

**Proposal is a request for consent to convey** fee simple for a proposed severance 1.18 hectares with 132m frontage in the TOWN OF ERIN – Part Lot 1, Concession 11, existing and proposed rural residential use with existing house; retained lands are 0.782 hectares.

**ISSUES:** CVC – not in support

## SUMMARY of FILED REPORTS and COMMENTS:

**Town of Erin** – comments received October 23, 2014 – Town of Erin will file clearance of conditions once they have been fulfilled

**County Planning** - notice cards were posted at time of site visit; previousl consent B46/14 was withdrawn; the applicant has recently applied for and received relief to the MDS setback requirement to the proposed new lot (attached); application is consistent with Provincial Policy and generally conforms to Official Plan – no concerns provided conditions are addressed

**Conservation Authority (Credit Valley)** – because of identified features and policy this severance proposal cannot be supported

**County Engineering** - condition for road widening

## ***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 including the Form 2 Certificate for Consent B110/14.
**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 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.
**6) 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.
**7) THAT** the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality; 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 provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
**9) 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.
**10) 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.
**11) THAT** the owner satisfy the requirements of the County of Wellington Roads Department concerning road widening conveyances along the frontage of the severed and retained parcel; and that the County of Wellington Roads Department files 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 B110/14**

**APPLICANT**

Faith Green
PO Box 243
Ballinafad ON N0B 2H0

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lot 1
Concession 11

Proposed severance is 1.18 hectares with 132m frontage, existing and proposed rural residential use with existing house. (revised B46/14)

Retained parcel is 0.782 hectares with 86.9m frontage with accessary garage for proposed rural residential use.

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

**AT 10:25 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 – Faith Green** **Agent – JL Cox**

**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: May 21, 2014
**File:** B46/14
**Applicant:** Faith Green
**Location:** 4836 Winston Churchill Boulevard
Official Plan: Secondary Agricultural,
Zoning: A- Agricultural

**Recommendation:** The Roadway is under the jurisdiction of the Region of Peel. The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae. The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Committee of Adjustment once the conditions have been fulfilled.

1. That the applicant 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.

2. That compliance with the Town of Erin Zoning By-law be achieved.

3. That the applicant provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code.

4. That the applicant 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.

RECEIVED
OCT 23 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**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** | B110/14- **Revised** |
| **Location** | Part Lot 1, Concession 11<br>TOWN OF ERIN |
| **Applicant/Owner** | Faith Green |

**PLANNING OPINION:** This application would sever a 1.14 ha (2.81 ac) parcel with existing dwelling in the Secondary agricultural area. A 0.830 ha (2.1 ac) rural residential parcel will be retained with existing garage.

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 MDS1 compliance is achieved to the satisfaction of the County of Wellington; and
c) That safe driveway access can be provided to the site to the satisfaction of the local municipality; and,
d) That servicing can be provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** No issues

**PROVINCIAL POLICY STATEMENT (PPS):** According to section 3.0, "Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or property damage."

Regarding MDS 1 to the barn located at 4948 Winston Churchill Boulevard. The applicant has recently applied for and received relief to the MDS setback requirements to the proposed new lot. This relief allowed for a reduced MDS set back of 49.23 m, whereas 135 m was required. The notice of decision for the associated minor variance is included with these comments.

**GREENBELT PLAN:** The subject property is within the Protected Countryside and Natural Heritage system of the Greenbelt Plan and is subject to the policies of this plan.

**WELLINGTON COUNTY OFFICIAL PLAN:** The Subject property is designated SECONDARY AGRICULTURAL and GREENLANDS. The Greenland features make up part of significant woodland. According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on the date of provincial approval of the County Plan, subject to the following criteria:

a) Individual services can be accommodated;
b) The lot is not normally larger than 0.8 hectares (2 acres) unless existing natural features or development patterns make a larger lot more practical;
c) The lot has access to an open and maintained public road;
d) The residential use will not hinder or preclude potential agricultural or mineral aggregate operations;
e) The residential use is compatible with surrounding development;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years.

It should be noted that there is an opportunity to move the retained parcel to the south of the existing house on the severed parcel. This would eliminate Staff concerns regarding MDS.

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... h) natural heritage features are not affected negatively."

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Agricultural (A) and Rural Environmental Protection (EP2).

**ADDITIONAL INFORMATION:** There was a previous consent application (B46/14) submitted for the subject property that was conditionally approved by the Land Division Committee on June 12, 2014. This application has since been withdrawn by the applicant because MDS issues could not be resolved to the neighbouring barn to the north. While the MDS 1 issue still exists with this new application, the new lot configuration presented only creates one lot as opposed to two new lots. This reduction has decreased the amount of MDS relief required substantially.

**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

NOTICE – The last day for appealing this decision is: *4:30 p.m. November 4, 2014*

*COMMITTEE OF ADJUSTMENT*

File
No. A11-14

# DECISION OF COMMITTEE WITH REASONS
# Re: APPLICATION FOR MINOR VARIANCE

a) Name of Committee: (a) Committee of Adjustment

b) Name of Applicant: RE AN APPLICATION BY (b) Faith Green

c) Brief Description: LOCATION OF PROPERTY (c) 4936 Winston Churchill Blvd

d) As set out in application: PURPOSE OF APPLICATION (d)
1) seeking relief from Zoning By-Law section 4.22 to allow a minimum distance separation of 49.23m, rather than the required 135m. The relief being sought is 85.77m. 2) seeking relief from Zoning By-Law section 4.2.5 to allow an existing accessory building prior to the construction of the main building.

e) Date of decision: CONCUR in the following decisions and reasons for decisions made on the (e) 15th day of October, 2014.

