



# LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, October 28, 2020

- 9:00am      Approval of September 23, 2020 Meeting Minutes
- Report from Acting Secretary-Treasurer
- Inquiries from Land Division Committee Members
- 9:15am      E 55-19      John and Anita Peters (Amended)  
   51402 Pressey Line - Township of Malahide
- 9:30am      E 12-18      Gerry Hensels & Lorraine McElroy (deferred)  
   349 George St – Central Elgin
- 9:45am      E 20-20      The Andersons Canada Limited  
   12098 Blacks Road – West Elgin
- 10:00am     E 33-20      Denis Norman Zettler  
   Part Lot 18, Concession 11, Registered Plan No 11R-6858 – Dutton Dunwich
- 10:15am     E 34-20      Antonius and Petronella Veldman  
   26591 Downie Line – West Elgin
- 10:30am     E 35-20      Rob Thompson  
   7254 Bogus Road - Bayham
- 10:40am     E 36-20      Rob Vanwynsberghe  
   55963 Calton Line - Bayham
- 10:45am     E 37-20      James E Crane and John A Crane  
   45501 Elm Line – Central Elgin
- 11:00am     E 38-20      Steven Ford  
   28548 Thomson Line – Dutton Dunwich
- 11:15am     E 39-20      Amanda Jo Adzija and Robert Tomislav Adzija  
   38301 Fingal Line - Southwold
- 11:30am     E 40-20      Argyle Farms Brookwood Inc. & Argyle Hills Inc.  
   30734 Silver Clay Line – Dutton Dunwich
- 11:45pm     E 41-20      Peter Littlejohn and Sarah Littlejohn  
   29357 Talbot Line – Dutton Dunwich

**AS THIS MEETING IS BEING CONVENED THROUGH ELECTRONIC PARTICIPATION,  
APPLICANTS ARE ADVISED TO CONTACT THE ACTING SECRETARY-TREASURER TO  
OBTAIN INFORMATION ABOUT HOW TO PARTICIPATE. PLEASE CONTACT Nancy Pasato  
(Acting Secretary-Treasurer)  
npasato@elgin.ca 519-631-1460 ext. 126**

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549

**ELGIN COUNTY LAND DIVISION COMMITTEE**  
**Meeting Minutes – September 23, 2020**

*County Administration Building, St. Thomas, Ontario and electronically*

**Present:** Dugald Aldred, Chairman, John Andrews, John R. “Ian” Fleck, Rosemary Kennedy, John Seldon, Dennis O’Grady, Jack Van Kasteren, and Nancy Pasato, Acting Secretary-Treasurer/Manager of Planning.

**Call to Order:**

At 9:32am, Chair Dugald Aldred called the meeting to order. Due to the Province of Ontario Emergency Declaration for the COVID-19 pandemic, this meeting is being held by video conferencing and in person in an effort to follow the rules of “physical distancing”.

**DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

- None declared

**Minutes:**

Moved by: Ian Fleck

Seconded by: John Andrews

That the minutes of the meeting held August 26, 2020 be adopted.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

### Application Signs:

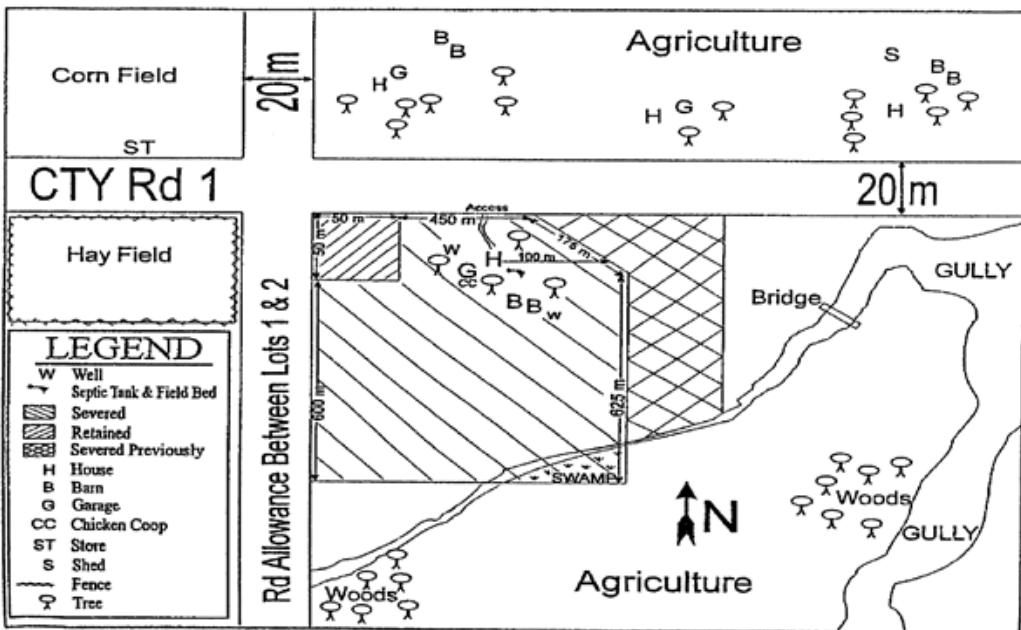
Land Division Committee members confirmed that all signs for applications to be heard today were posted at the time of site inspection.

### Items for Consideration:

Nancy Pasato, Acting Secretary Treasurer and Manager of Planning brought forward two items for the Land Division Committee for consideration.

#### Detailed Sketch

Must be no greater than 20 cm x 35 cm (8 1/2 x 14"). One copy of the sketch is required, done in black (e.g., ink, felt pen) no pencil or colours. A legend or key indicating severed and retained portions must be shown (e.g., cross-hatching or diagonal lines). Clearly indicate severed and retained portions, with all dimensions of both severed and retained lands on the sketch. **All measurements must be accurate, a variance of 3% on each dimension is acceptable for agricultural land and 1.52 metres on each dimension for non-agricultural land.** Dimensions of all existing buildings should be shown as well as dimensions for their location in relation to property lines and the proposed severance. All buildings and type of land surrounding both severed and retained portions must be shown within 300 metres radius for rural areas and 60 metres radius for urban areas. All existing and proposed accesses should be shown. (SEE SAMPLE BELOW)



### Photos

After researching the requirements from other County's and Committees, I was not able to find any municipality that requires photos as part of an application.

However, we can encourage submission of photos/google map photos as part of an application, or we could require it.

I have included a possible paragraph we could add to the on line application:

#### DIGITAL PHOTOGRAPHS

1. Digital photographs can be taken and submitted with the application. An excerpt from Google Maps with aerial photography will be useful to confirm existing buildings and/or features on the site. Photos and google map excerpts will be submitted on a memory stick with the completed application.

After a lengthy discussion the committee directed the Acting Secretary-Treasurer to present the new criteria for consideration and approval at the next meeting.

#### **Application E 71-19:**

##### Request for Amendment

Karen Lauzon and Family Business Trust  
6738 Quaker Road  
Municipality of Central Elgin  
Agent: David Roe

Letter from agent, David Roe, Civic Planning Solutions:

*The original application indicated a frontage of 50m and a depth of 143m and an area of 7150 m<sup>2</sup> (1.76ac). The intent of the application and decision was to ensure that the lot included the house, well and septic system. The proposed lot also included a number of farm buildings as the well is located in a shed at the eastern end of the barn. The septic system is located at the south side of the house. When the survey was undertaken, it was discovered that the lot actually extended 9.14m closer to the road (Parcel B) than it appeared in the County's GIS mapping. This has resulted in the lot being larger than what was originally thought.*

*We are respectfully requesting that the Elgin Land Division Committee amend their decision on file E 71/19 to indicate a frontage of 50m a depth of 151.6m and an area of 7497.6m<sup>2</sup> (1.85ac). Parcels A and B on survey sketch. I believe that the committee has the authority to reconsider the decision and accept the attached*



*sketch on the basis that the revised sketch reflects the general intent of their original decision.*

**Moved by: John Andrews**

**Seconded by: Rosemary Kennedy**

**That the amendment for severance application E 71-19 be granted subject to the following conditions:**

1. That the requirements of the Municipality of Central Elgin are met, including the following:
  - a) Approval of a Zoning By-Law Amendment to prohibit any new residential development on the retained lot;
  - b) Confirmation that the existing surplus farm dwelling and accessory buildings on the severed lot comply with the Zoning By-Law;
  - c) Copy of Reference Plan; and
  - d) Drainage reassessment, if required, at the cost of the owner.
2. That the requirements of the County of Elgin Engineering Department are met, including the following:
  - a) An entrance permit be obtained for the retained parcel, at the owners expense.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 12-20:**

Request for Amendment

Scott & Ruthanne Kristensen  
57220 Eden Line  
Municipality of Bayham

Letter from applicant, Scott Kristensen:

*Hi Nancy.*

*From our conversations, you had noted an error with the application.*

*From review it appears there is an calculation error on the application with reference to the total area of the proposed severance portion of the application*

*The original submitted application back in May referenced total area of the proposed lot to be 1969.08 square metres.*

*As per the drawing from the surveyor which was submitted shortly after the original application, the actual area is 2145.21 square metres.*

*The 3rd party survey drawing calculation submitted with the application is the correct calculation and not that of a requested change after the submission of the original application.*

*Unfortunately this did not get caught, and the application was approved based on the original number of 1969.08 square metres.*

*I have reattached the "final drawing11 for your review and submission to the committee.*

*Please don't hesitate to contact me if there is any other information you may require in order to address this matter.*

*Thank you.*

*Scott Kristensen*

**Moved by: John Andrews**

**Seconded by: John Seldon**

**That the amendment for severance application E 12-20 be granted subject to the following conditions:**

1. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit.
  - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts.
  - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
  - d. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.
2. That the requirements of the Municipality of Bayham are met, including the following:
  - a. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
  - b. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation.
  - c. Application for Minor Variance to recognize the split zoning and the existing accessory building on the A1 lands accessory to the dwelling located on the HR Zoned retained lands.
  - d. Provide engineered storm water management, drainage and grading plans.
  - e. Purchase of civic number sign for the severed lot.
  - f. Provide a digital copy of the registered plan of survey.
  - g. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot.
  - h. Planning Report fee payable to the Municipality.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

**Recorded Vote**

Yes

No

John Andrews (Southwold)

Yes

John “Ian” Fleck (Dutton/Dunwich)	Yes
Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred – Chair (West Elgin)	Yes

- **Carried**

**Reasons:** Residential building lot in a Tier 2 Settlement Area (Eden) in the County of Elgin.

**Application E 12-19:**

Request for Amendment

Aylmer Christian Reformed Church  
184 South Street West  
Town of Aylmer

Letter from agent, Sanders, Cline:

*We confirm that we are acting as Solicitors for the above named Applicant, having been retained to assist in completing the requirements set out in the decision and the transfer of the severed parcel.*

*In preparing the Application and making submissions to the Elgin County Land Division Committee at the hearing held 5 September 2019, the Applicant had not yet had the benefit of an up-to-date survey, nor a site visit by an Ontario Land Surveyor. With apologies to the Committee, the Applicant now realizes that the severed and retained lands described in the Application are both portions of a larger site owned entirely by the Applicant.*

*In framing the severance proposed in the application it was assumed the Applicant owned a separate parcel of land comprising just the subject single family residence (presently occupied by the pastor of the applicant Church) and the grounds including the extended "back yard" south of the residence together with additional green space owned by the Applicant south of the two adjoining homes which also front on the south side of South Street. The Applicant's*

*understanding at that time is reflected by the required sketch that was submitted with the Application. As explained in the Application, the Applicant's objective is to be in a position to deal in the future with the parsonage separately from the balance of the Applicant's land. The intent was to be able to treat the church-owned residence as conventional residential lot conforming generally to the width and depth of other existing residential lots along South Street.*

*The green space to the south was more appropriate to the institutional character of the Applicant's adjoining large church complex and in fact has been functioning as an overflow parking area for the church and at times as an area for outdoor children's activities.*

*Accompanying this letter please find a Reference Plan prepared after the hearing and deposited as Instrument 11R-10560 in the Elgin Land Registry Office on 9 January 2020. The Surveyor prepared this Plan in accordance with information noted in the Application (E12/19) and in the Elgin Land Division Committee decision made 5 September 2019. Part 1 correctly describes the intended Residential Lot while Part 2, along with Part 3 on a prior Reference Plan (11 R-2844) correctly describes the green space to be "added" to the Applicant's abutting lands.*

