REPORT SUMMARY

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

Date of Consideration: **July 23, 2015** **TIME: 10:00 A.M.**

File Number: **B73/14 and B95/14**

Applicant: **UAJV Developments Inc.**

Subject Lands: TOWN OF ERIN – Part Lot 28, Concession 9

Proposal is a request for consent to convey fee simple for *revised applications to sever two proposed severances B73/14 – 3.214 ha, 92.7m fr and B95/14 – 3.214 ha, 97m fr; vacant land for proposed rural residential use.* (Parts 1 & 2 on sketch) in the TOWN OF ERIN – Part Lot 28, Concession 9,; retained lands (Part 3 on sketch) to be merged with Part 4 on sketch (previous consent) 46.543 hectares.

SUMMARY of FILED REPORTS and COMMENTS: CONSOLIDATED CONSIDERATION OF B73/14 AND B95/14

Town of Erin – Application conforms to Official Plan – Secondary Agricultural, Core Greenlands and Greenlands; severed parcel zoned M4 – extractive industrial – mineral aggregate operations are permitted; single detached dwelling is not permitted; (condition to rezone) Retained conforms to zoning; note that limited extraction remaining on property expected to be complete in about 2 years – the location of limited extraction is not within the area of proposed lots to be created; County and Local Official Plan does not support more than one new residential lot being created within a parcel of land existing on March 1/05 – these applications will result in a new residential loot and relocate a residential lot – condition to merge Parts 3 & 4 on sketch – result three parcels of land; conditions to apply

County Planning – notice cards were not posted at time of site visit; ***recommend deferral until concerns can be addressed regarding legal consolidation of Part 3 and Part 4 on sketch into one parcel and to provide suitable justification for the larger severed parcels .***
MDS calculations for current proposal (horses) – satisfied that necessary MDS setbacks can be met to proposed severances. Note that if lots are reduced in size – condition for MDS compliance required.
County Official Plan - Secondary Agricultural, Core Greenlands, Greenlands and falls within Mineral Aggregate overlay portions of retained – active gravel pit operation – approx.. 2 more years; staff is satisfied that any potential impacts the new lots may have would not be significant given the limited area of approved extraction; regarding creation of two residential lots from single parcel – note that gravel pit operation is currently two separate parcels owned by application – condition applicant will consolidate Part 3 and 4; satisfied that consolidation of two parcels will result in only one new lot being created; lots sizes 7.9 acres – larger than the 102 acres typically considered – however some difficulty interpreting policy relative t maximum lot size – minimum lot size is clear – this provides Committee with some discretion; reason for upper limit of "not larger than needed…" is not given – interpretation to ensure farm land not wasted and to control growth by ensuring future severance potential is not created for both lots – subject property currently part of aggregate operation and not used for agricultural; both severed and retained may have space for severances in future if policies were changed – current policies would not qualify

Conservation Authority (Credit Valley) – no concerns – outside of CVC's regulated area; subject property may contain or provide habitat for a known species-at-risk – consultation with MNR is advised

Ministry of Natural Resources and Forestry – revised applications – understood create two new lots Parts 1 and 2 and applicant is prepared to merge Part 4 into Part 3 as retained; Parts 3 and 4 include in part an existing license under Aggregate Resources Act licensee evaluating opportunities to continue; previous comment (October 22, 2014 – attached) concerns with original proposal – revisions of proposed – siting new lots outside of license boundary and addresses concerns; subject consent applications appear to be consistent with revised proposal; suggestion that applicant ensure creation of new lots would not affect ability to continue operations adjacent – letter from agent J.L. Cox Planning suggest that operation of pit will not be affected by creation of new lots – based on approximate distance of 450 meters between proposed lots and remaining areas of pit that may be extracted; based on comments – MNRF staff have no further concerns/comments with revised consent applications.

