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: **April 19, 2014**

File Number: **B158/13**

Applicant: **1373580 Ontario Ltd.**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Pt Lt 8, James Ellis Survey

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 0.17 acres with no frontage in the TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Pt Lt 8, James Ellis Survey, vacant land to be added to abutting urban residential lot – Stephen Hummel; retained lands are 1.37 acres.

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North in support of application for lot line adjustment; conforms to zoning; attached letter from lawyers Deverell & Lemaich to Stephen Hummel regarding existing drain on property retained

County Planning - notice cards were posted at time of site visit; sever two vacant parcels and merge with adjacent residential; application is consistent with Provincial Policy and would generally conform to County Official Plan - no concerns – conditions to merge.

Conservation Authority (Saugeen Valley) – application generally acceptable; recommend property include a holding provision via a Zoning By-law amendment to address drainage via an approved engineer's report or – drainage be addressed as a condition of consent via the submission of an approved engineer's report to the satisfaction of the Township and SVCA; email Jan 22/14 – condition #8

Others (e.g. neighbours) – John Morris (lawyer) – "There will be no problem legally conveying Part 3 divided into 2 parts *(being Parts 3 & 5 on current sketch)* to add to Part 2 on the sketch and leaving Part 4 as remainder" see attached letter

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 and 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 **including the Form 4 Certificate** and **Application for Consolidation of Parcels document for the consented parcel and the abutting lands to which the consented parcel is to be added** for Consent B158/13.
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 Purchaser take title of the severed lands in the same manner as he holds his abutting lands; and **THAT** Section 50, subsection (3) of the Ontario Planning Act, R.S.O. 1990 as amended shall apply to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this consent.
6) THAT the conveyancing documents for the severed parcel contain a statement to ensure that Section 50, subsection (3) of the Planning Act, R. S. O. 1990, as amended shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the consented parcel and the abutting lands to which this consented parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
7) 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.
8) THAT the Owner address the issue of drainage via an approved Engineer's Report to the satisfaction of the Saugeen Valley Conservation Authority; and further that the Saugeen Valley Conservation Authority file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT Consent Certificate be issued on Application B8/14 prior to issuance of Consent Certificate on this application.

*****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

March 27, 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 B158/13

APPLICANT

1373580 Ontario Ltd.
c/o Andrew Hummel
PO Box 947
Arthur ON N0G 1A0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (Mount Forest)
Part Lot 8
James Ellis Survey

Proposed lot line adjustment is 0.17 acres with no frontage (Parts 3 & 5 on sketch) vacant land to be added to abutting urban residential lot – Stephen Hummel. (Part 2 on sketch)

Retained parcel is 1.37 acres with 184' frontage (Part 4 on sketch) vacant land for proposed urban residential use.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, April 10, 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: **Agent – Derek Graham** **Owner:** 1373580 Ontario Ltd. – Andrew Hummel

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: B158/13

APPLICANT

1373580 Ontario Ltd.
c/o Andrew Hummel
PO Box 947
Arthur, ON N0G 1A0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (Mount Forest)
Part Lot 8.
James Ellis Survey

Proposed lot line adjustment is 0.17 acres with no frontage (Parts 3 & 5 on sketch) vacant land to be added to Abutting urban residential lot – Stephen Hummbel (Part 2 on sketch).

Retained parcel is 1.37 acres with 184' frontage (Part 4 on sketch) vacant land for proposed urban residential Use.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 005 19005 0000

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

If the answer is no, please provide new information: _____

Do you consider the proposal to conform to your Official Plan? YES ( ) 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) Section 12 of By-law 66-01

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

(Please Specify) Section 12 of By-law 66-01

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 the Municipal Water YES ( ) NO ( )

Serviced thru the retained parcel

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

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

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

Is there a Capital Works Project underway to service these lots in the near future YES ( ) NO ( )

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

Continued to Page 2

RECEIVED
JAN 13 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

FILE NO: B 158/13

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

YES ( ) NO ( )

N/A

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)

See attached letter from Deverell & Lemaich dated September 12, 2013

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?

The Owner satisfies 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.

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

SIGNATURE: Lorelly Moore

TITLE: Deputy Clerk

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO

DATE: January 14, 2014

DEVERELL & LEMAICH LLP
LAWYERS

P.O. Box 460, 166 Main Street South
Mount Forest, ON., N0G 2L0

Telephone (519) 323-1600
Facsimile (519) 323-3877

GUILDFORD W. DEVERELL, B.A., LL.B., Q.C.
(G.W. DEVERELL, Q.C., PROFESSIONAL CORPORATION)
deverell@northwellington-law.ca

RICHARD J. LEMAICH, B.A., LL.B.
(R.J. LEMAICH PROFESSIONAL CORPORATION)
lemaich@northwellington-law.ca

NOEMI D. RAMIREZ, B.A., J.D. – Associate
noemi@northwellington-law.ca

via email only

September 12, 2013

1373580 Ontario Ltd.
c/o Stephen Hummel
458 Smith Street
Arthur, ON., N0G 1A0

Dear Mr. Hummel:

RE: 340 Cork Street, Mount Forest Drainage Ditch Inquiry

We confirm that we act as solicitors for the Township of Wellington North and have been asked to respond to your email correspondence to Mayor Raymond Tout sent September 4, 2013 at 10:21 p.m. Our searches show that a deed for those parts of Lot 8 on the east side of Cork Street (Ellis Survey Mount Forest) being Parts 4, 5 and 6 on survey plan 60R1202 were conveyed to 1373580 Ontario Ltd. on September 4, 2013 by deed number WC383712.

According to the deed these parts have the following addresses respectively – 330 Cork Street, 340 Cork Street and 350 Cork Street. Your inquiry relates to a municipal storm water open drainage ditch that Wellington County aerial photograph mapping indicates runs through the entire depth of the middle Part 5 (340 Cork Street) from approximately the northeasterly corner of Part 5 to approximately the southeasterly corner of Part 5 before crossing Cork Street through a constructed municipal culvert. This is an important ditch for the drainage of storm water and spring runoff for a substantial number of properties in Mount Forest.

Your inquiry also uses the words "municipal drain". This drainage ditch is not a Municipal Drain created under Ontario's *Drainage Act*. It is, as stated above an open municipal storm water drainage ditch (the term "storm water" having the broad meaning provided for in the *Ontario Water Resources Act* and regulation).

The Township of Wellington North claims an easement over the property of 1373580 Ontario Ltd. for this open drainage ditch, and other properties as well, by law. This is known as a *prescriptive easement* (also known as an easement by prescription). The Township of Wellington North (which includes the former Town of Mount Forest) acquired this prescriptive

easement decades ago due to the use and enjoyment of the easement that was continuous, uninterrupted, open, and peaceful for the minimum period of 20 years required for an easement by prescription. The use has continued for many years after acquiring the prescriptive easement continuously to the present date.

Regarding any development of Parts 4, 5 and 6 on Plan 60R1202 please be advised that the Township requires continued use of the easement going forward and requires that any development of the lands not interfere with this use.

We wish also to point out that under Section 53 of the *Ontario Water Resources Act* no person, including the Township, may alter any part of any works for the collection or transmission of storm water without obtaining the required provisional approval certificates if the storm water drains directly or indirectly into a storm sewer pond or water course amongst other things. For this and other reasons it may be impractical for the Township to change the lie or makeup of this storm water drainage ditch.

Yours very truly,

DEVERELL & LEMAICH LLP
Per:

G. W. Deverell

GWD/dgd

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	B158/13 **AMENDED**
Location	Part Lot 8, James Ellis Survey TOWNSHIP OF WELLINGTON NORTH
Applicant/Owner	1373580 Ontario Ltd

PLANNING OPINION: This application for a lot line adjustment would sever two vacant parcels of land and merge them with an adjacent residential parcel. Parcel 1 is 0.15 ac (607 m²) parcel (Part 3 on sketch) and parcel 2 is 0.02 ac (81 m²) (Part 5 on sketch. The resulting lot a 0.54 ac (2,195 m²) irregular shaped parcel in the Urban Centre of Mt Forrest.

This application is consistent with Provincial Policy and would generally conform to the County Official Plan. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
b) That Subsection 50(3) of the Planning Act, R.S.O., 1990 be applied to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this Consent.

PLACES TO GROW: No issue.

PROVINCIAL POLICY STATEMENT (PPS): No issue.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated RESIDENTIAL within the Urban Centre of Mt. Forest. Section 10.6.3 states that lot line adjustments may be permitted where there is no adverse effect provided that the basic lot pattern in the area are not unreasonably altered.

The matters under section 10.1.3 were also considered.

LOCAL ZONING BY-LAW: The subject property is currently zoned Residential (R2). It appears that both lot area and frontage requirements can be met.

SITE VISIT INFORMATION: The subject property was visited and photographed on January 10th 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

L Redmond

Linda Redmond, Senior Planner
March 24, 2014

SAUGEEN CONSERVATION

1078 Bruce Rd. 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

FAXED Jan 14/14

January 14, 2014

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

RECEIVED
JAN 17 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Mrs. Turchet:

RE: Application for Consent B157/13
Part Park Lot 9, S/S Queen St., Plan Town
Application for Consent 158/13
Part Lot 8, James Ellis Survey
Geographic Town of Mount Forest
Township of Wellington North (Andrew Hummel)

The Saugeen Valley Conservation Authority (SVCA) has reviewed these applications for consent in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. Generally, these applications for consent propose to realign the lot fabric of a few properties, and to sever a property, to create a new property for residential development.

These applications for consent are generally acceptable to the SVCA. The SVCA does recommend a condition of consent be applied to the property to include a holding provision via a Zoning By-law amendment to address drainage via an approved engineer's report. Alternatively, the SVCA recommends that drainage be addressed as a condition of consent via the submission of an approved engineer's report to the satisfaction of the Township and SVCA. We offer the following comments.

Local Drainage

A portion of the subject lands is within an area that is subject to high groundwater and potentially significant drainage ponding associated with the urban drainage feature flowing through the central lot. The SVCA recommends that drainage be investigated to ensure that proposed and existing development are addressed by this proposal.

Conservation Through Cooperation

A MEMBER OF
Conservation ONTARIO
Natural Champions

If planning approvals do not address drainage for the proposed the SVCA provides this recommendation to the Township's Chief Building Official associated with future building approvals.

Wellington County Official Plan

Section 10.1.3 Matters for Consideration of the Wellington County Official Plan states in part:

> *b) that all lots can be adequately serviced with water, sewage disposal, stormwater management or drainage,*
>
> *f) that the topography, soils and drainage of the site are satisfactory for the lot sizes and uses proposed.*

As the proposed development will likely alter the drainage and runoff characteristics of the property, both in stormwater quantity and quality, as compared to the pre-developed state, and while there appears to be a urban drainage feature flowing through the subject property, the Wellington County Official Plan states that this drainage must be accounted for.

SVCA Regulation

Please be advised that the property is not subject to the Saugeen Valley Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27. The urban drainage feature is not considered to be a watercourse by the SVCA and the SVCA has no record of the urban drainage feature being a Municipal Drain.

Township of Wellington North Zoning By-Law 66-01

According to the Township of Wellington North Zoning By-Law 66-01 no portion of the property is zoned Natural Environment (NE). The urban drainage feature is not considered to be a watercourse by the SVCA. The Municipality may determine *6.20.2 (c) Natural Environment and Municipal Drain Setbacks* apply to this property.

Conclusion

The SVCA is not aware of the feasibility of addressing drainage at this site for this proposal as there has been limited preconsultation with regard to drainage. To address drainage the SVCA recommends that a Zoning By-law amendment, as a condition of consent associated with the proposal, include a Holding provision incorporating the requirement to satisfy the drainage requirements of the SVCA and Township via the submission of an engineer's report. Alternatively, the SVCA recommends that drainage be addressed as a condition of consent, via the submission of an engineer's report to the satisfaction of the Township and SVCA. In any case the SVCA advises that a portion of the subject lands may need to be avoided by future development due to existing drainage conditions.

All of the plan review functions listed in the agreement have been assessed with respect to these applications. The Authority is of the opinion that these applications for consent appear to comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement given the above comments and recommendations.

We trust these comments are helpful. An invoice to cover the SVCA's review fees associated with these applications for consent is enclosed with this letter to the applicant. Should you have any questions, please do not hesitate to contact this office.

Yours Sincerely,

Erik Downing
Manager, Environmental Planning & Regulations

ED/
cc: Terry Fisk, SVCA Director, via email
Andrew Hummel, P.O. Box 947 Arthur ON, N0G 1A0 Encl.
Darren Jones, CBO, Township of Wellington North

Deborah Turchet

Subject: FW: B157/13 & B158/13 - Hummel

-----Original Message-----
From: Erik Downing [mailto:E.Downing@SVCA.ON.CA]
Sent: Wednesday, January 22, 2014 10:47 AM
To: Deborah Turchet
Subject: RE: B157/13 & B158/13 - Hummel

Thanks,

That looks good.

Erik Downing

-----Original Message-----
From: Deborah Turchet [mailto:debt@wellington.ca]
Sent: Wednesday, January 22, 2014 8:46 AM
To: Erik Downing
Subject: RE: B157/13 & B158/13 - Hummel

Morning Erik

Would you like me to word the condition like this?

8) THAT the Owner address the issue of drainage via an approved Engineer's Report to the satisfaction of the Saugeen Valley Conservation Authority; and further that the Saugeen Valley Conservation Authority file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

Deborah Turchet

-----Original Message-----
From: Erik Downing [mailto:E.Downing@SVCA.ON.CA]
Sent: Tuesday, January 21, 2014 4:32 PM
To: Deborah Turchet
Cc: Jana Poechman; Linda Redmond
Subject: RE: B157/13 & B158/13 - Hummel

Hi Deborah,

Associated with these applications for consent, whatever the preferred method is from a County and/or Township perspective to address drainage would likely be agreeable to the SVCA. The SVCA would note that the drainage report may recommend a revised lot fabric, and there will be a tight timeline, so typically a condition of consent to address drainage is awkward but would be acceptable to the SVCA if that is what is preferred.

Regards,

Erik Downing
Manager, Environmental Planning and Regulations Saugeen Conservation

JOHN E. MORRIS, B.A., LL.B
Barrister Solicitor Notary Public

149 Geddes St., Box 338, Elora, Ontario. NOB ISO
Telephone (519) 846-5366 Fax (519) 846-8170

FAXED TO: 519-823-1694

January 29, 2014

County of Wellington Planning and
Land Division
74 Woolwich St.
GUELPH, On
N1H 3T9

Attention: Linda Redmond, County Planner

Dear Ms. Redmond:

re: Hummel Application No. 158/14

I realize the County likes to have a separate application for each conveyance but here there will be only one conveyance.

What may lead you to believe there may be two conveyances necessary is seeing separate PIN's and Parts on the sketch. Whenever there are separate PIN's, a surveyor is required to show them on the Plan and make a Part for them even when they are owned by the same person. That is the case here. As you can see on the transfer, Stephen Hummel owns all of Parts.

An Application for Consolidation could have been made to put all 3 Parts into one PIN. Then the surveyor would not have had to make these extra Parts on the severance sketch. The Application for Consolidation could still be done but there is no point to it as the lot line adjustment is changing everything again.

Yours very truly,

John E. Morris.
JEM/mr