*However Plan 11R-10560 includes additional information which also impacts the purposes of the Applicant. The Surveyor felt it was prudent to include a partial outline of the east wall of the Applicant's principal building, the Aylmer Christian Reform Church, and an outline of the asphalt surfaced parking and driveway between the parsonage and the church building. Also visible on 11R-10560 are the exterior limits of the two Property Identification Numbers (PINs) owned by the Applicant PIN, 35294-0003 and PIN 35294-0004. From this information on the new Reference Plan it is clear that the "retained" and severed" land as described in the Application is not established as a separate land parcel. Neither is the portion of this PIN shown on the Applicant's sketch described separately, either for property identification purposes or for legal description purposes. It is now apparent that the land proposed to be severed and retained is part of a larger parcel which has been assigned PIN 35294-0004. Furthermore, for ownership (title) purposes PIN 35294-0004 is only a portion of the entire contiguous property presently owned by the Applicant.*

*While the Applicant submitted to the Elgin Land Division Committee that the proposed severance would leave the retained land as a freestanding typical residential lot, in fact the Residential house as mentioned in the Application is part of a much larger body of land, identified by PIN 35294-0004, which includes the East wall of the principal church building and surrounding ground, while the Applicant also owns the abutting land to the West, PIN 35294-0003. However by simply reversing the format of the Application the lands which had been set out as the retained lands are exactly what was intended to become the separate residential lot. This could be done by renumbering paragraph #6 of the*

*Application to become paragraph #5 and replacing the word "retained" with "severed". The measurements are exactly as set out on the new Reference Plan for "Part 1" which contains the church parsonage.*

*The Decision made on 5 September 2019 required that all of the Applicant's other lands be consolidated in title. The dimensions of the lands should include everything the Applicant owns except the proposed residential severance. These measurements could be set out as the "lands to be retained" in paragraph #5 of the Application. All measurements are provided on the new Reference Plan 11R-10560.*

*For clarity we have prepared amended pages "1" and "2" of the Application form which show the applicable measurements etc. for the reversal of the "land intended to be retained" to instead be "land intended to be severed," to correspond with the situation described above.*

*Applying this amended information to the Decision made last year in E12/19, the intention for a 1,954 square metre lot for residential use would be accomplished while the intention that all the remaining lands owned by the Applicant would function as accessory to the institutional zoning which presently encompasses most of the Applicant's property, appropriate to the large church located on the retained lands. If requested the Applicant would be very willing to subsequently make the necessary application to the Land Registrar for consolidation of all its retained land under a single PIN, to simplify the present situation where 2 PINS had been assigned, for historical reasons.*

*In summary, the Applicant believes that the decision in E12/19 was intended to accomplish the result for which the Applicant had intended to apply. However, due to the inadvertent error in information submitted, the Decision is a nullity. The "retained" residential lot referenced in the Decision would still be an undivided portion of the Applicant's adjoining lands, and so also would the green space lands for which a consent to sever was granted.*

*If an amendment can be considered to remediate the effect of this misunderstanding, the Applicant would certainly be willing to submit an amended application and sketch, and also to attend before the Committee again in case some Members of the Committee require further explanation or have any questions for the arising from the amendment.*

**Moved by: Jack Van Kasteren**

**Seconded by: Rosemary Kennedy**

**That the amendment for severance application E 12-19 be granted subject to the following conditions:**

1. That the requirements of the Town of Aylmer are met, including the following:

- a) Access to the retained parcel is required via South Street West to facilitate an independent access satisfactory to the Town of Aylmer.
2. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- Carried

**Reasons:** Severance of single detached dwelling.

**Application E 22-20:**

Deferred from August 26, 2020 Meeting

David and Jacqueline Fehr  
53250 College Line  
Township of Malahide  
Agent: David Roe

*The applicant proposes a lot with a frontage of 61.79 metres along College Line by a depth of 210.9 metres and an area of 1.61 hectares (3.99 acres) containing one house, garage and small barn, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 3.71 hectares (9.17 acres) proposed to remain in agriculture use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

David Roe was in attendance.

Written submissions were received from the following:

1. **Township of Malahide** - The Municipal Staff have reviewed the application and find that they will conform to the Township of Malahide's Official Plan and Zoning By-law.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – Staff continue to recommend deferral of the consent until a revised plan showing a significant reduction in lot area be provided by the applicant.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John "Ian" Fleck**

**Seconded by: Dennis O'Grady**

**That severance application E 22-20 be deferred the application for up to one year for the agent/applicant to revise the application to meet the requirements of the 2020 PPS and that the applicant to be the \$300 deferral fee.**

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)		No
John "Ian" Fleck (Dutton/Dunwich)		No
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)		No
John Seldon (Bayham)		No
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)		No

**- Defeated**



**Moved by: John Andrews**

**Seconded by: Rosemary Kennedy**

**That revised severance application E 22-20 be granted subject to the following conditions:**

1. That the Municipality confirms that there is sufficient reserve sewage treatment capacity and water treatment capacity to service this residential development.
2. That the requirements of the Township of Malahide, subject to the following conditions:
  - a. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
  - b. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
  - c. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
  - d. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
  - e. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
  - f. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
  - g. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
  - h. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
  - i. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)		No
Dennis O’Grady (Central Elgin)		No
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)		No
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 27-20:**

Mike and Kimberly Emberson  
5 & 7 Erieus Street  
Municipality of Bayham

*The applicant proposes to sever a portion of the rear yard with a width of 30.47 metres (99.97 feet) by a depth of 11.58 metres (37.99 feet), and an area of area of 352.68 square metres (3,796.22 square feet). The proposed severed lands contain one recreational dwelling unit and are to be merged with the residential parcel to the west known as 8 Robinson Street. The owners are retaining 1,169.41 square metres (12,587.42 square feet) proposed to remain in residential use containing a dwelling, shop and shed.*

**Request that the applicant’s agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Mike Emberson was in attendance.

Written submissions were received from the following:

1. **Municipality of Bayham** – Staff and planner recommend Councils support of the consent application subject to the recommended conditions.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property at 8 Robinson Street.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Dennis O'Grady**

**Seconded by: John Seldon**

**That severance application E 27-20 be granted subject to the following conditions:**

1. That the severed subject lands are deeded in the same name and interest as the abutting lot at 8 Robinson Street and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
2. That the following conditions from the Municipality of Bayham be included as conditions for consent:
  - a. Digital Copy of the final survey;
  - b. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 5-7 Erieus Street will merge on title with the lands at 8 Robinson Street;
  - c. Owners of both the retained lands at 5-7 Erieus St and the merged lands at 8 Robinson St apply to the Municipality to obtain the necessary zoning by-law amendments;
  - d. Owner provide a designated parking space for the Second Dwelling Unit located on the proposed severed lands at 8 Robinson Street;
  - e. Owners at their own expense and approvals, disconnect the municipal sanitary sewer and water services from 5-7 Erieus Street to the cottage and reconnect the Second Dwelling Unit to services at 8 Robinson Street;
  - f. Planning report fee payable to the municipality.
3. That the applicant meets the necessary requirements of Long Point Conservation Authority or obtain a letter from Long Point Conservation Authority indicating they have no concerns.
4. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

**Recorded Vote**

Yes

No

John Andrews (Southwold)	Yes
John “Ian” Fleck (Dutton/Dunwich)	Yes
Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred – Chair (West Elgin)	Yes

- **Carried**

**Reasons:** Lot adjustment

**Application E 28-20:**

MacVicar Farms Ltd.  
46634 Ron McNeil Line  
Township of Malahide  
Agent: David Roe

*The applicant proposes to sever a lot with a frontage of 20.51 metres (67.28 feet) along Ron McNeil Line, by a depth of 347.17 metres (1139.00 feet) and an area of 1.01 hectares (2.49 acres) containing one dwelling that is surplus to the farming operation. The owners are retaining 58 hectares (143 acres) proposed to remain in agricultural use.*

**Request that the applicant’s agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

David Roe and Doug MacVicar were in attendance.

Written submissions were received from the following:

1. **Township of Malahide** - The Municipal Staff have reviewed the application and find that they will conform to the Township of Malahide's Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – While the County of Elgin supports consents for a residence surplus to a farming operation, the Provincial Policy

Statement states that the new lots will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. Although the surplus farm dwelling is of a larger size than typically required, and although the configuration of the proposed lot is not ideal ("flag-shaped lots" limit the ability of dwellings to front onto the public street, and can be a concern for emergency services), and a reduction in lot size would be preferable, the County supports this application for consent, provided it meets the policies of the Township of Malahide Official Plan and the provisions of the local Zoning By-law.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John Andrews**

**Seconded by: Rosemary Kennedy**

**That severance application E 28-20 be granted subject to the following conditions:**

1. That the requirements of the Township of Malahide, subject to the following conditions:
  - a. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
  - b. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
  - c. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
  - d. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.

- e. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
  - f. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
  - g. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
2. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 29-20:**

Collins Lane Farm Ltd. & Adam James Pfeffer

45939 John Wise Line  
Municipality of Central Elgin  
Agent: Donald M Ferguson

*The applicant proposes to sever a lot with a frontage of 72.0 metres (236.22 feet) along John Wise Line, by a depth of 119.0 metres (390.42 feet) and an area of 0.73 hectares (1.80 acres) containing one dwelling and one pool shed that is surplus to the farming operation. The owners are retaining 20.842 hectares (51.5 acres) proposed to remain in agricultural use. The retained parcel contains one shed, one chicken coop and one timber frame barn all proposed to be removed and used for agricultural crop land.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Donald M Ferguson was in attendance.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Council has no objections to consent application E29/20, "Collins Lane Farm Ltd. and Adam Pfeffer, 45939 John Wise Line" subject to the recommended conditions
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – The County supports this application for consent, provided it meets the policies of the Municipality of Central Elgin Official Plan and the provisions of the local Zoning By-law.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Dennis O'Grady**

**Seconded by: John Seldon**

**That severance application E 29-20 be granted subject to the following conditions:**

1. That the requirements of the Municipality of Central Elgin are met:
  - a. Approval of a zoning by-law amendment to prohibit any new residential dwellings on the retained lot;
  - b. A copy of the Reference Plan be provided to the Municipality of Central Elgin;
  - c. A drainage reassessment be done, if necessary, at the owner's expense; and
  - d. Demolition of the existing shed, chicken coop and timber frame barn on the retained lot.
2. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Recorded Vote	Yes	No
	<hr/>	
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 30-20:**

Robert, Jean, and Jason Nicholson  
49542 John Wise Line  
Township of Malahide  
Agent: David Roe

*The applicant proposes to sever a portion of lands with a width of 62.5 metres (205.05 feet) and a depth of 21 metres (68.90 feet), total area of 1,312.5 square metres (0.32 acres). The proposed severed lands contain a shop and are to be merged with the residential parcel to the south known as 49664 John Wise Line. The owners are retaining 34.56 hectares (85.4 acres) to remain in agricultural use, containing two dwellings, a shop, garage and barn.*

**Request that the applicant’s agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

David Roe was in attendance.

Written submissions were received from the following:



1. **Township of Malahide** - The Municipal Staff have reviewed the application and find that they will conform to the Township of Malahide's Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property at 49664 John Wise Line.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Rosemary Kennedy**

**Seconded by: John Andrews**

**That severance application E 30-20 be granted subject to the following conditions:**

1. That the retained subject lands are deeded in the same name and interest as the abutting lot at 49664 John Wise Line and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
2. Final approval and registration of consent application E 31-20 will be completed prior to the finalizing this consent.
3. That the requirements of the Township of Malahide are met, including the following:
  - a. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
  - b. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
  - c. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
  - d. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
  - e. That Section 50(3) of the Planning Act, R.S.O., 1990, as amended, shall apply to any future transactions or conveyances on the subject lands.
4. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

<b>Recorded Vote</b>	<b>Yes</b>	<b>No</b>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residential lot adjustment

**Application E 31-20:**

Robert, Jean, and Scott Nicholson  
49664 John Wise Line  
Township of Malahide  
Agent: David Roe

*The applicant proposes to sever a technical severance with a width of 0.3 metres (1 foot) by a depth of 0.3 metres (1 foot) and an area of 0.09 square metres (1 square foot) to be merged with the adjacent property at 49542 John Wise Line. The application is required to facilitate the proposed severance and merging application (E 30-20).*

**Request that the applicant’s agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

David Roe was in attendance.

Written submissions were received from the following:

1. **Township of Malahide** - The Municipal Staff have reviewed the application and find that they will conform to the Township of Malahide's Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports

this application for consent, provided the severed lands merge on title with the adjacent property at 49542 John Wise Line.

