

REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION NOTE: IF EXPEDITED ATTENDANCE NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. SIGN AND RETURN 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY.

Date of Consideration:

11/18/2021

Time: 9:25 A.M.

File Number:

B74-21

Applicant:

Stuart Moulton & Elizabeth Chapman

Subject Lands:

Township of Puslinch - Part Lot 19, Concession 10

Proposal is a request for consent to convey fee simple for a proposed rural residential lot 0.4 ha, 85m fr, no existing buildings; retained being 3.1 ha

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review

notice cards were posted at time of site visit; proposed severed partially located within Greenlands designation in County Official Plan and Environmental Protection Overlay within Township Zoning By-law; applicants indicated location requested is for privacy due to orientation of existing dwelling on retained and topography of land; staff recommend proposed severed be relocated to south-east corner of subject property outside of Greenland features (see Figure 1 on report) staff have no concerns if lot relocated; If the Committee approves proposed severed location (north corner) staff recommend an Environmental Impact Study is completed that demonstrates no negative impacts on the environmental features would occur; Application designated Secondary Agricultural and Greenlands in Official Plan; lot appears to meet MDS requirements

Township of Puslinch

in support of application; complies with zoning; Committee supports application provided an EIS is completed and approved by Township and County with cost of EIS borne by applicant; conditions to apply

Grand River CA

no objection to consent application

Neighbours

Damir & Nancy Kadak (4513 Concession Rd 11) - concern possible driveway may reduce

privacy giving full view of our home; request notification of decision

Miscellaneous

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".
- 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 B74-21.
- 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) as well as a digital PDF copy to the secretary-treasurer of the Planning and Land Division Committee.
- 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. Any fees incurred by the Township for the review of this application will be the responsibility of the applicant; 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.
- THAT safe access to the severed and retained lands can be accommodated 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** servicing can be accommodated on the severed and retained lands to the satisfaction of 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.
- 8) THAT the owner provide an Environmental Impact Assessment (EIS) which focuses on a tree saving and compensation plan is provided to the satisfaction of the Township of Puslinch and the County of Wellington, and that the owner shall be responsible for any Township costs associated with the review of the EIS; and further that the Township of Puslinch and the County of Wellington 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

October 28, 2021

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 B74-21

APPLICANT

Stuart Moulton & Elizabeth Chapman 4508 Concession 11 Puslinch N0B 2J0

LOCATION OF SUBJECT LANDS

Township of Puslinch Part Lot 19 Concession 10

Proposed severance is 0.4 hectares with 85m frontage, vacant land for proposed rural residential use.

Retained parcel is 3.1 hectares with 62m frontage, existing and proposed rural residential use with existing dwelling, garage & gazebo.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY**, **NOVEMBER 18**, **2021 AT 09:25 AM** for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE:

Council Chambers

County of Wellington Administration Centre

74 Woolwich Street Guelph, Ontario N1H 3T9

PLEASE NOTE: To avoid application deferral, any <u>new</u> information addressing comments presented in the attached Report Summary are to be submitted to the Secretary Treasurer of Land Division <u>no later than FRIDAY, NOVEMBER 12, 2021 by 1:00 pm.</u>

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.

<u>Please also be advised</u> 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 Land Tribunal 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.

<u>Additional Information</u> 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
- ⇒ Agenda & Minutes
- **⇒** Select Land Division Committee
- ⇒ choose month & year in drop down menus
- ⇒ open appropriate agenda

To: Van Harten Surveying Inc. - c/o Jeff Buisman



Application Location

B74/21

Part Lot 19, Concession 10

TOWNSHIP OF PUSLINCH

Applicant/Owner

Stuart Moulton & Elizabeth Chapman

PLANNING OPINION: This application would sever 0.4 ha (0.98 ac) rural residential parcel in the Secondary Agricultural area. A 3.1 ha (7.66 ac) agricultural parcel would be retained with an existing dwelling, garage and a gazebo.

The proposed severed parcel location is partially located within the Greenlands designation in the County Official Plan and the Environmental Protection Overlay within the Township Zoning Bylaw. The applicants have indicated that the location being requested is for privacy purposes, due to the orientation of the existing dwelling on the retained parcel and the topography of the land. Staff recommend that the proposed severed parcel be relocated to the southeast corner of the subject property outside of the Greenland features on the subject lands.

Staff would recommend that the Committee give consideration to the relocation of the proposed severed parcel to the southeast corner of the subject lands. This will keep the proposed development outside of the Greenlands features and EP Overlay on the subject lands. We would have no other concerns provided that the following matters are addressed as conditions of approval:

- a) That driveway access can be provided to the severed and retained lands to the satisfaction of the of the appropriate road authority;
- b) That servicing can be accommodated on the severed lands to the satisfaction of the local municipality.

If the Committee approves the proposed severed parcel location in the north corner, Staff would recommend an Environmental Impact Study is completed as a condition of approval, that demonstrates no negative impacts on the environmental features will occur.

c) That an Environmental Impact Assessment (EIS) which focuses on a tree saving and compensation plan is provided to the satisfaction of the County of Wellington and local municipality.

PLACES TO GROW: The Growth Plan for the Greater Golden Horseshoe, 2019, came into effect on May 16, 2019. The result of recent changes to the Growth Plan means the natural heritage system policies will continue to apply, however will only apply to the natural heritage systems mapped in the County Official Plan. The Agricultural System policies will continue to apply, but will apply only to the prime agricultural areas mapped in the County Official Plan as of July 1, 2017. All planning decisions are required to conform with the Growth Plan.

The proposed lot is located outside any Key Natural Heritage Features or Key Hydrological Features and is designated secondary agricultural within the County Official Plan.

PROVINCIAL POLICY STATEMENT (PPS): Section 2.3.3.3 of the PPS states new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with minimum distance separation formulae. The barn located to the northeast of the subject property at 4490 Nassagaweya-Puslinch Towline is located approximately 285 m from the proposed vacant lot, based on an information provided the required setback is 120 m, MDS is met for this application. If the parcel is relocated to the southeast corner of the subject lands the proposed severed lot appears to meet MDS requirements.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL and GREENLANDS. The identified environmental feature is Significant Wooded Areas and Life Science ANSI. The proposed severed lot is located within a portion of a Significant Wooded Area.

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;



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- 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 5 years. The matters under section 10.1.3 were also considered.

According to Section 10.2.1, new lots will not be allowed in the Greenlands System unless..."d) there will be no negative impacts on natural features or their ecological functions".

Section 10.2.2 indicates 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 proposed severed parcel location is partially located within the Greenlands designation, with the new safe driveway location going through the significant wooded area. The applicants have indicated that the location being requested is for privacy purposes, due to the orientation of the existing dwelling on the retained parcel and the topography of the land. Staff recommend that the proposed severed parcel be relocated to the southeast corner of the subject property outside of the Greenland features on the subject lands. See Figure 1 below.

WELL HEAD PROTECTION AREA: The subject property is not located within a Wellhead Protection Area.

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) Zone and subject to the Environmental Protection Overlay. Both the severed lot and retained lot meet the minimum lot frontage and minimum lot area requirements.

The Environmental Protection Overlay (EP Overlay) permits development of the lands within the EP Overlay, subject to the following provisions:

"Part of а significant woodlands... Development will not be allowed in the significant woodlands unless it has been demonstrated to the satisfaction of the Township that there will be no negative impact on the woodland or its ecological functions". The proposed proposed severed parcel is partially located within the EP Overlay. Staff recommend that proposed severed parcel relocated to the southeast corner of the subject property outside of the EP Overlay on the subject lands. See Figure 1.



Figure 1: proposed lot configuration recommended by Staff

SITE VISIT INFORMATION: The subject property was visited and photographed on October 20th, 2021. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jessica Rahim Senior Planner October 20th, 2021

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. B74-21

<u>APPLICANT</u>

LOCATION OF SUBJECT LANDS

Stuart Moulton & Elizabeth Chapman 4508 Concession 11 Township of Puslinch

Part Lot 19, Concession 10 Puslinch

Proposed severance is 0.4 hectares with 85 meters frontage, vacant land for prosed rural residential use.

