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: **June 11, 2015**

File Number: **B32/15**

Applicant: **Glenn & Yvonne Frosch**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lots 1, 2 & 3, Concession Gore

Proposal is a request for consent to convey fee simple for a proposed severance 94m fr x 76m = 0.71 hectares (1.75 acres) in the TOWNSHIP OF PUSLINCH – Part Lots 1, 2 & 3, Concession Gore, existing and proposed rural residential use with existing house; retained lands are 72.6 hectares (179 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; conforms to zoning; ensure adequate room for well and septic on severed; severance may restrict use of agricultural operation on retained – existing barn will not be able to be used for livestock – change of use permit; conditions to apply

County Planning - notice cards were posted; subject property currently has two dwellings located on it; applicant indicated barn on retained would be rezoned to restrict the housing of animals; require additional farm data sheets from surrounding livestock facilities to ensure no resulting impacts; Secondary Agriculture Greenlands and Core Greenlands; one new residential lot may be allowed; application is consistent with Provincial Policy Statement and generally conforms to Official Plan – no concerns provided conditions addressed

Conservation Authority (GRCA) – no objections; portion of severed is within the allowance adjacent to wetlands

Others: 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 B32/15.
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 Owner receive approval from the Township of Puslinch road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the Township of Puslinch file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
6) 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.
7) THAT the Owner confirm adequate locations for the septic system and well within the severed parcel prior to final consent approval to the satisfaction of the Chief Building Official; 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.
8) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****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

May 28, 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 B32/15

APPLICANT

Glenn & Yvonne Frosch
c/o Robert & Lisa Frosch
6505 Concession 1 Road
RR#2
Puslinch ON N0B 2J0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lots 1, 2 & 3
Concession Gore

Proposed severance is 94m fr x 76m = 0.71 hectares, existing and proposed rural residential use with existing house.

Retained parcel is 72.6 hectares with 627m frontage, existing and proposed agricultural and residential use with existing dwelling, shed & barn.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, June 11, 2015**

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 – Jeff Buisman**

RECEIVED

MAY 2 1 2015

SECRETARY-TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RECEIVED

APR 1 3 2015

Township of Puslinch

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: B32/15

APPLICANT

Glenn & Yvonne Frosch
c/o Robert & Lisa Frosch
6505 Concession 1 Road
RR#2
Puslinch ON N0B 2J0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lots 1, 2 & 3
Concession Gore

Proposed severance is 94m fr x 76m = 0.71 hectares, existing and proposed rural residential use with existing house.

Retained parcel is 72.6 hectares with 627m frontage, existing and proposed agricultural and residential use with existing dwelling, shed & barn.

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( ) County to Comment

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 [ ]

(Please Specify) Ag Zone - Section 5 - meets min lot size & dimensions

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

(Please Specify) Ag Zone - Section 5 - meets min lot size and dimensions

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO(X) 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 _____

CLERK'S DEPARTMENT

To	RP
Copy	
Please Handle	✓
For Your Information	
Council Agenda	
File	

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?

No.

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B32/15

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 [✓] R. Kelly - May 20, 2015

↳ confirmation of location of septic required & well.

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]

Note
- Agricultural Barns are not built to the same standards/requirements as Accessory Buildings. Small Buildings are built to a higher standard and have more stringent requirements under the Ontario Building Code.

- The Barn (labeled to be rezoned) shall be demolished prior to final consent approval or obtain a Change-of-Use permit, to the satisfaction of the Chief Building Official.

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

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

- Cash-in-lieu of Parkland, made payable to the Township of Puslinch, is required prior to final consent approval.
- Confirmation of adequate locations for the septic system and well within the severed parcel is required prior to final consent approval, to the satisfaction of the Chief Building Official
- The Township requires that payment of taxes or any other financial requirements be up-to-date prior to final consent approval.
- Confirmation of safe access is required prior to final consent approval.

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

SIGNATURE Kelly Patzer - Kelly Patzer

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Rd. 34 Guelph, ON N1H 6H9

DATE: May 20, 2015

Deborah Turchet

From: Kelly Patzer <kpatzer@puslinch.ca>
Sent: Thursday, May 21, 2015 9:43 AM
To: Deborah Turchet; Jana Poechman
Subject: Planning & Development Advisory Committee Comments

Hi Deb and Jana,

I forgot to add in the email I sent yesterday the PDAC comments as I ran out of room on the paper. They had to comments for two files to be forwarded to the Land Division Committee:

B32/15 – Frosch

- ? Severing the property may restrict the use of any agricultural operation on the retained lands as the existing barn will not be able to be used for livestock
- ? Ensure there is adequate room for a well and septic on the proposed severed parcel

B35/15 – Wentzell

- ? Request a condition to remove the existing barn labeled as "Not Structurely Sound for Animals" on the retained parcel to the satisfaction of the Chief Building Official prior to final severance approval.

Thank you,

Kelly Patzer
Development Coordinator
Township of Puslinch
(519) 763-1226 ext 226
www.puslinch.ca

This message (and any associated files) is intended only for the use of the individual or entity to which it is addressed. The content of the message may contain information that is confidential, subject to copyright and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient you are notified that any dissemination, distribution, copying or modification of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately, advising of the error and delete this message without making a copy. (Information related to this email is automatically monitored and recorded and the content may be required to be disclosed by the Township to a third party in certain circumstances). Thank you.

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
MAY 20 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B32/15
Location	Part Lot 1,2 & 3, Gore Concession TOWNSHIP OF PUSLINCH
Applicant/Owner	Glenn & Yvonne Frosch

PLANNING OPINION: This application would sever a 0.71 ha (1.8 ac) rural residential parcel with an existing dwelling. A 72.6 ha (179 ac) parcel would be retained with an existing dwelling, drive shed and barn.

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

a) That MDS 1 compliance can be demonstrated to the satisfaction of the County of Wellington Planning Department,
b) That servicing can be accommodated to the satisfaction of the local municipality,
c) That safe driveway access can be provided to the satisfaction of the local municipality.

PLACES TO GROW: No issues

PROVINCIAL POLICY STATEMENT (PPS): Section 1.1.4 states that "In rural areas located in municipalities... a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;... c) new land uses, including the creation of lots shall comply with the minimum distance separation formulae

Regarding Minimum Distance Separation 1 (MDS 1), this lot would result in the fourth lot in a row which is considered a Rural Residential Cluster under the MDS Guidelines and would qualify as a Type B land use for the purposes of MDS1. Type B land uses require a significant setback from existing livestock buildings. The applicant has indicated that the barn on the retained lands would be rezoned to restrict the housing of animals, which would address this concern. We would require additional farm data sheets from the surrounding livestock facilities to ensure that there are no resulting impacts.

GREENBELT PLAN: Not within the regulated area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, GREENLANDS and CORE GREENLANDS. The Greenland Features represent Significant wetlands, Significant woodlands 20 ha +, Hazardland, Life Science ANSI and ESA area. The proposed severance is located outside of all of these features. According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on March 1, 2005, subject to the following criteria:

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 requirements;
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 public road;
d) The residential use will not hinder or preclude the present use or future potential for 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 lands have been owned by the applicant for at least five years.

Section 10.2.2 states that "where the County is concerned that a proposed lot in or adjacent to the Greenlands 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"...

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) zone and Natural Environment (NE) Zone. Both the severed and retained lands can meet the minimum lot area and frontage requirements.

ADDITIONAL INFORMATION: The subject property currently has two dwellings located on it. The house which is to be severed was historically used to house farm help who worked on the farm.

SITE VISIT INFORMATION: The subject property was visited and photographed on May 15th, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Planner
May 20th, 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: May 19, 2015 **YOUR FILE:** B32/15
GRCA FILE: B32-15 – 6525 Concession Road 1 (Frosch)

RECEIVED
MAY 20 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consent B32/15**
Part Lots 1, 2 & 3, Concession Gore, Township of Puslinch
6525 Concession Road 1
Glenn & Yvonne Frosch

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the severance of a 0.71 hectare lot with existing and proposed rural residential uses.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the retained parcel contains Provincially Significant Mill Creek Puslinch Wetland Complex, additional wetlands and the allowances adjacent to these features.

   A portion of the severed parcel is within the allowance adjacent to the wetlands.

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

   Due to the presence of the above-noted features, the severed and retained parcels 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:**

   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 questions or comments, please feel free to contact me at 519-621-2763 ext. 2236.

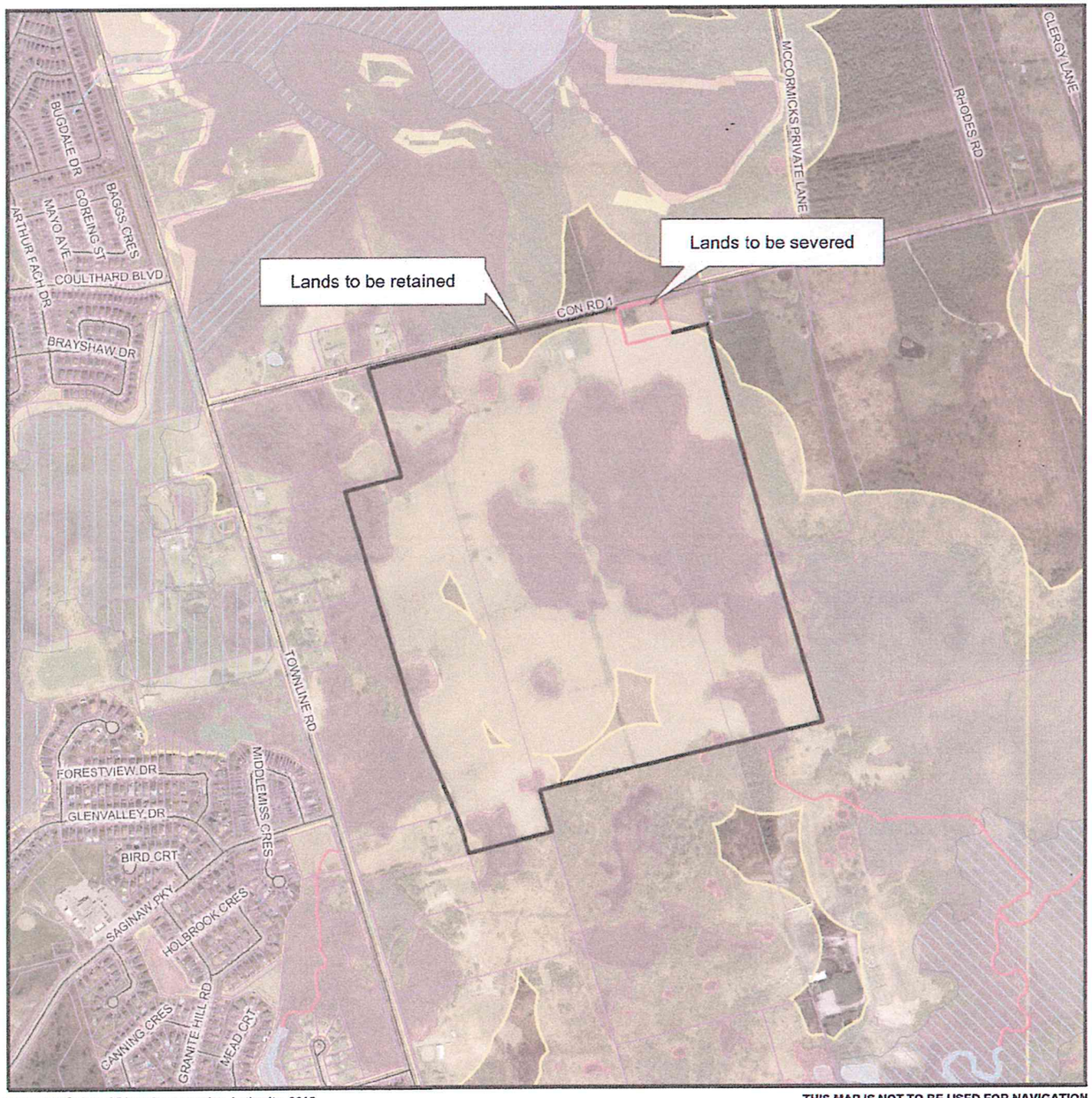
Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

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. Township of Puslinch
Glenn & Yvonne Frosch c/o Robert & Lisa Frosch – 6505 Concession 1 Road, R.R.#2 Puslinch, ON N0B 2J0
Jeff Buisman, Van Harten Surveying Inc. – 423 Woolwich Street, Guelph, ON N1H 3X3



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: April 23, 2015

Prepared by: ah

B32/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- 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

0 130 260 390 520 m.

NAD 1983, UTM Zone 17 Scale 1:11,590 N

B32/15

Van Harten
SURVEYING & ENGINEERING

April 6, 2015
Jeff.Buisman@vanharten.com
22726-15

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

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: **Severance Sketch and Application for Frosch**
Part Lots 1, 2, 3, Gore Concession
PIN 71206-0125 (LT)
Town of Puslinch

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, required deeds, a cheque to Wellington County for $ 1,000 and a cheque to GRCA for $380.

Proposal

The proposal is to create a new rural residential parcel of 94m wide and 76 deep (0.7 ha) at the northeast corner of the property. This severance incorporates the second dwelling (No. 6529) that was used for farm workers. The new westerly limit will be along the westerly fence of the yard for this dwelling.

One challenge for this severance is MDS compliance can't be achieved unless the barn is removed or rezoned to not allow animals. The existing barn has been vacant of animals for a number of years. However the barn is in very good shape and the owner would prefer to keep it standing. The preference is, therefore, to rezone the barn to not allow animals so that the MDS requirements can be met.

We reviewed the Official Plan criteria in section 10.4.4 for a proposed severance and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural
- Ownership is longer than 5 years
- No severance since March 2005
- Safe entrance
- Adequate space for new dwelling and septic
- No impacts on environmentally sensitive lands or woodlot
- MDS requirements can be met with a zone change

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. Rob & Linda Frosch