Others: John Cox – agent – cover letter explanation
Mike and Grace Black (6025 8th Line Hillsburgh, ON N0B 1Z0) – concerns regarding existing and proposed gravel pit and severances – **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 B73/14.

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 Part 3 and Part 4 on sketch are consolidated to the satisfaction of the County of Wellington Planning Department and the Town of Erin; and further that the County of Wellington Planning Department and the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

6) THAT consent application B96/14 to B98/14 be withdrawn from consideration to the satisfaction of the County of Wellington Planning Department and the Town of Erin; and further that the County of Wellington Planning Department and the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

7) THAT the applicant successfully obtain a zoning amendment approval to remove the M4, Extractive Industrial zone from the unlicensed portion of the property and rezone the property to the appropriate zone to allow agricultural uses 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 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.

10) 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.

11) THAT the applicant receive driveway permits for each lot to the satisfaction of the Town of Erin; 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.

12) 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.

*****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

July 9, 2015

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 B73/14

APPLICANT

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lot 28
Concession 9

Proposed severance is *revised sketch – 3.214 hectares with 92.7m frontage* (Part 1 on sketch), vacant land for proposed rural residential use.

Retained parcel is *revised sketch – 42.5 hectares with* 297m frontage (Part 3 on sketch) existing and proposed gravel pit.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, July 23, 2015**

AT 10:00 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 – UAJV Developments Inc.** **J. L Cox Planning Consultant – agent**
Mike and Grace Black (6025 8th Line Hillsburgh, ON N0B 1Z0)

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

July 9, 2015

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 B95/14

APPLICANT

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lots 27 & 28
Concession 9

Proposed *revised severance is 3.214 hectares with 97m frontage* – (Part 2 on sketch) vacant land for proposed rural residential use. Applications B96/14-B98/14 to be withdrawn.

Retained parcel is *revised sketch 42.5 hectares with 297.3m frontage*, existing and proposed gravel pit. (Part 3 on sketch)

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, July 23, 2015**

AT 10:00 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.

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- **open appropriate agenda**

TO: **Applicant – UAJV Developments Inc.** **Agent – J. L. Cox Planning Consultant**
Others: Mike and Grace Black (6025 8th Line Hillsburgh, ON N0B 1Z0)

RECEIVED

JUN - 4 2015

TOWN OF ERIN

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: B73/14

APPLICANT

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lot 28
Concession 9

Proposed severance is *revised sketch – 3.214 hectares with 92.7m frontage* (Part 1 on sketch), vacant land for proposed rural residential use.

Retained parcel is *revised sketch – 42.5 hectares with* 297m frontage (Part 3 on sketch) existing and proposed gravel pit.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 08-05300

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 [ ] NO [x]

(Please Specify) Severed parcel is zoned M4- extractive industrial zone. mineral aggregate operations are permitted. however, a single detached dwelling is not permitted.

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

(Please Specify) M4 permits mineral aggregate extraction.

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

Is proposal on an opened maintained year-round public road YES(x) 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: B73/14

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**( ) **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 _____

TITLE: Building and Planning Assistant, Town of Erin

ADDRESS: 5684 Trafalgar Rd. Hillsburgh, ON N0B 1ZO

DATE: June 30, 2015

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: B95/14

APPLICANT

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway
Suite 400
Concord ON L4K 4R1

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lots 27 & 28
Concession 9

Proposed *revised severance is 3.214 hectares with 97m frontage* – (Part 2 on sketch) vacant land for proposed rural residential use. Applications B96/14-B98/14 to be withdrawn.

