REPORT SUMMARY

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

Date of Consideration: **March 12, 2015** **TIME: 10:30 a.m.**

File Number: **B14/15**

Applicant: **Brian & Janice Cox**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 19, Concession 9

Proposal is a request for consent to convey fee simple for a proposed severance 1.44 hectares (3.6 acres) with 6.1m frontage in the TOWNSHIP OF PUSLINCH – Part Lot 19, Concession 9, vacant land for proposed rural residential use; retained lands are 39 hectares (96.4 acres)

ISSUES: Deferral recommend for submission of EIS to address applicable policies

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch – in support of application – new dwelling will require 30m setback from Natural Environment Zone; conditions to apply

County Planning Notice cards were posted; zoning relief required to permit 6.1m frontage; Secondary Agricultural, Core Greenlands and Greenlands – recommend application deferred until applicant has provided and Environmental Impact Study demonstrating no impact on adjacent wetlands; if study determines no significant negative impact on Greenland features and functions then Secondary Agricultural policies could be applied.

Conservation Authority (GRCA) – severed are adjacent to floodplain of Mill Creek and Provincially Significant Mill Creek Puslinch Wetland Complex; development may be permitted within the greenlands where an EIS demonstrates that there will be no negative impacts on the natural heritage resource – recommend deferral to allow applicant opportunity to provide an EIS to address applicable policies.

Others – Jeff Buisman – agent - cover letter
Brian Bendfeld,(4521 Victoria Rd, Puslinch ON N0B 2J0) – letter of concern – driveway; drainage; peace aand privacy; trees; GRCA restrictions; **notice of consideration and decision**

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 B14/15.
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 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 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.
8) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality to permit the proposed 6 metre frontage on severed; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the Owner submit an Environmental Impact Study (EIS) 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

February 26, 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 B14/15

APPLICANT

Brian & Janice Cox
4501 Victoria Rd S
Puslinch ON N0B 2J0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 19
Concession 9

Proposed severance is 1.44 hectares with 6.1m frontage, vacant land for proposed rural residential use.

Retained parcel is 39 hectares with 337m frontage, existing and proposed rural residential use with existing dwelling, shop and storage building.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, March 12, 2015**

AT 10:30 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 – Jeff Buisman** **Other:** Brian Bendfeld,(4521 Victoria Rd, Puslinch ON N0B 2J0)

RECEIVED

FEB 20 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RECEIVED

JAN 21 2015

Township of Puslinch

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: B14/15

APPLICANT

Brian & Janice Cox
4501 Victoria Rd S
Puslinch ON N0B 2J0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 19
Concession 9

Proposed severance is 1.65 hectares with 6.1m frontage, vacant land for proposed rural residential use.

Retained parcel is 38.8 hectares with 337m frontage, existing and proposed rural residential use with existing dwelling, shop and storage building.

2301.000.007.10600

CLERK'S DEPARTMENT
To KP
Copy
Please Handle ✓
For Your Information
Council Agenda

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:

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 [✓] - Contravs NE Zone.

(Please Specify) Meets min lot size. Does not meet min required frontage of 24.3 metres.

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

(Please Specify) Retains min lot size & frontage of AG 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( )

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?

No.

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B14/15

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 [ ]

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 retained parcel identifies easements which are not locationally shown on the plans.
- A new dwelling will require a 30m setback from the Natural Environment Zone.

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

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

- An approved Minor Variance will be required to permit the proposed 6 metre frontage on the parcel to be severed
- Entrance Permit is required for the lot to be severed
- Cash in lieu of parkland
- Financial (taxes) up-to-date

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

SIGNATURE: Kelly Pot

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Rd 34

DATE: Feb 19, 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

RECEIVED
FEB 18 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B14/15
Location	Part Lot 19, Concession 9 TOWNSHIP OF PUSLINCH
Applicant/Owner	Brian & Janice Cox

PLANNING OPINION: This application would sever a 1.4 ha (3.55 ac) irregular shaped vacant rural residential parcel in the Secondary Agricultural area. A 39 ha (96.4 ac) parcel would be retained with an existing dwelling and two accessory structure.

We would recommend that this application be deferred until the applicant has provided an Environmental Impact Study demonstrating no impact on the adjacent wetlands. Should this study determine that there is no significant negative impact on the Greenland features and functions, than the Secondary Agricultural policies could be applied.

Should this application be approved we would request that the following be made a condition of approval:

a) That zoning compliance be achieved for the deficient frontage to the satisfaction of the local Municipality;
b) That an EIS be completed for the property to access the potential impacts of the new lot on the adjacent wetlands to the satisfaction of the Conservation Authority;
c) That safe driveway access be provided to the satisfaction of the local Municipality; and,
d) That servicing can be provided to the site to the satisfaction of the Local Municipality.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): Under Section 2.1.6 development and site alteration shall not be permitted in or adjacent to natural heritage features and areas such as significant wetlands and significant woodlands, unless the ecological function has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GREENBELT PLAN: Not within the Greenbelt plan area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The Greenland designations represent hazardlands, significant wetlands, significant woodlands and an environmentally sensitive area.