Retained parcel is 3.1 hectares with 62 meters frontage, existing and proposed rural residential use with existing dwelling, garage & gazebo.

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PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 0000	23-01-000-007-02130-
Does this description reasonably describe the parcel holdings? If answer is NO, please provide new information:	YES (x) NO ()
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)	
Will the Retained Parcel comply with all requirements of the Zoning By-law?	YES (x) NO ()
(Please Specify) Minor variance required for reduced MDS	
If Necessary, would the Municipality be prepared to consider an Amendment to the proposal to conform? YES () NO () N/A (x) or Minor Variance N/A (x)	he Zoning By-law to permit ce YES () NO ()
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 th opening up the road? (Please Specify)	e seasonal road, or
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	e? YES () NO (x
Approximate Time of Servicing Availability:	
Are there any other servicing arrangements, Municipal Easements OR Municipal lands?	l Drains on the subject

Page Two:



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MUNICIPALITY COMMENTING FORM

FILE NO.: B74-21

Is the Municipality's Building Officia	ıl satisfied th	nat there is a sufficie	ent site on the severed	parcel for individual
well and septic services?				
YF	S (x) N	10 ()		

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)

The Committee supports the application provided that an EIS is completed and approved by the Township and the County of Wellington with the cost of the EIS is borne by the applicant, and that servicing can be accommodated to the retained lands to the satisfaction of the Township, as noted below.

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) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands. Any fees incurred by the Township for the review of this application will be the responsibility of the applicant; 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.
- 2. That safe access to the retained lands can be accommodated to the satisfaction of the Township; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 3. That the owner provide an Environmental Impact Study (EIS) to the satisfaction of the Township of Puslinch and the County of Wellington, and that the owner shall be responsible for any Township costs associated with the review of the EIS; and further that Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
- 4. That servicing can be accommodated on the retained lands to the satisfaction of Township; 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.

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

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	Lyen Sanks
SIGNATURE	
TITLE	Development & Legislative Coordinator
ADDRESS	7404 Wellington Road 34, Puslinch N0B 2J0
DATE	October 12, 2021



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: October 19, 2021 YOUR FILE: B74-21

RE: Application for Consent B74-21

4508 Concession 11, Township of Puslinch Stuart Moulton & Elizabeth Chapman

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the above-noted consent application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject lands do not contain any features regulated by the GRCA under Ontario Regulation 150/06.

2. Legislative/Policy Requirements and Implications:

A portion of the retained parcel is identified as Greenlands in the County of Wellington Official Plan.

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

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$430.00 for the processing of this application.

We trust the above information is of assistance. Should you have any further questions, please contact me at 519-621-2763 ext. 2228.

Yours truly.

Andrew Herreman, CPT

Resource Planning Technician

Grand River Conservation Authority

Encl (1)

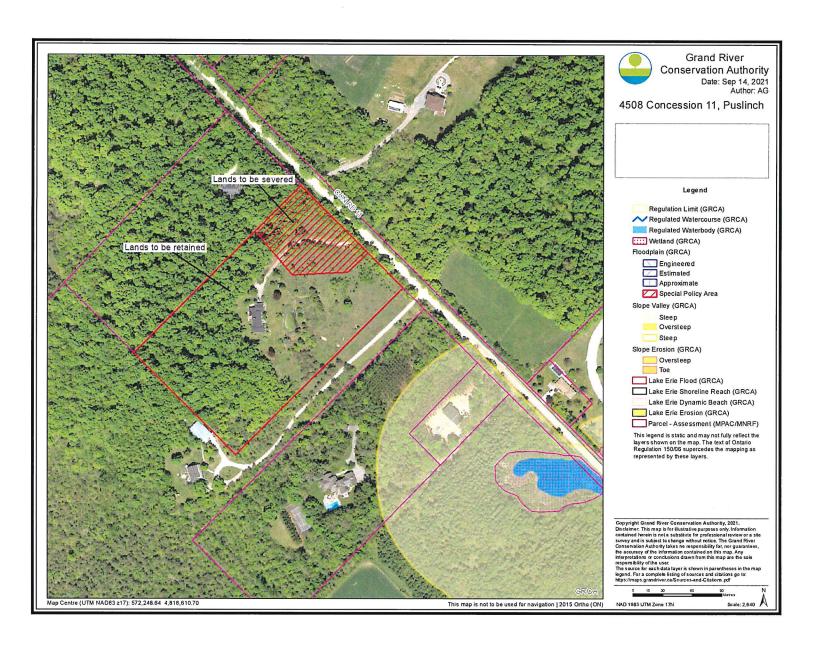
c.c. Stuart Moulton & Elizabeth Chapman (via email only)
 Jeff Buisman, Van Harten Surveying Inc. (via email only)
 Township of Puslinch (via email only)

RECEIVED

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

* Thes	e comments are erns within the so	respectfully . cope and man	submitted to date of the G	the Commi rand River C	ttee and refle onservation A	ct the res uthority.	source
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Deborah Turchet

From:

Nancy Kadak <nancy@dnqmachining.com>

Sent:

Wednesday, October 20, 2021 1:47 PM

To:

Deborah Turchet

Subject:

File # B74-21

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the contents to be safe.

To the planning committee,

With regards to the severance sketch for the file # B74-21, we are not happy with the fact that the possible driveway may reduce our privacy giving full view of our home.

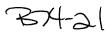
We would also like to voice our desire to also sever part of our property in the future and would like to ensure we are given the same opportunity and that this will not deter our chances to sever.

Across from our property there are two 'yellow signs'. Not sure which entrance will be made but we would prefer the one further away from our entrance.

If we can be notified of the decision, it would be appreciated. Our email is: dnttkadak@yahoo.com

Thank you for your attention to our email.

Damir and Nancy Kadak 4513 Concession Rd 11





LAND SURVEYORS and ENGINEERS

September 3, 2021 30243-21 Jeff.Buisman@vanharten.com

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

Attention: Deborah Turchet

Dear Ms. Turchet:

Re: Severance Application & Sketch 4508 Concession 11 Part of Lot 19, Concession 10 Part 1, 61R-5765 PIN 71189-0057 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, PIN Report and Map, the required deed, addresses of neighbouring properties, MDS Farm Data Sheet, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to create a new rural residential parcel along Concession Road 11 in Puslinch. The Severed Parcel will have a frontage of 85±m, depth of 55±m, for an area of 0.4±ha where a dwelling is proposed.

Numerous configurations were considered for the severance and we found that the proposed configuration was the best for sight lines, distance to barn and keeping the existing garage on the retained parcel. A new driveway will be required for the retained parcel. The severed parcel will use the existing driveway or have a new entrance at the north end of the site. The zoning by-law requirements are met for this parcel.

The Retained Parcel (known as #4508 Concession Road 11) has a frontage of 62±m, depth of 240±m for an area of 3.1±ha where the existing dwelling, garage and gazebo will remain. The zoning requirements are met for the retained parcel.

572 Weber Street North, Unit 7 Waterloo ON N2L 5C6 519-742-8371

Elmira, ON: 519-669-5070

423 Woolwich Street Guelph, ON N1H 3X3 519-821-2763 660 Riddell Road, Unit 1 Orangeville, ON L9W 5G5 519-940-4110

Collingwood, ON: 249-499-8359

www.vanharten.com



LAND SURVEYORS and ENGINEERS

There is an existing hydro line that runs through the northwest side of the severed parcel and connects to the existing dwelling on the retained parcel. The proposal is to keep the hydro line with the severed parcel and disconnect the line that runs to the retained parcel. A new hydro line is proposed to the retained parcel.

There are barns to the northeast of the subject property at #4490 Nassagaweya-Puslinch Townline. Based on the information provided, the required MDS distance using Type A calculation is 120m and we show an approximate distance of 285±m and therefore, MDS can be met.

The parcel has a designation of Secondary Agricultural and Greenlands in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, 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 is available sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot
- Zoning requirements are met for the Severed Parcel.
- MDS requirements are met.

In summary this severance is very practical and follows the relevant criteria for a severance.

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

cc Stuart Moulton & Elizabeth Chapman

cc Jonas White, Charleston Homes

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc. O.L.S. J.M. Duffv. P.End.