REPORT SUMMARY

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

Date of Consideration: **October 9, 2014** **TIME: 9:05 a.m.**

File Number: **B83/14**

Applicant: **Antonio Simoes**

Subject Lands: TOWN OF ERIN – Part Lot 26, Concession 4

Proposal is a request for consent to convey fee simple for a proposed severance 126m fr x 66m = 0.817 hectares (2 acres) in the TOWN OF ERIN – Part Lot 26, Concession 4, vacant land for proposed rural residential use; retained lands are 39.259 hectares (97 acres).

ISSUES: Environmental Impact Study – Speed Lutteral Sawn Creek Wetland Complex

SUMMARY of FILED REPORTS and COMMENTS:

Town of Erin – in support of application; conforms to zoning and Official Plan; conditions to apply

County Planning - notice cards were posted at time of site visit; recommend deferral until such time as an Environmental Impact Study has been completed – if no significant negative impacts on Greenland features and functions then the Secondary Agricultural consent policies could be applied; MDS 1 - require farm data sheets for surrounding livestock facilities located at 5881 and 5886 Third line to determine compliance; conditions

Conservation Authority (GRCA) – no objection to proposed severance for rural residential use subject to submission of Environmental Impact Study confirming development will not negatively impact adjacent Provincially Significant Wetland

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 B83/14.
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 Owner provide a survey denoting a driveway access acceptable to the Town of Erin Roads Department; 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.
6) 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.
7) 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
8) 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 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 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 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 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.
12) THAT the Owner submit an Environmental Impact Study (EIS) to the satisfaction of the Grand River Conservation Authority and further that the Grand River Conservation Authority 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

September 25, 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 B83/14

APPLICANT

Antonio Simoes
5931 3rd Line
RR#1
Hillsburgh ON N0B 1Z0

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lot 26
Concession 4

Proposed severance is 126m fr x 66m = 0.817 hectares, vacant land for proposed rural residential use.

Retained parcel is 39.259 hectares with 391m frontage, existing and proposed agricultural and rural residential use with existing dwelling, drive shed & hobby barn.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, October 9, 2014**

AT 9:05 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**

TO: **Agent – Tom Finnie**

RECEIVED
AUG 2 2 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: B83/14

APPLICANT

Antonio Simoes
5931 3rd Line
RR#1
Hillsburgh ON N0B 1Z0

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lot 26
Concession 4

Proposed severance is 126m fr x 66m = 0.817 hectares, vacant land for proposed rural residential use.

Retained parcel is 39.259 hectares with 391m frontage, existing and proposed agricultural and rural residential use with existing dwelling, drive shed & hobby barn.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 06 - 139

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

If answer is no, please provide new information: _____

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

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 [X] NO [ ]

(Please Specify) _____

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

(Please Specify) _____

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

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

Please specify _____

_____

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)

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

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

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

MUNICIPALITY COMMENTING FORM

FILE NO: B83/14

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [X] 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]

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

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

- See attached

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

SIGNATURE [signature]

TITLE: PLANNER TOWN OF ERIN

ADDRESS: 5684 Trafalgar Rd RR 2 HILLSBURGH N0B 1Z0

DATE: Aug 21/14

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: August 21, 2014
Applicant: Antonio Simoes
Location: 5931 3rd Line
File: B83/14

Official Plan: Secondary Agricultural
Zoning: A- Agricultural

Recommendation: The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae. The Town of Erin requests the following conditions of approval. 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 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.

2. 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 3rd Line. The parcel(s) conveyed must be free of liens and encumbrances.

3. 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.

4. That the owner provide a survey denoting a driveway access acceptable to the Town of Erin Roads Department.

5. 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.

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	B83/14
Location	Part Lot 26, Concession 4 TOWN OF ERIN
Applicant/Owner	Antonio Simoes

PLANNING OPINION: This application would sever a vacant 0.82 ha (2 ac) parcel in the Secondary agricultural and Core Greenland area. A 39.26 ha (97 ac) parcel would be retained with existing dwelling, drive shed and hobby barn.

We would recommend deferral of this application until such a time an Environmental Impact study has been completed. Should the study determine that there are no significant negative impacts on the Greenland features and functions, and then the Secondary Agricultural consent polices could be applied.

If approved, we would request that the following be made conditions of approval:

a) That an Environmental Impact Assessment (EIS) is provided to the satisfaction of the applicable Authority,
b) That MDS 1 compliance be achieved to the satisfaction of County of Wellington Planning Department; and,
c) That site servicing can be provided to the site to the satisfaction of the local municipality; and,
d) That safe driveway access can be provided to the site to the satisfaction of the local municipality.

PLACES TO GROW: No concerns.

PROVINCIAL POLICY STATEMENT (PPS): Section 2.1.8 States " *Development and site alteration shall not be permitted on adjacent lands to Natural Heritage Features…unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

Regarding Minimum Distance Separation 1 (MDS 1) we have been provided with the necessary farm data sheet for the barn on the retained parcel and are satisfied that MDS compliance can be achieved. We would require Farm Data sheets for the surrounding livestock facilities located at 5881 and 5886 Third line, to determine MDS 1 compliance.

GREENBELT PLAN: The property is not within the regulated area of the Greenbelt Plan.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The Greenland designations represent significant wetlands, Hazardlands and significant woodlands. 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;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years.

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."

In the event that Greenland system policies are adequately addressed, the Secondary Agricultural policies would apply.

The matters under section 10.1.3 were also considered including...h) that natural heritage features are not affected negatively.

LOCAL OFFICIAL PLAN: The subject property is designated Secondary Agricultural and Core Greenland's in the Town of Erin Official Plan.

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

SITE VISIT INFORMATION: The subject property was visited and photographed on September 8th 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
September 17th, 2014

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

RECEIVED
SEP 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

DATE: September 15, 2014 **YOUR FILE:** B83/14
GRCA FILE: Erin/2014/Sev/C

RE: **Application for Consent B83/14**
Part Lot 26, Concession 4
Town of Erin
Antonio Simoes

GRCA COMMENT:
The Grand River Conservation Authority (GRCA) has no objection to the prosed severance of a 0.817 hectare lot for proposed rural residential use, subject to the submission of a satisfactory Environmental Impact Study (EIS) confirming that development of the severed parcel will not negatively impact the adjacent Provincially Significant Wetland.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be retained contain a watercourse, portions of the Provincially Significant Speed Lutteral Swan Creek Wetland Complex, and the allowances to these features.

   The lands to be severed contain portions of the Provincially Significant Speed Lutteral Swan Creek Wetland Complex, and the allowances to these features.

   We note that the proposed severed and retained lands have been identified as part of the Core Greenland System within the County of Wellington Official Plan and Town of Erin Official Plan.

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

   The County of Wellington Official Plan and the Provincial Policy Statement suggest that where development or site alteration is adjacent to a Provincially Significant Wetland, an EIS should be undertaken to determine that there will be no negative impacts on the wetland's features and functions. We recommend that the applicant contacts the Conservation Authority to confirm the wetland boundary in the field and scope the EIS required as part of this application.

   Due to the above mentioned features, portions of the severed and retained lands are regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06)*. Future development and/or site alteration within the regulated area will require a permit from our office

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

   We wish to acknowledge receipt of the applicable $380.00 review fee for the processing of this application. An additional application fee of $570.00 will be required for GRCA's review of the EIS to support the development on the severed parcel.

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

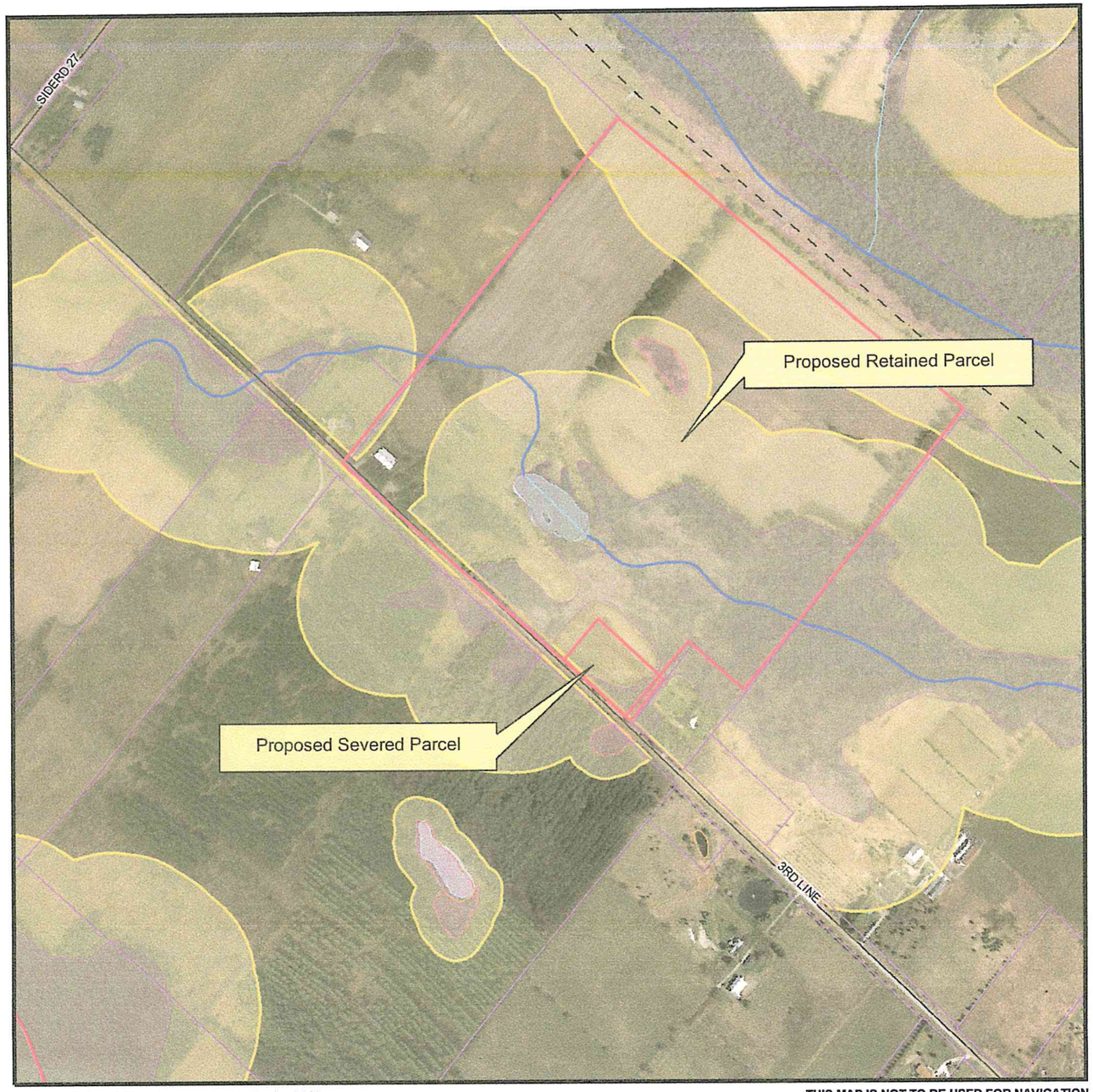
Yours truly,

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

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

Encl. (1)

cc. Town of Erin
Antonio Simoes, 5931 3rd Line, RR#1, Hillsburgh, N0B 1Z0
Tom Finnie, 82 Dufferin Street, Guelph, ON, N1H 4A1
Jameson Pickard, County of Wellington
Jana Poechman, County of Wellington



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: September 10, 2014

B83/14

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- WETLAND (GRCA)
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

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

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

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

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NAD 1983, UTM Zone 17 Scale 1:7,500

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