



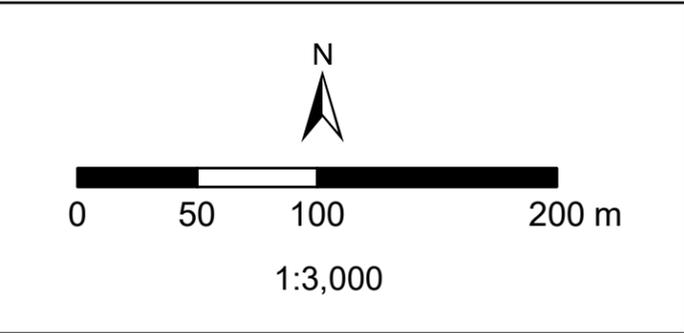
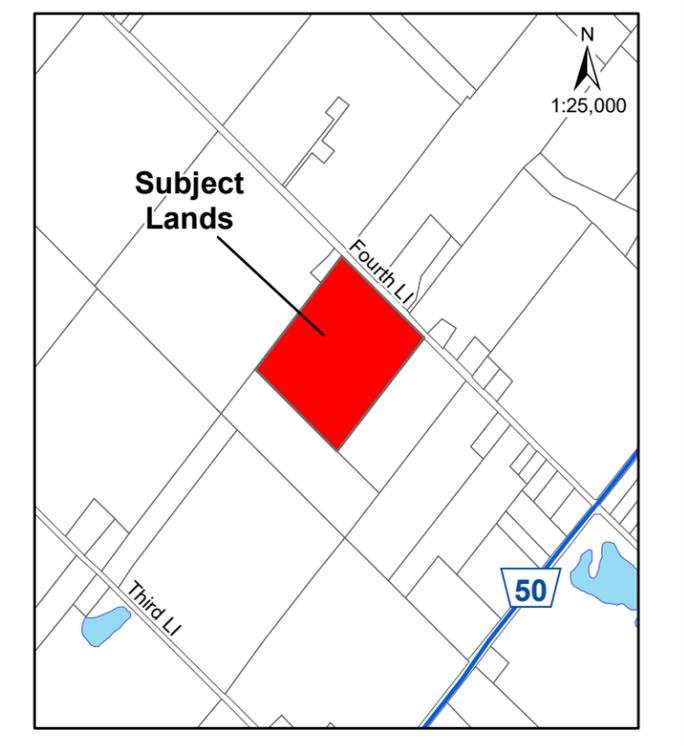
**COUNTY OF WELLINGTON
LAND DIVISION**

B22-23

Applicant:
Louise & Peter McMullen

Town of Erin

5158 Fourth Line



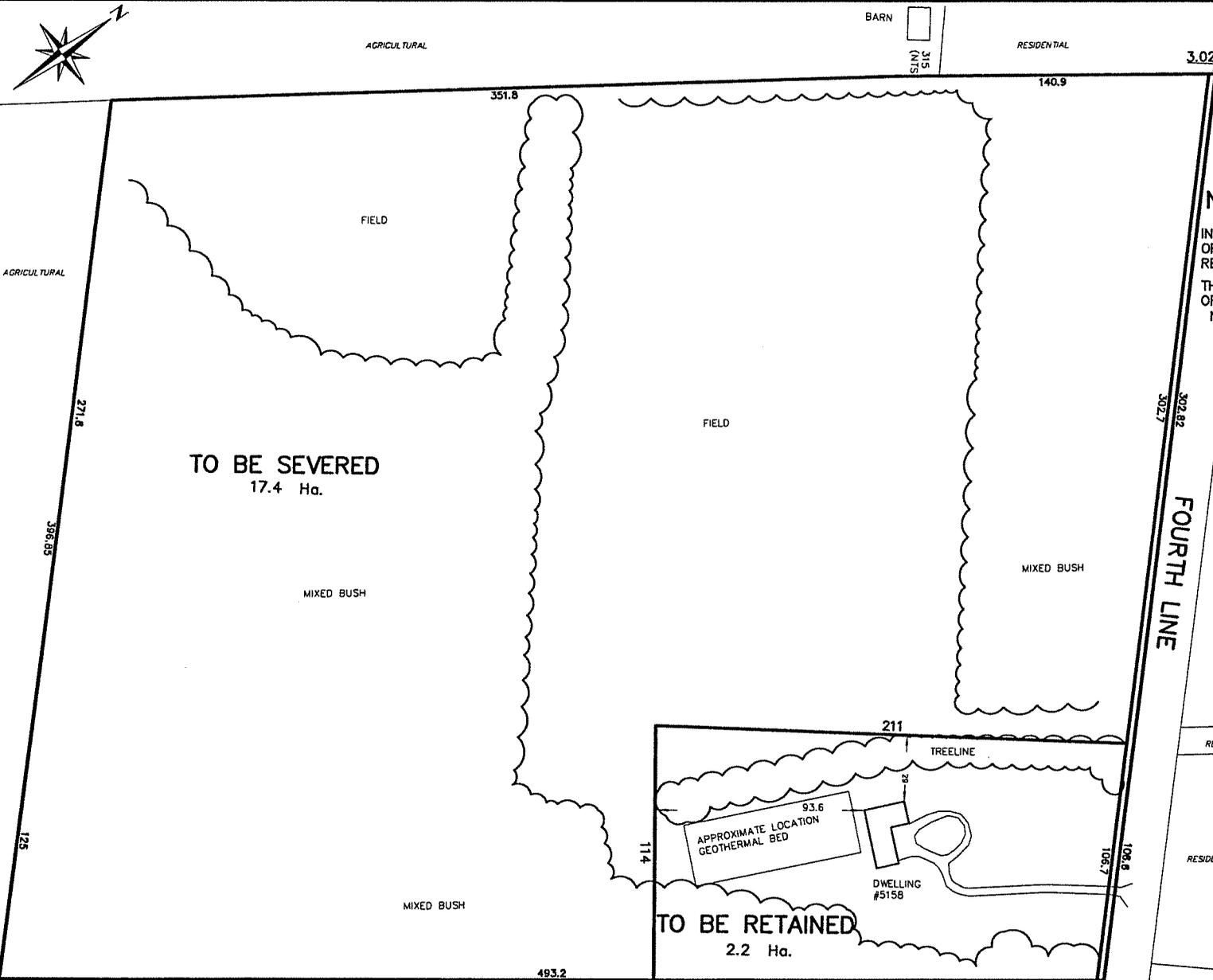
Date: May 2023

Produced by: County of Wellington Planning & Development Department 2023

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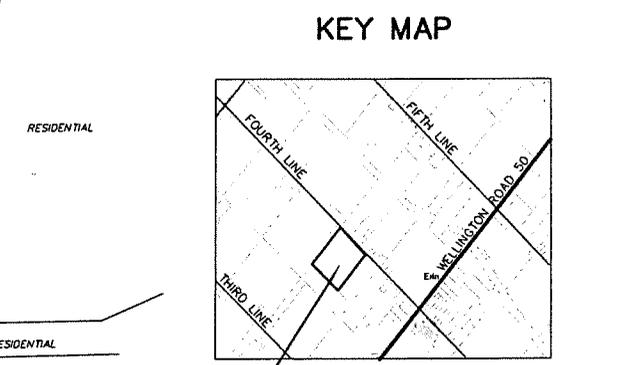


SKETCH FOR SEVERANCE APPLICATION
 J. R. FINNIE O.L.S.
 SCALE 1:2000 METRIC
 0 20 40 60 80 METRES

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

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.
 THIS SKETCH IS AN ORIGINAL ONLY IF EMBOSSED WITH SURVEYOR'S SEAL OR PDF CERTIFIED.
 NTS DENOTES NOT TO SCALE

LOCATION
 PART OF LOT 7, CONCESSION 4, TOWN OF ERIN
 5158 FOURTH LINE, ERIN



CLIENTS: LOUISE & PETER McMULLEN

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: 23-2238SKT-R

CAUTION
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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: 06/08/2023 ITEM #2