4.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Jack Van Kasteren**

**Seconded by: John Seldon**

**That severance application E 31-20 be granted subject to the following conditions:**

1. That the retained subject lands are deeded in the same name and interest as the abutting lot at 49542 John Wise Line and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
2. That the requirements of the Township of Malahide are met, including the following:
  - a. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
  - b. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
  - c. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
  - d. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
  - e. That Section 50(3) of the Planning Act, R.S.O., 1990, as amended, shall apply to any future transactions or conveyances on the subject lands.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

**Recorded Vote**

	Yes	No
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	

Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred – Chair (West Elgin)	Yes

- Carried

**Reasons:** Residential lot adjustment

**Application E 21-20:**

Falkins Renovations Inc.  
276 Marsh Line  
Municipality of Dutton Dunwich  
Agent: Dan McKillop

*The applicant proposes to sever a residential lot with a frontage of 20.12 metres (66.01 feet) along Marsh Line, by a depth of 40.23 metres (131.99 feet) and an area of 761.89 square metres (0.19 acres). The owners are retaining a residential lot with a frontage of 19.80 metres (64.96 feet) along Marsh Line by a depth of 40.23 metres (131.99 feet) and an area of 797.12 square metres (0.20 acres) containing a dwelling and one shed.*

**Request that the applicant’s agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Dan McKillop was in attendance.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John “Ian” Fleck**

**Seconded by: John Andrews**

**That severance application E 32-20 be granted subject to the following conditions:**

1. That the requirements of the Land Division Committee and County of Elgin are met, including the following:
  - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit.
  - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts.
  - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
  - d. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.
2. That the requirements of the Municipality of Dutton Dunwich are met, including the following:
  - a. That proof of access be obtained;
  - b. That municipal drain re-apportionments have been completed;
  - c. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
  - d. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
  - e. That taxes are to be paid in full;
  - f. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
  - g. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

<b>Recorded Vote</b>	<b>Yes</b>	<b>No</b>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** to create a residential lot

**Adjournment:**

The Chair adjourned the meeting at 11:28am.

\_\_\_\_\_  
Acting Secretary-Treasurer

\_\_\_\_\_  
Chair



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Acting Secretary Treasurer, Land Division Committee

**Date:** October 28, 2020

**Re:** **Items for Consideration – Land Division Committee**

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*1. Mapping and survey requirements*

I have attempted to update the section based on our previous discussions. Changes are highlighted in yellow.

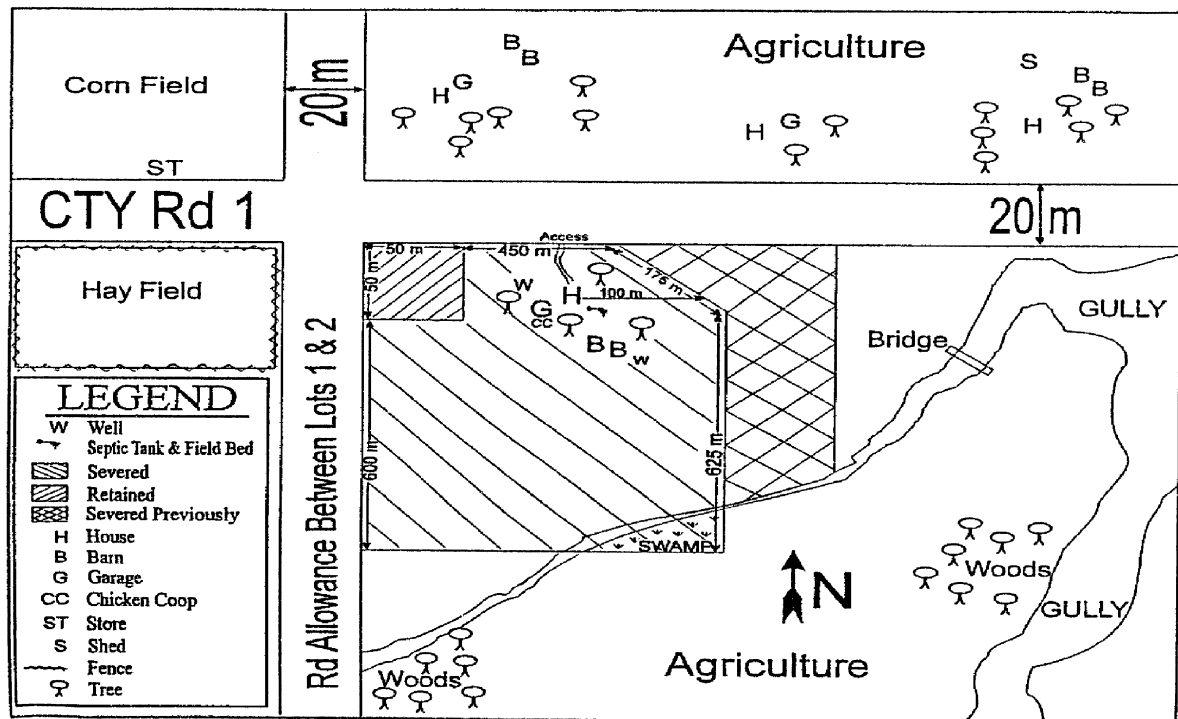
**DETAILED SKETCH**

1. Must be no greater than 20 cm x 35 cm (8 1/2 x 14"). One copy of the sketch is required, done in black (e.g., ink, felt pen) no pencil or colours. A legend or key indicating severed and retained portions must be shown (e.g., cross-hatching or diagonal lines). Clearly indicate severed and retained portions, with all dimensions of both severed and retained lands on the sketch. **All measurements must be accurate, a variance of 3% on each dimension is acceptable for agricultural land and 1.52 metres on each dimension for non-agricultural land.** Dimensions of all existing buildings should be shown as well as dimensions for their location in relation to property lines and the proposed severance. All buildings and type of land surrounding both severed and retained portions must be shown within 300 metres radius for rural areas and 60 metres radius for urban areas. **PLEASE SEE SAMPLE BELOW**

All existing and proposed accesses should be shown. *It is strongly encouraged that a draft survey by a qualified professional prepare the severance sketch. Please visit the County of Elgin's mapping system to assist you in the preparation of the severance sketch <https://www.elginmapping.ca/> - using aerial photography will assist the committee in orienting the proposed severance.*

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)

## SAMPLE SKETCH – NOT TO SCALE



### 2. Severances involving 1 ft x 1ft

In the Province of Ontario, “once a consent, always a consent” refers to lands that were previously the subject of a consent application. If a consent was granted under the Planning Act, further severances and conveyances for this land will not “merge”.

Previously, the County would accept 1 ft x 1ft squares from applicants in order to “spoil the lot” (i.e. change the legal description of the previously severed lot) to allow for the conveyance of lands.

However, the County has determined they no longer will accept these lands.

The County has been charging a fee \$1250 fee for the processing of these severance applications.

Should we consider a reduced fee as a result of these applications? We are still required under the Planning Act to give notice and circulate and render a decision.

**County of Elgin**  
 450 Sunset Drive  
 Elgin, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
 www.elgin-county.on.ca





### *3. Confirmation of ownership*

Recently there have been questions on surplus farm dwelling applications and ensuring that there is confirmation of ownership for the purchasing farmer/owner.

Does LDC want to add conditions for every surplus farm dwelling that requires confirmation of ownership for the retained farm lands?



**CIVIC PLANNING SOLUTIONS INC.**

Urban & Rural Land Use Planning  
599 Larch Street,  
Delhi, Ontario N4B 3A7

30

September 21st, 2020

Nancy Pasato  
Manager of Planning  
Elgin County  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Dear Ms. Pasato

Subject: Request for Amendment to Decision – E 55/19 Peters

Please see the attached sketch prepared by our surveyor for the above severance application. The original application indicated a frontage of 30m and a depth of 37m/39.5m and an area of 1133m<sup>2</sup>. The retained lot was to have an area of 1241m<sup>2</sup>.

The actual surveyed measurements for the severed parcel are: frontage – 29.94m, depth – 35.86m and 39.22m and area – 1124.4m<sup>2</sup>. These measurements are all within 3% of the approved decision. However, the surveyed area of the retained parcel is 1141.3m<sup>2</sup> which is more that 3% less than the approved 1241m<sup>2</sup>. In most cases, the retained parcel is not surveyed and the actual area and dimensions of the retained parcel is never confirmed.

We are respectfully requesting that the Elgin Land Division Committee amend their decision on file E 55/19 to indicate a frontage of 29.94m a depth of 35.86m/39.22m and an area of 1124m<sup>2</sup>. And the area of the retained parcel 1141.3m<sup>3</sup>. This severance approval will lapse on October 16, 2020. We would greatly appreciated if this request could be considered at the September 23<sup>rd</sup> meeting.

I believe that the committee has the authority to reconsider the decision and accept the attached sketch on the basis that the revised sketch reflects the general intent of their original decision. I will provide you with a check in the amount of \$300 being the fee for amendments to the decision.

I thank you for your consideration of my request.

Yours truly,



David Roe MCIP, RPP  
Agent for Applicants



Application #E 55/19

October 16, 2019

### DECISION

In the matter of an application for a consent pursuant to Section 53 (1) of the Planning Act, R.S.O. 1990, as amended, as it affects the following property:

LOTS F, G & H, REGISTERED PLAN 18, TOWNSHIP OF MALAHIDE

of a severance of a portion of the above-mentioned premises as shown on a sketch attached to the application of a lot with a frontage of 30 metres along Pressey Line by a depth of 37 metres (west lot line) to 39.5 metres (east lot line), Area 1133 square metres containing one garden shed (to be moved), proposed to create one residential building lot. The owners are retaining 1214 square metres containing one house, proposed to remain in residential use.

Consent requested by: JOHN AND ANITA PETERS

Consent granted to: UNKNOWN

**DECISION: GRANTED** - The Elgin County Land Division Committee considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision.

Conditions: This Decision will expire unless a deed is presented for stamping by: October 16, 2020. Providing that the requirements of the Providing that the requirements of the County of Elgin Land Division Committee (The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming: That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply prior to the issuance of a building permit; That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries; That the Municipality confirms that sufficient reserve sewage system capacity shall be provided by the Municipality) and the Township of Malahide (The existing shed on the retained lands be removed and cleaned up to the satisfaction of the Chief Building Official; The applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions; The applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with such costs to be paid in full to the Township; All engineering and construction costs associated with construction of a new Municipal Drain, or relocation of Municipal Drain, commenced in accordance with the Drainage Act, RSO 1990, if required, with all costs to be paid in full to the Township; All Entrance Permits are acquired from the appropriate road authority as per the entrance control policy; All outstanding work orders or by-law enforcement issues resolved to the satisfaction of the Chief Building Official; The applicant initiate and assume, if required, all costs associated with connection to the Municipal Sanitary Sewer Service; The applicant be required to retain the services of a professional designer and have an engineered Lot grading plan and Ditch grading plan prepared in accordance with good engineering practices suitable to the Township; All applicable property taxes, municipal fees and charges be paid to the Municipality; Electronic version of the reference plan be submitted to the satisfaction of the Municipality) are met and written notice be received from same confirming the conditions prior to stamping the deed.

Reasons: Building lot in a settlement area.

onsen  
Engineering Services  
450 Sunset Drive  
St. Thomas, On N5R 5V1  
Phone: 519-631-1460  
www.elgincounty.ca

Page 2 of 2

DECISION

Application #E 55/19

October 16, 2019

Members concurring in the above ruling:

John FleckDugald AldredJohn SeldonJohnSeamus O'GradyKathleen SchaperFreemore Kennedy

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).

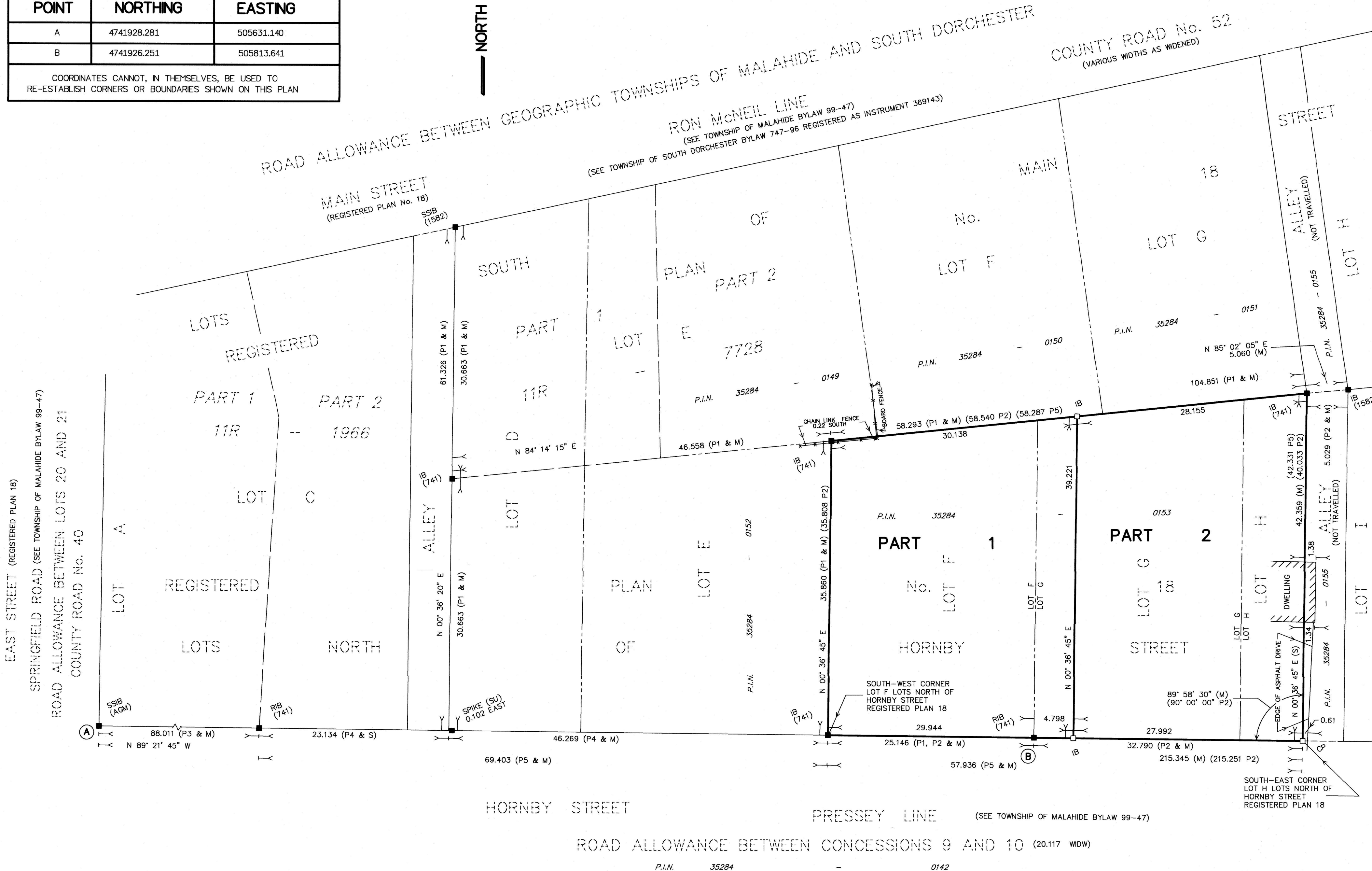
CERTIFICATION

I, Susan D. Galloway, Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 16<sup>th</sup> day of October 2019.

Susan D. Galloway  
Secretary-Treasurer  
Land Division Committee

COORDINATE SCHEDULE		
ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET WORK, UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0)		
COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2) OF O. REG. 216/10		
POINT	NORTHING	EASTING
A	4741928.281	505631.140
B	4741926.251	505813.641
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		PLAN 11R-10616	
DATE APRIL 29, 2020		RECEIVED AND DEPOSITED	
		DATE May 19, 2020	
KIM S. HUSTED O.L.S.		J. Gardner	
		REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN (No.11)	

PART SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA
1	ALL OF F AND PART OF G NORTH OF HORNBY STREET	18	PART OF 35284-0153	1124.4 SQUARE METRES
2	ALL OF H AND PART OF G NORTH OF HORNBY STREET	18	PART OF 35284-0153	1141.3 SQUARE METRES

PARTS 1 AND 2 COMPRISE ALL OF P.I.N.35284-0153

PLAN OF SURVEY OF LOTS F, G AND H NORTH OF HORNBY STREET REGISTERED PLAN 18 (VILLAGE OF SPRINGFIELD) MUNICIPALITY OF THE TOWNSHIP OF MALAHIDE COUNTY OF ELGIN

SCALE 1:300

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

KIM HUSTED SURVEYING LTD.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM

(2) - THIS SURVEY WAS COMPLETED ON THE 22nd DAY OF JANUARY, 2020

APRIL 29, 2020

DATE

KIM S. HUSTED

ONTARIO LAND SURVEYOR

NOTES

(1) - BEARINGS ARE GRID, DERIVED ON GPS OBSERVATIONS ON MONUMENTS "A" AND "B" SHOWN HEREON HAVING A GRID BEARING OF N 00° 18' 40" E (UTM, ZONE 17, NAD83 CSRS)

(2) - TO CONVERT (P1) BEARINGS TO GRID BEARINGS - ADD 01° 51' 35" TO THE NORTHWEST BEARINGS - SUBTRACT 01° 51' 35" FROM THE NORTHEAST BEARINGS

(3) - DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY 0.999567339

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
RB	DENOTES ROUND IRON BAR
CP	DENOTES CONCRETE PIN
(WIT.)	DENOTES WITNESS
(P1)	DENOTES DEPOSITED PLAN 11R-7728
(P2)	DENOTES REGISTERED PLAN 18
(P3)	DENOTES FIELD NOTES BY AGM DATED JUNE 19, 2018 FILE SP-001-01-3
(P4)	DENOTES DEPOSITED PLAN 11R-1966
(P5)	DENOTES PLAN OF SURVEY BY HOLSTEAD & REDMOND LTD. FILE: 95-0133, DATED MAY 15, 1995
(741)	DENOTES D. L. HOUGHTON O.L.S.
(1582)	DENOTES KIM HUSTED SURVEYING LTD.
(AGM)	DENOTES ARCHIBALD GRAY AND MCKAY
(SU)	DENOTES SOURCE UNKNOWN
(M)	DENOTES MEASURED
(S)	DENOTES SET
P.I.N.	DENOTES PROPERTY IDENTIFIER NUMBER

KIM HUSTED SURVEYING LTD.  
ONTARIO LAND SURVEYOR  
30 HARVEY STREET, TILLSBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 19-15450 REFERENCE: FF8 DISK No. 646 DWG. GES OKD. KSH

**AMENDED DECISION**

In the matter of an application for a consent pursuant to Section 53 (1) of the Planning Act, R.S.O. 1990, as amended, as it affects the following property:

**LOTS F, G & H, REGISTERED PLAN 18, TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 51402 PRESSEY LINE**

of a severance of a portion of the above-mentioned premises as shown on a sketch attached to the application of a lot with a frontage of **29.94 metres (98.23 feet)** along Pressey Line by a depth of **35.86 metres (117.65 feet)** (west lot line) to **39.22 metres (128.67 feet)** (east lot line), Area **1124.4 square metres (12,098.64 square feet)** containing one garden shed (to be moved), proposed to create one residential building lot. The owners are retaining **1141.3 square metres (12,284.85 square feet)** containing one house, proposed to remain in residential use.

Consent requested by: JOHN AND ANITA PETERS  
Consent granted to: UNKNOWN

DECISION: The Elgin County Land Division Committee considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision.

Conditions: This Decision will expire unless a deed is presented for stamping by: October 28, 2021.

1. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
  - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts;
  - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries; and
  - d. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.
2. That the requirements of the Township of Malahide are met, including the following:
  - a. The existing shed on the retained lands be removed and cleaned up to the satisfaction of the Chief Building Official;
  - b. The applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions;
  - c. The applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with such costs to be paid in full to the Township;
  - d. All engineering and construction costs associated with construction of a new Municipal Drain, or relocation of Municipal Drain, commenced in accordance with the Drainage Act, RSO 1990, if required, with all costs to be paid in full to the Township;
  - e. All Entrance Permits are acquired from the appropriate road authority as per the entrance control policy;
  - f. All outstanding work orders or by-law enforcement issues resolved to the satisfaction of the Chief Building Official;

- g. The applicant initiate and assume, if required, all costs associated with connection to the Municipal Sanitary Sewer Service;
  - h. The applicant be required to retain the services of a professional designer and have an engineered Lot Grading Plan and Ditch Grading Plan prepared in accordance with good engineering practices suitable to the Township;
  - i. All applicable property taxes, municipal fees and charges be paid to the Municipality; and
  - j. Electronic version of the reference plan be submitted to the satisfaction of the Municipality.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Reasons: Building lot in a settlement area.



**CORPORATION OF THE COUNTY OF ELGIN**  
**NOTICE OF DEFERRED APPLICATION FOR CONSENT**

**APPLICATION NO. E 12-18**

**PART LOTS 5, 6 & 7, REGISTERED PLAN 117**  
**MUNICIPALITY OF CENTRAL ELGIN**  
**MUNICIPAL ADDRESS: 349 GEORGE STREET**

**TAKE NOTICE** that an application has been made by **GERRY HENSELS AND LORRAINE MCELROY**, 349 George Street, Port Stanley, Ontario, N5L 1C5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 349 George Street, Village of Port Stanley, legally described as Part Lots 5, 6 & 7, Registered Plan 117, Municipality of Central Elgin.

The applicants propose to sever a lot with a frontage of 18.3 metres along George Street by a depth of 70.2 metres (east lot line), Area 1,193 square metres, proposed to create one residential building lot. The owners are retaining 10,427 square metres containing a single detached dwelling, a secondary dwelling unit and a garage, proposed to remain in residential use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 9:30A.M.**  
**BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT**  
**Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

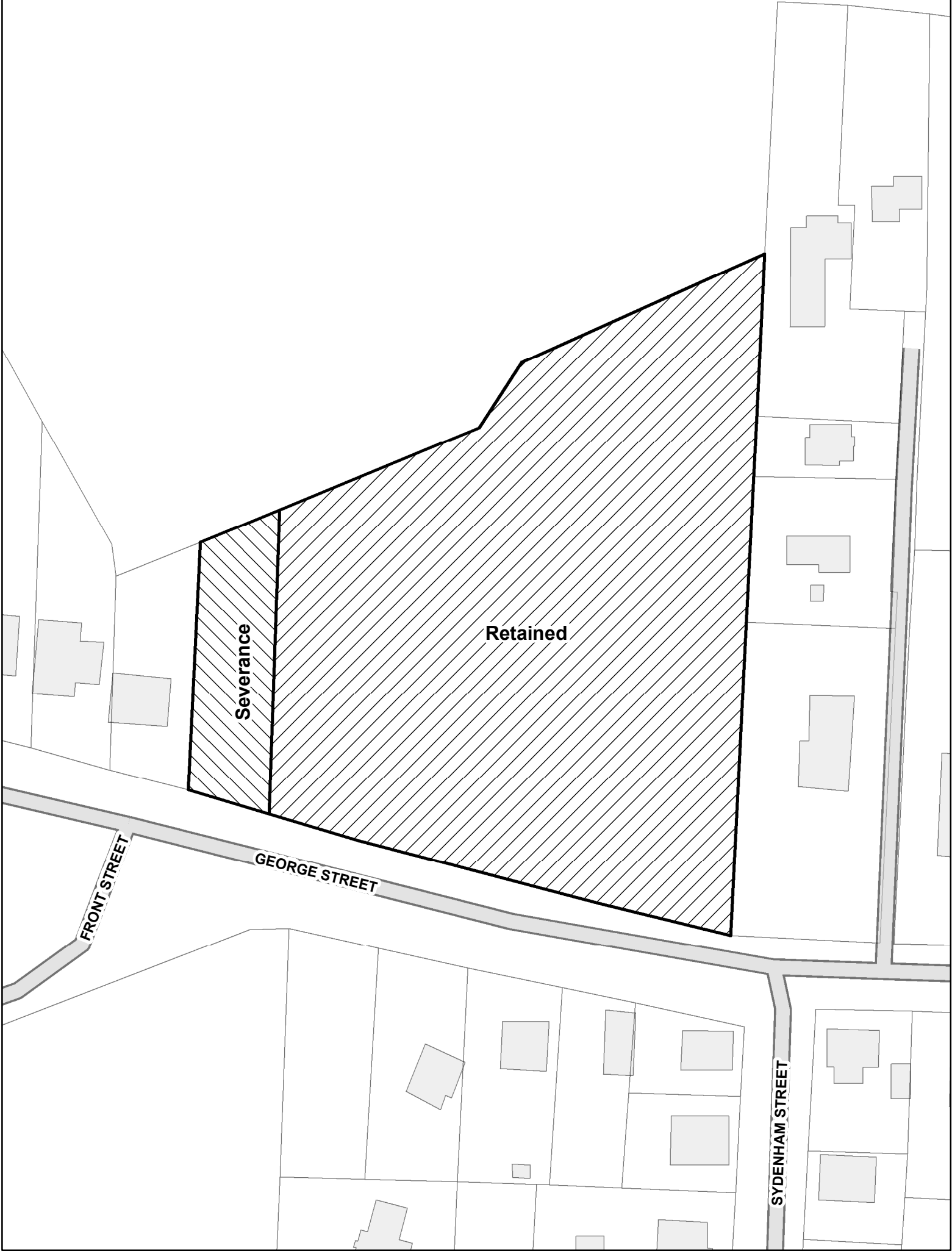
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 8<sup>th</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

