# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME:** **10:40 A.M.**

**File Number:** **B111/14**

**Applicant:** **St. Mary's Cement Inc. (Canada)**

**Subject Lands:** TOWNSHIP OF PUSLINCH – Part Lots 23, 24 & 25, Concession 7

**Proposal is a request for consent to convey** fee simple for a proposed severance 13.2 hectares (32.6 acres) with 286m frontage on Wellington Rd 46 and 233m frontage on McLean Rd W in the TOWNSHIP OF PUSLINCH – Part Lots 23, 24 & 25, Concession 7, former gravel pit for proposed industrial use; retained lands are 150.4 hectares (371.6 acres).

**ISSUES:** comments/conditions – Puslinch Township

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Puslinch –** comments not available at time of circulation

**County Planning** - notice cards were posted at time of site visit; subject land within Puslinch Economic Development Area – creation of new lot for industrial purposes is in keeping with applicable policies of Official Plan (PA7-1) This application is consistent with Provincial Policy and would conform to Provincial Growth Plan; proper and orderly development of severed for employment purposes would occur through rezoning and site plan control by Township – no concerns with new lot;

**Conservation Authority (GRCA) –** no objections – condition for an Environmental Impact Study demonstrating that no negative impacts to the wetland will occur as a result of the proposed development to apply

**County Engineering –** condition to apply; future access will be restricted to McLean Road.

**Others –** Jeff Buisman – agent – cover letter
Nestle Waters – no objection if application meets all regulations

## ***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 B111/14.
**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 for 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 convey a one foot reserve on the severed portion along Brock Road (Wellington Road 46) to restrict access to the County's right-of-way and that the existing entrance on Brock Road is removed to the satisfaction of the County of Wellington Roads Department; and further that the County of Wellington Roads Department 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 submit an Environmental Impact Study (EIS) demonstrating that no negative impacts to the wetland will occur as a result of the proposed development to the satisfaction of the Grand River Conservation Authority and further that the Grand River Conservation Authority 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**

October 30, 2014

**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 B111/14**

**APPLICANT**

St. Mary's Cement Inc. (Canada)
55 Industrial St.
Toronto ON M4G 3W9

**LOCATION OF SUBJECT LANDS:**

TOWNSHIP OF PUSLINCH
Part Lots 23, 24 & 25
Concession 7

Proposal is to sever an irregular shaped lot 13.2 hectares with 286m frontage on Wellington Rd 46 and 233m frontage on McLean Rd W, former gravel pit for proposed industrial use.

Retained parcel is 150.4 hectares with 601m frontage on Conc Rd 7, 627m frontage on Hwy 401 and 1285m frontage on McLean Rd W, existing and proposed open aggregate pit with existing office, scale, aggregate containers and mixers.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

**AT 10:40 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**

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TO: **Agent – Jeff Buisman**

**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** | B111/14 |
| **Location** | Part Lots 23, 24 & 25<br>TOWNSHIP OF PUSLINCH |
| **Applicant/Owner** | St. Mary's Cement Inc. (Canada) |

**PLANNING OPINION:** This application would sever a vacant 13.2 ha (32.6 ac) parcel of land formerly used for mineral aggregate extraction within the Puslinch Economic Development Area. A 150.4 ha (371.6 ac) parcel with existing gravel pit operation would be retained. Access to the severed lot is from McLean Road.

The subject land is within the Puslinch Economic Development Area which is intended to provide locations for economic activity and employment opportunities as an after-use for mineral aggregate extraction areas. The creation of a new lot for industrial purposes is in keeping with the applicable policies of the County Plan and in particular policy PA7-1. This application is consistent with Provincial Policy and would conform to the Provincial Growth Plan. The proper and orderly development of the proposed severed lot for employment purposes would occur through rezoning and site plan control by the Township. We have no concerns with the proposed new lot provided:

a) That the Township is satisfied than an entrance onto Mclean Road can be established.

**PLACES TO GROW:** Conforms to the policies of Section 2.2.2.1 i) and 2.2.6 of the Growth Plan and by "providing opportunities for a diversified economic base"... and "a range and choice of suitable sites for employment uses...".

**PROVINCIAL POLICY STATEMENT (PPS):** The proposed severed parcel is part of a licenced aggregate operation. Under Section 2.5.3.1 "Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration."

Under section 1.3.1 "Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses..."

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is with a Special Policy Area PA7-1 (Puslinch Economic Development Area) and designated SECONDARY AGRICULTURAL, RURAL INDUSTIAL with portions of a Mineral Aggregate Area overlay on it. Sections 10.4.5 and 10.5.5 provide consideration for the establishment of new lots for industrial purposes. The subject land is not within a Well Head Protection Area.

The proposed severed parcel is part of the existing St. Mary's Cement Inc (Canada) extraction operation. This portion of the aggregate operation contains a separate licence, but was operated together with the adjoining main pit. According to the owner, aggregate extraction on the subject land is now complete. The special Official Plan policy PA7-1 encourages the rehabilitation and re-use of former aggregate extractive areas for employment lands. This area of Puslinch Township is dominated by active aggregate extraction operations, transportation facilities, and other industrial activities (i.e. there are no sensitive land uses in the immediate area). The establishment of employment uses for the subject land is considered a compatible after-use.

Policy PA7-1 together with the RURAL INDUSTRIAL policies for Puslinch permits a range of industrial land uses and limited commercial uses. The development of subject land would require zoning approval, but would not require an amendment to the Official Plan. The rezoning for the nearby Maple Leaf Foods distribution centre and the Mammoet Canada Eastern Ltd. offices and storage facility were approved under Policy PA7-1.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Agricultural (A) and Extractive Industrial Zone (EXI-3). St. Marys has met with County and Township staff to discuss the development of the proposed severed lands for employment purposes. The owners are preparing to file a rezoning application and supporting technical studies with the municipality in the near future. As a condition of zone change, the aggregate licence on the proposed severed parcel would need to be surrendered by the licence holder. Prior to surrendering the aggregate licence, St. Marys would be required to demonstrate that rehabilitation has been completed to the satisfaction of the Ministry of Natural Resources and Forestry. Site servicing, environmental protection measures and other technical requirements would also need to be demonstrated by the proponent.

**ADDITIONAL INFORMATION:**
The proposed severed parcel has frontage on Wellington Road 46 (Brock Road) and McLean Road. County Engineering has requested that a 0.3m reserve be provided along the frontage of WR 46 (Brock Road) to restrict access. This is consistent with development on the opposite side of the County Road (i.e. Maple Leaf Foods site). As such, road access for the severed parcel can only be provided from McLean Road (a Township road).

**SITE VISIT INFORMATION:** The subject property was visited and photographed by Mr. Pickard on October 17, 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Aldo L. Salis, MCIP, RPP
Manager of Development Planning

October 21, 2014

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

RECEIVED
OCT 27 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

**DATE:** October 22, 2014 **YOUR FILE:** B111/14
**GRCA FILE:** B111-14 (St. Mary's Cement Inc.)

**RE:** **Application for Consent B111/14**
Part Lots 23, 24, & 25, Concession 7, Township of Puslinch
St. Mary's Cement Inc. (Canada)

**GRCA COMMENT: ***

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance of 13.2 hectares for proposed industrial use subject to the satisfactory submission of an Environmental Impact Study (EIS) demonstrating that no negative impacts to the wetland will occur as a result of the proposed development.

**BACKGROUND:**

1. **Resource Issues:**

   Information currently available at this office indicates that the severed parcel contains a wetland that is part of the provincially significant Mill Creek Puslinch Wetland Complex.

   The lands to be retained contain Mill Creek, floodplain, provincially significant Mill Creek Wetland Complex, and the allowances adjacent to these features.

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

   The Provincial Policy Statement (2014) directs development outside of lands adjacent to natural heritage features and areas unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Consequently, an EIS needs to be submitted to the GRCA demonstrating that the proposed development will not negatively impact the wetlands.

   Due to the presence of the above-noted features, portions of the subject lands 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 area on the subject lands may 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. However, upon our review of the EIS, the difference between the minor consent and major consent review fee ($570) may be required.

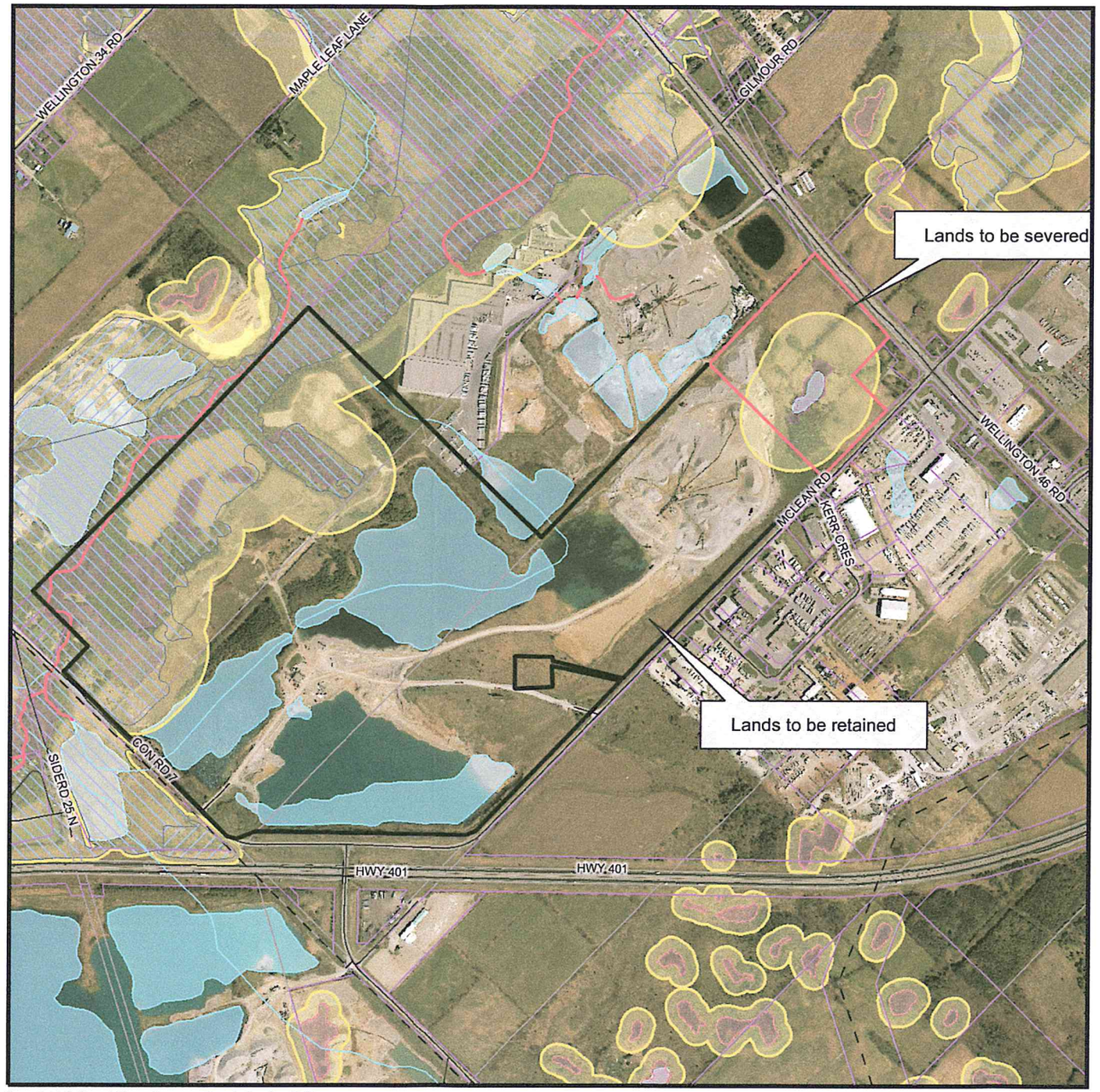
Should you have any questions or comments, please feel free to contact me at 519-621-2763 ext. 2236.

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
St. Mary's Cement Inc. (Canada) – 55 Industrial Street, Toronto, ON M4G 3W9
Van Harten Surveying Inc. c/o Jeff Buisman – 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: September 30, 2014
Prepared by: ah

## B111/14

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- MUNICIPAL BOUNDARY (GRCA)
- 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*

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NAD 1983, UTM Zone 17 Scale 1:14,311

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

October 17, 2014

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B111/14**
**St. Mary's Cement Inc. (Canada)**
**Part Lots 23, 24 & 25, Concession 7**
**Township of Puslinch, County of Wellington**

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of a 1 foot reserve on the severed portion along Brock Road (Wellington Road 46) to restrict access to the County's right-of-way and future access will be restricted to McLean Road. The existing entrance on Brock Road is to be removed.

Sincerely,

Pasquale Costanzo, C.E.T.
Technical Services Supervisor

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

B111/14

Van Harten
SURVEYING & ENGINEERING

September 23, 2014
Jeff.Buisman@vanharten.com
21552-13

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**
**St. Mary's Cement Inc. (Canada)**
**Brock Road & McLean Road**
**Part of Lot 25, Concession 7**
**PIN 71196-0036**
**Township 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 $ 975 and a cheque to GRCA for $380.

Proposal

The proposal is to create a new parcel that will eventually be developed for industrial purposes. The subject lands were used as part of an extraction pit and the extraction has been completed.

The new parcel will have a frontage along Brock Road of about 286m and along McLean Road of about 233m. The area of the parcel is 13.2ha. The retained parcel will continue as a gravel operation and is 150ha in size. Access to the severed parcel will be exclusively from McLean Road.

The proposed severance was previously a lot line adjustment severance that was merged with the retained parcel. The retained lands of that severance were the properties at the corner of McLean and Brock.

Ownership Information

The ownership information was received by the Township of Puslinch and forwarded to you by email.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

JEB:lb

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

c.c. Melanie Horton, St. Mary's Cement Inc. (Canada)

The Healthy Hydration Company™

October 07, 2014

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

Dear Ms. Turchet;

I am in receipt of your correspondence of September 12, 2014, regarding File No. B111/14, a proposal by St. Mary's Cement Inc. to sever 13.2 hectares of land from an existing parcel the company owns in the Township of Puslinch.

We have no objection to this proposal as long as Ontario Ministry of Environment, the County of Wellington and the Township of Puslinch ensure the severed property, once developed, meets all federal, provincial and municipal guidelines, polices and regulations related to ground water and waste water management.

Should you have any questions or comments, please contact me by telephone at 1 888 565-1445, ext. 6441, or via email at john.challinor@waters.nestle.com.

Sincerely,

John B. Challinor II APR
Director of Corporate Affairs

RECEIVED
OCT 10 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE