

# DECISION

## COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-15/18



The Committee, having had regard to the matters under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of the Eramosa Branch of the River Speed, Part Lot 1, East of Blind Line, Registered Plan 131, municipally known as 745 Stone Road East, a parcel with frontage along Stone Road East of 10.0 metres and an area of 0.8 hectares, as shown on a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated May 10, 2018, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan indicating the location of the building, building design (elevations), landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.
2. That prior to the issuance of Site Plan Approval, the Owner/Developer shall prepare and implement an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
  - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
  - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
  - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
  - d) A Landscape Plan depicting by a full member of the OALA compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
  - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selective removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
  - f) A detailed Erosion and Sediment Control Plan;
  - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
  - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
  - i) A monitoring program; and
  - j) Education and outreach material for future homeowner(s).

3. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings:

"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."

"Purchasers are advised that an Environmental Implementation Report (EIR) must be prepared by the Owner and approved by the City prior to the issuance of Site Plan approval."

4. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

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5. That the owner(s) shall deed a 5 metre wide road widening on Stone Road East at no cost to the City, free of all encumbrances and no risk to public health and safety and to the environment, prior to issuance of Certificate of Official.
6. The developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the location of the building, driveway, septic system, well (if applicable), grading, drainage, groundwater recharge, and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
7. Prior to the issuance of a building permit, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual".
8. Prior to the issuance of a building permit, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.
9. That the Owner/Developer shall notify all future owners/tenants in agreements of purchase and sale/lease that future residential dwellings are required to connect to full municipal services once available and share in the cost of the municipal services in accordance with the City's cost-sharing policies.
10. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
11. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
12. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
13. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the Planning Act prior to the issuance of the Certificate of Official.
14. That prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for the Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

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15. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the newly created lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

### REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.**

**Deadline to fulfil conditions: (June 19, 2019).**

Members of Committee  
Concurring in this Decision

I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on June 14, 2018.

Dated: June 19, 2018

Signed:

**The last day on which a Notice of Appeal to the Local Planning Appeal Tribunal may be filed is July 9, 2018.**

Committee of Adjustment

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