

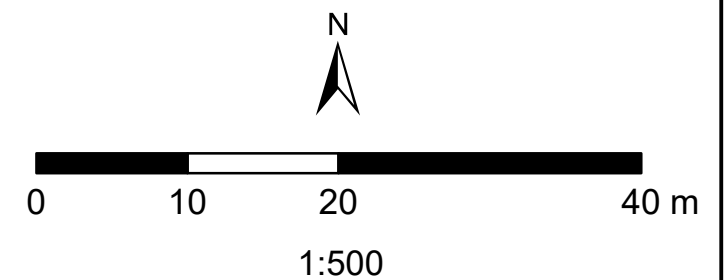
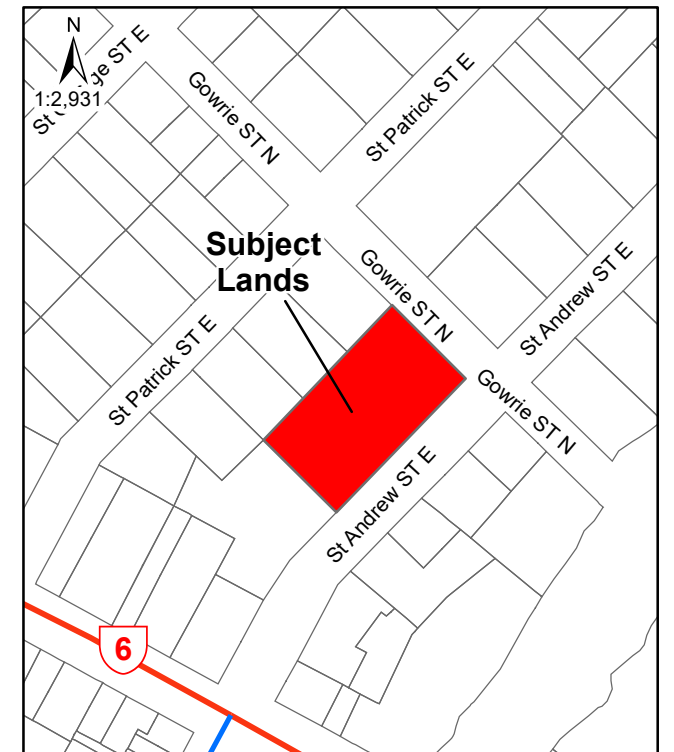
COUNTY OF WELLINGTON LAND DIVISION

B33-21

Applicant:
Stone Gable Inc.

Township of Wellington North

181 St. Andrew St. E



Date: May 2021

Produced by: County of Wellington Planning & Development Department

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Sources:
County of Wellington
Ministry of Natural Resources,
Grand River Conservation Authority.
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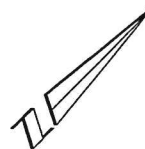
ST. PATRICK STREET EAST

PIN 71393 - 0005

PARCEL TO
RECEIVE BENEFIT
OF EASEMENT
AREA=927±m²

ESTABLISHED BY REGISTERED PLAN 55

20.12m WIDE



PROPOSED EASEMENT
FOR FOOTINGS OF
RETAINING WALL IN
FAVOUR OF #154
AREA=18±m²

SEVERANCE SKETCH

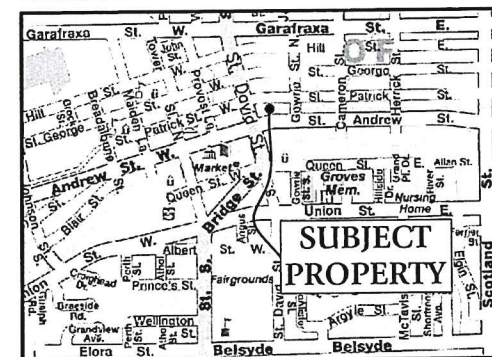
ALL OF LOTS 5, 6 & PART OF LOT 7
NORTH SIDE OF ST. ANDREW STREET
& EAST OF ST. DAVID STREET
GEOGRAPHIC TOWN OF FERGUS
TOWNSHIP OF CENTRE WELLINGTON
COUNTY OF WELLINGTON

SCALE 1 : 500

0 5 10 20 30 meters

VAN HARTEN SURVEYING INC.

KEYMAP:



NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED COMMERCIAL (C1).
3. SUBJECT LANDS HAVE A COUNTY OFFICIAL PLAN DESIGNATION OF URBAN CENTRE.
4. SUBJECT LANDS HAVE A LOCAL OFFICIAL PLAN DESIGNATION OF CENTRAL BUSINESS DISTRICT.
5. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
6. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
7. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.

ST. ANDREW STREET EAST

20.12m WIDE

ESTABLISHED BY REGISTERED PLAN 55

PIN 71393 - 0002

SURVEYOR'S CERTIFICATE:

THIS SKETCH WAS PREPARED
ON THE 5th OF MAY, 2021

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

GOWRIE STREET NORTH

ESTABLISHED BY REGISTERED PLAN 55



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo
Ph: 519-742-8371

Guelph
Ph: 519-821-2763

Orangeville
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

DRAWN BY: ARN

CHECKED BY: JEB

PROJECT No. 27069-19

May 5, 2021-1:17:20 PM

REPORT SUMMARY

**OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION
NOTE: IF EXPEDITED ATTENDANCE NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE.
SIGN AND RETURN 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY.**

Date of Consideration: 07/22/2021 **EXPEDITED**
File Number: B33-21
Applicant: Stone Gable Inc.
Subject Lands: Township of Centre Wellington (Fergus) - Lots 5 & 6, Part Lot 7, Reg Plan 55
n/s St. Andrew St. & E of St. David St.

Proposal is a request for consent to convey fee simple for a proposed easement 18 square metres, no frontage in favour of 154 St. Patrick street East for footings of retaining wall

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review	notice cards were posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan; Easement to provide for footings for an existing retaining wall; no concerns
Township of Centre Wellington	planning staff - in support of application; complies to zoning, conforms to Official Plan - consents for the purposes of easement; condition to apply
Grand River CA	no objections
Source Water	Section 59 2a Notice to proceed is being provided
Miscellaneous	Jeff Buisman, agent cover 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 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 B33-21
- 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) as well as a digital PDF copy to the secretary-treasurer of the Planning and Land Division Committee.
- 5) **THAT** the Owner satisfy all the requirements of the Township of Centre Wellington, financial and otherwise (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Township when deed is Registered; Tax Assessment Roll Setup Fee paid) 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 Township of Centre Wellington file 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*****

July 8, 2021

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 B33-21

APPLICANT

Stone Gable Inc.
c/o Bruce & Gary Lloyd
1-181 St. Andrew St. E
Fergus N1M 1P9

LOCATION OF SUBJECT LANDS

Township of Centre Wellington (Fergus)
Lots 5 & 6, Part Lot 7, Reg Plan 55
n/s St. Andrew St. & E of St. David St.

Proposed easement is 18 square metres with no frontage, in favour of 154 St. Patrick St. E for footings of retaining wall.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, JULY 22, 2021** for the purpose of considering this **EXPEDITED APPLICATION**.

CONSIDERATION County of Wellington Administration Centre

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 Land Tribunal 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**
- ⇒ **Agenda & Minutes**
- ⇒ **Select Land Division Committee**
- ⇒ **choose month & year in drop down menus**
- ⇒ **open appropriate agenda**

To: Van Harten Surveying Inc. - c/o Jeff Buisman



Application	B33/21
Location	Lots 5 & 6, Part Lot 7, Reg PI 55 TOWNSHIP OF CENTRE WELLINGTON (Fergus)
Applicant/Owner	Stone Gable Inc.

PLANNING OPINION: This proposal is for an easement to provide for footings for an existing retaining wall. The easement is 18 m² with no frontage and is in favour of 154 St. Patrick St E.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. Planning staff have no further concerns.

A PLACE TO GROW: No issue

PROVINCIAL POLICY STATEMENT (PPS): No issue.

WELLINGTON COUNTY OFFICIAL PLAN The subject property is designated Urban Centre (Fergus). The matters under Section 10.1.3 were considered including item b) "that all lots can be adequately serviced with water, sewage disposal, stormwater management or drainage, fire protection, roads, utilities, solid waste disposal to accepted municipal standards with undue financial burden on the municipality".

WELL HEAD PROTECTION AREA: The subject property is located within a Wellhead Protection Area B with Vulnerability Score 10.

LOCAL OFFICIAL PLAN: The subject property is designated Central Business District (CBD).

LOCAL ZONING BY-LAW: The subject lands and the benefitting lands are zoned Commercial (C1).

SITE VISIT INFORMATION: The subject property was visited and photographed on June 11th, 2021. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Zach Prince RPP MCIP, Senior Planner
June 30th, 2021

RECEIVED
JUN 29 2021
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

File: B33-21 (SEV 004-2021)

RECEIVED

APPLICANT

Stone Gable Inc.
c/o Bruce & Gary Lloyd
1-181 St. Andrew St. E
Fergus N1M 1P9

LOCATION OF SUBJECT LANDS

Township of Centre Wellington (Fergus)
Lots 5 & 6, Part Lot 7, Reg Plan 55
n/s St. Andrew St. & E of St. David St.

MAY 21 2021

Proposed easement is 18 square metres with no frontage, in favour of 154 St. Patrick St. E for footings of retaining wall.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2326-000-002-06400

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

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

Do you consider this proposal to conform to your Official Plan? YES (X) NO ()

What sections does it conform to or contravene? (Please specify)

E 9.3 - Consents for the purposes of easement

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

(Please Specify): _____

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

(Please Specify): _____

If necessary, would the Municipality be prepared to consider an Amendment to the Zoning By-law to permit the proposal to conform? YES () NO () NA (X) or Minor Variance YES () NO () NA (X)

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 the use of the seasonal road, or opening up the road?

Please specify _____

Is the Proposed Lot(s) serviced now by Municipal Water? YES (X) NO ()

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

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

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

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?

N/A

RECEIVED

JUL 05 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Continued to Page 2

MUNICIPALITY COMMENTING FORM

File: B33-21

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]

N/A

Is the Municipality in support of this application? YES ☒ NO () *Planning staff opinion only.*

What Conditions, if any, are requested by the Municipality if the Consent is granted?

Please see attached sheet of conditions.

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

SIGNATURE *[Signature]*
TITLE *Senior Planner*
ADDRESS *1 Mac Donald Square, Elora ON N0B1S0*
DATE *June 30/21*

FILE NO: B33/21 – 181 St. Andrew St. E., Fergus
Stone Gable Inc. (Lloyd)

Conditions requested if the Consent is granted:

- ☐ That land be dedicated or other requirements met for park or other public recreational purposes.
- ☒ Satisfy all the requirements of the local municipality, financial and otherwise
- ☐ Driveway entrance approval
- ☒ Taxes Paid in Full
- ☐ Service Connections to be confirmed
- ☐ Official Plan Amendment
- ☐ Zoning Compliance
- ☐ Development Agreement and/or Site Plan Agreement (Lot Grading and Drainage)
- ☒ Copy of deposited Reference Plan
- ☒ Undertaking to advise Township when deed is Registered



**PLAN REVIEW REPORT: County of Wellington, Planning & Land Division Committee
Deborah Turchet, Secretary-Treasurer**

DATE: June 30, 2021 **YOUR FILE:** B33-21

RE: **Application for Consent B33-21**
181 St. Andrew Street East, Fergus, Township of Centre Wellington
Stone Gable Inc.

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject lands do not contain any features of interest to the GRCA.

2. Legislative/Policy Requirements and Implications:

None.

3. Additional Information/Suggestions provided in an advisory capacity:

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$430.00 for the processing of this application.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2228.

Yours truly,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

c.c. Stone Gable Inc. (via email)
Jeff Buisman, Van Harten Surveying Inc. (via email)
Chantalle Pellizzari, Township of Centre Wellington (via email)

RECEIVED

JUN 30 2021



Grand River
Conservation Authority
Date: Jun 29, 2021
Author: ah

B33-21 - 181 St. Andrew Street
East

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Sleep
 - Oversteep
 - Sleep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2021.
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 5 10 20 30 Meters
NAD 1983 UTM Zone 17N
Scale: 1,022



Map Centre (UTM NAD83 z17): 550,193.02 4,839,513.43

This map is not to be used for navigation | 2015 Ortho (ON) | 2018 Ortho (RMOW)



May 13, 2021

Restricted Land Use Notice

No Prohibition or Risk Management Plan Requirement

Issued under the *Clean Water Act*, Section 59 (2) (a)

Township of Centre Wellington
c/o Wellington Source Water Protection
Risk Management Office
7444 Wellington Road 21
Elora, ON, N0B 1S0
1-844-383-9800
sourcewater@centrewellington.ca

Notice Number: TCW-S59-21-006		
Description and Date of Application / Supporting Documents: SWP screening form, WHPA map		
Municipality Application No: B33/21		Applicant Project No:
Applicant: Jeff Buisman		Email: jeff.buisman@vanherten.com
Roll No: 2326000002004000000	WHPA: B/ CHL ICA	Vulnerability Score: 10
Property Address: 181 St. Andrew Street East		Town: Fergus
Municipality: Centre Wellington	Province: ON	Postal Code: N1M 1P9
Source Protection Plan: Grand River		Drinking Water System: Elora/Fergus