Retained parcel is *revised sketch 42.5 hectares with 297.3m frontage*, existing and proposed gravel pit. (Part 3 on sketch)

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 08-05300

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 [ ] NO [x]

(Please Specify) M4 Extractive Industrial zone needs to be rezoned to allow for agricultural uses

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

Is proposal on an opened maintained year-round public road YES(x) 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: B95/14

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( ) 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 _____

TITLE: Building and Planning Assistant, Town of Erin

ADDRESS: 5684 Trafalgar Rd, Erin, ON N0B 1Z0

DATE: July 6, 2015

Corporation of the Town of Erin
5684 Trafalgar Road
RR2 Hillsburgh ON N0B 1Z0
(519) 855-4407 Ext. 240 Fax: (519) 855-4281
EMAIL: jessica.wilton@erin.ca

RECEIVED
JUL 06 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Severance Application Recommendation

To: County of Wellington Land Division Committee
From: Jessica Wilton, Building & Planning Assistant, Town of Erin
Date: July 6, 2015
Applicant: UAJV Development Inc.
Attn: Grant Horan
Location: Part Lot 27/28 Con 9
File: B73/14 and B95/14

Official Plan: Secondary Agricultural, Core Greenlands and Greenlands
Zoning: M4-Extractive Industrial

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

The Town of Erin Official Plan designation is Secondary Agricultural, Core Greenlands and Greenlands. The property is within the Mineral aggregate resource overlay as shown on Schedule 'C' of the County of Wellington Official Plan.

The County of Wellington and Town of Erin Official Plan does not support more than one new residential lot being created within a parcel of land existing on March 1st, 2005. These applications will result in a new residential lot and a relocate residential lot. A condition of approval required is that the applicant will merge Part 3 and Part 4 outlined on survey plan together which would result in a total of three parcels of land in the end.

Within the Town of Erin Zoning By-law the subject property is zoned Extractive Industrial (M4) zone. This zoning permits mineral aggregate operation which is currently being removed on the property. It is noted that the limited extraction remaining on the property is expected to be completed in about 2 years. The location of the limited extraction that is to be done is not within the area of the proposed lots to be created. It is located to the south of the property PIN 71140-0058 on the survey plan. A zoning amendment is required to rezone the lands from M4 Extractive Industrial zone to an appropriate zone to allow agricultural uses. The new M4 zone should correspond with the licensed area of the pit.

Should the Land Division Committee decide to approve the severances, the Town of Erin requests that the following conditions of approval be required. The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Planning and Land Division once the conditions have been fulfilled.

1. That Part 3 and Part 4 on the sketch are consolidated to the satisfaction of the Town of Erin;

2. That consent applications B96/14 to B98/14 be withdrawn from consideration to the satisfaction of the Town of Erin;

3. That the applicant successfully obtain a zoning amendment approval to remove the M4, Extractive Industrial zone from the unlicensed portion of the property and rezone the property to the appropriate zone to allow agricultural uses.

4. 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 8th Line and the 27th Sideroad. The parcel(s) conveyed must be free of liens and encumbrances.

5. 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.

6. That the applicant receive driveway permits from the Town of Erin for each lot.

7. 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

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B73/14 & B95/14 - **REVISED**
Location	Part Lot 27 & 28, Concession 9 TOWN OF ERIN
Applicant/Owner	UAJV Developments

PLANNING OPINION: These revised applications would create two residential lots (Part 1 & 2 on the sketch) in the Secondary Agricultural area as follows:

	Lot Area	Frontage
Part 1 (B73/14 revised)	3.2 ha (7.9 ac)	92.7 m (304 ft.)
Part 2 (B95/14 revised)	3.2 ha (7.9 ac)	97 m (318 ft.)
Part 3 Retained*	42.5ha (105 ac)	297.3 m (975.4 ft.)
Part 4 Retained*	5.0 ha (12.4 ac)	123.8 m (406.2 ft.)
*Parts 3 & 4 are to be merged and will result in a 47.5 ha (117.4 ac) retained parcel.		

