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: **October 13, 2016**

File Number: **B67/16**

Applicant: **Cynthia McMillan & Theodore Van Dinther**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 30, Concession Gore

Proposal is a request for consent to convey fee simple for a proposed severance 70m fr x 90m = 0.6 hectares (1.48 acres) in the TOWNSHIP OF PUSLINCH – Part Lot 30, Concession Gore, existing vacant land for proposed rural residential use; retained lands are 4.3 hectares (10.6 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch – in support of application; rezoning on retained, excavation business is not a permitted use in the Agricultural Zone; conditions to apply

County Planning - notice cards were posted at time of site visit; property designated Greenlands (Crieff Old Field Complex ESA) ESA's are protected from development or site alterations – given the existing conditions – do not anticipate the application would impact the nature or function of this feature. Secondary Agricultural designation would apply; no new lots have been created since March 1, 2005 and have been owned for over five years. application is consistent with Provincial Policy and generally conforms to Official Plan; zoning compliance for retained

Conservation Authority (Hamilton) – severed parcel not located within lands affected by Authority's Ontario Regulation 161/06 therefore written permission will not be required from our office for any future development of the parcel

Others – Jeff Buisman – agent cover letter

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 B67/16.
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 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.
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 receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality for the retained parcel; 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 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.

*****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

September 29, 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 B67/16

APPLICANT

Cynthia McMillan & Theodore Van Dinther
1406 Gore Road
Puslinch ON N0B 2J0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 30
Concession Gore

Proposed severance is 70m fr x 90m = 0.6 hectares, existing vacant land for proposed rural residential use.

Retained parcel is 4.3 hectares with 250m frontage, existing and proposed yard for excavation business.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, October 13, 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 – Jeff Buisman**

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.: B67/16

APPLICANT

Cynthia McMillan & Theodore Van Dinther
1406 Gore Road
Puslinch, ON N0B 2J0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 30, Concession Gore

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2301-000-004-0700

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 – Section 5.3(e) - meets minimum lot requirements

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

(Please Specify) Agriculture – Section 5.3 - meets minimum lot requirements – the existing and proposed excavation business is not a permitted use in the Agricultural Zone

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or **Minor Variance** YES ( ) NO ( ) N/A (x)
A Zoning Amendment would be required to continue the existing excavation business.

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)

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?
No

MUNICIPALITY COMMENTING FORM

FILE NO.: B67/16 – McMillan & Van Dinther

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:
Severance shall be conditioned for the retained parcel to be in compliance with the Zoning By-law permitted uses in the Agricultural Zone.

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 all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee).
2. That an Entrance Permit for the severed parcel verifying safe access and site lines be approved to the satisfaction of the Township of Puslinch.
3. 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;
4. That the owner shall achieve zoning compliance for the retained parcel to the satisfaction of the Township of Puslinch.

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 September 22, 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
SEP 15 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B67/16
Location	Part Lot 30, Gore Concession TOWNSHIP OF PUSLINCH
Applicant/Owner	Cynthia McMillan & Theodore Van Dinther

PLANNING OPINION: This application would sever a 0.6 ha (1.5 ac) vacant rural residential lot. A 4.3 ha (10.6 ac) parcel would be retained with an existing excavation business (which is not permitted).

This application is consistent with Provincial Policy and would generally conform to the Official Plan, provided that zoning compliance for the use of the retained lands, servicing and safe driveway access can be addressed as conditions to the satisfaction of the local municipality.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): According to Section 1.1.5.2, limited rural residential development is permitted on rural lands, which are lands outside settlement areas and which are outside prime agricultural areas.

GREENBELT PLAN: The property is within the Protected Countryside designation and the Natural Heritage System overlay.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated GREENLANDS. The designation identifies the Crieff Old Field Complex Environmentally Sensitive Area (ESA), which takes in an area of 144 ha (356 ac). ESAs are to be protected from development or site alterations which would negatively impact them or their ecological functions. Given existing conditions, we do not anticipate that this application would impact the nature or function of this feature. As a result, the adjacent/underlying Secondary Agricultural designation would apply.

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

a) "that any new lots will be consistent with….zoning regulations";
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 lands are not within a Well Head Protection Area.

LOCAL ZONING BY-LAW: The subject lands are zoned Agricultural (A). Both lots would meet the minimum lot area and frontage requirements. We note an excavation business has been operated from the property. As this is not a permitted use, zoning compliance needs to be demonstrated to the satisfaction of the Township.

SITE VISIT INFORMATION: The subject property was visited and photographed on September 12, 2016. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
September 15, 2016

Hamilton Conservation Authority

Healthy Streams...Healthy Communities!

BY E- MAIL

September 20, 2016

File: B67/16

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

RECEIVED
SEP 26 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Dear Ms. Turchet:

Re: **Consent Application File No. B67/16**
Cynthia McMillan & Theodore Van Dither
Part Lot 30, Gore Concession, Township of Puslinch

Staff of the Hamilton Conservation Authority (HCA) has reviewed the above noted application received September 12, 2016 and now offers the following comments.

The applicant proposes to sever a 70m by 90m (0.6ha) vacant land parcel for a proposed rural residential use.

The proposed severed parcel is not located within lands affected by the Authority's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 161/06.* Therefore, written permission will not be required from our office for any future development of the parcel.

The parcel is located entirely within the Crieff Old Field Complex Environmentally Significant Area (ESA) and is designated as Greenlands in the Wellington County Official Plan. The proposed severed parcel is also within the Greenbelt Plan Area and designated as Protected Countryside. Future development of the property should conform to the policies outlined in Sections 5.5 and 9.9 of the Wellington County Official Plan.

Information pertaining to the features and functions of the Crieff Old Field Complex ESA is very limited and out-dated, but the area is known for having deep, highly permeable overburden soils and has been identified as a significant groundwater recharge area of medium vulnerability to groundwater contamination in the *2015 Halton-Hamilton Source Water Protection (HHSWP) Hamilton Region Source Protection Area Assessment Report.*

P.O. Box 81067, 838 Mineral Springs Road, Ancaster, ON L9G 4X1 • Phone: (905) 525-2181 or 905-648-4427 Fax: (905) 648-4622
Office Fax: 905-648-4622 ◆ Shop Fax: 905-525-2214 ◆ E-mail:nature@conservationhamilton.ca ◆ Website: www.conservationhamilton.ca

Potential impacts to the hydrologic function of the area may be a consideration for the proposed residential development of the subject property and an environmental impact statement (hydrological assessment) may be prudent to demonstrate that there will be no negative impacts to the feature or its function. It is noted that a significant portion of the proposed severed parcel appears to already be highly disturbed (filled and/or graded) based on a review of 2015 aerial photography.

In order to ensure that the proposed development will comply with both the *Endangered Species Act* and *Species at Risk Act*, it is recommended that the applicant complete a preliminary screening for species at risk on the subject property prior to any site development. The contact for more information is Graham Buck, Species at Risk Biologist with the Guelph office of the Ontario Ministry of Natural Resources (519-826-4505).

Based on the above, the HCA has no objection to the subject application.

Should you have any questions, please contact the undersigned at ext. 131.

Darren Kenny

September 20, 2016

Darren Kenny
Watershed Officer

c.c. Jeff Buisman, Agent (by e-mail)

B67/16

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

August 5, 2016
23874-16
Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
GUELPH, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet,

Re: Severance Application and Sketch
4040 Concession 7
Part of Lot 30, Concession GORE
PIN 71202-0093
Township of Puslinch
County of Wellington

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, the required deed, and a cheque to Wellington County for $1,025.

Proposal:

The proposal is to create a new rural residential parcel along Concession Road 7 with a frontage of 70m± and depth of 90m± with an area of 0.6 ha±. The retained parcel will have an area of about 4.3 ha± where the existing use will continue.

The parcel is designated Greenlands with an underlying designation of Secondary Agricultural in the Wellington County Official Plan. Section 10.2.1 of the Official Plan, which addresses lot creation in lands designated Greenlands, states that a new lot can be created if "there will be no negative impacts on natural features or their ecological functions." Negative impacts are defined in the Official Plan as activities that harm or threaten natural heritage features. The property is currently quite open and has been used in the past of part of the yard for a construction business (meaning that there are minimal natural features to be concerned about). We provide the opinion that the proposed severance and rural residential use of the lot will not harm or threaten natural heritage features.

Furthermore, both County Planning Staff and Conservation Hamilton Region Conservation Staff have indicated that because of the nature of the property, an Environmental Impact Study (EIS) will not be required to ensure there are no negative impacts on natural features.

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

Van Harten Surveying Inc.

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

cc Cindy McMillan & Ted Van Dinther