REPORT SUMMARY

THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY

Date of Consideration: **May 9, 2013**

File Number: **B32/13 through B38/13**

Applicant: **James Keating Construction (1984) Limited**

Subject Lands: TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Part Lot 20, Concession 15

Proposal is a request for consent to convey fee simple for seven proposed severances being B32/13 through B36/13 - 18m fr x 81m = 1458 square metres each, B37/13 – 19.35m x 81m = 1567 sq.m and B38/13 – 21m fr x 81m = 1701 sq.m, vacant land for proposed urban residential use; in the TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Part Lot 20, Concession 15, retained lands are 3.356 hectares.

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS: consolidation of files

Township of Centre Wellington – staff opinion – in support; both municipal sewer and water services were installed to accommodate development along Beatty Line North; Township feels Plan of Subdivision is not required to develop lands; applicant required to submit site plan and enter into a site plan agreement with township; complies with Official Plan and Zoning; conditions

County Planning - notice cards were not posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan; no concerns;

Conservation Authority (GRCA) – no objections to sever seven lots for proposed urban residential use

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 B32/13 through B38/13.
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 Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed 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 Twp 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
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 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.

*****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

April 25, 2013

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 B32/13 through B38/13

APPLICANT

James Keating Construction (1984) Ltd.
70 Mathieson St.
Elora ON N0B 1S0

LOCATION OF SUBJECT LANDS:

CENTRE WELLINGTON (Fergus)
Part Lot 20
Concession 15

Proposal is to sever seven lots being B32/13 through B36/13 - 18m fr x 81m = 1458 square metres each, B37/13 – 19.35m x 81m = 1567 sq.m and B38/13 – 21m fr x 81m = 1701 sq.m, vacant land for proposed urban residential use.

Retained parcel is 3.356 hectares with 137.55m frontage on Beatty Line and 164.64m frontage on Millage Lane, (Part 8 on sketch) existing and proposed urban residential use with existing dwelling & drive shed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, May 9, 2013**

for the purpose of considering this **EXPEDITED APPLICATION.**

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 IS NOT REQUIRED TO ATTEND**. MAKE SURE THAT THE AGREEMENT LETTER IS SIGNED AND RETURNED TO THE PLANNING AND LAND DIVISION COMMITTEE OFFICE.

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**

TO: **Applicant – James Keating Construction (1984) Limited** **Agent – Nancy Shoemaker**

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: B32/13 → B 38/13

APPLICANT

James Keating Construction (1984) Ltd.
70 Mathieson St.
Elora ON N0B 1S0

LOCATION OF SUBJECT LANDS

CENTRE WELLINGTON (Fergus)
Part Lot 20
Concession 15 10509 Beatty Line N Fergus

Proposal is to sever a lot 18m fr x 81m = 1458 square metres (Part 1 on sketch) vacant land for proposed urban residential use.

Retained parcel is 3.356 hectares with 137.55m frontage on Beatty Line and 164.64m frontage on Millage Lane, (Part 8 on sketch) existing and proposed urban residential use with existing dwelling & drive shed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2326.000.021.06510

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)

Consents, Section E.9.3 Township Official Plan

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

(Please Specify) Parts 1 through 7 comply with R1A zoning regulations Section 7.1.2 Township Zoning By-law 2009-045

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

(Please Specify) Part 8 complies with R1A zoning - Section 7.1.2 Township Zoning By-law 2009-045

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(X) or **Minor Variance** YES( ) NO( ) N/A(X)

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 Beatty Line North

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( )

RECEIVED
APR 17 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

Approximate Time of Servicing Availability: _____

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

Continued to Page 2

Page Two:

MUNICIPALITY COMMENTING FORM

FILE NO: B32/13

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 [ ] N/A

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 memo.

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 list.

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

SIGNATURE Chantalle Pellizzari

TITLE: Chantalle Pellizzari
Planning Coordinator

ADDRESS: 1 MacDonald Square
Elora, ON N0B 1S0

DATE: April 17/13

FILE NO: B 32/13 through B38/13
Beatty Line North, Fergus (Keating)

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
- [x] 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:

Centre Wellington

April 17, 2013

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

Attn: Deborah Turchet, Secretary-Treasurer

Dear Deb:

Re: Application s B32/13 to B38/13, Beatty Line North, Fergus

The Township is submitting these written comments in addition to the municipal comments forms. Township staff is in support of the approval of applications B32/13 thorough B38/13. The Township anticipated the development of these lands and installed services along Beatty Line North when the Township reconstructed the road. Both municipal sewer and water services were installed to accommodate development and the building lots have been created to ensure the municipal services align with the proposed lot fabric.

Additionally, the Township feels a Plan of Subdivision is not required to development theses lands. The applicant will be required to submit a site plan and enter into a site plan agreement with the Township. The Township is confident any conditions of the development can be dealt with through the site plan agreement.

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

Yours truly,

Chantalle Pellizzari
Planning Coordinator

Township of Centre Wellington – Planning
1 MacDonald Square, Elora, ON N0B 1S0 - Office: 519-846-9691 Fax: 519-846-2190

www.centrewellington.ca

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

Application	B32/13 – B38/13
Location	Part Lot 20, Concession 15 TOWNSHIP OF CENTRE WELLINGTON
Applicant/Owner	James Keating Construction

PLANNING OPINION: Located within the Fergus Urban Centre, this proposal would create seven residential lots as follows:

Description	Frontage	Lot Size
Parcel 1, 2, 3 & 4 (B32/13 – B35/13)	18 m (59 ft)	1,458 m^2 (15, 694 ft^2)
Parcel 6 (B37/13)	19.35 m (63.5 ft)	1,597 m^2 (16,867 ft^2)
Parcel 7 (B38/13)	21 m (69 ft)	1,701 m^2 (18,309 ft^2)
Retained Parcel	137.55 m (451.3 ft) on Beatty Line	33,560 m^2 (361,237 ft^2)

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

a) That any concerns of the Conservation Authority are addressed; and
b) That safe driveway access can be provided to the satisfaction of the local municipality.

PLACES TO GROW: The Places to Grow policies place 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".

We note that the application form indicates that the site has been used as a former CN railway line. Under the Human-made Hazards policy, Section 3.2.2 states that "Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects". The former line falls completely within the retained portion of the proposal.

PROVINCIAL POLICY STATEMENT (PPS): Section 1.1.3 of the Provincial Policy Statement directs growth to occur within settlement areas.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated URBAN CENTRE (Fergus) and CORE GREENLANDS. The Core Greenlands feature includes the Irvine Creek which passes through the retained lands and the associated floodplain.

New lots may be created in Urban Centres provided that the land will be appropriately zoned. Lot creation will normally proceed by a plan of subdivision and will be based on the provision of full services, wherever such services are available. Plans of subdivision will normally be required when:

a) Four or more lots (included the retained) are being created, or
b) A new road or a substantial extension to an existing road is required, or
c) Where special concerns or issues exist which would be best dealt with through a plan of subdivision.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal...to accepted municipal standards" d) that all lots will have safe driveway access to an all-season maintained public road" and m) " that all new lots shall have logical lot lines given existing lot patterns in the area...".

LOCAL OFFICIAL PLAN: The subject property is designated as Residential and Core Greenlands.

LOCAL ZONING BY-LAW: The subject property is zoned Residential (R1A), Environmental Protection (EP) and Environmental Protection Overlay (EP Overlay).

SITE VISIT INFORMATION: The subject property was visited and photographed on March 21, 2013. Notice Cards were not posted. The survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
April 15, 2013

RECEIVED
APR 16 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

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

DATE: April 12th, 2013 **YOUR FILE:** B32/13 to B38/13
GRCA FILE: CentWell/2013/Sev/C

RECEIVED
APR 18 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consents B33/13 to B38/13**
Part Lot 20, Concession 15, Township of Nichol
James Keating Construction (1984) Ltd.

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposal to sever 7 lots for proposed urban residential use.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be retained contain part of the Nichol Drain No. 1, associated floodplain, wetlands, online pond and allowances associated with these features. The Nichol Drain No. 1 has been identified as a cold water tributary of Irvine Creek, and as such may contain fish habitat.

   Parts 1-6, to be severed, do not contain any features of interest to the Grand River Conservation Authority. Part 7 contain a portion of the associated flood plain to the Nichol Drain No.1 and allowance to this feature.

   Please be advised that a portion of the lands to be retained contain a significant woodland feature that has been identified as part of the Core Greenlands System within the County of Wellington Official Plan.

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

   Due to the above noted features, portions of the retained lands and a portion of the severed land identified as Part 7 are regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation* (*Ontario Regulation 150/06*). Future development or other alteration within the regulated areas will require a permit from our office.

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

   Future development and/or site alteration on the lands may require the review and approval of the Ministry of Natural Resources regarding potential Species at Risk in the area.

   The sketch prepared for severance application on March 1, 2013 by BSRD should be updated to reflect the Floodplain Mapping showing the Regional Floodline complete by Gambsy and Mannerow dated January 23, 2013

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

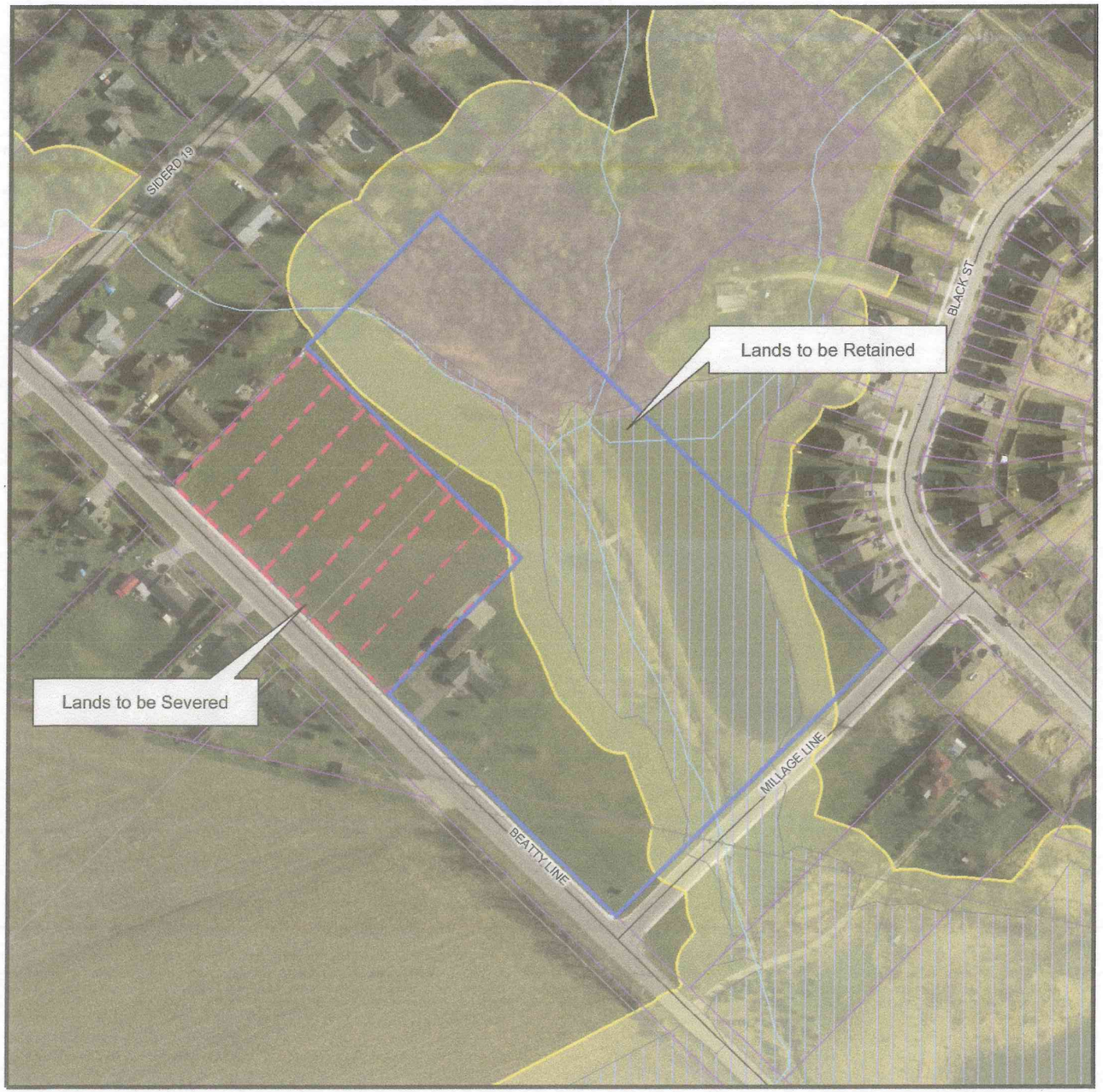
Should you have any questions or require further information, please do not hesitate to contact Heather Ireland at 519-621-2763 ext. 2320.

Yours truly,

Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning
Grand River Conservation Authority
FN/hi

* ***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. Brett Salmon, Township of Centre Wellington
James Keating Construction (1984) Ltd. – 70 Mathieson Street, Elora, ON N0B 1S0
Nancy Shoemaker, BSRD – 351 Speedvale Avenue West, Guelph, ON N1H 1C6



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: March 27, 2013

PL20 C15 Fergus

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS (WELLINGTON)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- REGULATION LIMIT (GRCA)
- 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

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NAD 1983, UTM Zone 17 Scale 1:2,474

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