REPORT SUMMARY

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

Date of Consideration: **October 9, 2014** **TIME: 9:15 a.m.**

File Number: **B87/14**

Applicant: **Michael Publow**

Subject Lands: TOWN OF ERIN – Part Lot 10, Concession 11

Proposal is a request for consent to convey fee simple for a proposed severance 0.45 hectares (1.1 acres) with 49m frontage in the TOWN OF ERIN – Part Lot 10, Concession 11, vacant land for proposed rural residential use; retained lands are 0.77 hectares (1.9 acres).

ISSUES: neighbour concern

SUMMARY of FILED REPORTS and COMMENTS:

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

County Planning - notice cards were posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan; MDS 1 – require farm data sheets for livestock facilities located at 9773 Sideroad 10 and 16927 Winston Churchill Blvd.; condition to address

Conservation Authority (Credit Valley) – no objections – proposed new lot line is located 30m from PSW boundary.

Others – Katelyn Cummings (Dufferin Aggregates) – existing approved licensed aggregate extraction within 500 m of proposed severance; Erin Pit on 10th Line contiguous to 10th Sideroad; Official Plan designation is Prime Agricultural with Zoning designation of M4 (Extractive Industrial) allows mineral aggregate operation;

Elizabeth Bronson & Timothy Dunn (9758 Sideroad 10, Erin, ON N0B 1T0) – past severances; environmentally sensitive land; property subject to annual flooding; severance would set unwanted precedent; **request notification of consideration and decision**

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 B87/14.
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 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 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.
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 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 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.
10) 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.

11) THAT the applicant complies with the Town of Erin Zoning By-law in regard to Section 4.2.5; which does not allow for accessory building or accessory uses to be established on any lot or site until the main bulding has commenced construction; 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.
12) 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

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 B87/14

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Michael Publow 9765 Sideroad 10 Erin ON N0B 1T0	TOWN OF ERIN Part Lot 10 Concession 11

Proposed severance is 0.45 hectares with 49m frontage, vacant land for proposed rural residential use.

Retained parcel is 0.77 hectares with 83m frontage, existing and proposed rural residential use with existing house.

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

AT 9:15 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 – JL Cox Planning Consultants**
Others: Elizabeth Bronson & Timothy Dunn (9758 Sideroad 10, Erin, ON N0B 1T0)

RECEIVED
AUG 22 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: B87/14

APPLICANT

Michael Publow
9765 Sideroad 10
Erin ON N0B 1T0

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lot 10
Concession 11

Proposed severance is 0.45 hectares with 49m frontage, vacant land for proposed rural residential use.

Retained parcel is 0.77 hectares with 83m frontage, existing and proposed rural residential use with existing house.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 03 - 1707

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: B87/14

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 comments

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

SIGNATURE _____

TITLE: PLANNER, TOWN OF ERIN

ADDRESS: 5684 Trafalgar Rd RR2 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: Michael Publow
Location: 9765 Sideroad 10
File: B87/14

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 as conditions of any 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 10 sideroad. 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 applicant complies with the Town of Erin Zoning By-law in regard to Section 4.2.5; which does not allow for accessory building or accessory uses to be established on any lot or site until the main building has commenced construction.

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

6. 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	B87/14
Location	Part Lot 10, Concession 11 TOWN OF ERIN
Applicant/Owner	Michael Publow

PLANNING OPINION: This application would sever a vacant 0.45 ha (1.1 ac) parcel in the Secondary Agricultural area. An irregular shaped 0.77 ha (1.9 ac) parcel would be retained with an existing dwelling.

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 can be achieved to the satisfaction of the County of Wellington Planning Department; and,
c) That site servicing can be accommodated on the site to the satisfaction of the local municipality; and,
d) That safe driveway access can be provided to the satisfaction of the local municipality

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): Under Section 2.1.8 development and site alteration shall not be permitted in or adjacent to natural heritage features and areas such as significant wetlands unless the ecological function 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 MDS 1, there are several livestock facilities surrounding the proposed severed parcel. We would require farm data sheets for the livestock facilities located at 9773 Sideroad 10 and 16927 Winston Churchill Blvd.

