REPORT SUMMARY

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

Date of Consideration: **October 8, 2015** **TIME: 9:30 a.m.**

File Number: **B79/15**

Applicant: **Estate of Barbara McAllister**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 26, Concession 1

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 1.8 hectares (4.4 acres) with 46m frontage in the TOWNSHIP OF PUSLINCH – Part Lot 26, Concession 1, vacant land to be added to abutting rural residential lot – Peter & Yvonne Smith; retained lands are 37 hectares (91.4 acres).

ISSUES: Committee to be satisfied that there is suitable justification to increase lot size

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; conforms to zoning; condition to apply

County Planning - notice cards were posted at time of site visit; application indicates lot line adjustment being done to add the vacant bush land to the residential property for environmental protection purposes; consideration needs to be given to the increased size of the residential parcel; increase of residential lot from 1.1 ha (2.7 acres) to 2.9 ha (7 acres); severed lands do not contain any cultivated lands.

Conservation Authority (GRCA) – no objection to lot line adjustment

Others – Jeff Buisman – agent – cover letter – property limits follow natural boundary features; no plans for building or tree clearing

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 B79/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the 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 Township of Puslinch, financial and otherwise (included but not limited to Taxes paid in full) which the Township of Puslinch 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 Puslinch 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*****

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

September 24, 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 B79/15

APPLICANT

Estate of Barbara McAllister
c/o Roy McAllister
2232 Fifth Concession W
RR#2
Branchton ON N0B 1L0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 26
Concession 1

Proposed lot line adjustment is 1.8 hectares with 46m frontage, vacant land to be added to abutting rural residential lot – Peter & Yvonne Smith.

Retained parcel is 37 hectares with 329m frontage, existing and proposed agricultural and residential use with existing dwelling and barn.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, October 8, 2015**

AT 9:30 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: **Agent – Jeff Buisman**

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: B79/15

APPLICANT

Estate of Barbara McAllister
c/o Roy McAllister
2232 Fifth Concession W
RR#2
Branchton ON N0B 1L0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 26
Concession 1

Proposed lot line adjustment is 1.8 hectares with 46m frontage, vacant land to be added to abutting rural residential lot – Peter & Yvonne Smith.

Retained parcel is 37 hectares with 329m frontage, existing and proposed agricultural and residential use with existing dwelling and barn.

2301-000-004-07900

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:

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

If answer is no, please provide new information: /

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

What Section(s) does it conform to or contravene? (Please specify) County to Comment

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

(Please Specify) Proposed parcel meets Ag Zone By-law requirements 5.3(e)

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

(Please Specify) Meets Agricultural Zone By-law Requirements 5.3(a-d)

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 Municipal Water YES( ) NO(✓)

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

Is the Proposed Lot(s) serviced now by 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?

N/A

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B79/15

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]

PDAC => No Comment.

Is the Municipality in support of this application? **YES(✓) NO( )**

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

· Proof of up-to-date taxes is required prior to final consent approval

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

SIGNATURE Kelly Patzer K. Patzer

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Road 34 Guelph, ON N1H 6H9

DATE: September 16, 2015

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

RECEIVED
SEP 17 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B79/15
Location	Part Lot 26, Concession 1 TOWNSHIP OF PUSLINCH
Applicant/Owner	Estate of Barbra McAllister

PLANNING OPINION: This application for a lot line adjustment would sever a 1.8 ha (4.4 ac) vacant parcel in the Secondary Agricultural area and merge it with an existing 1.1 ha (2.7 ac) rural residential parcel. The resulting parcel would be a 2.9 ha (7 ac) parcel with an existing dwelling. A 37 Ha (91 ac) irregular shaped agricultural parcel would be retained with existing barn and dwelling. The application indicates that this lot line adjustment is being done to add the vacant bush land to the residential property for environmental protection purposes.

This application would increase the existing residential lot from 1.1 ha (2.7 ac) to 2.9 ha (7 ac). While there appears to be a limited impact on agriculture as a result of this application, consideration needs to be given to the large residential parcel created. The Committee should be satisfied that there is suitable justification to increase the lot size.

If this application is approved we would request that the following be made conditions of approval:

a) That any concerns of the Conservation Authority can be addressed; and,
b) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
c) 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 issues.

PROVINCIAL POLICY STATEMENT (PPS): Under Section 2.1.8 development and site alteration shall not be permitted on adjacent lands to the natural heritage features...unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

With regards to Minimum Distance Separation 1 (MDS 1), we have been provided with a Farm Data Sheet for the barn on the retained parcel and have completed the necessary calculations. We are satisfied that the MDS 1 compliance can be achieved.

