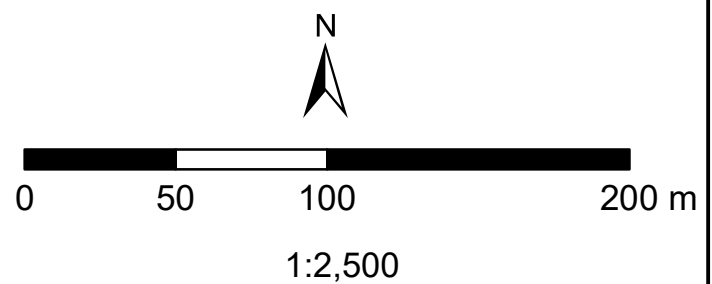
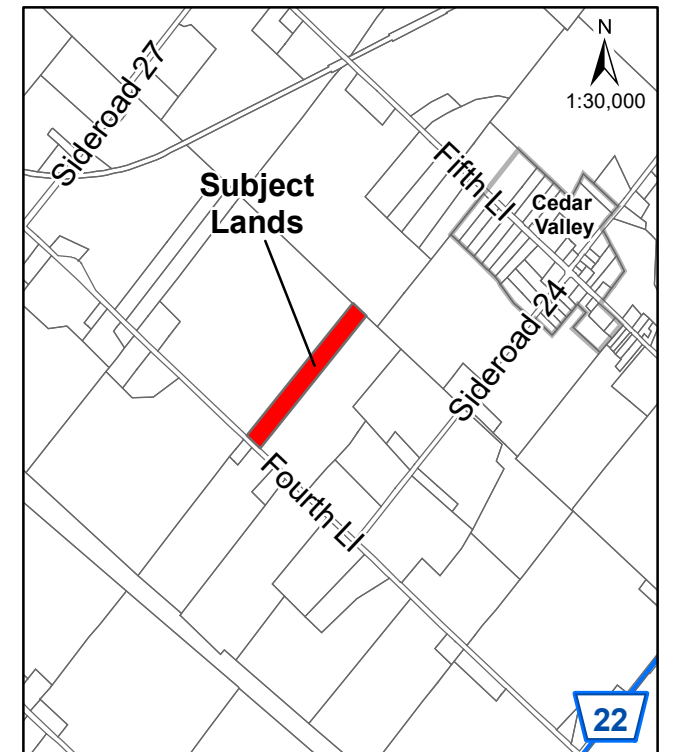


