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 9, 2016**

File Number: **B20/16**

Applicant: **Mark Keleher & Vinia Marquez**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 14, Concession 3

Proposal is a request for consent to convey fee simple for a proposed severance is 40.76m fr x 110.85m = 0.45 hectares (1.11 acres) in the TOWNSHIP OF PUSLINCH – Part Lot 14, Concession 3, vacant land for proposed rural residential use; retained lands are 0.74 hectares (1.83 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; location of septic system on retained to be confirmed – ensure required setbacks; conforms to zoning; conditions to apply

County Planning - notice cards were posted at time of site visit; no new lots have been created on parcel since March 1, 2005 and have been owned over five years; application is consistent with Provincial Policy and generally conforms to Official Plan; satisfied that MDS1 requirements can be met; Civic Addressing condition not required

Conservation Authority (GRCA) – no objections

County Engineering – no objections; no condition required

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 B20/16.
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 an Entrance Permit verifying safe access and site lines on the retained lot be approved to the satisfaction of the Township of Puslinch; 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 and Consent Review/Condition Clearance Fee) 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 Owner provides proof that the existing septic system on the retained parcel meets the required setbacks from the proposed property line as per the Ontario Building Code to the satisfaction of the Township of Puslinch; 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.

*****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 26, 2016

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 B20/16

APPLICANT

Mark Keleher & Vinia Marquez
6852 Wellington Rd 34
Cambridge ON N3C 2V4

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 14
Concession 3

Proposed severance is 40.76m fr x 110.85m = 0.45 hectares, vacant land for proposed rural residential use.

Retained parcel is 0.74 hectares with 66.77m frontage, existing and proposed rural residential use with existing house and shed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, June 9, 2016**

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 – Rod Finnie**

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.: B20-16

APPLICANT

Mark Keleher & Vinia Marquez

LOCATION OF SUBJECT LANDS

6852 Wellington Road 34
Part Lot 14 Concession 3

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2301-000-002-11630

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

(Please Specify) Meets the reduced lot requirements of Agricultural Zone (Section 5.3(e))

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

(Please Specify) Meets the reduced lot requirements of Agricultural Zone (Section 5.3 (e))

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 (x) or **Minor Variance** YES ( ) NO ( ) N/A (x)

Is proposal on an opened maintained year-round public road? YES (x) NO ( )

If answer is NO, is municipality willing 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 (x)

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

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

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

Is there a **Capital Works Project** underway to service these lots in the near future? YES ( ) NO (x)

Approximate Time of Servicing Availability: N/A

Are there any other servicing arrangements, Municipal Easements OR Municipal Drains on the subject lands?

No

RECEIVED
MAY 17 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

FILE NO.: B20-16

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES (x) NO ( )

Is there any further information that may assist the Planning and Land Division Committee?

Planning & Development Advisory Committee comments:

The location of the septic system on the retained parcel is to be confirmed prior to final approval of the severance to ensure the required setback to the proposed property line is met.

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

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

1. 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;
2. THAT an Entrance Permit verifying safe access and site lines on the retained lot be approved to the satisfaction of the Township of Puslinch.
3. THAT the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee).
4. THAT the owner provides proof that the existing septic system on the retained parcel meets the required setbacks from the proposed property line as per the Ontario Building Code.

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

SIGNATURE Kelly Patzer

TITLE Kelly Patzer, Development Coordinator

ADDRESS 7404 Wellington Road 34
Guelph, ON N1H 6H9

DATE May 17, 2016

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

Application	B20/16
Location	Part Lot 14, Concession 3 TOWNSHIP OF PUSLINCH
Applicant/Owner	Mark Keleher & Vinia Marquez

PLANNING OPINION: This application would sever a 0.45 ha (1.1 ac) vacant rural residential lot in a Secondary Agricultural area. A 0.74 ha (1.8 ac) parcel would be retained with an existing dwelling and shed.

This application is consistent with Provincial Policy and would generally conform to the Official Plan, provided that the following matters can be addressed as a condition of approval:

a) That safe driveway access can be provided to the satisfaction of the County Engineering Services Department; and
b) That servicing can be addressed to the satisfaction of the Township.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): With respect to Minimum Distance Separation 1 (MDS1), there are three livestock facilities identified on the survey sketch. We have completed preliminary calculations and are satisfied that there is adequate separation from the facilities to the west and southeast. We received a Farm Data Sheet and have completed the necessary calculations for the Godinho facility at 6862 Wellington Road 34 (attached). We are satisfied that MDS1 requirements from this facility can be met.

GREENBELT PLAN: Not within Greenbelt Plan area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The Greenlands System designations protect Provincially Significant Wetlands, GRCA wetlands, floodplain and an Environmentally Sensitive Area (ESA). It appears that there would be sufficient space on the severed parcel to provide buffering from 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.

No new lots have been created on the parcel since March 1, 2005 and the lands have been owned by the applicant for over five years.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal.....to accepted municipal standards" and d) "that all lots will have safe driveway access to an all-season maintained public road".

WELL HEAD PROTECTION AREA: The subject property is located within a Well Head Protection Area D (WHPA D) with a vulnerability score of 2.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A). Both lots would meet the minimum lot area and frontage requirements.

SITE VISIT INFORMATION: The subject property was visited and photographed on May 9, 2016. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
May 20, 2016

Minimum Distance Separation I (MDS I) Report

Application Date: 20-May-2016
File Number: B20/16

Preparer Information
Sarah Wilhelm

Applicant Information
Mark Keleher & Vinia Marquez
6852 Wellington RD 34
ON, Canada

County of Wellington
Township of Puslinch
Geotownship: PUSLINCH
Concession: 14
Lot: 3

Calculation #1

6862 Wellington Road 34 (Godinho)

Adjacent Farm Contact Information
Paul & Krista Godinho
6862 Wellington RD 34
ON, Canada

Farm Location
County of Wellington
Township of Puslinch
Geotownship: PUSLINCH
Concession: 3
Lot: 15

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Beef; Cows, including calves to weaning (all breeds)	2	2.0	Unavailable
Solid	Swine; Sows with litter, dry sows/boars (non-SEW)	10	2.9	Unavailable
Solid	Horses; Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	4	4.0	Unavailable
Solid	Chickens; Layer hens (for eating eggs; after transfer from pullet barn)	40	0.3	Unavailable
Solid	Geese	12 m²	0.5	Unavailable

Encroaching Land Use Factor: Type A Land Use
Tillable area of land on this lot: 2.8 ha
Manure/Material Storage Type: V3. Solid, outside, no cover, >= 30% DM

Factor A (Odour Potential): 0.8
Factor B (Nutrient Units): 202
Factor D (Manure/Material Type): 0.7
Factor E (Encroaching Land Use): 1.1
Total Nutrient Units: 10

	Required Setback	Actual Setback
Distance from nearest livestock building 'F' (A x B x D x E):	124 m (407 ft)	240 m (787 ft)
Distance from nearest permanent manure/material storage 'S':	124 m (407 ft)	240 m (787 ft)

Signature of Preparer: Sarah Wilhelm

Date: MAY 20, 2016

NOTE TO THE USER:
The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Ontario

RECEIVED
MAY 18 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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 17, 2016 **YOUR FILE:** B20/16
GRCA FILE: B20/16 – 6852 Wellington Road 34 (Keleher and Marquez)

RE: **Application for Consent B20/16**
Part Lot 14, Concession 3, Township of Puslinch
6852 Wellington Road 34
Mark Keleher and Vinia Marquez

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the severance of a 0.45 hectare lot for proposed rural residential use.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that portions of the severed and retained parcels are within the allowance adjacent to wetlands located on neighbouring lands.

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

   The severed parcel is set back the wetlands and we do not anticipate any negative impacts to the wetlands as a result of the proposed severance.

   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.

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.