GREENBELT PLAN: Not within the Greenbelt regulated area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS and falls with portions of an Earth Science Area of Natural and Scientific Interest (ANSI). The Greenland features cover significant wetlands and significant woodlands. According to section 10.4.6, "lot line adjustments may be permitted where no adverse effect on agriculture will occur and are encouraged where:

a) More viable agricultural operations will result;
b) An undersized lot is made useable given the requirement for appropriate sewer and water systems.

Lot line adjustments are deemed not to create new lots for the purpose of this plan."

While the severed lands do not contain any cultivated lands, consideration needs to be given to the increased size of the residential parcel to be created. Section 10.4.4a) of the plan indicates:

> "new lots [will] generally meet a 0.4 ha (1 ac) minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses..."

The above referenced policy does provide the Committee with some discretion to go beyond minimum 0.4 ha (1 ac) lot area specified given that there is no maximum lot size provided. Staffs interpretation of the policy is that it is intended to ensure that farm land is not wasted and growth is controlled by ensuring future severance potential is not created. The severed lands do not appear to contain any farm land, however the addition of these lands may create potential for a future severance on the lands to be added to.

Section 10.2.2 states that "where the County is concerned that a proposed lot in or adjacent to the Greenland's System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation."

The matters under section 10.1.3 were also considered including...h) "that natural heritage features are not affected negatively"...j) that natural resources such as agricultural lands and mineral aggregates would not be affected adversely... m) "That all lots would shall have logical lot lines given existing lot patterns in the area, natural and human-made features and other appropriate considerations."

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

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) zone and Natural Environment (NE) zone. It appears that both the severed and retained parcel can meet the minimum frontage and lot area.

SITE VISIT INFORMATION: The subject property was visited and photographed on September 9th 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Planner
September 16th, 2015

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

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

DATE: September 14, 2015 **YOUR FILE:** B79/15
GRCA FILE: B79-15 – 4195 Sideroad 25 South (McAllister)

RECEIVED
SEP 2 2 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consent B79/15**
Part Lot 26, Concession 1, Township of Puslinch
4195 Sideroad 25 South
Estate of Barbara McAllister c/o Roy McAllister

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the lot line adjustment of 1.8 hectares to be added to the abutting rural residential lot.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the retained parcel contains wetlands and the allowances adjacent to the wetlands.

   The lands to be severed and added to 4195 Sideroad 25 South are not regulated by the GRCA under Ontario Regulation 150/06.

   Portions of the subject lands contain an Area of Natural and Scientific Interest (ANSI) and significant woodlands that are identified as part of the Greenlands system in the County of Wellington Official Plan.

2. **Legislative/Policy Requirements and Implications:**

   Due to the presence of the above-noted features, portions of the retained parcel are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated areas on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

   A portion of the retained parcel is within the Hamilton Conservation Authority watershed.

Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

We wish to acknowledge receipt of the minor consent plan review fee in the amount of $380.00 for the processing of this application.