COUNTY OF WELLINGTON LAND DIVISION

B63-21

Applicant:
Hans & Else Nielsen

Town of Erin
5903 Fourth Line

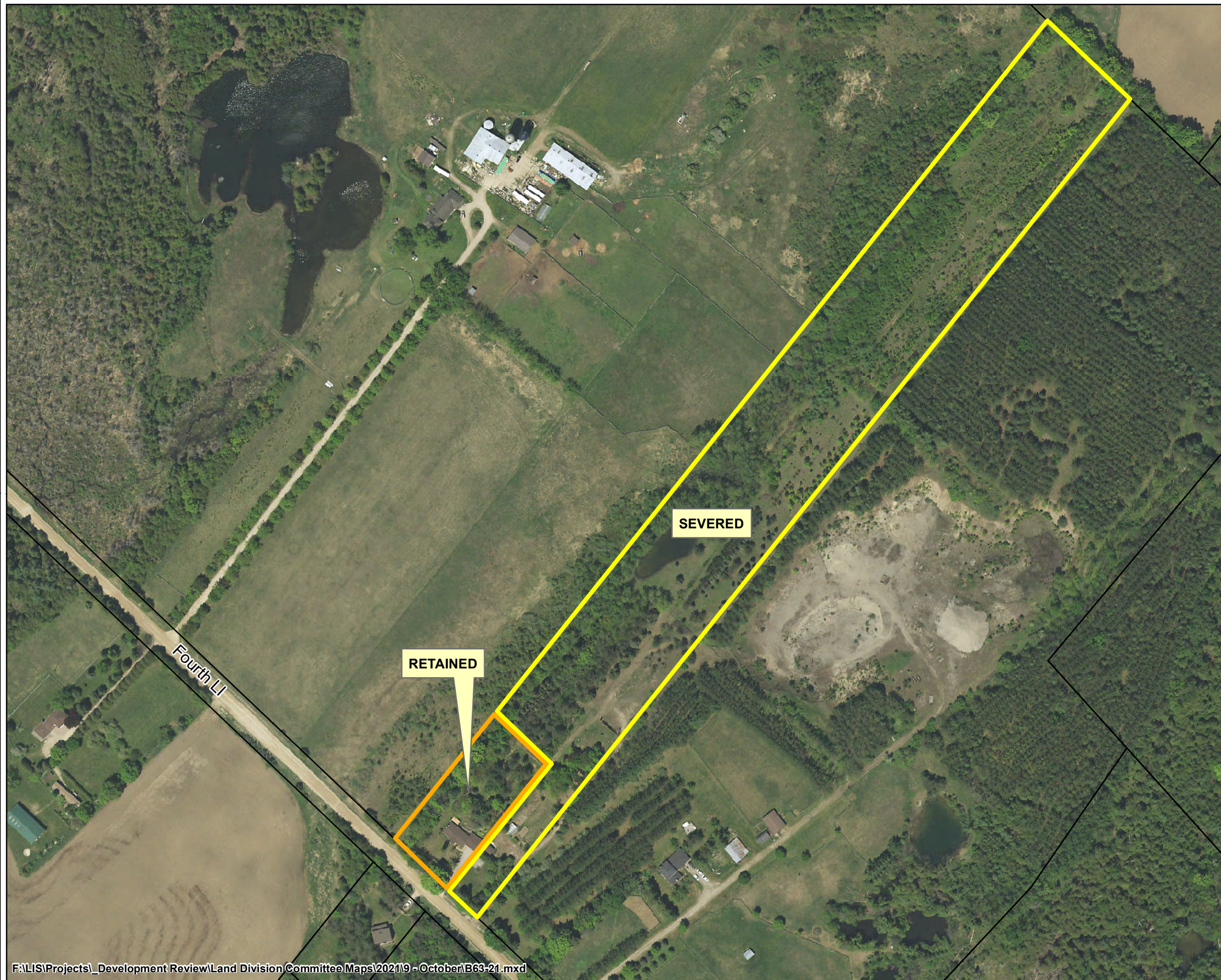


Date: September 2021

Produced by: County of Wellington Planning & Development Department

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Sources:
County of Wellington
Ministry of Natural Resources,
Grand River Conservation Authority.
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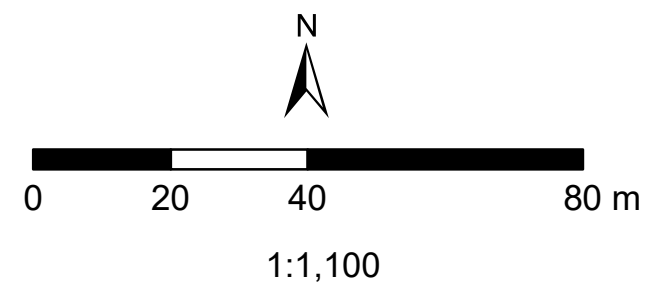
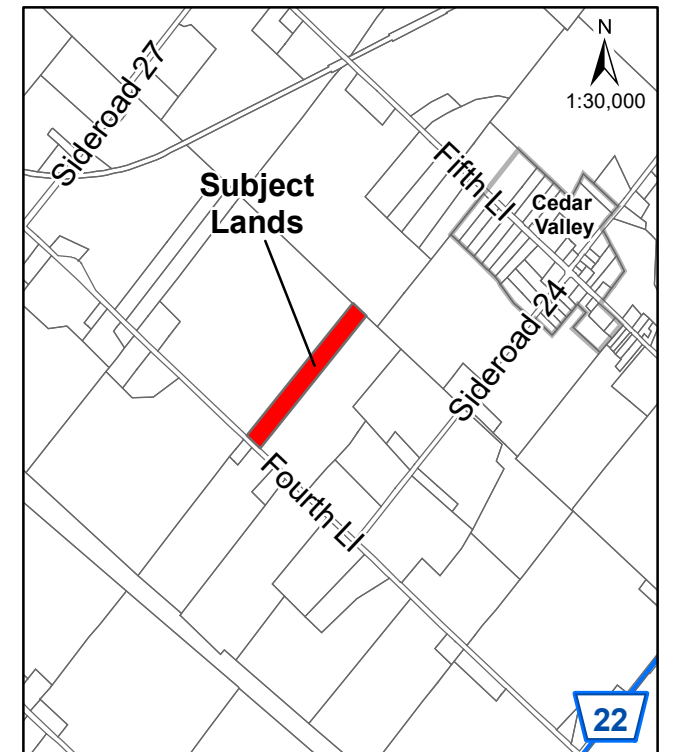