Property Owner: Stone Gable Inc. – Bruce Llyod		
Mailing Address: same as above		Town:
Municipality:	Province: ON	Postal Code:
Phone:	Alt. Phone:	Email: bruce@ralphbasset.com

This Notice is being issued under subsection 59 2(a) of the *Clean Water Act*, 2006 and was prepared in response to an Application (as described above under Description / Supporting Documents) received for the property that is identified above. One or more of the land uses proposed to be engaged in, at the above noted property, has been designated as a restricted land use under Section 59 of the *Clean Water Act* and the application is either for a provision of the *Planning Act* prescribed under Section 62, Ontario Regulation 287/07 of the *Clean Water Act* or for a building permit under the *Ontario Building Code*.

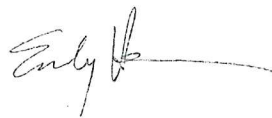
The Application was reviewed in accordance with the *Clean Water Act* and the *Grand River Source Protection Plan* which came into effect July 1, 2016. Based on the information submitted as part of the Application, Section 57 (Prohibition) or Section 58 (Risk Management Plan) of the *Clean Water Act* **do not** apply, at this time, to the activities outlined in the Application for the above referenced property.

Wellington Source Water Protection is a municipal partnership between Township of Centre Wellington | Town of Erin | Guelph / Eramosa Township | Township of Mapleton | Town of Minto | Township of Puslinch | Township of Wellington North | County of Wellington. The purpose of the *Clean Water Act* is to protect existing and future sources of drinking water.

Rationale: This is a consent for an easement related to the foundation of an existing retaining wall. This property is subject to a Risk Management Plan related to winter maintenance activities, due to its location in an issue contributing area for chloride. However, as this application is unrelated to any winter maintenance activities, a section 59 2a Notice to proceed is being provided. The owner should contact the undersigned to discuss winter maintenance on the property.

- This Notice is only effective as it relates to the above referenced Application;
- Any change to the information submitted under the Application nullifies this Notice, unless otherwise permitted by the Risk Management Official.
- This Notice is not valid for any subsequent approvals under the *Planning Act* or building permits under the *Ontario Building Code* for the property. Further Section 59 notices will be required for subsequent applications at the property and a risk management plan may be required.
- Pursuant to Section 53 (3), Ontario Regulation 287/07 under the *Clean Water Act*, this notice, once issued, is a public document. All information submitted for development of this notice is subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- This Notice has been issued under the Authority of the Risk Management Official appointed for Township of Centre Wellington under by-law 2016-22. This Notice has been issued in accordance with the *Clean Water Act*, 2006, Section 59, Ontario Regulation 287/07 and the Grand River Source Protection Plan, as amended, which became effective on July 1, 2016.

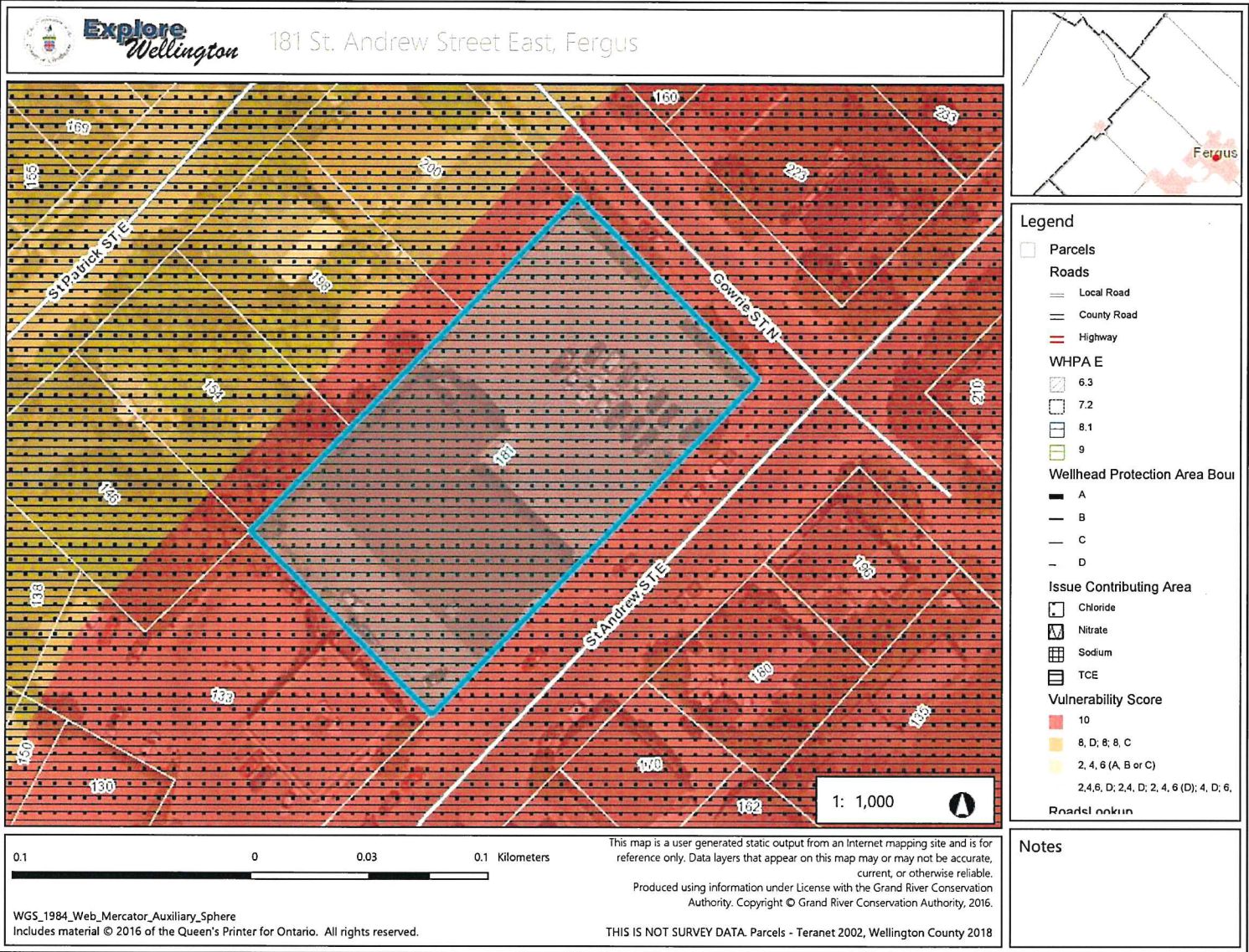
If you require further information, please contact the undersigned.



Digitally signed by
Emily Vandermeulen
Date: 2021.05.13
10:59:10 -04'00'

Emily Vandermeulen, Risk Management Official
(519) 846-9691, ext 365
evandermeulen@centrewellington.ca

Attachment – WHPA_Map_StAndrewE_181



833-21



May 5, 2021
27069-19

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
GUELPH, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: Easement Application and Sketch
181 St. Andrew Street East
All of Lots 5 & 6, Part of Lot 7, Registered Plan 55
PIN 71393-0081
154 St. Patrick Street East
Part of Lot 15, Registered Plan 55
PIN 71393-0078
Town of Fergus
Township of Centre Wellington

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, the required deeds, PIN report and map, Source Water Protection Form, addresses of neighbouring properties, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal:

The proposal is for an easement for the footing of a new retaining wall located along the rear of 154 St. Patrick Street (PIN 71393-0078). The wall is clear of the property line, but the footing is quite wide and extends into 181 St. Andrew Street East (PIN 71393-0081). The proposed easement will have a width of $1\pm\text{m}$, depth of $17.3\pm\text{m}$, for an area of $18\pm\text{m}^2$.

The lands subject to the easement (#181) is a corner lot with frontage along Gowrie Street North and St. Patrick Street East. The property contains a commercial building with a number of tenants.

The lands to receive the benefit of the easement (#154) is currently under construction with a new multi-residential building. The proposed parking lot is in the rear and the retaining wall supports the parking lot.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.

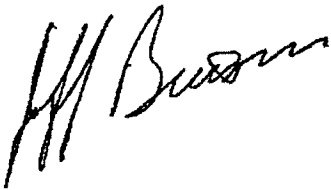
This application is technical in nature and the purpose is to recognize the existing encroachment by the creation of this easement. The subject property is designated part of the Elora Urban Centre in the Wellington Official Plan therefore it is subject to the Municipal Official Plan of the Township of Centre Wellington. The Township of Centre Wellington Official Plan designates the property as Central Business District.

The eight requirements for severances as presented in Section E.9.3 of the Municipal Official Plan have been considered and have been met.

In summary, this proposal is technical in nature and will allow for the encroaching footing of the retaining wall to be legally recognized as an easement.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Dave Gillis, MMDG Health Services Inc.
cc Bruce Lloyd, Stone Gable Inc.
cc Sarah Shannon, Morris-Shannon Law Office