REPORT SUMMARY

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

Date of Consideration: **February 11, 2016** **TIME: 10:10 a.m.**

File Number: **B107/15**

Applicant: **Robert & Agnes Simpson**

Subject Lands: TOWN OF ERIN - Part Lot 7, Concession 5

Proposal is a request for consent to convey fee simple for a proposed severance 0.6 hectares (1.48 acres) with 70.5m frontage in the TOWN OF ERIN - Part Lot 7, Concession 5, existing managed forest for proposed rural residential use; retained lands are 18.1 hectares (44.73 acres).

ISSUES: applicant request for consideration by Committee – provided information from neighbours Township and County planning not in support – previous severance 2008

SUMMARY of FILED REPORTS and COMMENTS:

Town of Erin – not in support of application; Town of Erin OPA Section 5.15 refers to County OP Section 10.4.4 – Residential lots that does not allow for an additional severance if one has already occurred after March 1, 2005. The subject property has received a severance in 2008.

County Planning - notice cards were posted at time of site visit; previous severance in 2008 (B103/08) The County Official Plan does not allow for an additional severance is one has already occurred after March 1, 2005. Staff recommends application be denied as subject lands not eligible for additional severance under current Official Plan policies. MDS1 relief would be required – additional farm data sheets from surrounding livestock facilities identified on sketch to determine if additional impact would result;

Conservation Authority (GRCA) – no objections

Hydro One – no objection to severance provided our rights on the subject/abutting property are protected and maintained; At the Site Plan /Building permit stage – requirements to be met

UPDATED SUBMISSION - Robert Simpson (January 25, 2016) – cover letter to Jameson Pickard
Ms. Mary Obuch (5138 Fourth Line Erin) – advised Mr. Simpson that shed is being used to store vehicles and lawn tractor (photo attached)
Mr. & Mrs. Steven Smith (5146 Fourth Line Erin) – property not a farm; structure is a drive in shed – storage of garden tractor and accessories (photo attached)

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 B107/15.
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 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 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 provide a survey confirming the location of the proposed entrance that should meet the standards outlined in the entrances by-law 10-47 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
11) THAT the Owner apply for minor variance for the frontage of the retaining parcel to be reduced to 95.3m where the minimum lot frontage on a lot greater than 10 ha is 120m 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.
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

January 28, 2016

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 B107/15

APPLICANT

Robert & Agnes Simpson
5159 Fourth Line
RR#2
Acton ON L7J 2L8

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lot 7
Concession 5

Proposed severance is 0.6 hectares with 70.5m frontage, existing managed forest for proposed rural residential use.

Retained parcel is 18.1 hectares with 95.33m frontage, existing and proposed rural residential use with existing dwelling and workshop.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, February 11, 2016**

AT 10:10 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: **Applicant – Robert & Agnes Simpson**

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

MINUTES

ON APPLICATION B107/15

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Robert & Agnes Simpson 5159 Fourth Line, RR#2 Acton ON L7J 2L8	TOWN OF ERIN Part Lot 7 Concession 5

Proposed severance is 0.6 hectares with 70.5m frontage, existing managed forest for proposed rural residential use.

Retained parcel is 18.1 hectares with 95.33m frontage, existing and proposed rural residential use with existing dwelling and workshop.

COMMITTEE MEMBERS PRESENT: George Bridge, Warden; Andrew Lennox - Chairman
Councilors Shawn Watters, Don McKay, Allan Alls

DATE: January 14, 2016

Appearing Before the Committee: Robert Simpson – owner; Jameson Pickard – P&D Staff

Public Hearing Notes: Land Division Committee considered aerial views and pictures of the site and written reports; J. Pickard – Township and County not in support; previous severance 2008; one lot from 2005; ineligible under OPA policies; R. Simpson – application – referred to cover letter of explanation; infill of property; piece of land – adds to taxes; value is benefit to County and Town for taxes; services on property – no cost to Town; infill between two existing properties; tree planation – hilly; land does not support agriculture; filled in gravel pit – cover with top soil; no run-off; good site lines; lot has privacy; S. Watters – no arable land; between two developments; against policy but not against common sense; financial input to County and local support on logic; County policy does not speak to these; want to lean toward county, but this is logical; J. Pickard – County Policy – clear that one allowed; other concerns MDS – rural residential cluster; barn in area; additional setbacks – would have to look at that; A. Lennox – once four in a row a residential area cluster exists – MDS changes; S. Watters – understand; D. McKay – precedent setting if allowed; how many more will we get; have set a policy; would not support; A. Alls – rules are rules – but this is common sense and as long as he can meet the MDS – no concerns; Warden Bridge – cluster – note reason for committee – see logic – both sides; A. Lennox – for farmer – would need twice as much distance to expand if cluster established – effects barn and agriculture; R. Simpson – it is a horse farm; Warden – defer to get information on MDS issue if developed; A. Lennox – MDS issue; would have been willing to go along with severance but need to understand context if developed; A. Alls – agree – need measurements; A. Lennox – could be impossible to expand farm – need the distance to a house; but once cluster developed then measurement is doubled; can impact farm

Moved by Councilor Shawn Watters Seconded by Warden George Bridge

THAT application B107/15 be deferred to understand and get further information for the development of a cluster and the Minimum Distance Separation (MDS) impact on area farms.

Carried.

The County of Wellington
Planning Dept.

JAN 25 2016

Letter to Mr. Jameson Pickard , B.URPL Planner 18/01/2016
COUNTY OF WELLINGTON

Further to my telephone call to your office thank you for the information you provided me with re the questions asked of MSD1 and questions asked at the planning committee meeting

The out building located on #5119 and #5138 which came up in question at last week's meeting were never farm barns and never were those properties farmed the buildings are drive sheds
I bought my property from a Mrs. Ella Harding who moved to her property in mid 1930s she was a great source of the history of the area I had a lot of conversations with her learning all sorts of local information

Property #5119 the horse farm on corner of Wellington 50 and Fourth line
The owners Debra Berg and John O Goyo are both professional people and have spent many years building their dream property and are looking forward to a long and happy retirement

The 2 other properties mentioned at the meeting # 5138 and #5146 are not farms and do not have farm barns or farm buildings they are houses both built in the last 30 to 40 years with drive in sheds very typical of country properties

Listed below is a description of the use of the sheds I knew both previous owners socially and have visited their houses a number of times

#5138 was owned by Doctor Hysaki (not sure of correct spelling) a very successful children's orthodontist (my 2 sons were patients)the steel drive/shed was used to store Vintage /classic cars/tractor and accessories /snow blower /scraper blade /boat/bush hog /snow mobiles /dirt bikes /atv / hobby workshop /grass cutting equipment / garage his sons cars ets

#5146 can't remember previous owners name he was Hungarian and his wife Swiss his drive shed was used to store his tractor /accessories/ /tools /hobby workshop /lawn tractors and property maintenance equipment

Attached are letters from property owners at #5138 and #5146

Bob Simpson

The County of Wellington
Planning Dept.

JAN 25 2016

Letter to Mr. Jameson Pickard , B.URPL Planner 18/01/2016
COUNTY OF WELLINGTON

This letter is to provide information
We were approached by Bob Simpson for information re our drive in storage shed questions being asked as part of his application for a severance
Is this property a farm are there any farm barns or any other farm buildings?
The property is not a farm and to the best of our knowledge never been a farm also there are no farm type buildings on the property
The Arial photograph which the County provided shows a detached structure
The structure is a drive in shed built by the previous owner and used as described
Storage of garden tractor and accessories property maintenance equipment/hobby work shop etc

Owners of property located at ~~5138~~ 5146 4th line
Mr.Mrs STEVEN SMITH

We have given Bob permission to take a photograph of the drive in shed

519-833-9057

#5146

The County of Wellington
Planning Dept.

JAN 25 2016

Jan 18, 2016

To Whom it may concern,

I was visited on Jan 17, 2016 my by neighbor Bob Simpson residing at 5159 Fourth Line, Erin who advised me that he is applying for a severance.

Mr. Simpson was inquiring about the use of the detached steel drive-in shed on my property located at 5138 Fourth Line, Erin. I advised Mr. Simpson that my shed is being used to store vehicles and my lawn tractor. I have permitted Mr. Simpson to take a photograph of my drive-in shed should it be necessary for his application.

Warm regards,

Ms. Mary Obuch

#5138