COUNTY OF WELLINGTON LAND DIVISION

B63-21

Applicant:
Hans & Else Nielsen

Town of Erin
5903 Fourth Line



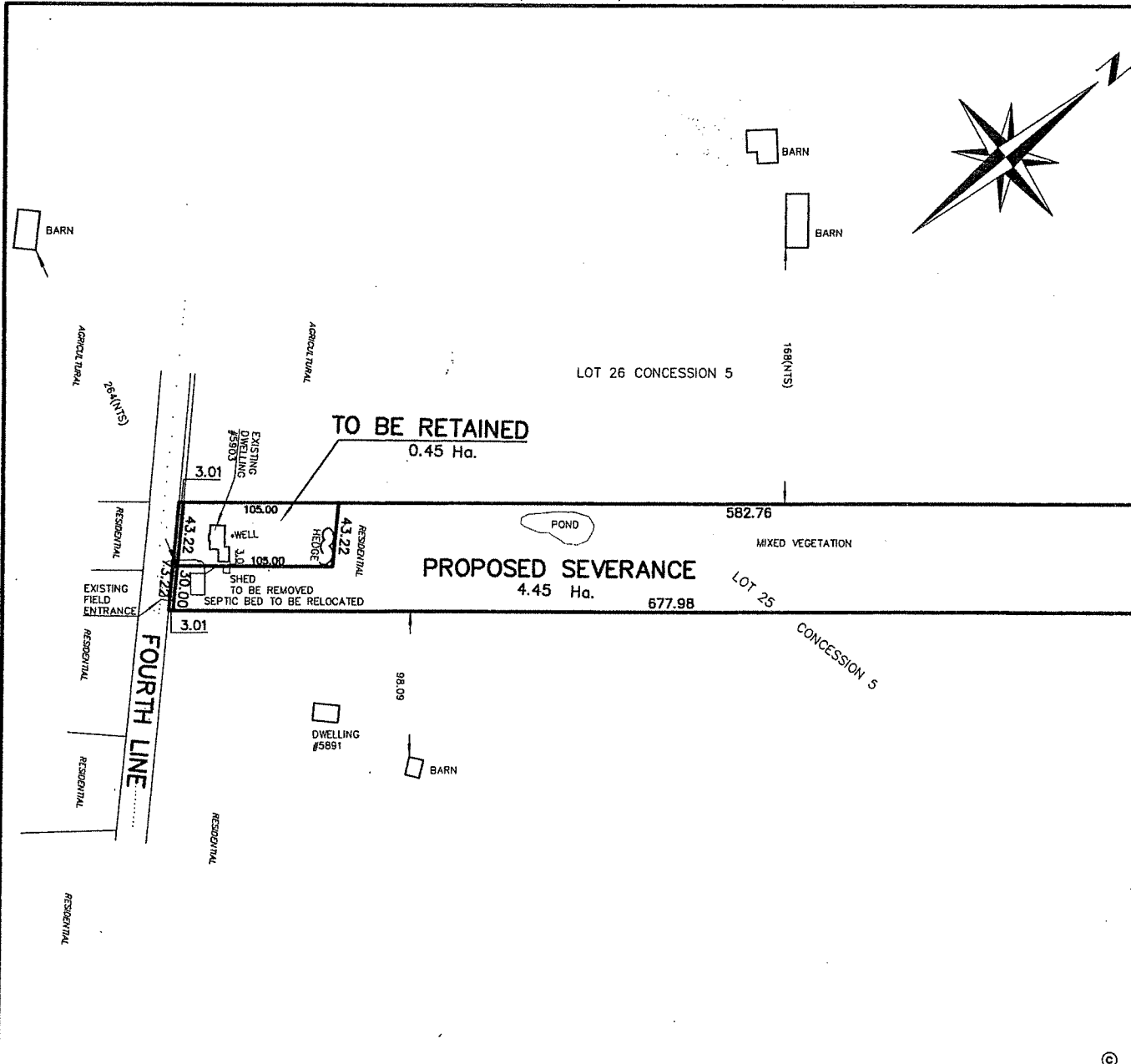
Date: September 2021

Produced by: County of Wellington Planning & Development Department

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SKETCH FOR SEVERANCE APPLICATION
PART OF LOT 25, CONCESSION 5

GEOGRAPHIC TOWNSHIP OF ERIN

TOWN OF ERIN
COUNTY OF WELLINGTON

J. R. FINNIE O.L.S.

SCALE 1:3000 METRIC

0 30 60 90 120 METRES



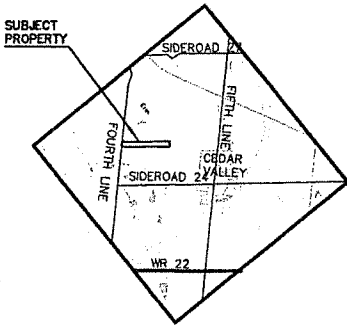
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL ONLY BE USED FOR THE
PURPOSE INDICATED IN THE TITLE BLOCK.

KEY MAP



NOTES

INFORMATION ON THIS SKETCH HAS BEEN COMPILED FROM LAND REGISTRY
OFFICE RECORDS, COUNTY OF WELLINGTON AERIAL PHOTOGRAPHY, AND
RECORDS OF J. R. FINNIE O.L.S.

CLIENTS: HANS & ELSE NIELSEN

J. R. FINNIE
ONTARIO LAND SURVEYOR
BOX 31, ERIN ON NOB 1T0

PH (519) 833-2380 FAX (519) 833-0208

EMAIL : rfinnie@jrfinnie.com

www.jrfinnie.com

DRAWN BY: jrf

PROJECT: 21-2128SKT

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: 10/14/2021 **EXPEDITED**
File Number: B63-21
Applicant: Hans & Else Nielsen
Subject Lands: Town of Erin - Part Lot 25, Concession 5

Proposal is a request for consent to convey fee simple for a proposed rural residential lot 4.45 ha, 30m fr; retained being 0.45

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review	notice cards were posted at time of site visit; application is generally consistent with Provincial Policy - farm data sheets were provided - staff are satisfied there is an appropriate building envelope for future dwelling; generally conforms to Official Plan - severed lot is within Secondary Agricultural and Core Greenlands designations - no new lots have been created since March 1, 2005 and owned by applicant over 5 years; conditions to apply
Town of Erin	in support of application; Secondary Agricultural within Erin's Official Plan; rezoning required to facilitate severance; Erin Building Official is satisfied there is sufficient site on severed for individual well and septic; conditions to apply
Grand River CA	no objections - severed has a large area setback from wetlands where future development could occur outside of the regulation limit; if future development is proposed within regulated area further study of wetland may be required through permit process to determine site specific development setbacks from the wetland

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 B63-21.
- 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.
- 5) **THAT** the Owner satisfy all the requirements of the Town of Erin, financial and otherwise (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Town when deed is Registered) which the Town of Erin 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 Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 6) **THAT** the applicants achieve zoning compliance for the subject property to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 7) **THAT** the applicants provide written confirmation from a qualified septic professional that the existing on-site sewage system(s) is functioning properly as designed and that all required clearances for treatment units, distribution piping/leaching chambers and holding tanks are in compliance with the Ontario Building Code Division B, Part 8; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) **THAT** the applicants pay parkland dedication to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) **THAT** the applicants provide a predevelopment site plan to the satisfaction of the Town of Erin, denoting the existing (if applicable) and proposed driveway, buildings, well and on-site septic field locations to ensure the site will accommodate development of a single dwelling residence. Provide dimensions to illustrate compliance with setback requirements; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 10) **THAT** a 3m road widening for the severed and retained parcel along Fourth Line anything beyond that is beyond the control of the applicant; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 11) **THAT** the Owner provide a survey confirming the location of the proposed entrance that should meet the standards outlined in the entrances by-law 10-47 to the satisfaction of the Town of Erin; and further

that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition

12) **THAT** the applicants remove the shed on the proposed retained parcel, to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

13) **THAT** the applicants provide a site plan with the location of the existing and proposed septic systems on the proposed severed and retained parcels, to ensure a minimum setback from septic systems to drilled wells in 15m and to dug wells is 30m. If the minimum setback is not achieved, that the applicants relocate the existing septic system and/or well on the proposed retained parcel to the satisfaction of the Town of Erin; and further that the Town of Erin 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*****

September 30, 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 B63-21

<u>APPLICANT</u>	<u>LOCATION OF SUBJECT LANDS</u>
Hans & Else Nielsen 5903 Fourth Line Hillsburgh N0B 1Z0	Town of Erin Part Lot 25 Concession 5

Proposed severance is 4.45 hectares with 30m frontage for proposed rural residential use. Existing shed and septic bed to be removed.

Retained parcel is 43.22m fr x 105m = 0.45 hectares, existing and proposed rural residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, OCTOBER 14, 2021** for the purpose of considering this **EXPEDITED APPLICATION**.

CONSIDERATION WILL BE HELD IN THE: Council Chambers
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 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.

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**
- ⇒ **Agenda & Minutes**
- ⇒ **Select Land Division Committee**
- ⇒ **choose month & year in drop down menus**
- ⇒ **open appropriate agenda**

To: Hans & Else Nielsen
JL Cox Planning Consultants Inc.



SEP 22 2021

Application	B63/21
Location	Part Lot 25 Concession 5 TOWN OF ERIN
Applicant/Owner	Hans and Else Nielsen

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

PLANNING OPINION: This application would sever a 4.45 ha (11.0 ac) for proposed rural residential use within the Secondary Agricultural area with an existing shed and septic bed, which are proposed to be removed. A parcel of 0.45 ha (1.1 ac) would be retained for the existing residential use with an existing dwelling.

This application is generally consistent with Provincial Policy and would generally conform to the Official Plan. We have no concerns provided 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 is provided on the retained lands and the existing septic system is relocated or removed from the severed parcel to the satisfaction of the local municipality; and
- c) That the retained and severed parcel receive zoning compliance to the satisfaction of the Town of Erin.

PLACES TO GROW: No concerns.

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 the minimum distance separation formulae.

Farm data sheets were provided for the barns located at 5912 Fourth Line, 5909 Fourth Line and 5891 Fourth Line. The owner of 5912 Fourth Line has confirmed that the property does not contain a livestock barn or manure storage, and only has stocker cattle on pasture temporarily for summer months. Therefore, MDS 1 is not applicable as per Guideline #3. For the proposed retained parcel, planning staff are satisfied that MDS 1 setback requirements can be met for 5909 Fourth Line and 5891 Fourth Line. For the proposed severed parcel, the MDS Guidelines recognize that where a larger lot is created, a suitable location must be identified for a 0.5 hectare building envelope outside of the MDS 1 setback (Guideline #41). Staff are satisfied that there is an appropriate building envelope for a future dwelling on the proposed severed lands.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL and CORE GREENLANDS. The identified environmental feature is Wetlands. The proposed retained lot is fully within the SECONDARY AGRICULTURAL designation, and the proposed severed lot is within the SECONDARY AGRICULTURAL AND CORE GREENLANDS designations.

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 5 years.

The matters under section 10.1.3 were considered including item j) which requires that natural resources such as agricultural lands and mineral aggregates would not be affected adversely.



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

LOCAL OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL within the Town of Erin Official Plan. The Town Official Plan refers to Section 10.4 of the County of Wellington Official Plan to guide the creation of new lots.

LOCAL ZONING BY-LAW: The subject property is currently zoned Rural Commercial with a Special Provision (C3-105) and Environmental Protection Zone (EP2). The C3-105 Zone permits only a lawn and garden supply outlet, including the sale of nursery stock and lawn and gardening equipment. An accessory dwelling is permitted as well as buildings, structures, and uses accessory to the foregoing uses. A condition to remove the C3-105 Zone and replace it with the Agricultural Zone has been proposed for the severed and retained parcels. For the retained parcel this would limit the permitted uses on the lot, and address that the proposed retained lot does not meet the lot requirements of the C3 Zone. For the proposed severed lot, this removal is reflective of the proposal to use the lot for a rural residential use, as the C3-105 only permits an accessory dwelling to the principle use of a lawn and garden supply outlet.

A condition has been proposed for the severed and retained lots to achieve zoning compliance to address: 1) an appropriate zone for the retained and severed parcels, 2) to remove the accessory building on the severed parcel, and 4) to relocate the existing septic bed to the proposed retained parcel.

SITE VISIT INFORMATION: The subject property was visited and photographed on September 16th, 2021. Notice Cards were posted and the survey sketch appears to meet the application requirements.

A handwritten signature in black ink, appearing to read 'Joanna Salsberg'.

Joanna Salsberg, B.A., M.PL.
Planner
September 21, 2021



Corporation of the Town of Erin
5684 Trafalgar Road
RR2 Hillsburgh ON N0B 1Z0
(519) 855-4407 Ext. 242 Fax: (519) 855-4281
EMAIL: tanjot.bal@erin.ca

Sent by Email

9/15/2021

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

RECEIVED

SEP 15 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Subject: Severance Application B 63-21
Hans & Else Nielsen
5903 Fourth Line
Hillsburgh ON N0B 1Z0
2316 000 007 01305
Part Lot 25, Concession 5 W
Town of Erin

The following outlines the Town of Erin comments with respect to Severance Application B 63/21.

Proposal:	The applicants propose to sever a 4.45 hectare rural residential lot and retain a 0.45 hectare lot with an existing detached dwelling.
Erin Official Plan Designation:	The subject lands are designated Secondary Agricultural within Erin's Official Plan.
Current Zoning	<p>The subject lands are zoned Rural Commercial Site Specific (C3-105) and Rural Environmental Protection (EP2) in Erin's Zoning By-law 07-67. These lands may only be used for a lawn and garden supply outlet, including the sale of nursery stock and lawn and garden equipment. An accessory dwelling is permitted as well as buildings, structures and uses accessory to the foregoing uses.</p> <p>No new buildings or structures are permitted within the EP2 Zone, without approval of the Grand River Conservation Authority.</p>

	Frontage	Area
Zoning By-law Requirement	60 m	0.8 ha
Retained Parcel	43.2 m	0.45 ha
Severed Parcel	30 m	4.45 ha

The proposed retained and severed parcels do not comply with the minimum lot area and frontage requirements of the zoning by-law. The applicants will require a rezoning, to facilitate the severance.

Additional Information

- Opened maintained year-round public road: ☒ Yes ☐ No
If no, is Erin willing to enter into an agreement regarding the use of the seasonal road, or opening the road? ☐ Yes ☐ No
- Serviced by Municipal Water and Sewer? ☐ Yes ☒ No
- Is there a Capital Works Project underway to service the lots in the near future? If yes, approximate timing? ☐ Yes ☒ No
- Is there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands? ☐ Yes ☒ No
- Is Erin's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services? ☒ Yes ☐ No

Recommendation: The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae.

The Town of Erin recommends approval of Severance Application B 63/21 subject to the applicants fulfilling the following conditions, to the satisfaction of the Town:

1. That the applicants achieve **zoning compliance** for the subject property to the satisfaction of the Town of Erin.
2. That the applicants provide **written confirmation from a qualified septic professional** that the existing on-site sewage system(s) is functioning properly as designed and that ALL required clearances for treatment units, distribution piping/leaching chambers and holding tanks are in compliance with the Ontario Building Code Division B, Part 8.
3. That the applicants provide a **site plan** with the location of the existing and proposed septic systems on the proposed severed and retained parcels, to ensure a minimum setback from septic systems to drilled wells is 15m and to dug wells is 30m. If the minimum setback is not achieved, that the applicants relocate

the existing septic system and/or well on the proposed retained parcel, to the satisfaction of the Town of Erin.

4. That the applicants pay **parkland dedication** to the satisfaction of the Town of Erin.
5. That the applicant satisfy all the requirements of the Town of Erin, **financial and otherwise**, (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Town when deed is Registered) which the local municipality 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.
6. That the applicants provide a **predevelopment site plan** to the satisfaction of the Town of Erin, denoting the existing (if applicable) and proposed driveway, buildings, well and on-site septic field locations to ensure the site will accommodate development of a single dwelling residence. Provide dimensions to illustrate compliance with setback requirements.
7. Request a **3m road widening** for the severed and retained parcel along Fourth Line, anything beyond that is beyond the control of the applicant.
8. Provide a survey confirming the location of the **proposed entrance** that should meet the standards outlined in the entrances by-law 10-47.
9. That the applicants **remove** the shed on the proposed retained parcel, to the satisfaction of the Town of Erin.

The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Planning and Land Division once the conditions have been fulfilled.

Yours truly,

Tanjot Bal, MCIP, RPP
Senior Planner



RECEIVED

SEP 22 2021

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
SECRETARY-TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

DATE: September 20, 2021

YOUR FILE: B63-21

RE: **Application for Consent B63-21**
5903 Fourth Line, Town of Erin
Hans & Else Nielsen

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 lands to be severed contain a wetland and the regulated allowance adjacent to the wetland.

The lands to be retained are located outside of the GRCA's area of interest.

2. Legislative/Policy Requirements and Implications:

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

The severed parcel has a large area that is setback from the wetlands where future development could occur outside of the GRCA regulation limit. As such, GRCA staff do not anticipate any negative impacts to the wetlands as a result of the proposed severance.

Due to the presence of the above-noted features, portions of 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 areas will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

If future development is proposed within the regulated area, further study of the wetland may be required through the GRCA permit process to determine site specific development setbacks from the wetland.

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. Hans & Else Nielsen (via email only)
JL Cox Planning Consultants Inc. (via email only)
Town of Erin (via email only)

* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*



Grand River
Conservation Authority
Date: Aug 13, 2021
Author: cf

5903 Fourth Line, Town of Erin

B63-21

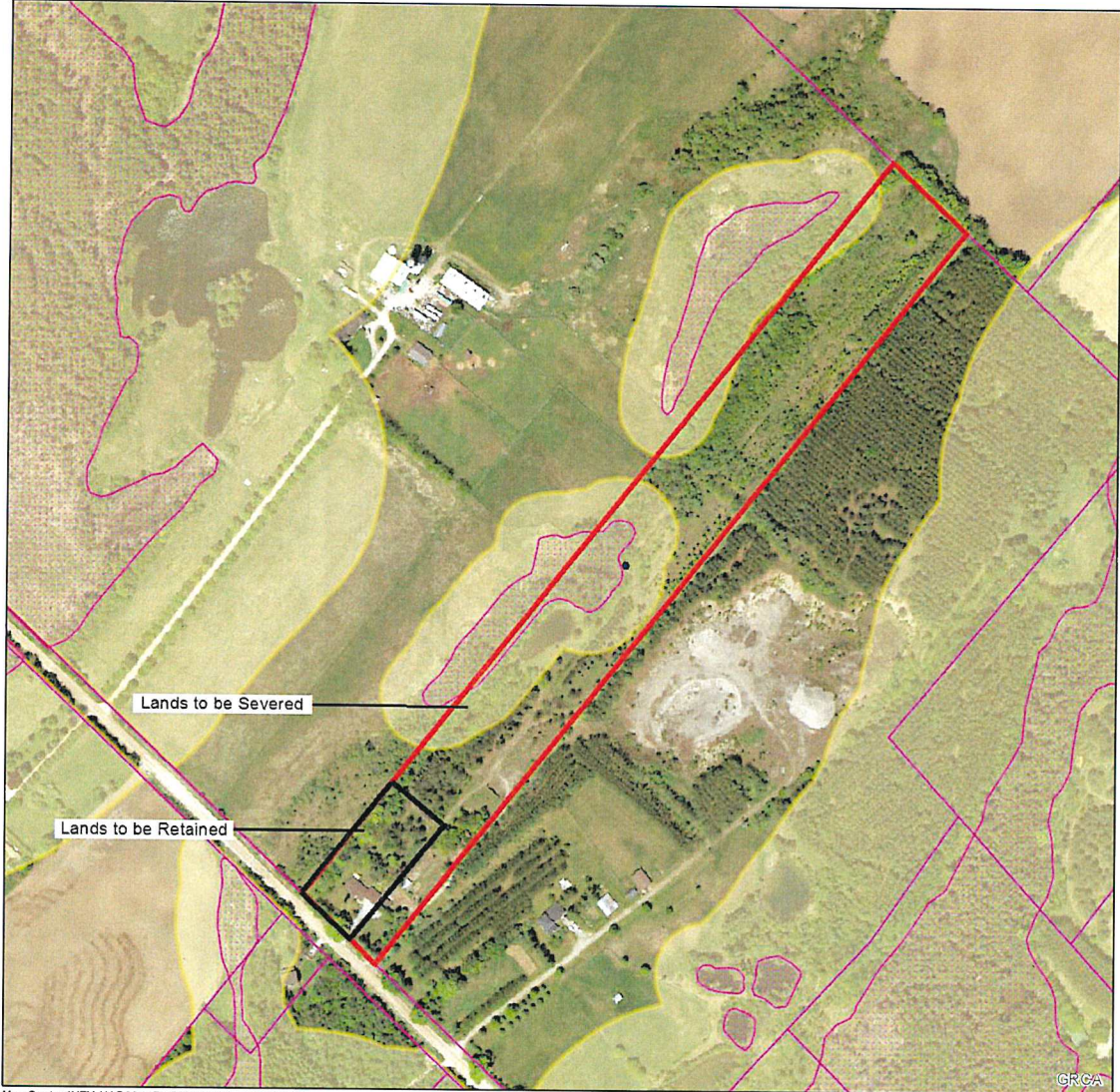
Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Sleep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 20 40 80 120 Metres
NAD 1983 UTM Zone 17N Scale: 4,000



Map Centre (UTM NAD83 z17): 566,190.00 4,846,224.28

This map is not to be used for navigation | 2015 Ortho (ON)