File Number: B22-23

Applicant: Louise & Peter McMullen

Subject Lands: Town of Erin - Part Lot 7, Concession 4

Proposal is a request for consent to convey fee simple for a proposed agricultural, rural residential parcel 17.4 ha, 302.7m frontage; retained being 2.2 ha, existing rural residential dwelling

ISSUES: Planning – size of retained lot

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review	notice cards were posted at time of site visit; application is generally supported on these lands, however staff opinion is that the retained lot could be reduced in frontage and area to reflect the rural residential lot area 1 - 2 acres. Committee to be satisfied application is consistent with Provincial Policy and conforms to Official Plan; staff are satisfied MDS requirements are met; Secondary Agricultural - no new lots have been created on parcel since March 1, 2005 and have been owned by applicant over 5 years; identified features include a wetland regulated by GRCA; property is also subject to Paris Galt Moraine Policy Area.
Town of Erin	recommend approval; property designated Secondary Agricultural in Erin Official Plan; severed and retained parcel comply with minimum lot area and lot frontage requirements of zoning by-law; conditions to apply
Grand River CA	existing agricultural use will continue on the severed and there is sufficient area to accommodate residential uses outside of the GRCA's regulated area; staff do not anticipate any negative impact to the wetland as a result of application - no objections
Miscellaneous	Rod Finnie, agent - supplementary responses attached

PROPOSED CONDITIONS of APPROVAL

- 1) **THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent on both the severed and retained parcels, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division a printed copy of each of the "completed electronic transfer documents in preparation".
- 2) **THAT** the Solicitor for the Owner give a signed 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 on both the severed and retained parcels.
- 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 fees which are in effect at the time of the payment of the fees required for the review and issuance of the Certificate of Consent for the severed and retained parcels.
- 4) **THAT** the transfers of the severed and retained parcels 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 applicants 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; 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 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.
- 7) **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 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 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.
- 9) **THAT** the applicants submit a tree preservation plan identifying the trees proposed to be protected and removed, in order to construct a dwelling; 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*****

May 25, 2023

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 B22-23

APPLICANT

Louise & Peter McMullen
5158 Fourth Line
Acton L7J 2L8

LOCATION OF SUBJECT LANDS

Town of Erin
Part Lot 7
Concession 4

Proposed severance is 17.4 hectares with 302.7m frontage, existing agricultural use for proposed rural residential and agricultural use.

Retained parcel is 2.2 hectares with 106.63m frontage, existing and proposed rural residential use with existing dwelling.

ITEM #2 ON AGENDA

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, JUNE 08, 2023 AT 09:00 AM** 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

PLEASE NOTE: To avoid application deferral, any **new** information addressing comments presented in the attached Report Summary are to be submitted to the Secretary Treasurer of Land Division **no later than THURSDAY, JUNE 1, 2023 by 1:00 pm.**

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 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: Rod Finnie



RECEIVED

MAY 17 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B22/23
Location	Part Lot 7, Concession 4 TOWN OF ERIN
Applicant/Owner	Louise and Peter McMullen

PLANNING OPINION: This application would sever a 2.2 ha (5.4 ac) rural residential lot with an existing dwelling in the Secondary Agricultural Area. A 17.4 ha (43 ac) vacant parcel would be retained.

Planning staff generally support a severance for a rural residential lot on these lands however staff's opinion is that the retained lot could be reduced in frontage and area to reflect the rural residential lot area in the County's Official Plan (1-2 ac). Staff note if the application was for a vacant lot of this size and area it would generally not be supported.

The Committee should be satisfied that this application is consistent with Provincial Policy and would generally conform to the Official Plan. If approved, the following matters are recommended to be addressed as conditions of approval:

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

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): With respect to Minimum Distance Separation 1 (MDS1), staff have reviewed the barns in the area and based on the size of the severed lands there would be adequate area for a new dwelling located outside any MDS setback. Staff are satisfied MDS requirements are met for this application.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL and CORE GREENLANDS within the County of Wellington Official Plan. Identified features include a wetland regulated by the GRCA. The property is also subject to the Paris Galt Moraine Policy 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;
- 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.

In regards to item a) the proposed severed parcel is larger than typical, staff's opinion is that the proposed severed lot could be reduced in area to reflect a residential lot consistent in the area and may not require the additional area proposed. Staff note the proposed severance includes an existing tree line and geothermal bed.

The matters under section 10.1.3 were also considered including item a) "that any new lots will be consistent with official plan policies and zoning regulations". Regarding land use compatibility, the proposed lot will be adjacent to the existing Guelph Junction Rail Line which is an active rail line. The proposed lot or the reconfigured lot would allow for sufficient setback from the rail line and meet the minimum front yard requirements.

The proposed retained and severed parcel are partially located within the Mineral Aggregate Resource Overlay and contains Sand and Gravel Resources. There are a number of existing residential uses in the immediate area which would limit the potential for resource extraction.



WELL HEAD PROTECTION AREA: The subject lands are not located in a Well Head Protection Area.

LOCAL OFFICIAL PLAN: The subject property is designated as Secondary Agriculture and Core Greenlands. The Town's Official Plan relies on the County Official Plan regarding lot creation.

LOCAL ZONING BY-LAW: The subject lands are entirely located within the Agricultural (A) Zone. The proposed severed and retained parcels meet the minimum lot area and frontage (30 m) requirements of the A Zone.

SITE VISIT INFORMATION: The subject property was visited and photographed on, April 26th, 2023. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Zach Prince RPP MCIP
May 17th, 2023



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

REVISED - Sent by Email

5/19/2023

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

RECEIVED

MAY 19 2023

SECRETARY TREASURER
 WELLINGTON COUNTY
 LAND DIVISION COMMITTEE

Subject: Severance Application B 22-23
 Louise and Peter McMullen
 5158 Fourth Line
 2316-000-001-14100
 Part Lot 7, Concession 4
 Town of Erin

The following outlines the Town of Erin comments with respect to Severance Application B 22-23.

- Proposal:** To sever a 17.4 hectare existing agricultural use for residential and agricultural use and retain a 2.2 hectare rural residential lot with an existing house.
- Erin Official Plan Designation:** The property is designated Secondary Agricultural in Erin's Official Plan.
- Current Zoning** The subject property is zoned Agricultural (A) in Erin's Zoning By-law 07-67, as amended.

	Frontage	Area
Zoning By-law Requirement for lots 10 ha or greater	120 m	10 ha
Zoning By-law Requirement for lots less than 10 ha	30 m	0.4 ha
Retained Parcel	106.63 m	2.2 ha
Severed Parcel	302.7 m	17.4 ha

The proposed severed and retained parcel comply with the minimum lot area and lot frontage requirements of the zoning by-law.

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 22-23, subject to the applicant fulfilling the following conditions, to the satisfaction of the Town:

1. That the applicants pay **parkland dedication** to the satisfaction of the Town of Erin.
2. That the applicants 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.
3. 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.
4. 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.
5. That the applicants submit a **tree preservation plan** identifying the trees proposed to be protected and removed, in order to construct a dwelling.

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



May 16, 2023

via email

GRCA File: B22-23 – 5158 Fourth Line

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

RECEIVED

MAY 17 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Dear Ms. Turchet,

Re: Application for Consent B22-23
5158 Fourth Line, Town of Erin
Louise and Peter McMullen

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted consent application.

Recommendation

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

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the severed and retained parcels contain wetlands and the regulated allowance adjacent to the wetlands. A copy of GRCA's resource mapping is attached. Portions of the subject lands are also designated as part of the Greenlands System in the County of Wellington Official Plan (2022).

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

The proposed consent application will sever a portion of the property with existing agricultural use for proposed rural residential and agricultural use. The existing rural residential use on the retained parcel will continue. As the existing agricultural use will continue on the severed parcel and there is sufficient area to accommodate residential

uses outside of the GRCA's regulated area, GRCA staff do not anticipate any negative impacts to the wetland as a result of this application.

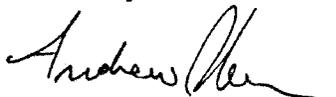
We wish to acknowledge receipt of the applicable plan review fee in the amount of \$465.00 for GRCA's review of this application.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Louise and Peter McMullen (via email)
Rod Finnie (via email)
Town of Erin (via email)



Grand River
Conservation Authority
Date: Apr 17, 2023
Author: ah

B22-23 - 5158 Fourth Line

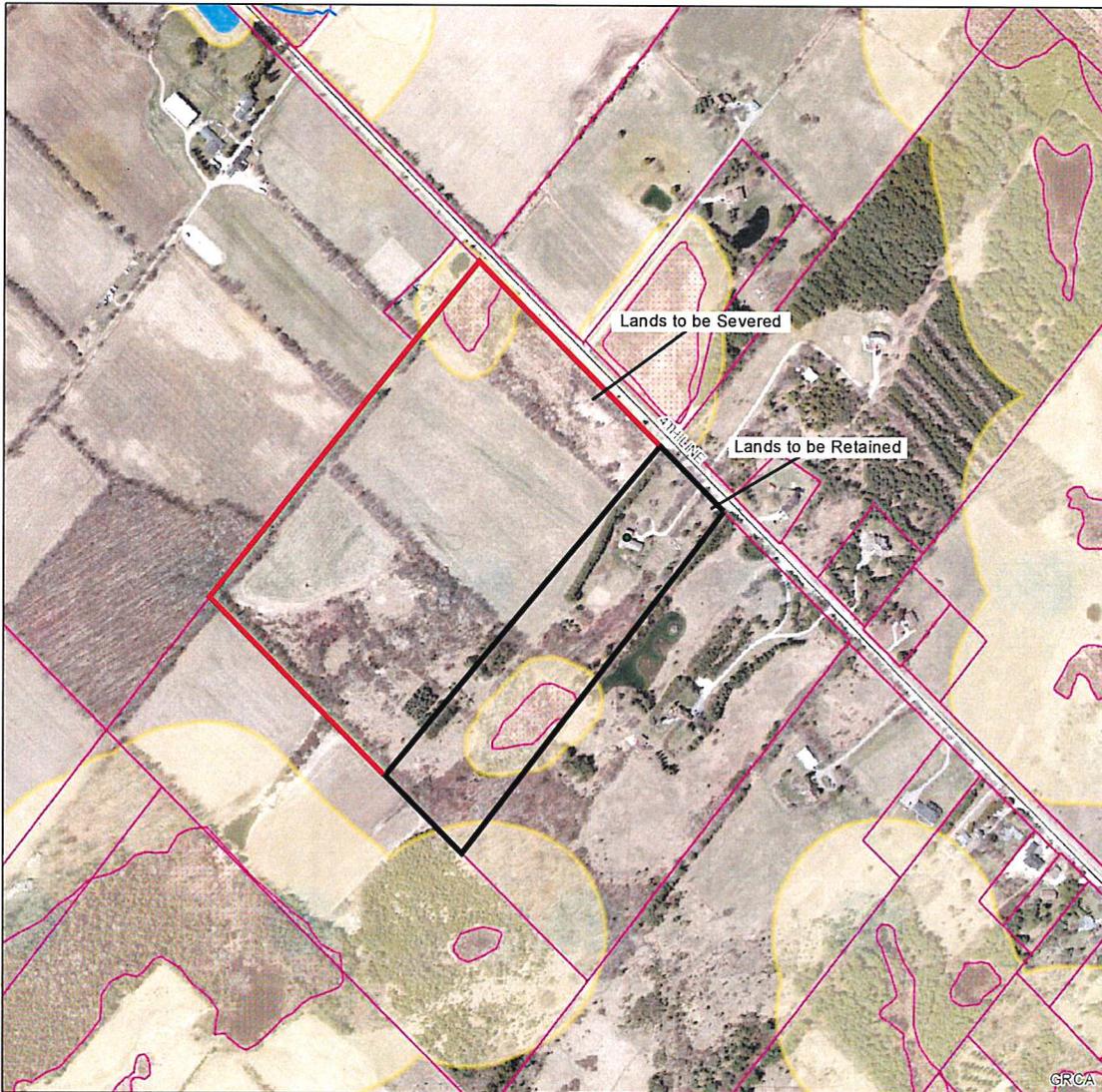
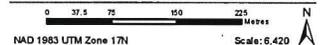


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)**
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)**
 - Steep
 - Oversteep
 - Sleep
- 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>



Map Centre (UTM NAD83 z17): 574,099.36 4,838,042.32

This map is not to be used for navigation | 2020 Ortho (CN)

GRCA

SUPPLEMENTARY RESPONSES

24. Section 1.1.5.2 of the Provincial Policy Statements permits residential development including lot creation, that is locally appropriate. The lands in this original 100-acre parcel were previously divided into 3 lots. There are 5 residential lots across the road, one immediately to the north and one to the south. The proposed development is consistent with the lot fabric. The severed lot has been created by separating the agricultural lands from the woodlands. Agriculture as it is currently practiced on these lands will continue in substantially the same manner. The lands will have to comply with the MDS requirements in s. 1.1.5.8 or request exemption through the minor variance process.

25. These lands are not currently within the Greenbelt. A Place to Grow (2019) mapping will come into effect when the changes to the natural heritage system and the agricultural system are incorporated into the County's Official Plan. S. 2.2.9.6 allows for the creation of new multiple lots for residential development subject to the lands being appropriately zoned and designated in the Official Plan as of June 16, 2006. Use of a lot for a single-family dwelling is permitted by s.5.1.1 of the Town's Zoning Bylaw. Lot creation is permitted in secondary agricultural areas subject to the requirements in s. 10.4 of the County's Official Plan.

26. Lot creation for residential purposes is permitted in Secondary Agricultural Areas by s.10.4.1(c). The lot is larger than 0.4 ha., has access to a public road, will not hinder agricultural development or mineral aggregate operations, is compatible with surrounding development, is well removed from settlement boundaries, and has been owned by the applicants for more than 5 years (s. 10.4.4)

37. Lot creation by consent is subject to the policies in s.5.15.2. No extension of any major service is required, the land fronts on an open public road and is consistent with the Planning Act. It is larger than normally requested, but that is so that the agricultural use can continue in its present format (primarily hay field). It is compatible with adjacent lots, will not contribute to traffic congestion, is on individual servicing, and complies with the environmental protection policies in the Town's Official Plan.

J. R. Finnie O.L.S.~~~~~

Box 31,
Erin, ON N0B 1T0
ph (519) 833-2380
fax (519) 833-0208
email: rfinnie@jrfinnie.com

31 May 2023

Chair and Members of the Land Division Committee
County of Wellington

Re: Application B22-23 (McMullen)

Good morning,

County Planning Staff have suggested that the retained parcel for this application be reduced in frontage and area to be more consistent with the suggested guidelines for severances.

In many cases, I would agree with them, but the characteristics of this proposal suggest that some variation might be wise.

As a land surveyor, we deal with many cases where there are disputes or misunderstandings about boundaries. One of the ingredients that contributes most strongly to a well-understood boundary is a strong visual clue, such as a fence or a treeline. When you are separating uses such as commercial from residential, a vegetative buffer is used.

The treeline therefore makes a good boundary between the agricultural use on the severed portion and the residential use on the retained portion. We have kept it on the residential side as the trees are more valued by a residential owner, and it acts as a shelter belt against the prevailing westerly winds. We could angle the side property line part of the way to the back to follow the tree line, which would reduce the area of the proposed retained parcel by approximately 1800 square metres, which would lower the total area of the retained parcel to approximately 2 hectares. Other than that, there is not a lot of opportunity to further reduce the size of the retained parcel.

Thank you for your consideration, and we trust that you will agree that this severance is appropriate.

If you have any questions, do not hesitate to contact us.

Yours truly,

Rod Finnie O.L.S.

RECEIVED

MAY 31 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE