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: **B35/15**

Applicant: **Richard & Elizabeth Wentzell**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 20, Concession 2

Proposal is a request for consent to convey fee simple for a proposed severance 1.4 ha (3.46 ac), 102m fr on Wellington Road 34 and 125m frontage on Sideroad 20 N in the TOWNSHIP OF PUSLINCH – Part Lot 20, Concession 2, vacant land for proposed rural residential use; retained lands are 2.1 hectares (5.2 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; conforms to zoning; barn not structurally sound; conditions

County Planning - notice cards were posted; secondary agricultural and core greenlands – residential lot may be allowed which existed March 1, 2005; applicant's agent indicated safe access not available along Sideroad 20 N; no MDS concerns – satisfied structure on retained is unsuitable for the housing of animals; application is consistent with Provincial Policy and conforms to County of Wellington Official Plan; no concerns

Conservation Authority (GRCA) – no objections; do not anticipate any negative impacts to wetland as future development can be located outside of the regulated area; access from Wellington Road 34

County Engineering – no objections; conditions for road widening and daylight corner Sideroad 20 and Wellington Road 34

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 B35/15.
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 County of Wellington Roads Dept. in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the County of Wellington Roads Dept. 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 satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and 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 barn/storage building on the retained parcel shall be demolished to the satisfaction of the Chief Building Official prior to final consent approval or a change-of-use permit is required;; 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.
9) THAT the Owner grant gratuitously to the Corporation of the County of Wellington with good and marketable title a 50'x50' daylight corner at the intersection of County Road 34 and Sideroad 20 to the satisfaction of County of Wellington Roads and Engineering Department; and further that the County of Wellington Roads and Engineering Department file with the secretary-treasurer of the County of Wellington Land Division Committee a copy of the registered conveyancing document as written proof of fulfillment of this condition
10) THAT the owner satisfy the requirements of the County of Wellington Roads Department concerning road widening conveyances along the frontage of the severed and retained parcel; and that the County of Wellington Roads Department files 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

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 B35/15

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Richard & Elizabeth Wentzell 7007 Wellington Rd 34 Cambridge ON N3C 2V4	TOWNSHIP OF PUSLINCH Part Lot 20 Concession 2

Proposed severance is 1.4 hectares with 102m frontage on Wellington Road 34 and 125m frontage on Sideroad 20 N, vacant land for proposed rural residential use.

Retained parcel is 2.1 hectares with 62m frontage, existing and proposed rural residential use with existing dwelling, shed and storage building.

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**

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APR 13 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: B35/15

APPLICANT

Richard & Elizabeth Wentzell
7007 Wellington Rd 34
Cambridge ON N3C 2V4

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 20
Concession 2

Proposed severance is 1.4 hectares with 102m frontage on Wellington Road 34 and 125m frontage on Sideroad 20 N, vacant land for proposed rural residential use.

Retained parcel is 2.1 hectares with 62m frontage, existing and proposed rural residential use with existing dwelling, shed and storage building.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2301.000.002.08500

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) AG. ZONE : NATURAL ENVIRO. ZONE - meets min lot size : dimensions

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

(Please Specify) AG Zone - meets min lot size : dimensions : NAT. ENVIRO. ZONE

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( )

CLERK'S DEPARTMENT	
TO KP	
Copy	
Please Handle	✓
For Your Information	
Council Agenda	

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

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MAY 21 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

FILE NO: B35/15

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 [ ]

Robert Kelly
May 20, 2015

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 that: Agricultural Barns are not built to the same requirements as Accessory Buildings. Accessory Buildings are built to a higher standard and have more stringent requirements under the Ontario Building Code.

- Any proposed entrance will require an Entrance Permit if proposed on Sideroad 20 N.

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.
- The Township of Puslinch Requires that payment of taxes or any other financial requirements be up-to-date prior to final consent approval
- The Barn / Storage building on the retained parcel shall be demolished to the satifaction of the Chief Building Official prior to final consent approval or a Change-of-use permit is required.

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

SIGNATURE Kelly Pfitzer Kelly Pfitzer

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	B35/15
Location	Part Lot 20, Concession 2 TOWNSHIP OF PUSLINCH
Applicant/Owner	Richard & Elizabeth Wentzell

PLANNING OPINION: This application wold sever a vacant 1.4 ha (3.5 ac) rural residential lot in the Secondary Agricultural area. A 2.1 ha (5.2 ac) parcel would be retained with an existing dwelling

This application is consistent with Provincial Policy and would conform to the County of wellington Official plan. We would have no concerns provided the following are made condition of approval:

a) That safe access can be provided to the satisfaction of the County of Wellington Engineering Services Department,
b) That servicing can be provided to the site to the satisfaction of the local municipality
c) That any concerns of the Conservation Authority can be addressed.

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 the application of Minimum Distance Separation (MDS 1) to the barn located to the east of the proposal. According to MDS Implementation Guideline # 12 where there are four, or more, existing non-farm uses closer to the subject livestock facility and in immediate proximity to the current application, MDS 1 will not be applied. Regarding the barn on the retained lands; MDS Implementation Guideline # 20 requires livestock facilities to be structurally sound and reasonably capable of housing livestock for MDS 1 to apply. We have been provided with pictures of the barns foundation which has significant damage and are satisfied that the structure is unsuitable for the housing of animals.

GREENBELT PLAN: Not within the regulated area.

WELLINGTON COUNTY OFFICIAL PLAN: The Subject property is designated SECONDARY AGRICULTURAL and CORE GREENLANDS. The Greenlands designation represents Hazard lands. 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.

Regarding item a) the proposed severed parcel is large at 1.4 ha (3.5 ac). The lot size has been increased to include a small wetland as well as to create a consistent lot configuration for the retained parcel. Smaller configurations were evaluated utilizing Sideroad 20 N for access. The applicant's agent has indicated that a safe access along Sideroad 20 N is not available, based on a site visit Staff confirmed that the appropriate site lines cannot be met at this location.

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"...k) That the size and shape of the proposed lot is suitable, including frontage , area and the proportion of frontage to depth.

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

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, Junior 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 20, 2015 **YOUR FILE:** B35/15
GRCA FILE: B35-15 – 7007 Wellington Road 34 (Wentzell)

RECEIVED
MAY 20 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consent B35/15**
Part Lot 20, Concession 2, Township of Puslinch
7007 Wellington Road 34
Richard and Elizabeth Wentzell

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the severance of a 1.4 hectare lot for proposed rural residential use.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the retained parcel contains a portion of the Provincially Significant Mill Creek Puslinch Wetland Complex and the allowance adjacent to the wetland.

   The severed parcel contains a wetland and the allowance adjacent to the wetland.

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

   It is our understanding that the severed lot will be accessed from Wellington Road 34. The proposed severed lot has a large area outside of the wetland and regulated allowance adjacent to the wetland. Consequently, we do not anticipate any negative impacts to the wetland as future development can be located outside of the area regulated by the GRCA. Should any development be proposed within the regulated area, further study may be required through the GRCA permit process.

   Due to the presence of the above-noted features, portions of 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.

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

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.

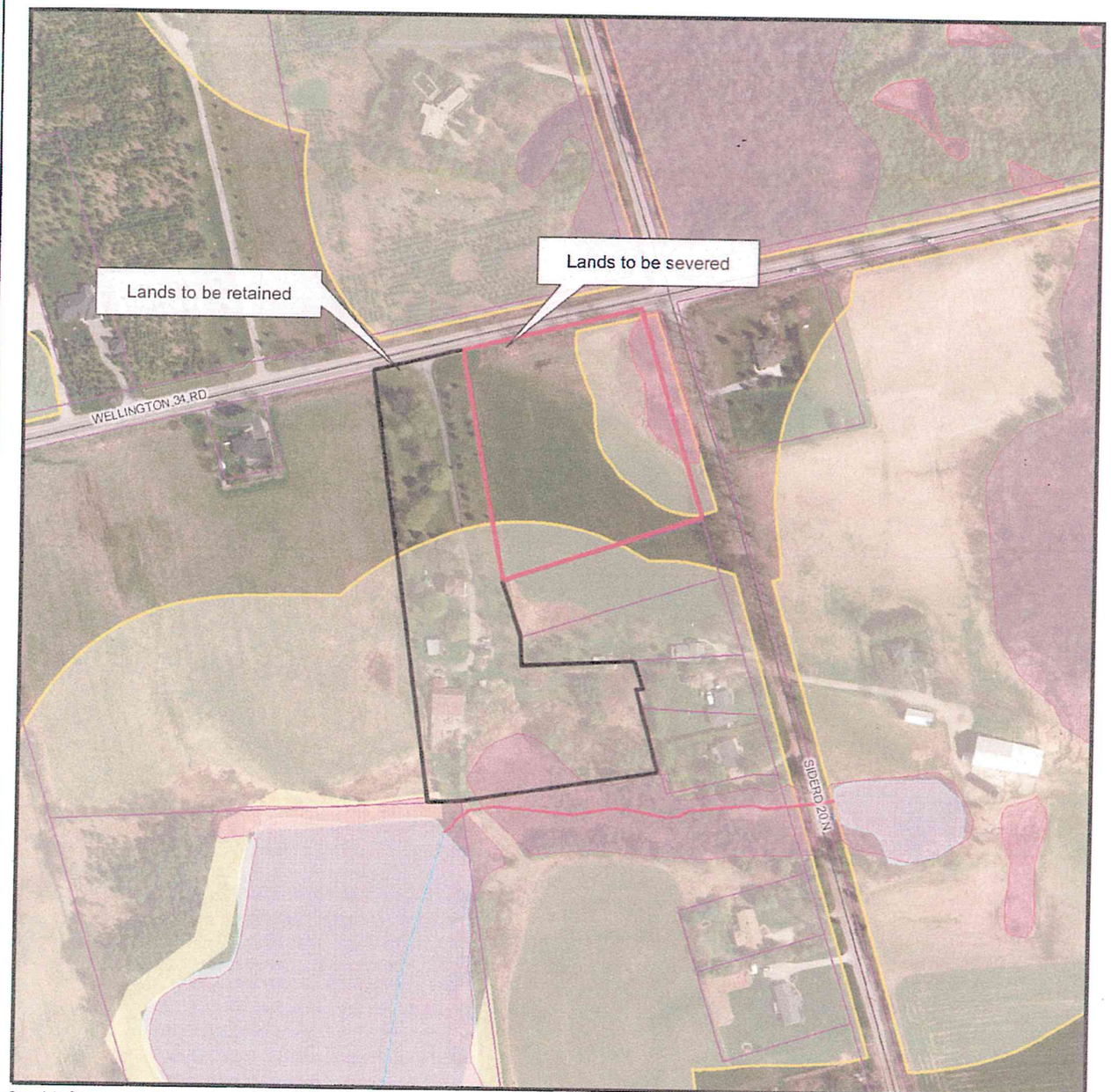
Should you have any questions or comments, please feel free to contact me at 519-621-2763 ext. 2236.

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
Richard & Elizabeth Wentzell – 7007 Wellington Road 34, Cambridge, ON N3C 2V4
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 24, 2015
Prepared by: ah

B35/15

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 37 74 111 148 m.

NAD 1983, UTM Zone 17 Scale 1:3,215

N

COUNTY OF WELLINGTON

OFFICE OF THE COUNTY ENGINEER
ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9
T 519.837.2601
T 1.866.899.0248
F 519.837.8138

GORDON J. OUGH, P. Eng.
COUNTY ENGINEER

May 15, 2015

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B35/15**
Richard & Elizabeth Wentzell
Part Lot 20, Concession 2
Township of Puslinch, County of Wellington

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of 17' along Wellington Road 34 and 50'x50' daylight corner at Sideroad 20 of the lands to be severed and retained for future road widening purposes.

Entrance condition not required for this application.

Sincerely,

Pasquale Costanzo
Technical Services Supervisor

B35/15

Van Harten
SURVEYING & ENGINEERING

March 31, 2015
Jeff.Buisman@vanharten.com
22596-15

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 Wentzell**
Part Lot 20, Concession 2
PIN 71201-0109 (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, ownership confirmation, 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 1.4 ha located along the Sideroad 20 side of the property. The parcel is a bit larger than the suggested 0.8 ha due to the existing property configuration and the small pocket of wetlands at the property corner. The retained parcel will have an area of about 2.1 ha.

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:

- Designated as Secondary Agricultural in the County Official Plan
- Safe entrance along the front (Wellington Road No. 34)
- MDS compliance
- Minimal environmental concerns
- No severance since March 2005
- Ownership for more than 5 years

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. Elizabeth and Richard Wentzell