Staff would recommend deferral of this application until such a time the following concerns can be adequately addressed:

- That the applicant demonstrate that Part 3 and Part 4 on the sketch can be legally consolidated into one parcel; and
- That suitable justification for the larger severed parcels is provided

Should this application be approved we would request the following be made conditions of approval:

a) That Part 3 and Part 4 on the sketch are consolidated to the satisfaction of the County of Wellington Planning Department;
b) That the severed lands (Part 1 and 2 on the sketch) be rezoned to the satisfaction of the local municipality;
c) That consent applications B96/14 to B98/14 be withdrawn from consideration to the satisfaction of the County of Wellington Planning Department;
d) That any concerns of the Ministry of Natural Resources and Forestry can be addressed;
e) That any concerns of the Conservation Authority can be addressed;
f) That servicing and safe driveway access can be provided to the satisfaction of the local municipality.

PLACES TO GROW: No Issues

PROVINCIAL POLICY STATEMENT (PPS): Section 2.5.2.5 states 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 resources shall only be permitted if a) resource use would not be feasible; or b) the proposed land use serves a greater long-term public interest; and c) Issues of public health, public safety and environmental impacts are addressed.

We have been advised that the applicant has attempted to obtain signed farm data sheets from the surrounding livestock facility owners and have been unsuccessful. We have been provided with receipts of express postage to each address. Staff performed the necessary MDS calculations for the current proposal using past departmental practices, using the barn dimensions and land areas obtained by aerial mapping and applying a livestock capacity for horses. Horses were used because they were observed during staffs site visit to the property. We are satisfied that necessary MDS setbacks can be met to proposed severances. It should be noted that if the lots are reduced in size a condition ensuring compliance with MDS may be required.

GREENBELT PLAN: The Subject property is located within the Protected Countryside of the Greenbelt Plan and is subject to the pertinent policies.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS, GREENLANDS and falls within a Mineral Aggregate overlay. Portions of the retained lands have an active gravel pit operation on it. The Greenland features represent hazardlands and portions of the West Credit Sub watershed and are located outside of the proposed severance. According to Section 10.4.4, "one new lot for residential purposes may be allowed from a parcel of land existing on March 1st, 2005, provided that:

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

a) The lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands and minimum distance separation.
b) The accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
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 with surrounding development;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years."

Regarding the creation of two residential lots from a single parcel, it should be noted that the gravel pit operation is currently comprised of two separate parcels owned by the applicant. As a condition of approval the applicant will consolidate Part 3 and Part 4 on the sketch together. Staff is satisfied that the consolidation of these two parcels will result in only one new lot being created. Part 4 will be relocated to an area outside of the licenced aggregate area.

With respect to item a) the lots at 7.9 ac are larger than the 1-2 ac typically considered for rural residential uses. However, we have some difficulty interpreting the above policy relative to the maximum lot size. The minimum lot size is clear as it is given a numeric value whereas the maximum is not. This does provide the committee with some discretion.

The reason for the upper limit of "not larger than needed..." is not given. Our interpretation is that the policy is meant to achieve the following:

- To ensure farm land is not wasted
- To control growth by ensuring that future severance potential is not created for both lots

The subject property is currently part of an aggregate operation and is not used for agricultural purposed. Both severed and retained parcels may have space for severances in the future if the polices were changed to allow an additional severance, but under current polices they would not qualify.

Section 6.6.3 of the Official Plan which deals with existing aggregate operations states that these operations will be protected from new uses which would preclude or hinder their expansion or continued use, or which would be incompatible due to public health, public safety or environmental concerns

Staff has been advised by the applicant that the aggregate operation will continue for approximately 2 more years. Through conversations with the Ministry of Natural Resources and Forestry (MNRF) Staff have confirmed that the severed lots are outside of the current Aggregate License on the subject property and have been advised that the applicant has approval to conduct extraction in a confined area in the southern portion of the site. Staff is satisfied that any potential impacts the new lots may have would not be significant given the limited area of approved extraction on the site and several other sensitive land uses closer to the actively mined area.

The matters under Section 10.1.3 were also considered, including... i) "that lots are not created in areas which would pose a threat to public health or safety; and... j) that natural resources such as agricultural lands and mineral aggregates would not be affected adversely."

LOCAL OFFICIAL PLAN: The subject property is designated Secondary Agriculture, Greenlands and Core Greenlands in the Town of Erin Official Plan.

LOCAL ZONING BY-LAW: The subject property is currently zoned Extractive Industrial (M4). The severed parcels would need to be rezoned to remove the extractive (M4) zoning from the lands. Both the minimum lot area and frontage requirements appear to be met.

SITE VISIT INFORMATION: The subject property was visited and photographed on June 24th 2015. Notice Cards were <u>not</u> posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Planner
July 7th, 2015

June 22, 2015

County of Wellington
Land Division Committee
74 Woolwich Street
Guelph, ON N1H 3T9

RECEIVED
JUL 0 2 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Attention Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet:

Re: CVC File No. B 14/73 and B 14/95
Your File No. B73/14, B95/14,
UAJV Development Inc.
Part of Lot 27 and 28, Concession 9
Town of Erin

Staff of Credit Valley Conservation (CVC) has reviewed the above-noted application and provide the following comments for your consideration:

PROSOSAL B73/14
The purpose of this Consent Application (revised sketch) is a proposed severance of 3.214 hectares with 92.7m frontage (Part 1 on sketch), vacant land for proposed rural residential use.

Retained parcel is revised sketch -42.5 hectares with 297m frontage (Part 3 on sketch) existing and proposed gravel pit.

PROPOSAL B95/14
The purpose of this Consent Application is a proposed revised severance is 3.214 hectares with 97m frontage – (Part 2 on sketch) vacant land for proposed rural residential use. Applications B96/14-B98/14 to be withdrawn.

Retained parcel is revised sketch 42.5 hectares with 297.3 m frontage, existing and proposed gravel pit. (Part 3 on sketch).

Ontario Regulation No. 160/06:
The subject property is located partially within the Authority's Regulated Area. As such, the property is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse, wetland, or shoreline, and prohibits development (e.g. new structures. additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit).

SITE CHARACTERISTICS:

Erin Greenlands:. The subject property is partially within an area designated as Core Greenlands by the Town of Erin. It is the policy of the Town of Erin to protect the form and function of these natural areas. CVC

Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4
Phone (905) 670-1615 Fax (905) 670-2210

provides technical support to this agency with respect to delineation of natural features and reviewing potential impacts from subsequent development within and adjacent to these lands.

Provincial Greenbelt: According to Schedules 1 of the Province of Ontario's Greenbelt Plan 2005, the property falls within the protected Countryside of the Greenbelt Plan Area, with a small portion being in the Natural Heritage System.

Species At Risk: The subject property may contain or provide habitat for a known Species-at-Risk. Under the Provincial Policy Statement (2005), the Province protects the significant habitat of endangered and threatened species from development. Additionally, the *Endangered Species Act 2007* provides legal protection and recovery for species-at-risk and their habitats. As such, consultation with MNR is advised as a permit under the *Endangered Species Act* may be required.

COMMENTS: CVC has no concerns related to these applications. The proposed severance ~~and~~ B73 and B95 are outside of CVC's Regulated Area. On this basis, CVC has **no concerns** with these consent applications and **no objection** to its approval by the Committee at this time.

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, M.Sc.Pl.

cc. **County of Wellington**
Attn: Linda Redmond

Town of Erin

UAJV Developments Inc.
Attn: Grant Horan
30 Floral Parkway, Suite 400,
Concord, On, L4K4R1

Jana Poechman

From: Marriott, David (MNRF) <David.Marriott@ontario.ca>
Sent: July 6, 2015 3:27 PM
To: Jana Poechman
Cc: Richardson, Seana (MNRF)
Subject: RE: Comments - B73/14 & B95/14

Hi Jana,

I apologize for the delay in responding.

The Ministry of Natural Resources and Forestry (MNRF) can confirm receipt of the revised UAJV Developments Inc. consent application (File No. B73/14 and B95/14). It is understood that the application will create two new lots, denoted as Part 1 and Part 2 on the attached survey plan, fronting off of 8th Line. If the consents are approved, it is also understood that the applicant is prepared to merge Part 4 into Part 3 on the survey plan. Both Parts 3 and 4 would form the retained lot(s).

Parts 3 and 4 include, in-part, an existing license under the *Aggregate Resources Act* (ARA). It is understood that the licensee (UAJV Developments Inc.) is evaluating opportunities to continue extraction within portions of the pit in the future.

MNRF staff previously commented on the original notice of application on October 22, 2014. These comments included concerns with the original proposal to create four new lots within the existing ARA license boundary. A revised proposal was circulated for comment on March 2, 2015. The revisions proposed siting the new lots outside of the license boundary. The Ministry's March 11, 2015 review of the revised proposal noted that the relocation of the lots addressed the above concern. The subject consent application appears to be consistent with the revised proposal reviewed by MNRF staff in March.

MNRF's March 11, 2015 comments also included the suggestion that the applicant ensure that the creation of the new lots would not affect their ability to continue operations in the adjacent ARA license. The J.L Cox Planning Consultants Inc. Planning Letter (dated May 20, 2015) submitted in support of the application suggests that the operations of the pit will not be affected by the creation of the new lots. This is in-part based on the approximate distance (450 meters) between the proposed lots and the remaining areas of the pit that may be extracted, and the areas of the pit currently being rehabilitated . MNRF staff have no further comment on the above suggestion.

Based on the above comments, MNRF staff have no further concerns/comments with the revised consent application.

If further comment or clarification is required please contact the undersigned.

Thanks

Dave

Dave Marriott
District Planner
Ministry of Natural Resources and Forestry, Guelph District
1 Stone Road West
Guelph ON, N1G 4Y2
(P) 519-826-4926
(F) 519-826-6849
email: david.marriott@ontario.ca

From: Jana Poechman [mailto:janap@wellington.ca]
Sent: July 3, 2015 3:10 PM

Ministry of Natural Resources and Forestry

Ministère des Richesses naturelles et des Forêts

Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
Facsimile: (519) 826-4929

Ontario

October 22, 2014

Ms. Jana Poechman
Land Division Clerk
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, ON N1H 3T9

RE: Notice of an Application for Consent – Part Lots 27 & 28, Concession 9, Town of Erin, County of Wellington: Ministry of Natural Resources and Forestry Comments

Dear Ms. Poechman,

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office is in receipt of a Request for Comments on the above-described Notice of an Application for Consent. MNRF staff has had an opportunity to review the application, and can offer the County of Wellington the following comments for consideration:

Background

The application proposes the severance of four lots (each approximately 1 ha in size) with frontage on Sideroad 27. The proposed uses associated with these lots will be rural residential. The lot to be retained (42.5 ha) will front onto Sideroad 27 and Eighth Line.

The Ministry notes that the retained and the proposed severed lots are currently licensed under the *Aggregate Resources Act* (ARA), as a Category "1" Class "A" pit. Although the operations of the pit ceased in 2008, the Ministry understands that the licensee (UAJV Developments Inc.) may evaluate opportunities to continue extraction on a portion of the subject lands in the future.

MNRF's Comments

It is the Ministry's opinion that it is premature to sever the land for rural residential uses, due to the legislative requirements of the *Aggregate Resources Act*. This includes the following matters under the Act:

- The four proposed lots, and the future rural residential uses, are not supported by the current license under the ARA. MNRF staff notes that these areas of the license would have to be rehabilitated, and the license partially surrendered, prior to rural residential development; and

- If extraction is to continue as noted above, it is unclear as to whether the applicant has considered if any potential negative impacts associated with the pit's operation will result on the rural residential lots (e.g., noise, and drinking water), and if amendments to the license may be required to reflect mitigation of these impacts. The proposed rural residential uses may also impact the future extraction activities within the license, and it is unclear as to whether potential impacts in this regard have been considered.