GREENBELT PLAN: This property is located within the rural area of the Protected Countryside in the Greenbelt Plan. The property is also within the Natural Heritage System overlay and is subject to the pertinent policies.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated SECONDARY AGRICULTURAL and CORE GREENLAND. 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." The parcel to be severed is located outside of the Greenlands System.

The matters under Section 10.1.3 were also considered.

LOCAL OFFICIAL PLAN: The subject lands are designated Secondary Agricultural in the local Official Plan.

LOCAL ZONING BY-LAW: The subject lands are zoned Agricultural (A). The accessory structure on the severed parcel is to be removed.

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

RECEIVED
SEP 17 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

September 8, 2014

RECEIVED
SEP 16 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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 14/087
Your File No. B 087/14
Michael Publow
9765 Sideroad 10
Lot 10, Concession 11
Town of Erin

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

PURPOSE:
The purpose of this application is a proposed severance of 0.45 hectares with 42m frontage, vacant land for proposed rural residential use.

Retained parcel is 0.77 hectares with 83m frontage, existing and proposed rural residential use with existing house.

SITE CHARACTERISTICS:
Regulated Area: The subject property is located entirely within the Regulated Area. A permit will be required from CVC for any grading or construction works within this area.

Wetland: The subject property contains portions of the Provincially Significant Ballinafad Ridge 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 Study Report may be required for new development located adjacent to wetlands, depending on potential impacts.

Environmentally Significant Area (ESA): The subject property falls within the Alton Swamp Complex ESA. These areas contain significant natural features within the Credit River Watershed and include valley and watercourse corridors, wetlands and woodlands. The designation of these is based on criteria related to terrain, flora and fauna, hydrological significance, aesthetic qualities and educational values. Our objective is to protect
Provincial Greenbelt: 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. We recommend that you contact the Town of Erin for further information with respect to these designations as certain polices of the Greenbelt Plan apply to the future use of the property.

COMMENTS:
Based on a site visit conducted on June 27, 2014 and mapping available in this office, CVC staff have determined that the PSW boundary is accurate and note to stay 30 m from the PSW boundary for the new lot line. The pond to the west is not a wetland.

The proposed new lot line is located 30 m from the PSW boundary. As such CVC has **no objection** to the approval of this application.

We request to be notified of the Committee's decision in relation to this application.

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

jlcox@coxplan.ca
Attn: John Cox

Property, Planning & Approvals

Dufferin Aggregates

Dufferin Aggregates
2300 Steeles Ave W, 4th Floor
Concord, ON L4K 5X6
Canada

Phone: 905-532-3244
Fax: 905-761-7505
katelyn.cummings@holcim.com
Mobile: 416-602-3422
www.holcim.ca

September 5, 2014

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

RECEIVED
SEP 16 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Attention: Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet,

Re: Notice of an Application for Consent, Town of Erin Concession 11 Part Lot 10
File NO. B87/14

Dufferin Aggregates, a division of Holcim (Canada) Inc. would like to remind the committee that there is existing approved licensed aggregate extraction land within 500 meters of the proposed severance noted above.

This land is the Dufferin Aggregates (DFA) Erin Pit (License ID #5598) on 10th Line contiguous to 10th Sideroad. The Official Plan designation of this land is Prime Agricultural with a Zoning designation of M4 (Extractive Industrial) which allows for a mineral aggregate operation. This location is illustrated in Figure 1 below. DFA also owns land in Peel Region on the east side of Winston-Churchill Road near Charleston Sideroad which is currently not licensed, however a license application may be filed in the future.

It is often perceived that aggregate extraction operations are not compatible with residential dwellings. We ask that the committee take this into consideration when reviewing the severance property application.

Should you have any questions or require additional information or clarification, please do not hesitate to contact the undersigned.

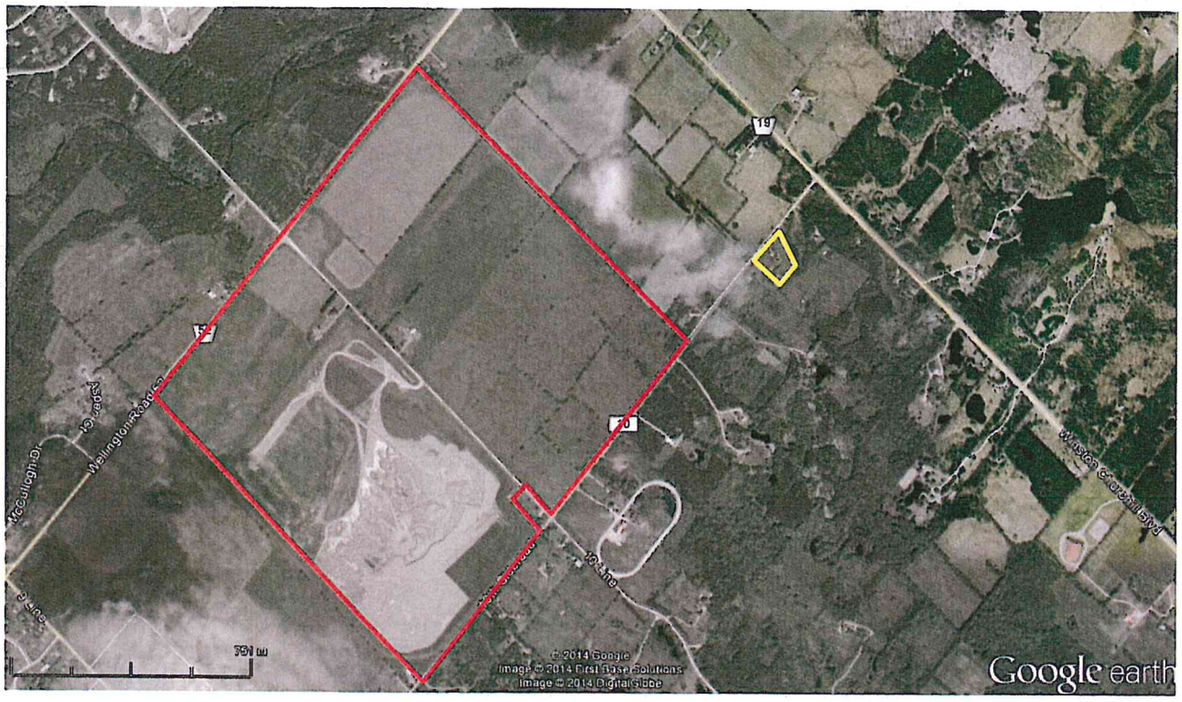
Sincerely,

Katelyn Cummings
Environmental Coordinator

Cc: Michael Publow
9765 Sideroad 10
Erin, Ontario
N0B 1T0

Dufferin
Aggregates

Figure 1



Note: Source of lot fabric Geowarehouse

Dufferin Property

Proposed Severance Property

Elizabeth Bronson and Timothy Dunn
9758 Sideroad 10, Erin, Ontario
NOB 1TO

RECEIVED
SEP 16 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

SENT BY COURIER

September 15, 2014

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 Sirs:

Re: Severance Application - 9765 Sideroad 10, Erin (the "Property") (File No.B87/14)

Receipt is acknowledged of the Notice Of An Application For Consent dated August 8, 20114 in respect of the Property.

We have the following concerns respecting the proposed severance:

- The Property, which has already been severed numerous times, is located in a predominantly agricultural area, not suited for increased densification. The recent severance of a one acre parcel directly across from Property has already changed the rural flavour of the area. Despite the objections of the residents who were directly affected by this severance, it was permitted to proceed. Increased density in an area of environmental sensitivity is not in keeping with the county's vision of protecting our natural resources.

- The Property comprises environmentally sensitive land. We believe it is home to a number of amphibian species which may be species at risk and are concerned that no study has been undertaken by CVC respecting the impact of any development.

- The portion of the Property that is proposed to be severed is subject to annual flooding and in order to access the Sideroad, the land would require significant fill deployment and re-grading. Use of fill in Erin has been the subject of much local debate at the town given the understandable concern with the trucking in of contaminated fill.

- The County of Wellington and the Town of Erin claim to seek a balanced approach to development, which includes densification within urban boundaries and protection of

agricultural and environmental resources. The proposed severance is antithetical to this stated approach and, if granted, would set an unwanted precedent by paving the way for development of "mini mansions" on small parcels which is completely out of keeping with the existing land use.

Please ensure we are provided with all notices with respect to this application.

Elizabeth Bronson

Timothy Dunn

#2248469 v1 | 4000047