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: **July 23, 2015**

File Number: **B51/15**

Applicant: **Fernando Chaves**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 1, Concession 3

Proposal is a request for consent to convey fee simple for a proposed severance 50m fr x 168m = 0.8 hectares (2 acres) in the TOWNSHIP OF PUSLINCH – Part Lot 1, Concession 3, existing agricultural use for proposed rural residential use; retained lands are 35 hectares (86.5 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch - in support of application; conforms to zoning; jurisdiction of Townline Road - Municipal Building Official satisfied that there is a sufficient site on the severed parcel for individual well & septic services – A. French confirmed June 29/15; conditions to apply

County Planning - notice cards were posted at time of site visit; designated Secondary Agricultural and Core Greenlands – severed parcel located outside of the Greenland features; application is consistent with Provincial Policy and generally conforms to Official Plan; no concerns

Conservation Authority (GRCA) – no objections

City of Cambridge – no comments received

Others (e.g. neighbours) – Jeff Buisman – agent – letter of explanation
Michael & Dorothy Benson (4241 Townline Road) – comments only – no opposition to proposed severance – concern regarding water with a house being added and existing Nestle Water and gravel pit operation in area – have studies been done?

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 B51/15.
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 receive approval from the Township of Puslinch in a manner deemed acceptable to that road authority for an entrance to the severed parcel; 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) 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.

*****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

July 9, 2015

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 B51/15

APPLICANT

Fernando Chaves
5742 Townline Rd
Puslinch ON N3C 2V3

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 1
Concession 3

Proposed severance is 50m fr x 168m = 0.8 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 35 hectares with 327m frontage, existing and proposed agricultural use with existing barn.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, July 23, 2015**

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

RECEIVED
JUN 01 2015
Township of Puslinch

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: B51/15

APPLICANT

Fernando Chaves
5742 Townline Rd
Puslinch ON N3C 2V3

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 1
Concession 3

Proposed severance is 50m fr x 168m = 0.8 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 35 hectares with 327m frontage, existing and proposed agricultural use with existing barn.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2301 · 000 · 002 · 16000

Does this description reasonably describe the parcel holdings? YES(✓) 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 [✓] NO [ ]

(Please Specify) Agricultural Zone · Section 5.3e - meets lot requirements

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) Agricultural Zone - Section 5.3a-d - meets lot requirements - NE Zone also on property

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( )

N/A.

Is proposal on an opened maintained year-round public road YES(✓) 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(✓)

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

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

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

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

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

see note.

Continued to Page 2

RECEIVED
JUN 30 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

FILE NO: B51/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [✓] NO [ ]

A. French
June 30, 2015.

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]

- Note: The Township is in discussions with the City of Cambridge in regards to the jurisdiction of Townline Rd.
  ↳ It is possible the City of Cambridge will have rights to it, with a reserve remaining for the Township

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

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

- Cash-in-lieu of Parkland, made payable to the Township of Puslinch is required prior to final consent approval.
- Payment of any outstanding taxes is required prior to final consent approval
- An Entrance Permit, verifying safe access, issued from the Township of Puslinch is required prior to final consent approval.

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

SIGNATURE Kelly Patzer - K. Patzer

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Rd. 34, Guelph, ON N1H 6H9

DATE: June 30, 2015

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	B51/15
Location	Part Lot 1, Concession 3 TOWNSHIP OF PUSLINCH
Applicant/Owner	Fernando Chaves

PLANNING OPINION: This application would sever a 0.8 ha (1.9 ac) vacant parcel in the Secondary Agricultural area. The retained parcel is 35 ha (86 ac) and is occupied by a dwelling, barn and shed.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that safe driveway access and servicing can be achieved 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.

WELLINGTON COUNTY OFFICIAL PLAN: The Subject property is designated SECONDARY AGRICULTURAL and CORE GREENLANDS. The proposed severed parcel is located outside of the Greenland 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.

The matters under Section 10.1.3 were also considered including… h) natural heritage features are not affected negatively."

LOCAL ZONING BY-LAW: The proposed severed parcel is currently zoned Agricultural (A).

SITE VISIT INFORMATION: The subject property was visited and photographed on June 25, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

L Redmond

Linda Redmond, Senior Planner
June 29, 2015

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: June 30, 2015 **YOUR FILE:** B51/15
GRCA FILE: B51-15 – 5742 Townline Road (Chaves)

RECEIVED
JUN 30 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consent B51/15**
Part Lot 1, Concession 3, Township of Puslinch
5742 Townline Road
Fernando Chaves

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the severance of a 0.8 hectare lot for proposed rural residential use.

BACKGROUND:

1. **Resource Issues:**

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

   The lands to be severed do not contain any features of interest to the GRCA.

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

   Due to the presence of the above-noted features, a portion of the retained parcel is 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 retained 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 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
Fernando Chaves – 5742 Townline Road, Puslinch, ON N3C 2V3

Copyright © Grand River Conservation Authority, 2015

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: June 16, 2015

B51-15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- WATERCOURSE - DRAFT (GRCA)
- 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)
- PROPERTY (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- WATERBODY - DRAFT (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 90 180 270 360 m.

NAD 1983, UTM Zone 17 Scale 1:8,000

N

RECEIVED
JUN 30 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

4241 Townline Road
Cambridge, Ontario
N3C 2V3
June 25, 2015
Re: File #B51/15 Proposed Severance

Att.: Deborah Turchet, Secretary-Treasurer

After eleven years of looking North and seeing pristine farmland every day, this "Application for Consent" comes as a disappointment. At the same time however, we realize that Fernando has every right to severance of his own land and we would want that same right if the roles were reversed.

Our only real concern is the water table since Nestle Water seems to have almost unbridled liberty to withdraw thousands of gallons of water/day and the gravel pit operations North of us has similar privileges. We realize that Fernando has no control over either of these organizations, but we would like to know if any studies have been done on the possible loss of long term sustenance of the water table in our area should a house be added to the above entities already mentioned.

Please excuse our ignorance regarding severance, but should Fernando wish to sever the same amount of property and keeping it zoned "Agriculture", would that be possible? Of course if agricultural related dwellings were added, that could create a similar concern for the water table as well.

In closing, aside from the aforementioned concern regarding water, we register no opposition to this proposed severance and wish Fernando all the best.

Regards,

Michael and Dorothy Benson

B51/15

Van Harten
SURVEYING & ENGINEERING

May 21, 2015
Jeff.Buisman@vanharten.com
22865-15

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 Chaves**
5742 Townline Road
Part of Lot 1, Concession 3
PIN 71211-0158
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, addresses of neighbouring properties, Farm Data Sheet, a cheque to Wellington County for $ 1,000 and a cheque to GRCA for $380.

Proposal

The proposal is to create a new rural residential parcel of 50m wide and 168m deep (0.8 ha) at the southwest corner of the property. The retained lands will have a remaining area of 35± ha where the current agricultural use will continue.

We reviewed the Official Plan criteria in section 10.4.4 for a proposed severance and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural
- Ownership is longer than 5 years
- No severance since March 2005
- Safe entrance
- MDS compliance
- Adequate space for new dwelling and septic

- No impacts on environmentally sensitive lands or woodlot

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

Very truly yours,
Van Harten Surveying Inc.

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

JEB:lb

c.c. Fernando Chaves