Closing

Prior to approval of the consent, it is recommended that the applicant ensure that the areas of the property proposed for severance are surrendered in accordance with the *Aggregate Resources Act.* In addition, if extraction activities are to continue, it is also recommended that the applicant review if the operation of the pit has the potential to negatively impact the rural residential lots (and vise-versa), and mitigate any impacts. An amendment to the Site Plans may be required to reflect any required mitigation measures.

I trust that these comments will be of assistance. Should you have any questions, please contact the undersigned at 519-826-4912 or annemarie.laurence@ontario.ca.

AMLaurence

Anne Marie Laurence
A/District Planner

cc (email): David Marriott, District Planner, Guelph District, MNRF
Diane Schwier, Aggregate Technical Specialist, Guelph District, MNRF
Scott Oliver, Team Lead, Planning, Municipal Services - Western Region, Ministry of Municipal Affairs and Housing

Deborah Turchet

From: Grace Black <graceblack@bell.net>
Sent: Wednesday, July 01, 2015 10:23 PM
To: Deborah Turchet
Subject: File B73/14 UAJV Developments Inc - Comments
+ B95/14

Hello Deborah
We live at 6025 8th line, Hillsburgh. Our property is adjacent to the two parcels UAJV is wanting to sever. We would like to submit the following comments in response to the application for consent submitted by UAJV Developments Inc. Your file B73/14.
(We are submitting comments on file B95/14 in a separate email to follow this one)

We have some concerns about the operation and or intentions of UAJV and the existing and proposed gravel pit, and the proposed severances.

Since we moved here in 2001

- They were granted permission to mine below the water table despite the objections and concerns of the local residences because of the potential impact on the water. They voluntarily ceased extraction below the water table in July 2008 as the monitoring indicated that the water temp at boundary has risen.
- Next they filed an application to expand their operation into the adjacent property. To our knowledge they did not attempt to resolve any objections/concerns of the residents within the given 2 year time limit and instead withdrew their application.
- At the same time as submitting an application to expand they submitted an application to sever 4 lots on the 27th sideroad and considered making a deal with the Town of Erin to either donate the existing pit to either the Town of Erin or the Credit Valley Conservation Authority. Apparently the comments about them severing those 4 lots were unfavourable.
- In around the same timeframe we learned that they were trying to sell the pit - we found this out because one of their agents came to us asking if we have gravel on our property.
- Then they put the parcel of land that they had applied to expand into up for sale. The for sale sign is now gone and to our knowledge it was not sold.
- They are back in the pit mining below the water table in phase 3 and are awaiting approval from the MNR to begin phase 4 which is very close to the fish hatchery and residents are concerned about the water temperature flow and wells. Apparently they will be mining below the water table for the next two years
- June 2014 they applied to sever a 6.4ha parcel. Then in Sept 2014 made an application to sever 4 1ha lots on 27th sideroad. They have changed this to applying for a severance of 2 3.2 ha lots and withdraw their application for the other lots if the severance of the two lots is approved.

The pit has had very little rehabilitation yet they continue to attempt to sell, expand and sever. We have not heard any more talk of them donating the land. We cannot tell from one minute to the next what their plans are since they keep changing.

We would like to see them stop mining below the water table and finish with the pit, rehabilitate the land back to something useful **before** they are granted any severances which would enable them to carve up more of this countryside.

Would you please acknowledge receipt

Thank you
Mike and Grace Black
6025 8th Line
Hillsburgh, ON
N0B 1Z0
519-855-9423

Deborah Turchet

From: Grace Black <graceblack@bell.net>
Sent: Wednesday, July 01, 2015 10:37 PM
To: Deborah Turchet
Subject: Consideration and Notification File B73/14 and B95/14

Hello Deborah

This is to advise that we would like to be **notified of the date and time of consideration** of the two applications for consent File #'s B73/14 and B95/14.

