REPORT SUMMARY

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

Date of Consideration: **May 9, 2013** **TIME: 9:10 a.m.**

File Number: **B16/13**

Applicant: **Dennis So**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 16, Concession 7

Proposal is a request for consent to convey fee simple for a proposed severance 0.67 hectares with 25m frontage in the TOWNSHIP OF PUSLINCH – Part Lot 16, Concession 7, vacant land for proposed rural residential use. Re-submission of lapsed application B141/11; retained lands are 3.6 hectares.

ISSUES: City not in support

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; complies with zoning; conditions to apply

County Planning - notice cards were posted at time of site visit; resubmission of application B141/1 which lapsed; application consistent with Provincial Policy and generally conforms to Official Plan – regarding Section 4.7.1 – no concerns as this application represents logical infilling ; no concerns

Conservation Authority (GRCA) - no objection

County Engineering – conditions to be addressed

City of Guelph– resubmission of lapsed application for consent – concerns with previous application – have similar concerns; located 165m from city's municipal boundary – subject to urban area protection policies of County Official Plan;

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 for Consent B16/13.
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.
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 applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the applicable authority 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 local municipality, financial and otherwise which the local municipality 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 Local Municipality 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 one foot reserve be removed by the Township of Puslinch; 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.
9) THAT the owner satisfy the requirements of the County Roads Department concerning road widening conveyances along the frontage of the retained parcel on Wellington Road 46; and that the County Roads Department files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
10) THAT the Owner shall convey a 50' x 50' Day Light corner at the corner of Wellington County Road 46 and Boyce Lane to the satisfaction of the County of Wellington Roads Department; and further that the County of Wellington Roads Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

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

April 25, 2013

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 B16/13

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Dennis So 41 Wyndham St. N Guelph ON N1H 4E4	TOWNSHIP OF PUSLINCH Part Lot 16 Concession 7

Proposal is to sever a lot 0.67 hectares with 25m frontage, vacant land for proposed rural residential use. Re-submission of lapsed application B141/11.

Retained irregular shaped parcel is 3.6 hectares with 214.19m frontage on County Rd 46 and 206.57m frontage on Boyce Lane, existing and proposed rural residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, May 9, 2013**

AT 9;10 a.m. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Agent – Hayes Murphy**

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.: B16/~~13~~

APPLICANT
Dennis So
41 Wyndham St.N.
Guelph, ON N1H 4E4

LOCATION OF SUBJECT LANDS
TOWNSHIP OF PUSLINCH
Part Lot 16
Concession 7

Proposal is to sever a lot 0.67 hectares with 25 m frontage, vacant land for proposed rural residential use. Re-submission of lapsed application B141/11.

Retained irregular shaped parcel is 3.6 hectares with 214.19 m frontage on County Rd 46 and 206.57 m frontage on Boyce Lane, existing and proposed rural residential use with existing dwelling.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 6-163

Does this description reasonably describe the parcel holdings? YES (X) NO ( )
If answer is NO, please provide new information:

Secondary Agricultural

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

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 (X) NO ( )

(Please Specify) Agricultural & Natural Environment – Complies with Section 5.3

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

(Please Specify) Agricultural& Natural Environment – Complies with Section 5

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 (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:

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

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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COUNTY OF WELLINGTON
Planning & Development Dept.

MUNICIPALITY COMMENTING FORM

FILE NO.: B16/13

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 ( )

- Preliminary comments based on lot size only

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)

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?

- Parkland dedication, financial and otherwise payable to Township of Puslinch
- Entrance Permit from Township Public Works
- 1 foot reserve will have to be removed by the Township

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

SIGNATURE Colleen Sutton

TITLE Secretary, Planning Advisory Committee

ADDRESS 7404 Wellington Rd 34

Guelph, ON N1H 6H9

DATE March 26, 2013

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COUNTY OF WELLINGTON
Planning & Development Dept.

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
APR 15 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B16/13
Location	Part Lot 16, Concession 7 TOWNSHIP OF PUSLINCH
Applicant/Owner	Dennis So

PLANNING OPINION: This proposal would create a vacant 0.7 ha (1.7 ac) rural residential lot in a Secondary Agricultural area. A 3.6 ha (8.9 ac) parcel with an existing dwelling would be retained.

This application is a resubmission of application B141/11 which was previously approved but lapsed.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that servicing can be provided to the satisfaction of the local municipality; and, as a condition of approval that the 1 foot reserve is lifted and safe driveway access can be provided to the satisfaction of the local municipality.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): No issues.

GREENBELT PLAN: Not within the Greenbelt Plan area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL. 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 the date of provincial approval of the County Plan, subject to the following criteria:

a) Individual services can be accommodated;
b) The lot is not normally larger than 0.8 hectares (2 acres) unless existing natural features or development patterns make a larger lot more practical;
c) The lot has access to an open and maintained public road;
d) The residential use will not hinder or preclude potential agricultural or mineral aggregate operations;
e) The residential use is compatible;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years.

We note that the proposed lot is within 1 km of the City of Guelph. In terms of the Urban Area Protection Policies, section 4.7.1 states that "this policy does not apply to prevent... development of a minor nature which does not impede the efficient expansion of this urban area". We have no concerns in this regard as this application represents logical infilling.

The matters under Section 10.1.3 were also considered including d) "that all lots will have safe driveway access...", k) "that the size and shape of proposed lots is suitable, including frontage, area and the proportion of frontage to depth" and m) "that all new lots will have logical lot lines given existing lot patterns in the area, natural and human-made features and other appropriate considerations".

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 April 8, 2013. Notice Cards were posted and the survey sketch appears to meet the application requirements

Sarah Wilhelm, MCIP, RPP, Senior Planner
April 15, 2013

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: April 2nd, 2013 **YOUR FILE:** B16/13
GRCA FILE: Wellington/Puslinch/2013/Sev/C **RELATED APP:** B141/11

RE: **Application for Consent B16/13**
Part Lot 16, Concession 7, Township of Puslinch
208 Brock Road (Wellington Road 46)
Dennis So

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposed severance of a 0.67 hectare lot of vacant land for proposed rural residential use.

BACKGROUND:

1. **Resource Issues:**

Information currently available at this office indicates that the retained lands contain the Provincially Significant Mill Creek Wetlands and a 120 metre allowance adjacent to the wetlands. A portion of the proposed severed parcel is within the allowance adjacent to the wetlands located on the retained lands. Consequently, the severed and retained parcels are subject to Ontario Regulation 150/06.

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

Future construction or other site alteration on the severed or retained lands within the regulated area will require prior written approval from the Grand River Conservation Authority. As permits are not transferable, the future purchaser of the severed lot may require a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from this office.

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

Future development or site alteration on the subject property and area may require review and approval of the Ministry of Natural Resources regarding potential Species at Risk in the area.

No plan review fee will be charged as a fee was already received for the review of the original consent file B141/11.

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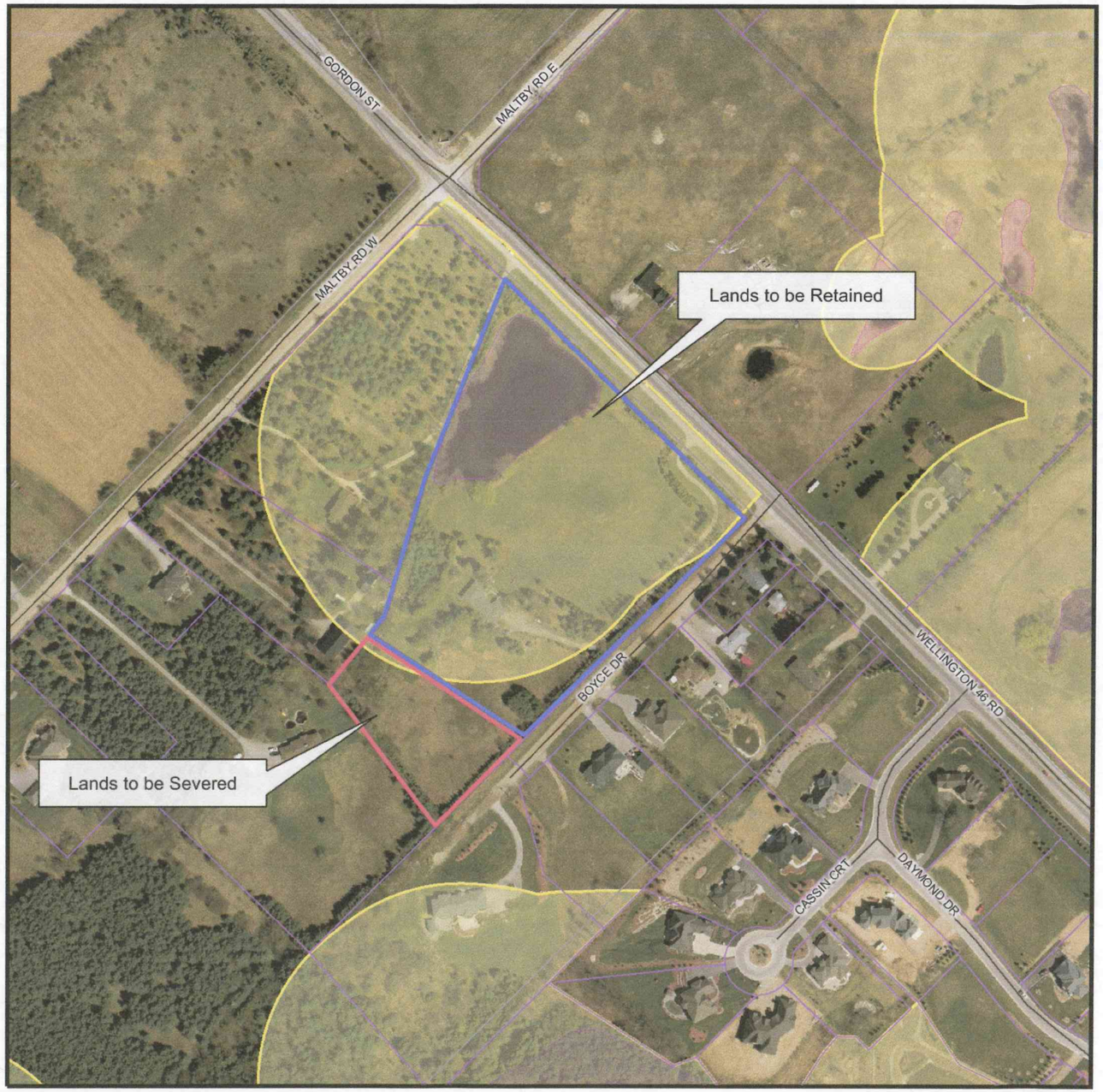
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: March 25, 2013

Lot 16 Con 7

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS (WELLINGTON)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- OTHER
- UNEVALUATED
- PARKS (GRCA)
- PROPERTY-OTHER (GRCA)
- MNR PROPERTY-GRCA MANAGED
- EASEMENT
- PROPERTY (GRCA)
- REGULATION LIMIT (GRCA)
- 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 42 84 126 168 m.

NAD 1983, UTM Zone 17 Scale 1:3,667

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

April 19, 2013

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B16/13**
Dennis So
Part Lots 16, Concession 7,
Township of Puslinch, County of Wellington

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of 17' along Wellington Road 46 and 50' x 50' daylight corner at Boyce Lane of the lands to be retained for future road widening purposes.

In the *"Gordon Street Wellington Road 46 Class Environmental Assessment"* completed to identify the transportation needs of Wellington Road 46, it was adopted to increase the roads capacity to 4 lanes. Through the design process an additional widening is required for earth works grading along the pond area on the retained parcel.

Since the conveyance of 17' along the pond area is beyond the official plan of acquiring 100' Right-Of-Ways the Road Division will negotiate suitable compensation for the ditch grading widening.

Sincerely,

Pasquale Costanzo
Technical Services Supervisor

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

CITY OF Guelph
Making a Difference

April 17, 2013

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

Dear Ms. Turchet,

RE: County of Wellington Planning and Land Division Committee Consent Application B16/13

Thank you for circulating the above referenced severance application to the City for review and comment. I understand that the application is a resubmission of a lapsed application for consent (file number B 141/11). City staff expressed concerns with the previous application, and have similar concerns regarding the current application.

The proposed consent would create a 0.67 hectare lot for residential purposes with a private well and septic system. The subject property is located approximately 165 metres from the City's municipal boundary and is therefore subject to urban area protection policies of the County of Wellington Official Plan.

Section 1.1.1d) of the Provincial Policy Statement (2005) addresses "avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas."

Wellington County's Official Plan establishes a 1 kilometre urban protection area within which development, including the creation of new lots, is discouraged.

> *4.7.1 Distinct Urban-Rural Boundary*
> *In order to allow the efficient expansion of urban areas, and to maintain a clear distinction between urban and rural areas, the County of Wellington:*
> *a) prohibits new development adjacent to existing urban centres, or hamlets unless part of an urban expansion (adjacent will normally mean within 1 kilometre of an urban area boundary);*
> *b) prohibits intensive livestock operations adjacent to existing urban boundaries in accordance with the Minimum Distance Separation formula.*
>
> *This policy does not apply to prevent the completion of previously approved development, logical infilling or development of a minor nature which does not impede the efficient expansion of the urban area. Additionally the expansion of existing developments may be considered if the overall intent of this section is met.*

Whereas there are many rural residential lots accessed from Boyce Lane, they are primarily on the south side of road. The proposed severance is on the north side, closer to the City, where the existing parcel fabric is less fragmented. The City

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTE

City Hall
1 Carden St
Guelph, ON
Canada
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TTY 519-826-9771

guelph.ca

acknowledges that expansion of the Guelph settlement area would be encumbered by several rural residential lots south of Boyce Lane however, lands to the north of Boyce Lane are less fragmented and may be suitable for future expansion.

Therefore that proposed severance is inconsistent with the PPS policy 1.1.1d). The proposal does not comply with Wellington County Official Plan policy 4.7.1 as it does not constitute previously approved development or logical infilling.

Furthermore, the subject property is located in the Secondary Agriculture Area designation of the County's Official Plan. Section 10.4.4 contemplates the creation of new residential lots in the Secondary Agricultural Area provided that, among other matters, the lot is well removed from any settlement area boundary. The proposed severance is close to the Guelph settlement area and so does not meet the criteria established to permit residential lot creation in Secondary Agricultural Area designation and does not comply with Policy 10.4.4 of the Official Plan.

In considering the foregoing, City staff request that the Committee refuse the proposed severance. The City requests to be notified of the Committee's decision hearing on this matter. Thank you for your consideration of these comments.

Regards,

Tim Donegani
Policy Planner

Planning, Building, Engineering and Environment
Location: 1 Carden St, 3rd Floor

T 519-822-1260 x 2521
F 519-822-4632
E tim.donegani@guelph.ca

C Todd Salter, General Manager of Planning Services
Melissa Aldunate, Manager of Policy Planning and Urban Design