Section 5.6.3 states that where development is proposed in the Greenlands system or on adjacent lands, the County or local municipality shall require the developer to:

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.

No development will be approved unless the County is satisfied that the Greenland polices are met.

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."

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal.....to accepted municipal standards" d) "that all lots will have safe driveway access to an all-season maintained public road, and g) "that natural heritage features are not affected negatively".

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) zone and Natural Environment (NE) zone. It appears the minimum frontage requirements of the zoning by-law cannot be met for the severed parcel. Zoning relief would be required to permit the requested 6.1 m (20 ft) frontage, whereas 30 m (98.4 ft) is required.

SITE VISIT INFORMATION: The subject property was visited and photographed on February 6th, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
February 18th, 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

RECEIVED
FEB 19 2015
SECRETARY-TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

DATE: February 18, 2015 **YOUR FILE:** B14/15
GRCA FILE: B14-15 – Part Lot 19, Concession 9 (Cox)

RE: **Application for Consent B14/15**
Part Lot 19, Concession 9, Township of Puslinch
Brian & Janice Cox

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) recommends deferral of this severance application to allow the applicant the opportunity to provide an Environmental Impact Study (EIS) to address applicable policies. Please see below for detailed comments.

BACKGROUND:

1. **Resource Issues:**

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

   Both the severed and retained lands contain a significant woodland feature that is identified as part of the Greenlands system in the County of Wellington Official Plan.

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

   The Provincial Policy Statement (2014) and the County of Wellington Official Plan indicate that natural features shall be protected for the long term. Development may be permitted within the Greenlands where an EIS demonstrates that there will be no negative impacts on the natural heritage resource. Consequently, an EIS should be prepared to demonstrate that the proposed development will not negatively impact the wetland and significant woodland.

Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

A terms of reference should be submitted to ensure that the study will include the required information.

Due to the presence of the above-noted features, 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 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 fee of $380.00. However, as this application will involve the review of an EIS, the major consent review fee of $950.00 is required. When the EIS is submitted to this office, the difference of $570.00 will be required.

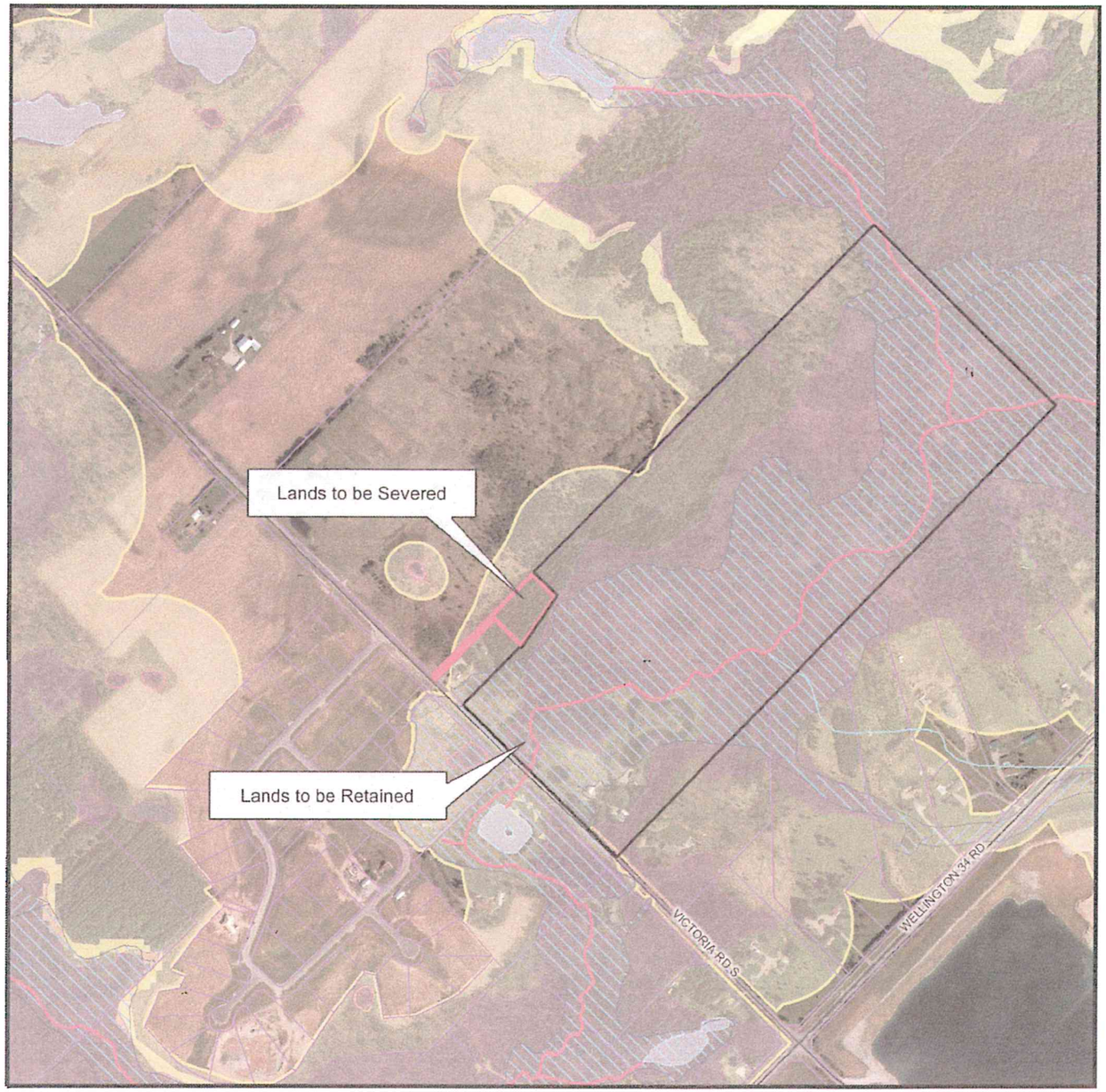
Should you have any further questions or require additional information, please do not hesitate to contact me at 519-621-2763 ext. 2236.

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
Brian & Janice Cox, 4501 Victoria Road South, Puslinch, Ontario N0B 2J0
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: February 18, 2015
Prepared by: al

B14/15

LEGEND

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

0 100 200 300 400 m.

NAD 1983, UTM Zone 17 Scale 1:9 083

N

B14/15

Van Harten
SURVEYING & ENGINEERING

January 12, 2015
Jeff.Buisman@vanharten.com
21857-14

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**
4501 Victoria Road South
Part of Lot 19, Concession 9
PIN 71189-0017
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 Flag-shaped parcel where the narrow pole portion is along the north side of 4521 Victoria Road South. The narrow portion is 6.1m wide at the front and 9.0m wide at the rear of 4521. The parcel is then a rectangle of 83m wide and 90m deep. A new house will be constructed in the northerly portion of the severance, and at least 20 or 30m away from the wetlands limit. The severed parcel will have an area of 1.65 ha and the retained parcel will have an area of approximately 38.8 ha.

A site visit with GRCA staff was completed on September 8, 2014 with purpose of determining whether or not the severance could be along the south side of 4521 Victoria Road South. The entrance would have to go through the flood plain and that wetlands would be negatively impacted. GRCA was, therefore, not supportive of a severance which was along the south side of 4521 Victoria Road. GRCA was generally supportive of a new dwelling in the non-wetland portion of the severance provided that the appropriate studies are completed. The GRCA was supportive of using the north side of 4521 Victoria Road for the driveway.

The north side of 4521 Victoria Road was examined with the Township Road Superintendent for the entrance. He confirmed that a safe entrance would be possible and that an entrance in the 6.1m frontage would be acceptable. Some re-grading and tree removal will be required for an entrance and the applicant has discussed this requirement with the owners of 4521 Victoria Road. The owners of 4521 Victoria Road have provided verbal confirmation of working co-operatively for the driveway construction.

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. Brian and Janice Cox
c.c. Troy Cox

County of Wellington Planning and Land Division Committee
Re: Application # B 14/15

It has been brought to our attention - regarding this severance of Part Lot 19 / Concession 9 - Township of Puslinch.

Comments

1 The proposed driveway is immediately adjacent to the existing driveway.

2 Need to consider and ensure proper drainage with run-off away from buildings. (storm / winter thaw)

3 Have to keep "new" driveway - only on "their" (applicant) side of the lot line.

4 As far as other comments - one would like to say that after approximately 13 years owning this 2+ acre property - the said land had been pruned (bushes) grass (cut) and maintained - where we now going on 10 years with living here - our home (new) built (June/2005) - occupancy. With peace / privacy.

5 There are also numerous trees (cedar) running along the lot line to the rear (creating a sound buffer / wind break).

6 The other "neighbor" - (North of this said land) is Mr. Bagley. His property - borders also along this area - (old farm fence).

7 We visited the GRCA + explained the site - prior to our building a home, and was told to not alter the land - leaving the storm run-off. With the road work by Cox Construction (no affiliation to applicant) + Mr. G. Goode - our drive had a new culvert installed - raised road bed. - OVER —

* Important.

8 Please - keep us informed as to what may / may not happen.

Note - Of the record - we have lost our sunset view to a 48 + McMahon - subdivision - across from us on Victoria Rd.
- Our taxes have more than quadrupled since the building of our home - a modest 1500 sq ft. log cottage.
- Now the peace, tranquility - our driveway - landscaping - new culvert all may be disturbed.

Thank-you for your time in this matter.

Sincerely - the Jennfeldt's
Christa, Peter + Wayne.
4521 Victoria Rd. S. - Puslinch.

RECEIVED
FEB 12 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE