REPORT SUMMARY

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

Date of Consideration: **February 11, 2016** **TIME: 9:20 a.m.**

File Number: **B126/15**

Applicant: **Estate of Edward Lake**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lots 18, 19 & 20, Concession 1

Proposal is a request for consent to convey fee simple for a proposed severance 0.4995 hectares (1.23 acres) with 48.8m frontage in the TOWNSHIP OF PUSLINCH – Part Lots 18, 19 & 20, Concession 1, existing agricultural use for proposed rural residential use; retained lands are 88.5 hectares (218.68 acres).

ISSUES: County Planning – MDS1 cannot be met to the barn on the retained

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; conforms to zoning; PDAC – severed parcel should not be encumbered by a distribution Hydro line crossing the parcel.

County Planning - proposed lot located within an area designated Gore Greenlands and Greenlands – applicant submitted Environmental Impact Study – staff reviewed and are satisfied that the impacts to features will be limited; Minimum Distance Separation 1 – calculations completed for barn on retained – the required separation distance of 202 m (662 ft) cannot be met. Application was reviewed under the underlying designation of Secondary Agricultural; staff have determined that the application is not consistent with Provincial Policy and does not conform to the Official Plan as the barn on the retained land does not meet the MDS requirements.

Conservation Authority (GRCA) – no objections – staff reviewed the EIS – do not anticipate any negative impacts to the adjacent natural heritage features as a result of proposed seveance

Hydro One – awaiting response from field staff before providing comments

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 B126/15.
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 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.
6) THAT an Entrance Permit verifying safe access on the severed 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.
7) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****Conditions may be deleted, added to, or changed at meeting*****

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

January 28, 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 B126/15

APPLICANT

Estate of Edward Lake
c/o Gary & William Lake
358 Dundas St. N
Cambridge ON N1R 5R2

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lots 18, 19 & 20
Concession 1

Proposed severance is 0.4995 hectares with 48.8m frontage, existing agricultural use for proposed rural residential use.

Retained parcel is 88.5 hectares with 1192m frontage, existing and proposed agricultural and rural residential use with existing house, 2 drive sheds, barn and 3 silos.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, February 11, 2016**

AT 9:20 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 – Nancy Shoemaker**

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.: B126/15

APPLICANT

Estate of Edward Lake

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 18, 19 & 20
Concession 1

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2301-000-004-11500

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) Agriculture (A) Zone – meets min lot size requirements & Natural Environment Zone

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

(Please Specify) Agriculture (A) Zone & Natural Environment – Complies with Section 5.3 & 20.3

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 to enter into an agreement regarding use of the seasonal road, or opening up the road?
(Please Specify) N/A

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
JAN 20 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

FILE NO.: B126/15 - Lake

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?
(A letter may be attached if there is insufficient space to explain)

PDAC Comments:
Severed parcel should not be encumbered by a distribution Hydro line crossing the parcel. It should be determined if the utility is a private line or a public line; Hydro should be circulated for comment if it is a public line.

Roads Comment:
An Entrance will be permitted if safe site lines are 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 severed 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).

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

SIGNATURE

TITLE Development Coordinator

ADDRESS 7404 Wellington Road 34, Guelph, ON N1H 6H9

DATE January 19, 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

RECEIVED
JAN 26 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B126/15
Location	Part Lots 18, 19 & 20 Concession 1 TOWNSHIP OF PUSLINCH
Applicant/Owner	Estate of Edward Lake

PLANNING OPINION: This application would sever a 0.49 ha (1.23 ac) vacant parcel for residential purposes. The retained parcel is 88.5 ha (218.6 ac) and is occupied by a dwelling, barn and drive sheds.

The proposed lot is located within an area designated CORE GREENLANDS and GREENLANDS in the County Official Plan. The applicant has submitted an Environmental Impact Study (EIS) with the application in order to address the relevant Greenland policies of the Official Plan. Staff have reviewed the study and are satisfied that the impacts to the features on the property will be limited.

Based on the above staff have reviewed the consent under the underlying designation which is SECONDARY AGRICULTURAL and have determined that the application is not consistent with Provincial Policy and does not conform to the Official Plan as the barn on the retained lands does not meet the MDS requirements.

If the consent is approved we would recommend the following matters are addressed as conditions of approval:

1. That any concerns of the Conservation Authority can be addressed;
2. That MDS can be met to the satisfaction of the County.
3. That servicing and safe access can be provided to the satisfaction to the local Municipality.

PLACES TO GROW: No issues

PROVINCIAL POLICY STATEMENT (PPS): Under Section 2.1.8 development and site alteration shall not be permitted on adjacent lands to the natural heritage features...unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

With respect to Minimum Distance Separation 1 (MDS1), calculations have been completed for the barn on the retained lands. The calculations demonstrate that the required separation distance of 202 m (662 ft.) cannot be met.

GREENBELT PLAN: Not within the Greenbelt Plan.

WELLINGTON COUNTY OFFICIAL PLAN: The proposed severed lot is designated CORE GREENLANDS and GREENLANDS. The Greenlands designation protects a Provincially Significant Wetland, Environmentally Significant Area and a Ssignificant wooded area.

The new residential lot proposed could only be considered in the Greenlands System if:

a) the lot has sufficient area outside the Core Greenland System for all its intended functions including suitable buffering and includes core Greenland areas only to provide for logical boundaries;
b) the lot provides a minor boundary adjustment or correction of title and does not require any activity which would impair Greenland features or functions:
c) the lot is for conservation purposes which provide an overall benefit to the environment:
d) there will be no negative impacts on natural features or their ecological functions.

In the event that the Greenlands System policies are adequately addressed, then the adjacent/underlying designation would be applicable. In this instance the designation is SECONDARY AGRICULTURAL. As per 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 criteria. The proposed lot meets this criteria.

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." This study has been completed (North-South Environmental Inc., Dec. 2015) and has determined that no significant natural environmental impacts are expected. The proposed lot is located 30m from the wetland and there is an adequate buffer area. Furthermore the area of

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County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
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construction is located entirely within that portion of the property that is not treed. The study concludes that no impact is predicted to the wildlife habitat or the PSW.

The matters under Section 10.1.3 were also considered including:

d) "that all lots will have safe driveway access".

g) "that tree loss related to anticipated development be kept to a minimum and, wherever reasonable, be compensated for by new tree planting". The proposed building area is located on the grassed area of the lot.

h) "that natural heritage features are not affected negatively". This item has been addressed through the E.I.S. discussed above.

LOCAL ZONING BY-LAW: The lands to be severed are currently zoned Agricultural (A) and Natural Environment (NE). Both the severed and retained lots meet the frontage and area requirements.

SITE VISIT INFORMATION: The subject property was visited and photographed on January 20, 2016. Notice Cards were posted and the survey sketch appears to meet the application requirements.

L Redmond

Linda Redmond, Senior Planner
January 21, 2016

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: December 30, 2015 **YOUR FILE:** B126/15
GRCA FILE: B126-15 – 6947 Concession Road 2 (Lake)

RE: **Application for Consent B126/15**
Part Lots 18, 19 & 20, Concession 1, Township of Puslinch
6947 Concession Road 2
Estate of Edward Lake

RECEIVED
JAN 07 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the severance of a 0.5 hectare lot for proposed rural residential use.

BACKGROUND:

1. **Resource Issues:**

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

   The lands to be severed are within the allowance adjacent to the Provincially Significant Mill Creek Puslinch Wetland Complex.

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

   GRCA staff have reviewed the Environmental Impact Study (EIS, dated December 2015, prepared by North-South Environmental) submitted in support of this consent application. The EIS addresses GRCA concerns and we do not anticipate any negative impacts to the adjacent natural heritage features as a result of the proposed severance.

   Due to the presence of the above-noted features, the severed and retained parcels are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development of the severed lot or other development/alteration 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 major consent plan review fee in the amount of $970.00 for the review of this application.

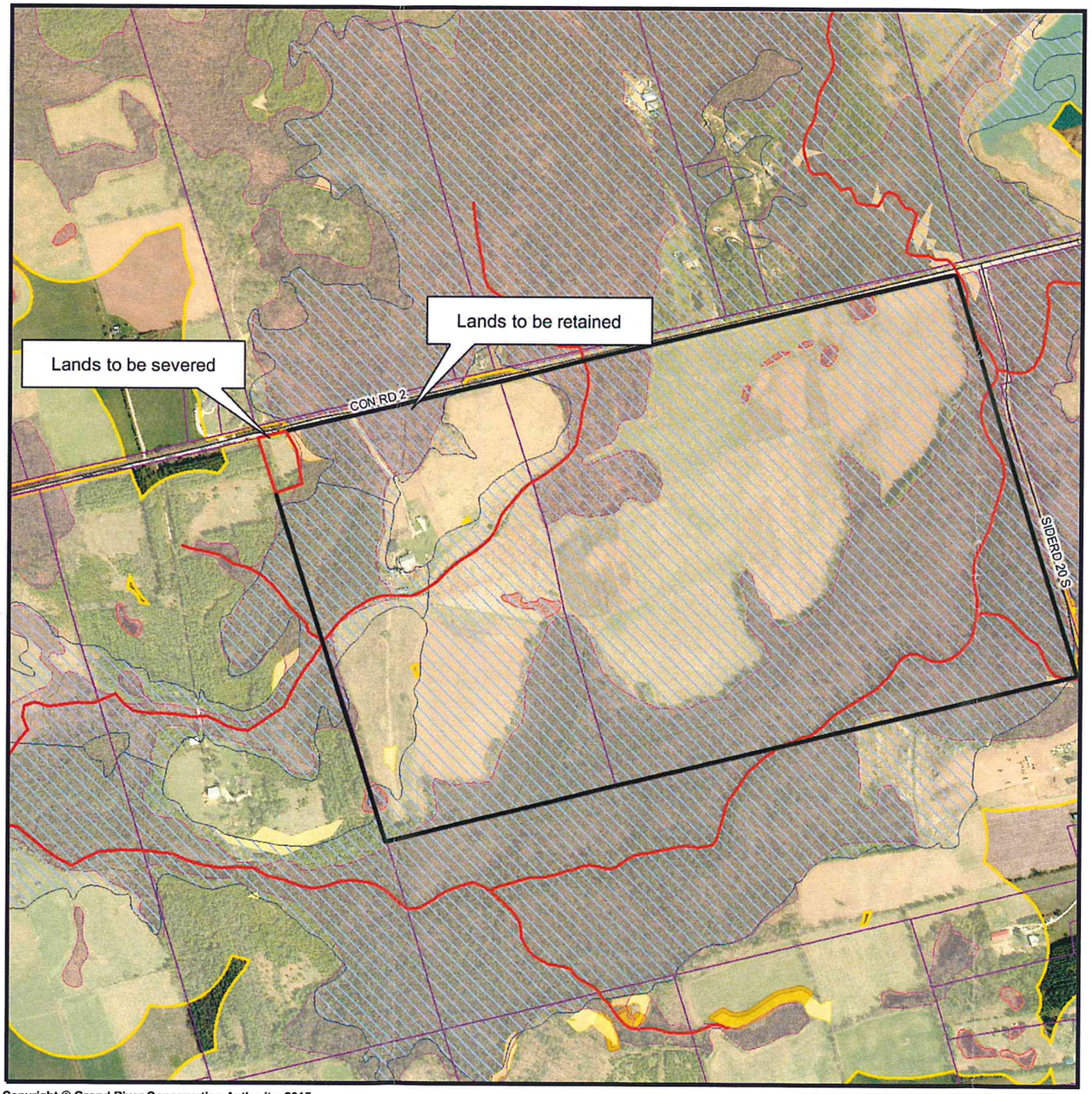
Should you have any further questions or require additional information, please do not hesitate to contact me at 519-621-2763 ext. 2236.

Yours truly,

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. Kelly Patzer, Township of Puslinch (email)
Sarah Wilhelm, County of Wellington (email)
Nancy Shoemaker - Black, Shoemaker, Robinson & Donaldson Ltd. (email)
Estate of Edward Lake c/o Gary and William Lake



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: December 29, 2015
Prepared by: ah

B126/15

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)
- PARCELS-ASSESSMENT (MPAC)
- 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

0 110 220 330 440 m.

NAD 1983, UTM Zone 17 Scale 1:9,685

N

B126/15

BLACK, SHOEMAKER, ROBINSON & DONALDSON
LIMITED

BSR&D Ontario Land Surveyors
Urban and Rural Planners

351 Speedvale Avenue West
Guelph, Ontario N1H 1C6

TEL: 519-822-4031
FAX: 519-822-1220

December 3, 2015

Project: 14-9813

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

Dear Ms. Turchet:

Re: Proposed Consent – 6947 Concession Road 2
Part of Lots 18, 19 and 20, Concession 1, Township of Puslinch

Please find enclosed a completed "Application for Consent" for the above-noted property. Also enclosed is a cheque in the amount of $1,000.00 payable to the County of Wellington to cover the County's application fee and a cheque in the amount of $970.00 payable to the GRCA to cover their review fees. The owner's environmental consultants have been working with the Grand River Conservation Authority to determine the edge of wetland and development limits. Under separate cover they have been circulated a copy of the Scoped Environmental Impact Study. Included in this application are two copies of EIS for your files.

Edward Lake acquired this property in October of 1950. I have attached a copy of the deed (IS13975). Mr. Lake is deceased and I have attached a copy of the Certificate of Appointment allowing William and Gary Lake to address this application. The purpose of the consent is to sever a parcel of land from the northwest corner of the property for a rural residential lot. As part of the discussion with the Grand River Conservation Authority, this northwest corner is the only part of the property fronting on Concession Road 2 that has "Safe Access".

Also enclosed is a list of adjacent land owners, including mailing addresses, which has been prepared by the Township of Puslinch.

Finally I have attached 8 copies of the sketch, plus a reduction to 11 x 17 of same.

Should you have any questions, please do not hesitate to call me.

Yours very truly

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

Nancy Shoemaker

Nancy Shoemaker, B.A.A., M.C.I.P., R.P.P.

Attachments

Copy: William and Gary Lake

I. D. ROBINSON, B.Sc., O.L.S., O.L.I.P. K. F. HILLIS, B.Sc., O.L.S., O.L.I.P. N. C. SHOEMAKER, B.A.A., M.C.I.P., R.P.P.
DAVE SHIBLEY, O.S.T. ARIE LISE, O.L.S., O.L.I.P., Dipl.T. BRIAN BEATTY, B.A.A., M.U.R.PL C. V. YOUNG, C.S.T.
S. W. BLACK, O.L.S. (1917 - 2007) R. L. SHOEMAKER, O.L.S. (1923-2008) W. F. ROBINSON, O.L.S. (1924-2010) A. B. DONALDSON, O.L.S., O.L.I.P. Consultant