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

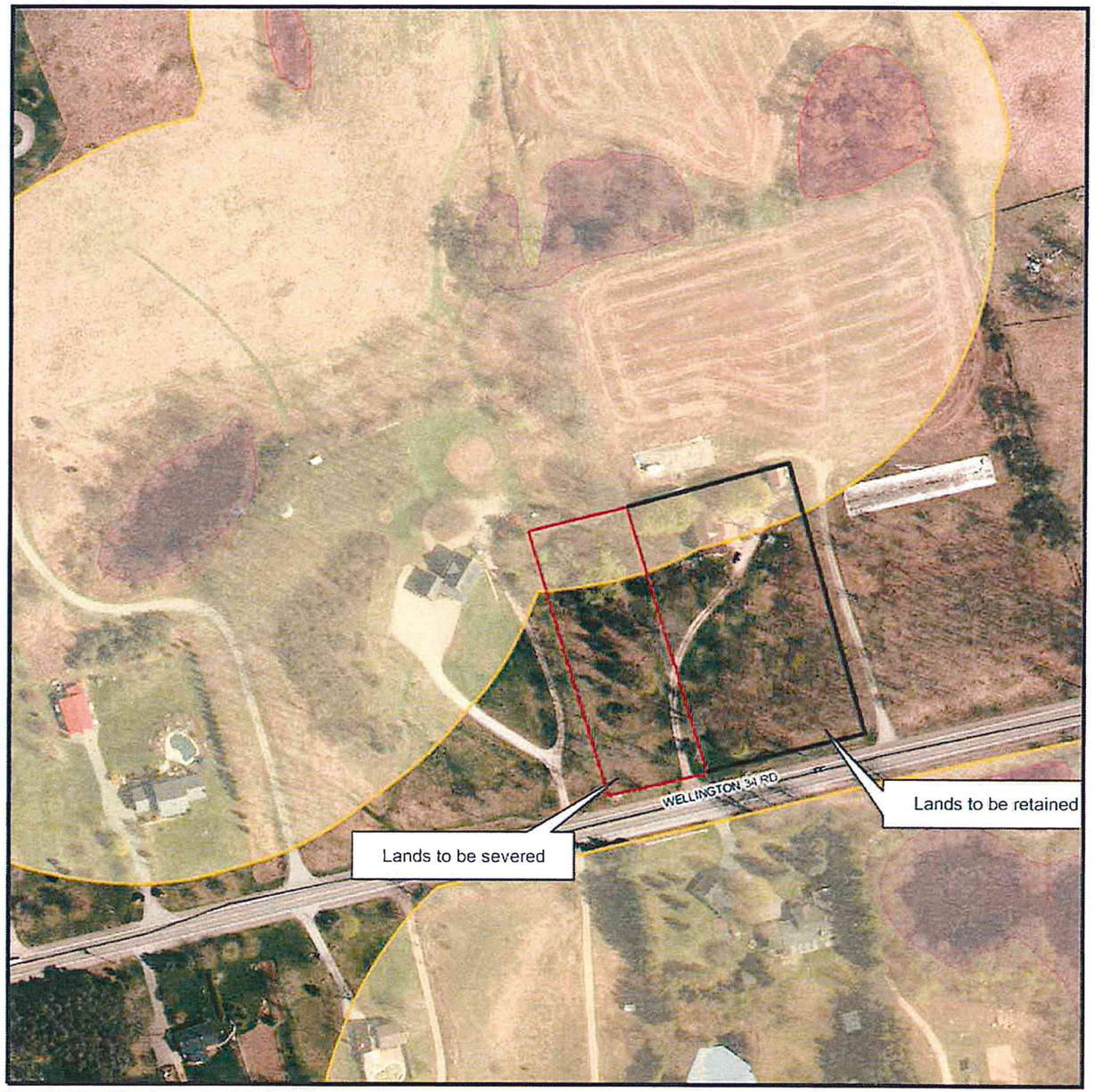
Should you have any further questions or require additional information, please do not hesitate to contact me at 519-621-2763 ext. 2236.

Yours truly,

Nathan Garland
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 (email)
Mark Keleher & Vinia Marquez – 6852 Wellington Road 34, Cambridge, ON N3C 2V4
J.R. Finnie – P.O. Box 31, Erin, ON N0B 1T0



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: April 22, 2016
Prepared by: ah

B20/16

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)
- 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 25 50 75 100 m

NAD 1983, UTM Zone 17 Scale 1:2,242

N

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

April 8, 2016

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: April 1, 2016

FILE NO. B20/16

APPLICANT

Mark Keleher & Vinia Marquez
6852 Wellington Rd 34
Cambridge ON N3C 2V4

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 14
Concession 3

Proposed severance is 40.76m fr x 110.85m = 0.45 hectares, vacant land for proposed rural residential use.

Retained parcel is 0.74 hectares with 66.77m frontage, existing and proposed rural residential use with existing house and shed.

RECEIVED
MAY 05 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION, WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE

May 18, 2016

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

Please also be advised that if a person or public body that files 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.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public

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) 837-8018

COUNTY OF WELLINGTON
ENGINEERING SERVICES
NO OBJECTION
NOTICE OF DECISION REQ'D.
PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST
MAY 05 2016
Date:

MAILED TO:

Local Municipality - Puslinch County Planning Conservation Authority - GRCA

County Engineering

Bell Canada County Clerk Roads Civic Addressing

Neighbour - as per list verified by local municipality and filed by applicant with this application

* ENTRANCE CONDITION NOT REQUIRED *

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

RECEIVED
APR 11 2016
SECRETARY TREASURER
WELLINGTON COUNTY
DIVISION COMMITTEE

April 8, 2016

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Ontario Planning Act, Section 53(4)

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APPLICATION SUBMITTED ON: April 1, 2016

FILE NO. B20/16

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COUNTY OF WELLINGTON
PLANNING DEPARTMENT
Civc Addressing
Condition Required:
YES ☐
NO ☑
Date: April 8/16 Signature:

MAILED TO:

Local Municipality - Puslinch County Planning

County Engineering

Bell Canada County Clerk Roads Civic Addressing

Neighbour - as per list verified by local municipality and filed by applicant with this application