DECISION: Approved

f) State conditions to Be satisfied before: CONDITIONS – This decision has been made subject to the following conditions: (f)
- The northerly side lot line set back is a minimum of 30 metres
- Accessory bldg cannot be used for habitation or business purposes. It can only be used for personal purposes.

g) State reasons For decision: REASONS FOR DECISION (g)

WE, the undersigned, in making the decision upon this application have considered whether of not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the zoning by-law and the official plan will be maintained, or in the case of a change in use of the property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 45(2) of the *Planning Act*,

| | | |
|---|---|---|
| Robert D. Fletcher | | |
| Signature of member of committee | Signature of member of committee | Signature of member of committee |
| | | |
| Signature of member of committee | Signature of member of committee | Signature of member of committee |

CERTIFICATION

I, .....Dina Lundy.....Secretary Treasurer

h) Name of Committee: of the .....Committee of Adjustment.....

Certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 15th day of October, 2014

*Signature of Secretary-Treasurer*

October 7, 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 14/110**
**Your File No. B 110/14**
**Faith Green**
**PO BOX 243**
**Part Lot 1, Concession11**
**Town of Erin**

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

**PURPOSE:**
The purpose of this application is a proposed severance of 1.18 hectares with 132m frontage, existing and proposed rural residential use with existing house. (Revised B46/14)

The retained parcel is 0.782 hectares with 86.9m frontage with accessory garage for proposed rural residential use.

**ONTARIO REGULATION NO. 160/06:**
CVC mapping reveals the subject property is adjacent to a tributary of Rogers Creek, a Provincially Significant Wetland, and a valley associated with the watercourse. As such, the proposed parcels 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 or wetland, and prohibits development (e.g. new structures. additions, site grading) in areas adjacent to the Lake Ontario 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). These properties are regulated due to the presence of a watercourse, valley, and PSW.

**SITE CHARACTERISTICS:**

***GREENBELT PLAN***
According to Schedules 1 and 4 of the Province of Ontario's Greenbelt Plan 2005, the entire property falls within the Protected Countryside of the Greenbelt Plan Area and is entirely designated as part of its Natural Heritage System. The property contains Key Natural Heritage features and Key Hydrologic features, defined in section 3.2.4 of the Greenbelt Plan, the PSW may include, but not necessarily be limited to, permanent and intermittent streams, seepage areas and springs and fish habitat. Policy 3.2.4.1 and 3.2.4.4 of the Plan states that



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

development (which includes lot creation) or site alteration is not permitted in key hydrologic features and key natural heritage features including any associated vegetated protection zone, which is a minimum of 30 metres wide measured from the outside boundary of the feature. **In light of this the proposal does not meet the policies of the Greenbelt Plan.**

***Wetland:***
The subject property is partially located within the Provincially Significant Caledon Mountain Wetland 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. An Environmental Impact Study Report may be required for new development located adjacent to wetlands, depending on potential impacts.

CVC does not support lot creation that extends into or fragments ownership. As such we recommend that the proposed new lots be set back at least 30 metres from the limit of the PSW.

***Core Greenlands***
The property is partially within an area defined as "Core Greenlands" in the County of Wellington and Town of Erin Official Plan. All wetlands in the County of Wellington are included in the Core Greenlands designation. Development and site alteration will not be permitted in wetlands which are considered provincially significant.

**Greenlands**
The wooded area in the back portion of the retained and severed parcel meets the definition of Significant Woodland in the County of Wellington Official Plan. Woodlands over 10 hectares in area are considered to be significant. These woodlands will be protected from development or site alterations which would negatively impact the woodlands or their ecological functions.

***Valley Slope***
The subject property is adjacent to a valley slope associated with a tributary of Rogers Creek. CVC does not support construction on a valley slope, and will require setbacks from the top of slope for new construction or lot grading. This includes any overhangs or cantilevered structures and is to ensure that new development is protected from potential slope instability or erosion and to protect the environmental integrity of the valley.

***Endangered Species Act***
In addition, CVC staff note that your proposal is in an area identified as habitat for species at risk in Ontario and may be subject to provisions under the Endangered Species Act (2007). Please contact Graham Buck, Species at Risk Biologist, Ministry of Natural Resources at 519-826-4505 or graham.buck@ontario.ca with your proposal for screening under the Endangered Species Act.

**October 7, 2014**
**Re:** **CVC File No. B 14/110**
**Your File No. B 110/14**
**Faith Green**
**PO BOX 243**
**Part Lot 1, Concession11**
**Town of Erin**

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**RECOMMENDATION**
Based on the above identified features and policy this severance proposal cannot be supported by the CVC. Please note that the revised 2014 CVC review fee for Consents is $410; please forward fee directly to CVC.

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

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

**J.L. Cox Planning Consultants Inc.**
**Attn: John Cox**
17 Spencer Crescent
Guelph, ON N1L 1N1

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 B110/14**
**Faith Green**
**Part Lots 1, Concession 11,**
**Town of Erin, County of Wellington**

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of 17' along Wellington Road 25 of the lands to be severed and retained for future road widening purposes.

The approving authority for the proposed entrances will be the Region of Peel.

Sincerely,

Pasquale Costanzo
Technical Services Supervisor

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE