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: **October 9, 2014**

File Number: **B85/14**

Applicant: **Brenda Eckhardt & Judy Schaming**

Subject Lands: TOWN OF MINTO – Part Lot 6, Concession 13

Proposal is a request for consent to convey fee simple for a proposed severance 46m fr x 100m = 0.45 hectares (1.1 acres) in the TOWN OF MINTO – Part Lot 6, Concession 13, vacant land for proposed rural residential use; retained lands are 8.15 hectares (20.1 acres).

ISSUES:

SUMMARY of FILED REPORTS and COMMENTS:

Town of Minto – Council supports severance application with conditions

County Planning - notice cards were posted at time of site visit; application is consistent with provincial policy and generally conforms to Official Plan – given the close proximity of the proposed lot to the barn located at 9563 O'Dwyers Rd – accurate measurements are required to ensure compliance with MDS requirements; conditions to be addressed

Conservation Authority (Saugeen Valley) – application for consent is acceptable to the SVCA

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 B85/14.
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 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 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 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 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 B85/14

APPLICANT

Brenda Eckhardt & Judy Schaming
9549 O'Dwyer's Road
RR#1
Harriston ON N0G 1Z0

LOCATION OF SUBJECT LANDS:

TOWN OF MINTO
Part Lot 6
Concession 13

Proposed severance is 46m fr x 100m = 0.45 hectares, vacant land for proposed rural residential use.

Retained parcel is 8.15 hectares with 109m frontage, existing and proposed rural residential use with existing house, garage, tool shed & gazebo.

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

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 – Brenda Eckhardt & Judy Schaming**

September 17, 2014

Ms. D. Turchet, Secretary-Treasurer
County of Wellington Planning and Land Division Committee
74 Woolwich Street
Guelph, ON N1H 3T9

Re: Severance B85/14

Dear Deborah:

At the Town of Minto regular Council meeting held on Tuesday September 16, 2014, the following motion was passed;

THAT The Town of Minto Council supports Severance Application 85/14, Part Lot 6, Concession 13, 9549 O'Dwyers Road, Town of Minto and provides the following conditions to the County of Wellington Land Division Committee:

1. THAT prior to a certificate of consent being issued all financial requirements are met to the satisfaction of the Town of Minto including; but not limited cash in lieu of parkland;

2. THAT prior to a certificate of consent being issued and at the owners expense, safe entrance access be obtained to the "severed" parcel to the satisfaction of the Town of Minto;

Therefore, please consider this letter as our confirmation of clearance of these conditions. Should you have any questions, please call Bill White C.A.O. Clerk at 519-338-2511 Ext. 222.

Sincerely,

Peg Schieck, CMO
Clerk's Assistant

RECEIVED
SEP 17 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

5941 Highway #89
Harriston, Ontario
N0G 1Z0

tel: 519-338-2511
fax: 519-338-2005

www.town.minto.on.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	B85/14
Location	Part Lot 6, Concession 13 TOWN OF MINTO
Applicant/Owner	Brenda Eckhardt & Judy Schaming

PLANNING OPINION: This application would sever a vacant 0.45 ha (1.1 ac) parcel in the Secondary agricultural area. An irregular shaped 8.15 ha (20.1 ac) parcel would be retained with existing dwelling, garage and tool shed.

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 an exact survey measurement is provided showing compliance with MDS 1 requirements to the satisfaction of the County of Wellington; 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): Regarding the applicability of Minimum Distance Separation 1 (MDS 1). We would require an exact survey measurement from the Barn located at 9563 Odwyers Road to the proposed new lot. The current measurement is marked as N.T.S (not to scale).Given the close proximity of the proposed lot to this barn, accurate measurements are required to ensure compliance with MDS requirements.

The PPS states in section 2.5.2.5 that "in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resource shall only be permitted if:

a) Resource use would not be feasible
b) The proposed land use or development serves a greater long-term public interest; and
c) Issues of public health, public safety and environmental impact are addressed.

Given the presence of several residential dwellings and natural features in the area we are satisfied that mineral aggregate extraction would not be feasible at this location.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and falls within a Mineral Aggregate overlay. The Greenland land designations represent significant wetlands and Hazard lands and is located to the rear of the property removed from the proposed severance. 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 matters under section 10.1.3 were also considered including...h) that natural heritage features are not affected negatively...j) that natural resources such as agricultural lands and mineral aggregates would not be affected adversely.

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) and Natural Environment (NE). It appears that both the severed and retained parcels can meet the minimum lot area and frontage requirements.

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
August 25th, 2014

RECEIVED
SEP 17 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (debt@wellington.ca)

September 12, 2014

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

RECEIVED
SEP 15 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet,

RE: Application for Consent B85/14
9549 O'Dwyer's Road
Part Lot 6, Concession 13
Geographic Township of Minto
Town of Minto (Eckhardt & Schaming)

The Saugeen Valley Conservation Authority (SVCA) has reviewed the above noted application for consent in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington relating to plan review. The purpose of this application is to sever 0.45 hectares of vacant land for a proposed rural residential use. The application for consent is acceptable to the SVCA. We offer the following comments.

Site Description

There are wetlands located on the easterly portion of the subject property, and to the south. Existing development is located on the subject property and the property is surrounded by existing development.

Natural Heritage

The Significant Natural Heritage features affecting the subject property are the wetlands, an Area of Natural and Scientific Interest (ANSI) and significant habitat of threatened or endangered species. The wetlands on and adjacent to the property form part of the Clifford-Harriston Complex, which has been evaluated by the Ministry of Natural Resources as a Provincially Significant Wetland (PSW). The ANSI located on the subject property is known as the Minto Kettle Lake ANSI. Eastern Meadowlark is classified as Threatened and receives special protection under the *Ontario Endangered Species Act*, has been identified on or near the subject property based on information available through the Natural Heritage Information Centre (NHIC).

Wellington County Official Plan

The PSW is designated Core Greenlands in Schedule A5 of the County Official Plan. Although the ANSI is not shown as a Greelands designation on Schedule A5, the SVCA presumes this is a mapping error as ANSI's are listed under the Greenland's designation in the Wellington County Official Plan. Therefore it is the opinion of the SVCA that the entire property is governed by the Greenland's System of the County Official Plan.

Section 5.6.3 of the Wellington County Official Plan states in part, "Where development is proposed in the Greenland system or on adjacent lands, the County or local municipality shall require the developer to...prepare where required, an environmental impact assessment to address potential impacts." In the opinion of the SVCA, an EIS is not warranted for this proposal.

SVCA Regulations

Please be advised that the entire parcel to be severed, as well as portions of the parcel to be retained are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, 1990, Chap. C. 27, as amended, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a watercourse or wetland. Although mapping showing the Regulation Limits on the subject property is not available at this time, the Natural Environment (NE) zone plus a 50 metre screening distance from the zone boundary, or the Cliford-Harriston Complex PSW plus a 120 metre offset distance from the PSW boundary, whichever is greater, should be used as an approximate screening area within which the Regulation could apply.

<u>"Development" and Alteration</u>

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*

b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*

c) *site grading; or,*

d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling, grading or excavation is proposed in or near the Regulated Area, the SVCA should be contacted as permission may be required.

Conclusion

The application for consent is acceptable to the SVCA. All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The SVCA is of the opinion that this application for consent appears to conform to the relevant policies of the Wellington County Official Plan and provincial policies referred to in the Agreement.

We trust this information is helpful. Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Valerie Lamont

Valerie Lamont
Environmental Planning Technician (Acting)
Saugeen Conservation

VL\

cc: Terry Fisk, SVCA Director (via email)
Brenda Eckhardt & Judy Schaming, Owners (via email)