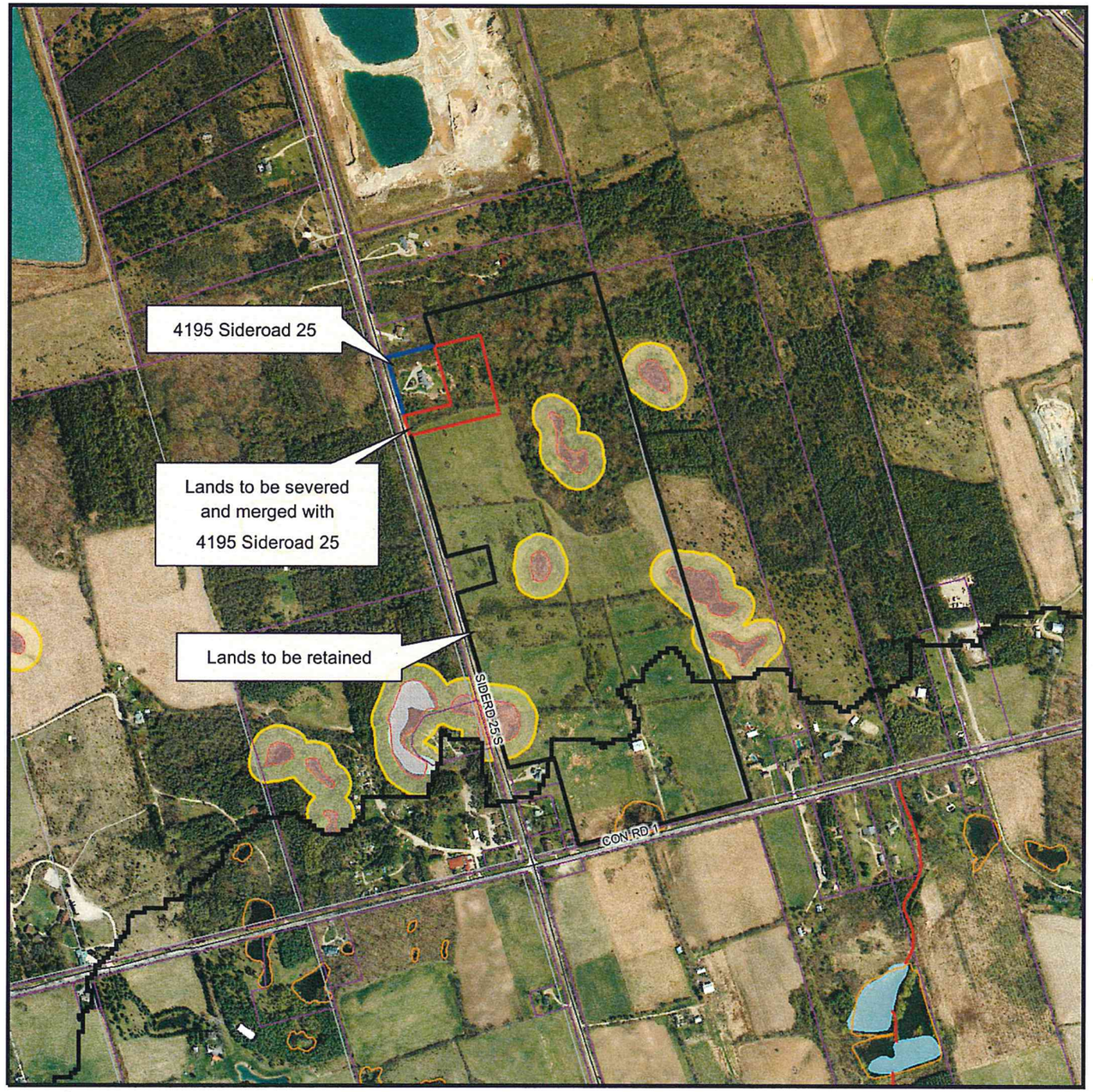
Should you have any further questions or require additional information, please do not hesitate to contact me at 519-621-2763 ext. 2236.

Yours truly,

Andrew Herreman
Resource Planner
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. Kelly Patzer, Township of Puslinch
Jeff Buisman, Van Harten Surveying Inc. – 423 Woolwich Street, Guelph, ON N1H 3X3
Estate of Barbara McAllister c/o Roy McAllister – 2232 Fifth Concession West, R.R.#2 Branchton, ON N0B 1L0



Copyright © Grand River Conservation Authority, 2015

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: August 27, 2015
Prepared by: ah

B79/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- AQUATIC RESOURCE-LINE (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS (WELLINGTON)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon 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:

http://grims.grandriver.ca/docs/SourcesCitations1.htm

0 120 240 360 480 m.

NAD 1983, UTM Zone 17 Scale 1:10,291

N

B79/15

Van Harten
SURVEYING & ENGINEERING

August 7, 2015
Jeff.Buisman@vanharten.com
23020-15

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

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: **Lot Line Adjustment Severance for Smith**
4195 Sideroad 25 South
Part of Lot 26, Concession 1
PIN 71202-0086
Township of Puslinch

Please find enclosed an application for a lot line adjustment severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, the required deeds, addresses of neighbouring properties, a cheque to Wellington County for $ 1,000 and a cheque to the GRCA for $380.

Proposal

The proposal is to increase the depth and width of the property owned by Peter and Yvonne Smith at 4195 Sideroad 25 South (PIN 71202-0086) by acquiring lands to the south and east currently owned by McAllister estate (PIN 71202-0087). The proposed severed parcel has a width of 46±m at the road and 156±m at the rear of the property, depth of 185±m, and an area of 1.8±ha. The retained lands will have an area of 37± ha where the current agricultural operation will continue.

The severed lands currently are vacant bushland that has not been used as part of the agricultural operation on the property. The new property limits follow natural boundary features such as the remains of an old stone and wood fence and the edge of the field. Therefore, the severance will not have a negative effect on nearby agricultural operations. The prospective owner, Mr. Peter Smith, intends to maintain and protect the bush area with environmental protection intentions. There are no plans for building or tree clearing.

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

JEB:lb

c.c. Peter Smith
c.c. Roy McAllister