We would also like to be **notified of the decision** on these two applications and would like a copy of the decision.

Please acknowledge receipt of this email.

Thank you

Mike and Grace Black
6025 8th Line
Hillsburgh, ON
N0B 1Z0
519-855-9423

B73/14 & B95/14

J.L. COX PLANNING CONSULTANTS INC.

URBAN & RURAL PLANNING SERVICES

17 Spencer Crescent
Guelph, Ontario
N1L 1N1
Tel: (519) 836-5622
jlcox@coxplan.ca

File No. 1421
May 20, 2015

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

Att: Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet,

Re: UAJV Development Inc.
Town of Erin

This letter is submitted in support of a revision of Consent Applications B73/14 and B95-98/14.

1. Background

UAJV Developments Inc. is the owner of Part of Lots 27 and 28, Concession 9, Town of Erin. Their ownership consists of Parts 1, 2, 3 and 4 on the survey plan accompanying this submission.

In June, 2014 the owner submitted a severance application for a 6.4 ha. parcel which became Consent Application B73/14. This consisted of Parts 1 and 2 on the survey plan. Subsequently, in September, 2014 the owners submitted additional applications for four (4) 1.0 ha. residential lots which became Consent Applications B95-98/14. These proposed lots are not shown on the survey plan.

All of these applications have been deferred by the Land Division Committee.

The property is held in two (2) separate and distinct ownerships. Parts 1,2 and 3 on the survey plan comprises one parcel and part 4 is another parcel.

2. Revised Consent Proposals

Based on discussions with County planning staff, MNR and input received from the circulation of the previous applications the owner has decided to revise their applications.

The lands which formed part of Consent Application B73/14, which was a total size of 6.4 ha., is being proposed as two parcels each consisting of approximately 3.2 ha. These parcels are Parts 1 and 2 on the survey plan.

It is suggested that Part 1 continue as Consent Application B73/14 and Part 2 become revised Consent Application B95/14. Applications B96-98/14 will be withdrawn if the proposed revisions are accepted.

3. Planning Rationale

a) Number of Severances

Wellington County Official Plan policies normally permit a maximum of one residential severance per land parcel within the Secondary Agriculture designation. Since the subject property is held in two (2) separate ownerships, each parcel could be considered for a severance, resulting in a total of four (4) parcels of land. If the consents are approved as revised, the owner is prepared to merge Part 4 into Part 3 on the survey plan which would result in there being a total of three (3) parcels of land in the end.

b) Location of Proposed Severances

The location of the proposed severance is the most logical place for any division of the property to occur for the following reasons:

1) The area of the property is significantly removed from the remaining active area of the pit. The closest portion of any proposed lot is approximately 450m from the remaining area being extracted. The MNR approved site plan has been submitted to County planning staff, showing the active area of the pit where remaining extraction will occur to confirm this.

2) The proposed severances are located in an area of the property which is not licensed for extraction. The lots are adjacent to an area where rehabilitation of the pit has already begun to occur. As a condition of approval of the severance it is understood that the M4 zoning of this portion of the property would be removed.

c) Size of Proposed Severances

The severances are larger than the typical size proposed for a residential lot severance. The size of the proposed parcels is intended to be consistent with an existing adjacent parcel of land, shown on the survey plan submitted as PIN 71140-0059. The depth of all of these parcels is the same creating regular shaped parcels of land.

It is understood from discussions with County planning staff that MNR comments on the application will be an important consideration. It is also important to note that there is limited extraction remaining to be done in the pit, which is expected to be completed in about 2 years.

We therefore request staff and the Land Division Committee to consider the requested revisions to the previous applications. Revised applications and a revised survey plan are being submitted with this request.

Should you require further information, please contact me.

Yours truly,

JL Cox Planning Consultants Inc.

John L. Cox, MCIP, RPP

Cc: G. Horan, Strada Aggregates

jlcp/dm