**County of Elgin**  
**Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549





## Location Map

Subject Site: 349 George St.  
File Number: E 12-18  
Owner: GERRY HENSELS AND LORRAINE MCELROY  
Planner: Nancy Pasato  
Created By: TE  
Date: 08/10/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



0 5 10 20 30 40 Meters

Scale 1:1,000

## Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings






### Location Map

Subject Site: 349 George St.  
File Number: E 12-18  
Owner: GERRY HENSELS AND LORRAINE MCELROY  
Planner: Nancy Pasato  
Created By: TE  
Date: 08/10/2020



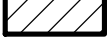


The Corporation of the County Elgin  
Prepared By: Planning and Development



Meters  
0 5 10 20 30 40

Scale 1:1,000

### Legend

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings





### LEGEND

**SUBJECT LANDS**



## PROPOSED SEVERANCE

R1

EXISTING ZONE & BOUNDARY



## PORT STANLEY, ONTARIO

DRAWN BY:

RS

CHECKED BY:

MS

PROJECT No. :

19-100

DESIGNED BY:

APPROVED BY \_\_\_\_\_

\_\_\_\_\_

SCALE: 1:10

DATE:

Sep 18, 2024

1

# COUNTY OF ELGIN ROAD SYSTEM

38

DATE: October 8, 2020 ELGIN COUNTY ROAD NO.: 3 - 29357 Talbot Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 12-18


OWNER: Gerry Hensels & Lorraine Mcelroy

PROPERTY: LOT NO. Part Lots 5, 6 & 7 CONCESSION:   
REG'D PLAN: 117 MUNICIPALITY: Central Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☒
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.

  
BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Deferred Application E 12-18 GERRY HENSELS AND LORRAINE MCELROY**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 349 George Street, Village of Port Stanley, legally described as Part Lots 5, 6 & 7, Registered Plan 117, Municipality of Central Elgin.

---

The applicants propose to sever a lot with a frontage of 18.3 metres along George Street by a depth of 70.2 metres (east lot line), Area 1,193 square metres, proposed to create one residential building lot. The owners are retaining 10,427 square metres containing a single detached dwelling, a secondary dwelling unit and a garage, proposed to remain in residential use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). In the opinion of staff, the proposal is consistent with the PPS, as it located within a settlement area (Port Stanley), and there are no known natural hazards or human-made hazards associated with this consent application.

#### County of Elgin Official Plan

The subject land is designated as a Tier 1 Settlement Area (Port Stanley) in the Elgin County Official Plan (OP). Full municipal services are generally available and new development is encouraged. The Applicant has indicated that the severed lot will be serviced by municipal water and sewer.

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
 www.elgin-county.on.ca



Both the severed and retained lots appear to have adequate frontage as per the local municipalities Zoning By-law. A recent Official Plan and Zoning by-law amendment were approved by the Municipality of Central Elgin and the County of Elgin (OPA No. 7) which changed the designation from “Natural Heritage” to “Residential” and a change to the “Natural Hazard” overlay on Schedule “G” of the Municipality of Central Elgin Official Plan on a portion of the lands to recognize the area of the existing residential dwelling and accessory structure, and allow for a proposed severance to the west of the existing dwelling on the subject lands. The proposed lot can be serviced with an appropriate municipal water and sewer supply, provided there is confirmation of reserve water system capacity within municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion. The application conforms with the local Official Plan.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

It is recommended that the Land Division Committee include the following conditions in its decision:

1. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a) Solicitor’s undertaking required to provide a copy of the registered deed for the severed parcel once complete.

It is also recommended that the conditions from the Municipality of Central Elgin be included as conditions for consent.

**County of Elgin**  
450 Sunset Drive  
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N5R 5V1 Canada  
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Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 20-20**

**PART LOT 1, CONCESSION 8, MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 12098 BLACKS ROAD**

**TAKE NOTICE** that an application has been made by **THE ANDERSONS CANADA LIMITED**, 2 Hyland Dr, Blenheim Ontario, NOP 1A0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 12098 Blacks Road, legally described as Part Lot 1, Concession 8, Municipality of West Elgin.

The applicants propose to sever a lot (parcel B) with a frontage of 279.85 metres (918.14 feet) along Blacks Road by a depth of 305.995 metres (1003.92 feet) and an area of 62,290 square metres (15.39 acres), proposed for continued agriculturally related industrial/commercial use. The owners are retaining two parcels, parcel A (west parcel) with an area of 4.94 hectares (12.2 acres) and parcel C (east parcel), with a proposed area of 15.37 hectares (38 acres), both proposed for continued agriculturally related industrial/commercial use. The applicants have also requested a blanket easement on the severed and retained properties to provide for and recognize shared vehicle and pedestrian access, parking, utilities, servicing and drainage.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 1:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 9:45A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

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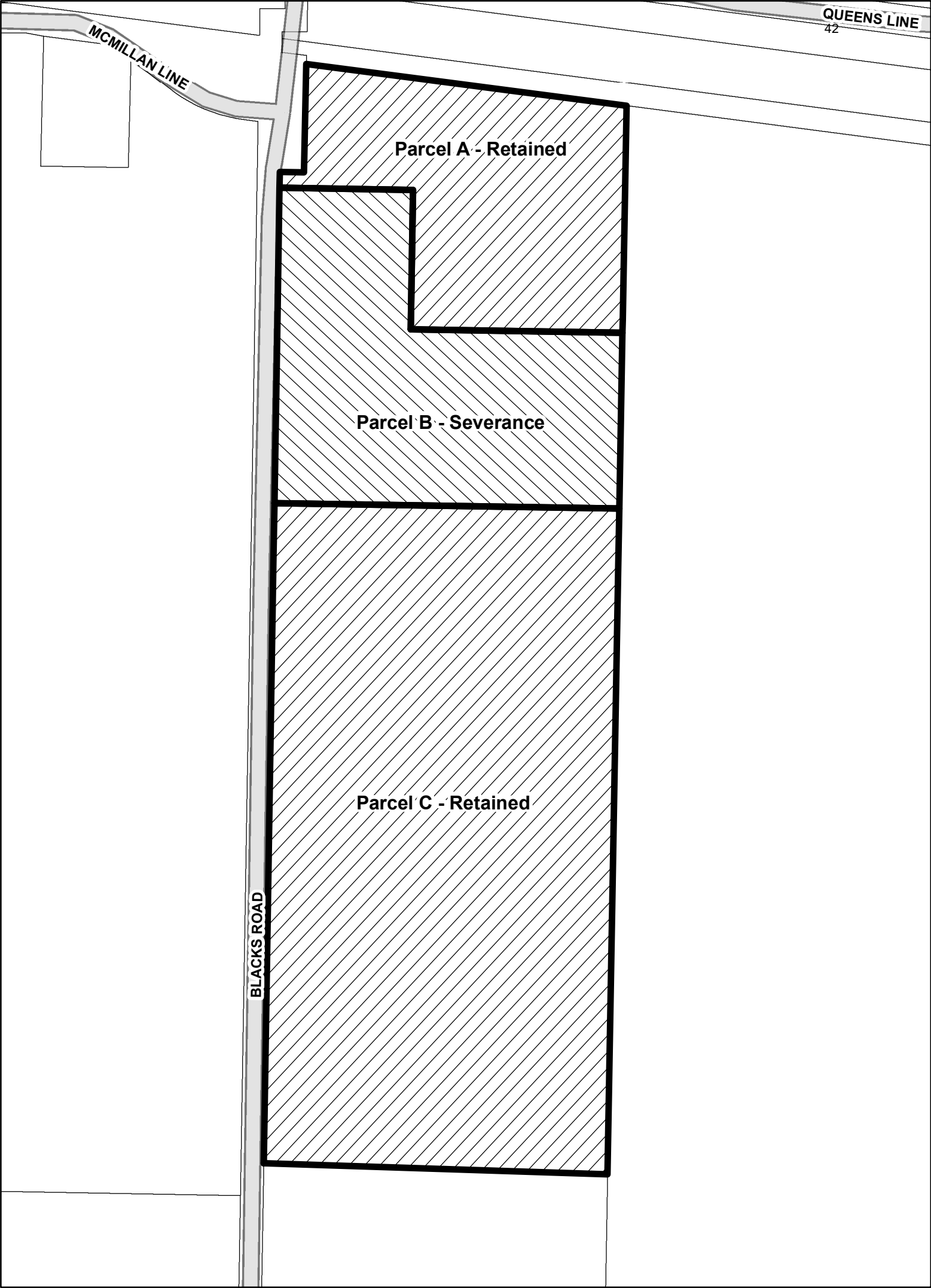
**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 6<sup>th</sup> day of October, 2020.

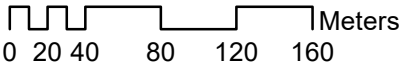
Nancy Pasato  
Secretary-Treasurer (Acting)  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1



*Location Map*

Subject Site: 12098 Blacks Road  
File Number: E 20-20  
Owner: The Andersons Canada Limited c/o Dave Wellington CFO  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:4,000



*Legend*

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings

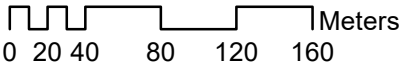




# Location Map

Subject Site: 12098 Blacks Road  
File Number: E 20-20  
Owner: The Andersons Canada Limited c/o Dave Wellington CFO  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:4,000

# Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings





# The Municipality of West Elgin

22413 Hoskins Line, Box 490, Rodney Ontario N0L 2C0

October 8, 2020

At the Regular Meeting of Council on October 8, 2020, the Council of the Municipality of West Elgin passed the following Resolution:

## **Resolution No. 2020-326**

**Moved:** Councillor Cammaert

**Seconded:** Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 20/20 for 12098 Blacks Road; and

That West Elgin Council recommend approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 20/20 located at Concession 8, Part of Lot 1, 12098 Blacks Road, provided the following conditions are included:

- a) That a zoning by-law amendment is in force and effect for the subject lands;
- b) That the owner has the necessary review on the private water well;
- c) That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- d) That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e) That drainage reapportionments have occurred;
- f) That taxes have been paid in full;
- g) That two copies of the registered survey have been provided to the Municipality; and,
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality

**Carried**

P: 519.785.0560  
F: 519.785.0644

E: [deputyclerk@westelgin.net](mailto:deputyclerk@westelgin.net)  
[www.westelgin.net](http://www.westelgin.net)



## MUNICIPALITY OF **West Elgin**

### Staff Report

---

**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2020-10-08  
**Subject:** Severance Report 12098 Blacks Road

---

#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 20/20 for 12098 Blacks Road; and,

That West Elgin Council recommend approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 20/20 located at Concession 8, Part of Lot 1, 12098 Blacks Road, provided the following conditions are included:

- a) That a zoning by-law amendment is in force and effect for the subject lands;
- b) That the owner has the necessary review on the private water well;
- c) That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- d) That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e) That drainage reapportionments have occurred;
- f) That taxes have been paid in full;
- g) That two copies of the registered survey have been provided to the Municipality; and,
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality

#### **Purpose:**

An application for a proposed severance and easement was submitted to the Municipality of West Elgin by The Andersons Canada Limited (c/o Dave Wellington), agent being IBI Group (c/o John Ariens). The purpose of the application is to permit the severance of an agricultural commercial parcel with a blanket easement. A planning justification report was submitted by IBI Group for the planning application.

The property owner is requesting the severance of a parcel of land, legally described as Concession 8, Part of Lot 1, in the geographic Township of Aldborough, and known municipally as 12098 Blacks Road (outlined on the attached Key Map). The subject lands are located on the east side of Blacks Road.

**Background:**

The proposed severed parcel (identified as Parcel B on the attached Sketch) will have an area of 6.229 ha (15.39 ac.), a frontage of 279.85 m (918.14 ft.) along the east side of Blacks Road and an irregular depth of 305.995 m (1,003.92 ft.) and is used for agricultural industrial use. The proposed severed parcel contains one (1) fertilizer barn, one (1) metal shed, one (1) metal barn, ten (10) tanks and one (1) weigh scale and is serviced by private water well and private septic system. The proposed severed parcel has no entrance on to Blacks Road and will be using the entrance located on the proposed retained parcel (identified as Parcel A on the attached Sketch). Blanket reciprocal easements are also proposed across both the proposed severed parcel and proposed retained parcel #1. The blanket easements will permit vehicle and pedestrian access, parking and manoeuvring and usage of all utilities such as hydro, private water well, private septic system, drainage, etc. across both parcels.

The proposed retained parcel #1 (identified as Parcel A on the attached Sketch) will have an area of 4.94 ha (12.21 ac.), a frontage of 117.38 m (385.1 ft.) along the east side of Blacks Road and an irregular depth of 305.995 m (1,003.92 ft.). The proposed retained parcel #1 contains six (6) steel silos and four (4) concrete silos used for grain storage, two (2) buildings associated with grain storage, two (2) weight scales and with no services and is used for agricultural commercial/industrial use. The proposed retained parcel #1 has an existing entrance on to Blacks Road.

The proposed retained parcel #2 (identified as Parcel C on the attached Sketch) will have an area of 15.374 ha (37.99 ac.), a frontage of 501.3 m (1,644.69 ft.) and a depth of 305.995 m (1,003.92 ft.). The proposed retained parcel #2 is vacant with no services and is used for agricultural (cash crop) use. The proposed retained parcel #2 has no entrance.

Agricultural and non-farm residential uses surround the subject lands. A woodlot is in the southern portion of the lands.

The severance application was circulated to municipal staff for comment. One comment was received from municipal staff:

**Drainage Superintendent**

*'Drainage reapportionment of several drains is required.'*

**Comment:** Drainage reapportionment has been included as a condition of severance.

At the time of submission of this report, no other comments of concern had been received from municipal staff.

**Financial Implications:**

None.

**Policies/Legislation:****Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Lot creation in prime agricultural areas are permitted for: a) agricultural uses; b) **agriculture-related uses**, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services ; c) a residence surplus to a farming operation as a result of farm consolidation; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way (Policy 2.3.4.1). New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae (Policy 2.3.3.3).

**Comment:** The uses of the proposed severed parcel and the proposed retained parcel #1 meet the criteria of agricultural-related uses as defined by the PPS. The size of the parcels will be kept to a minimum to accommodate existing operations and to provide appropriate water and sewage services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming). The proposed severed parcel and retained parcels meet the minimum distance separation formulae.

Development and site alteration is not permitted in a significant woodland or on adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an E.I.S. (Policy 2.1.5).

**Comment:** A portion of the proposed retained parcel #2 is a significant woodland. No development is proposed because of this severance and therefore, the proposed severance will not have an impact on the significant woodland and adjacent lands and therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application is consistent with the PPS.

#### **County of Elgin Official Plan:**

The subject lands are designated Agricultural Area, as shown on Schedule 'A' Land Use with a portion subject to Woodlands overlay, as shown on Appendix #1 Natural Heritage Features and Areas in the County of Elgin Official Plan. The creation of new lots is permitted provided the local Official Plan supports their creation and if the lot is to be created is required for an agricultural-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services (Policy E1.2.3.4 c).

**Comment:** The proposed severed parcel and proposed retained parcel #1 currently contain agricultural-related uses which meet the criteria of Section C2.6, have been created to a minimum size to accommodate the use and appropriate sewage and water services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming).

Development and site alteration are not permitted within a significant woodland or on adjacent lands (120 metres) unless an E.I.S. has been completed, demonstrating there will be no negative impact to the natural heritage features (Policy D1.2.6).

**Comment:** No development is proposed in the significant woodlands and adjacent lands and therefore, an E.I.S. is not required.

**Conclusion:** The proposed severance application conforms to the County of Elgin Official Plan.

### **Municipality of West Elgin Official Plan:**

The subject lands are designated as Agricultural as shown on Schedule 'E' Rural Area Land Use & Transportation Plan and a portion of the lands subject to Woodlands on Schedule 'B' Map 2 Natural Heritage Features in the Municipality of West Elgin Official Plan. The severing of agricultural lands where the parcels will be less than 40 hectares may be permitted subject to the following criteria:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The lots to be created are of a size appropriate for the type of agricultural activity common in the area;
- c) Whether the resulting parcels would constitute viable farm units;
- d) The severed and retained parcel are large enough to maintain flexibility for future changes in the type or size of agricultural operations;
- e) Whether the size of the parcels would have a detrimental impact on agricultural productivity, operating efficiencies, or future farming operations;
- f) The boundaries of the parcels being created and their effect on the intended use of the lands for agricultural purposes;
- g) Previous lots created out of the parcels including land dedications or expropriations; and,
- h) The inadvertent merging of the parcels because of the introduction of subdivision control in 1970 (Policy 6.2.7).

**Comment:** The proposed severance will permit creation of lots for agricultural-related uses, while retaining an agricultural parcel. The proposed severance meets the criteria of Section 6.2.7.

Development or site alteration shall only be permitted in Woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated there will be no negative impact on the natural heritage feature or on its ecological function. Adjacent lands are generally considered to be a minimum of 50 metres (Policy 3.3.7).

**Comment:** The significant woodland is located on a portion of the proposed retained parcel #2. No development is proposed; therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application will conform to the Municipality of West Elgin Official Plan.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36**

The subject lands are zoned Farm Industrial (M2) with a portion of the proposed retained parcel #2 subject to Lower Thames Valley Conservation Authority Regulated Area on Map 45 of the Municipality of West Elgin Zoning By-law No. 2015-36. The M2 Zone permits a wide range of industrial and commercial uses that are supportive of agricultural uses. Some of these uses include abattoirs, agricultural sales establishments, feed mills, grain handling facilities, farm equipment sales and service, livestock sales and marketing yard, and general industrial uses for farm equipment, machinery, and products.

**Comment:** The existing use of the subject lands are permitted in the M2 zone and will continue with no change.

The agent has also applied for a zoning by-law amendment as there are side yard setbacks for existing buildings that will not be met because of the severance. In particular, the agent is requesting a site-specific zoning by-law amendment for all parcels which would have the effect of eliminating any setbacks from the new lot lines dividing these lands. In the report, the agent states they have

used a similar approach when developing large multi ownership commercial big box plazas and campus style business parks. In effect, interior lot lines (side and rear) within the M2 Zone are deemed not to apply for zoning setback purposes. This will be discussed in greater detail at the public meeting and in the planning report for the proposed zoning by-law amendment.

**Related Documents:**

Municipality of West Elgin Zoning By-law Amendment Application File No. D14 06-2020.

## Key Map





**Report Approval Details**

Document Title:	Severance Report 12098 Blacks Road - 2020-23-Planning.docx
Attachments:	- WE - 12098 Black's Road (Coloured).pdf
Final Approval Date:	Oct 6, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

October 20, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

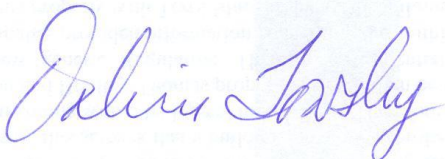
Re: **Consent Application E-20/20**  
**12098 Blacks Road (Anderson Canada Ltd.)**  
**Pt Lot 1, Concession 8**  
**Municipality of West Elgin**

Please be advised that the above mentioned application has been reviewed by this office and the Conservation Authority has no objections to this proposal as laid out in the information provided to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Interference with Wetlands portion of the regulations. The issue of concern in this area is the Adjacent Lands of the Taylor Pond Complex Provincially Significant Wetland (affects Parcel A only).

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the Provincially Significant Wetland and its associated Adjacent Lands will be required to any proposed structure, this includes the installation of field tile drainage systems.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 20-20 THE ANDERSONS CANADA LIMITED**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 12098 Blacks Road, legally described as Part Lot 1, Concession 8, Municipality of West Elgin.

The applicants propose to sever a lot (parcel B) with a frontage of 279.85 metres (918.14 feet) along Blacks Road by a depth of 305.995 metres (1003.92 feet) and an area of 62,290 square metres (15.39 acres), proposed for continued agriculturally related industrial/commercial use. The owners are retaining two parcels, parcel A (west parcel) with an area of 4.94 hectares (12.2 acres) and parcel C (east parcel), with a proposed area of 15.37 hectares (38 acres), both proposed for continued agriculturally related industrial/commercial use. The applicants have also requested a blanket easement on the severed and retained properties to provide for and recognize shared vehicle and pedestrian access, parking, utilities, servicing and drainage.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

The uses of the proposed severed parcel and the proposed retained parcel #1 meet the criteria of agricultural-related uses. The size of the parcels will be kept to a minimum to accommodate existing operations and to provide appropriate water and sewage services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming).

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



Policy 2.1.5 does not permit development and site alteration in a significant woodland or on adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, typically demonstrated through an Environmental Impact Study (EIS). A portion of the proposed retained parcel #2 is a significant woodland. However, since no development is proposed on the woodlot, and it appears the proposed severance line will not fragment the woodland, the proposed severance will not have an impact on the significant woodland and adjacent lands and therefore an EIS is not required.

Policy 2.3.4.2 permits severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. The proposed blanket easement for services, access etc. meets the policies of the PPS.

In the opinion of staff, the proposal is consistent with the PPS.

#### County of Elgin Official Plan

The subject lands are within the Agricultural designation, with a portion subject to the Woodlands overlay, as shown on Appendix #1 Natural Heritage Features and Areas of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). The creation of new lots is permitted provided the local Official Plan supports their creation and if the lot is to be created is required for an agricultural-related uses.

The proposed severed retained parcel #1 currently contains agricultural-related uses which meet the criteria of the County OP. Both parcels are proposed to be a minimum size to accommodate the use and appropriate sewage and water services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming).

Policy D1.2.6 does not permit development and site alteration within a significant woodland or on adjacent lands (120 metres) unless an EIS has been completed, demonstrating there will be no negative impact to the natural heritage feature. No development is proposed in the significant woodlands, and the woodland will not be further fragmented in ownership by this application. Therefore, no EIS is required.

Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. The easement is necessary to ensure services and facilities, such as parking, will be available for all parcels through a reciprocal blanket easement.

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The subject lands are designated as Agricultural, and a portion of the lands are within Woodlands on Schedule 'B' Map 2 Natural Heritage Features in the Municipality of West Elgin Official Plan. The subject lands are zoned Farm Industrial (M2) with a portion of the proposed retained parcel #2 subject to Lower Thames Valley Conservation Authority Regulated Area in the West Elgin Zoning By-law. The Applicant has also applied for a zoning by-law amendment to recognize deficient side yards and setbacks as a result of this proposed severance application. A severance for an agriculture-related use is supported by the Provincial Policy Statement, the Elgin County Official Plan and the local West Elgin Official Plan.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

- a. That a zoning by-law amendment is in force and effect for the subject lands;
- b. That the owner has the necessary review on the private water well;
- c. That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- d. That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e. That drainage reapportionments have occurred;
- f. That taxes have been paid in full;
- g. That two copies of the registered survey have been provided to the Municipality; and,
- h. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

It is noted that the Lower Thames Valley Conservation Authority will require an application prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the Provincially Significant Wetland and its associated Adjacent Lands will be required to any proposed structure, this includes the installation of field tile drainage systems.

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**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 20-20 THE ANDERSONS CANADA LIMITED**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 12098 Blacks Road, legally described as Part Lot 1, Concession 8, Municipality of West Elgin.

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The subject lands are within the Agricultural designation, with a portion subject to the Woodlands overlay, as shown on Appendix #1 Natural Heritage Features and Areas of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). The creation of new lots is permitted provided the local Official Plan supports their creation and if the lot is to be created is required for an agricultural-related uses.

The proposed severed retained parcel #1 currently contains agricultural-related uses which meet the criteria of the County OP. Both parcels are proposed to be a minimum size to accommodate the use and appropriate sewage and water services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming).

Policy D1.2.6 does not permit development and site alteration within a significant woodland or on adjacent lands (120 metres) unless an EIS has been completed, demonstrating there will be no negative impact to the natural heritage feature. No development is proposed in the significant woodlands, and the woodland will not be further fragmented in ownership by this application. Therefore, no EIS is required.

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Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
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It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

- a. That a zoning by-law amendment is in force and effect for the subject lands;
- b. That the owner has the necessary review on the private water well;
- c. That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- d. That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e. That drainage reapportionments have occurred;
- f. That taxes have been paid in full;
- g. That two copies of the registered survey have been provided to the Municipality; and,
- h. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

It is noted that the Lower Thames Valley Conservation Authority will require an application prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the Provincially Significant Wetland and its associated Adjacent Lands will be required to any proposed structure, this includes the installation of field tile drainage systems.

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**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 33-20**

**PART LOT 18, CONCESSION 11, REGISTERED PLAN NO 11R-6858  
MUNICIPALITY OF DUTTON DUNWICH**

**TAKE NOTICE** that an application has been made by **Denis Norman Zettler**, RR#2 Wallacetown ON N0L 2M0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Part Lot 18, Concession 11, Registered Plan No 11R-6858, Municipality of Dutton Dunwich.

The applicants propose to create an easement having a frontage of 12.5 metres (41.01 feet) along Fingal Line, with a total area of 0.46 hectares (1.137 acres) over a private road known as Bradt Road to provide access to a lot located at 7032 Bradt Road, in favour of David Adrian Scheele and Kristen Ann Scheele.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 10:00A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

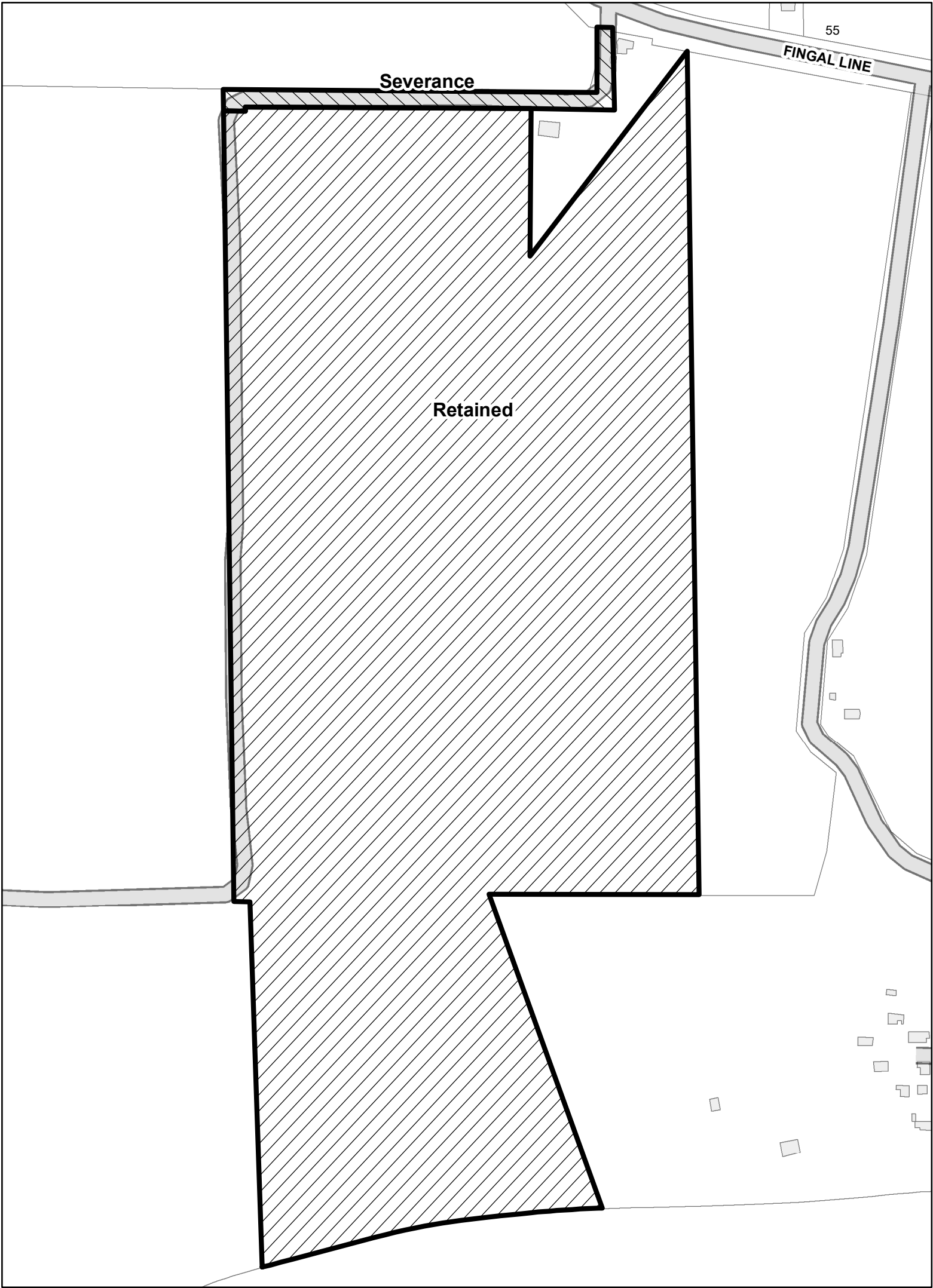
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

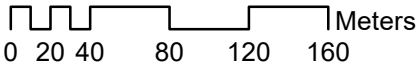
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



*Location Map*

Subject Site: 7032 Bradt Road  
File Number: E 33-20  
Owner: Denis Norman Zettler  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020



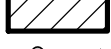


The Corporation of the County Elgin  
Prepared By: Planning and Development



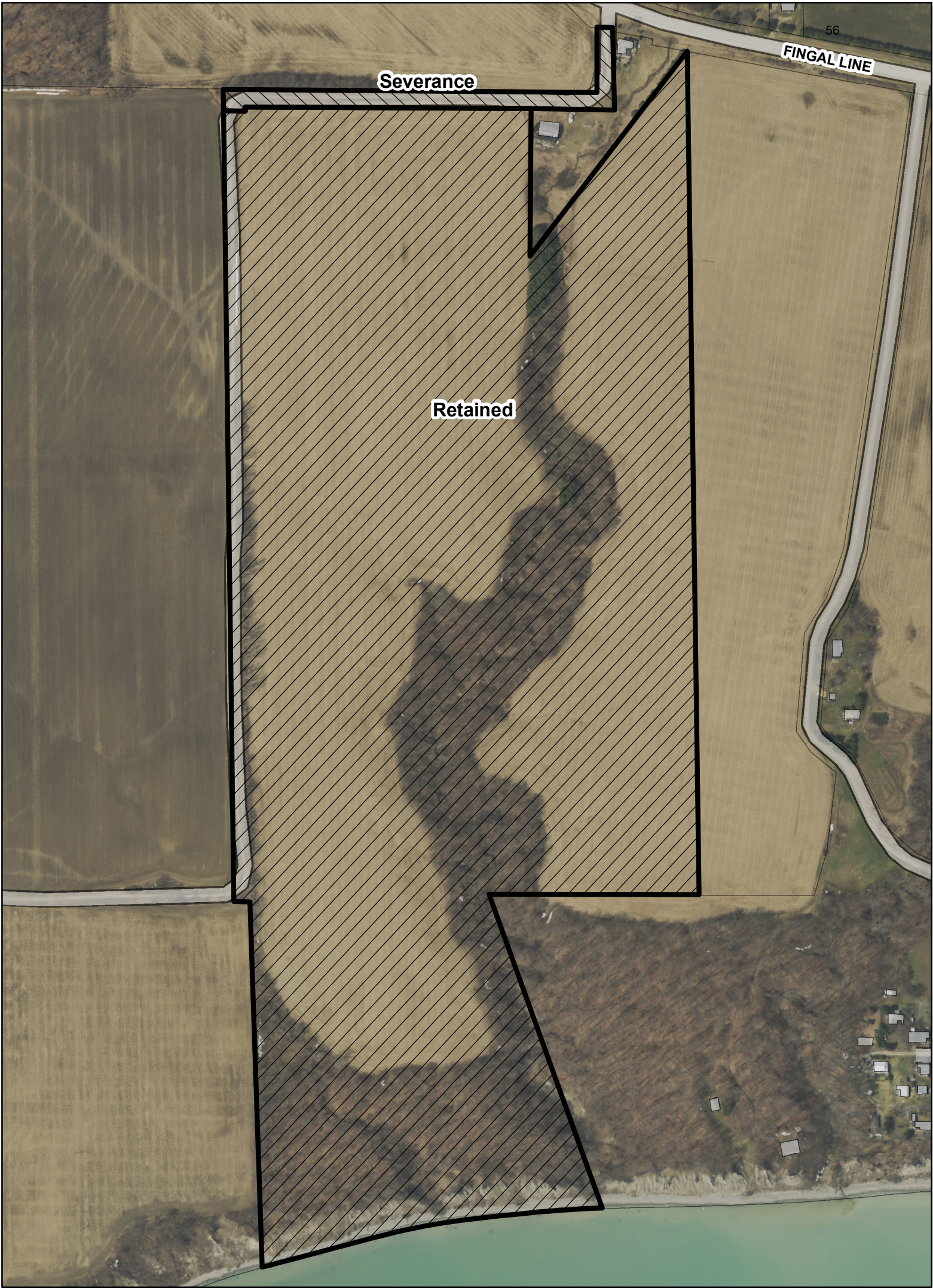
Scale 1:3,809



*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

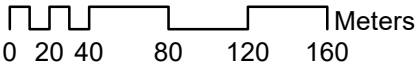




## Location Map



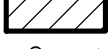


Subject Site: 7032 Bradt Road  
File Number: E 33-20  
Owner: Denis Norman Zettler  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:3,809

## Legend

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings





Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**DATE:** October 14, 2020

**SUBJECT:** Application for Severance – Concession 11, Part of Lot 18, V/L Fingal Line/Bradt Road (E33/20), Municipality of Dutton Dunwich – Denis Zettler

---

**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E33/20 for Concession 11, Part of Lot 18, V/L Fingal Line/Bradt Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That taxes are to be paid in full;
- b) That hard two copies and one PDF copy of the registered survey has been provided to the Municipality;
- c) That the ownership of Bradt Road be confirmed to the satisfaction of the Municipality of Dutton Dunwich;
- d) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- e) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

**FOR INFORMATION:**

**Reasons for and Nature of the Application**

A severance application was submitted to the County of Elgin Land Division Committee (E33/20) by Denis Zettler, the owner of the subject property.

The subject parcel is legally described as Concession 11, Part of Lot 18 and locally known as vacant land located on the south side of Fingal Line/Bradt Road, Municipality of Dutton Dunwich (see attached Key Map).

The owner of Bradt Road, Denis Zettler, has agreed to grant the Scheeles the required right-of-way, but because the grant lasts for longer than the period defined in the Planning Act (21 years), the consent of the Land Division Committee to the registration of the right-of-way is required.

The applicants propose to create an easement having a frontage of 12.5 metres along Fingal Line, with a total area of 0.46 hectares over Bradt Road (see Air Photo) to provide access to a lot located at 7032 Bradt Road, in favour of David and Kristen Scheele (see attached Sketch).

Agricultural and rural residential uses surround the subject lands.

The proposed severance application was circulated to municipal staff (see attached Comments).

### **Planning Policy Review**

#### **Provincial Policy Statement (PPS)**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements 2020.

Section 2.3.4.2 sets out that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Legal or technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Comment:** The proposed severance application is consistent with the PPS.

#### **County of Elgin Official Plan (OP)**

The subject lands are designated Agricultural on Schedule ‘A’ Land Use of the County of Elgin Official Plan.

E1.2.3.4 sets out that a consent on lands in the Agricultural Area may be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

**Comment:** The proposed severance application conforms to the County of Elgin OP.

#### **Municipality of Dutton Dunwich Official Plan (OP)**

The subject lands are designated Agriculture on Schedule ‘A’ Land Use Plan.

The Dutton Dunwich OP does not contain policies for consent on lands in the Agricultural Area which may be granted for legal or technical reasons.

**Comment:** It is appropriate to rely upon the definitions of the PPS and the County of Elgin OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL)

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law, the subject lands (easement) are zoned Special Agricultural (A2) on Schedule A – Map 15.

Building Permit #2019-0024 was issued on April 23, 2019 for the new dwelling at 7032 Bradt Road. These lands are zoned site specific Special Rural Residential (RS-3) Zone on Schedule A - Map 15. As a condition of the Building Permit, prior to final occupancy, the subject property must have satisfactory and approved vehicular access to a public road.

The Zoning By-law sets out the following definitions:

*“2.53 - DRIVEWAY, shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.*

*2.206 - ROAD, shall mean a common and public road, street, lane, highway or commons vested in the Municipality, the County, the Province of Ontario or any other public authority having jurisdiction over the same, and includes a bridge or any other structure forming part of a road on, over, or across which a road passes.”*

Bradt Road is located on an abutting property, owned by Denis Zettler. Therefore an easement is required.

**Comment:** The proposed severance application does not impact the function of the property and allows the property legal access for the newly constructed home.

It is recommended that the ownership of Bradt Road be confirmed as a condition of severance.

Respectfully Submitted

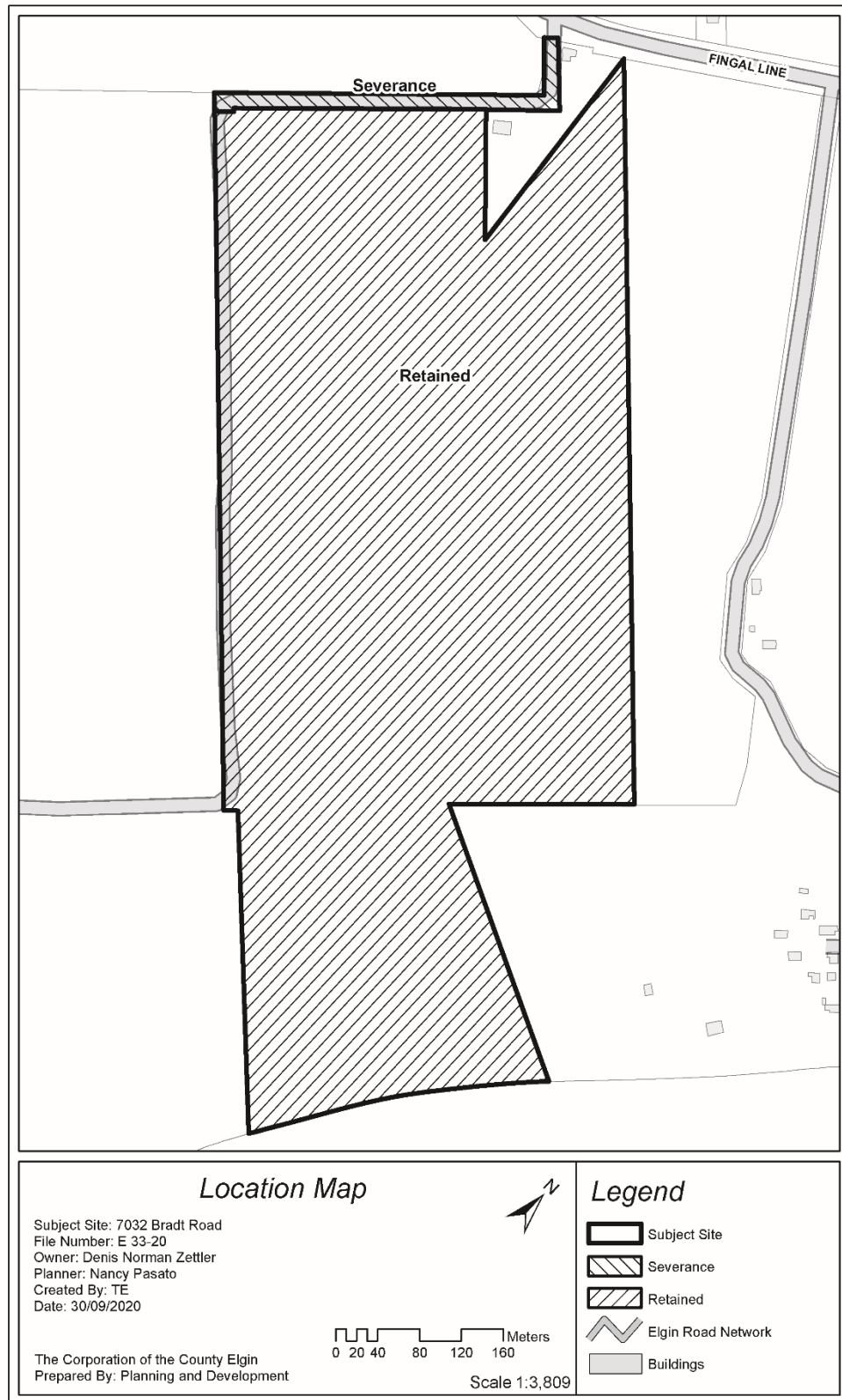


Tracey Pillon-Abbs, MCIP, RPP  
Planner

Approved for Submission

Heather Bouw  
Clerk

## KEY MAP



**AIR PHOTO**

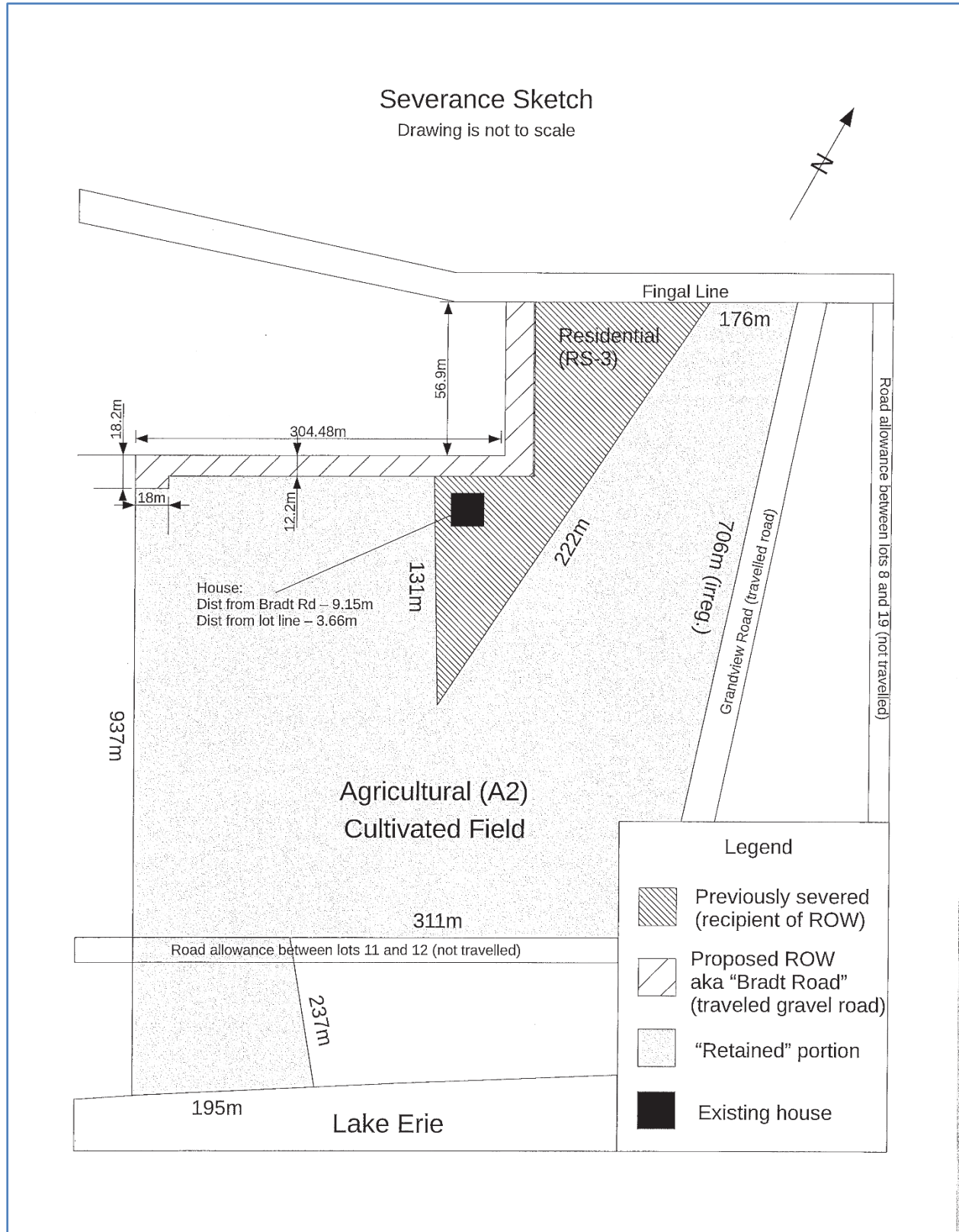
Scheeles Property



Zettler Property



## SKETCH



## COMMENTS

## Tracey Pillon-Abbs

---

**From:** Jackie Morgan-Beunen  
**Sent:** Monday, September 28, 2020 5:47 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** RE: Application E 33-20

Hi Tracey.

I have no concerns with the application. Will Dutton Dunwich receive a registered survey as part of the condition for severance as per usual?

Thank you

**Jackie Morgan-Beunen, CBCO**  
**Chief Building Official**



**199 Currie Road, Dutton, Ontario N0L 1J0**  
**T 519.762.2204 F 519.762.2278**  
**C 519.857.9605**



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---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Friday, September 18, 2020 12:03 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Application E 33-20

Please see application for severance. It is an easement for Bradt Road.

Please let me know if you have any comments or conditions for the council report by October 5th.

## Tracey Pillon-Abbs

---

**From:** Brent Clutterbuck  
**Sent:** September 18, 2020 2:59 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** Re: Application E 33-20

no concerns

Brent Clutterbuck  
 Drainage Superintendent  
 The Municipality of Dutton/Dunwich  
 199 Currie Road, P.O. Box 329  
 Dutton, Ontario N0L 1J0

Office 519-762-2204  
 Fax 519-762-2278  
 Email [drainage@duttondunwich.on.ca](mailto:drainage@duttondunwich.on.ca)

---

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**Sent:** September 18, 2020 12:03 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Application E 33-20

Please see application for severance. It is an easement for Bradt Road.

Please let me know if you have any comments or conditions for the council report by October 5th.

Thanks  
 Tracey

---

**From:** Kurtis Smith [mailto:klsmith@ELGIN.ca]  
**Sent:** Thursday, September 17, 2020 11:31 AM  
**To:** markc@bowsherandbowsher.ca; Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Cc:** Nancy Pasato <npasato@ELGIN.ca>  
**Subject:** Application E 33-20

Good morning,

Please find attached a copy of consent application E 33-20 and the letter to acknowledge receipt. This application will be scheduled for the October 28, 2020 Land Division Committee meeting.

A paper copy of the letter will be sent by Purolator to the applicant including the application notice signs.

**Kurtis Smith**

## Tracey Pillon-Abbs

---

**From:** Dan Lundy  
**Sent:** Monday, September 21, 2020 9:12 AM  
**To:** Tracey Pillon-Abbs; Archie Leitch; Brent Clutterbuck; Jackie Morgan-Beunen; Heather Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer; Tim Hansen  
**Subject:** Re: Application E 33-20

No objection

---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Friday, September 18, 2020 12:03 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Application E 33-20

Please see application for severance. It is an easement for Bradt Road.

Please let me know if you have any comments or conditions for the council report by October 5th.

Thanks  
 Tracey

---

**From:** Kurtis Smith [mailto:klsmith@ELGIN.ca]  
**Sent:** Thursday, September 17, 2020 11:31 AM  
**To:** markc@bowsherandbowsher.ca; Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Cc:** Nancy Pasato <npasato@ELGIN.ca>  
**Subject:** Application E 33-20

Good morning,

Please find attached a copy of consent application E 33-20 and the letter to acknowledge receipt. This application will be scheduled for the October 28, 2020 Land Division Committee meeting.

A paper copy of the letter will be sent by Purolator to the applicant including the application notice signs.

## Kurtis Smith



450 Sunset Drive  
 St. Thomas, ON. N5R 5V1  
 (519) 631-1460 ext.183

[www.elgincounty.ca](http://www.elgincounty.ca)



## Tracey Pillon-Abbs

---

**From:** Murray Wickerson  
**Sent:** September 18, 2020 3:03 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** RE: Application E 33-20

As we will not be expected to perform any maintenance on this road no concerns.

---

**From:** Tracey Pillon-Abbs  
**Sent:** Friday, September 18, 2020 12:03 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
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**Sent:** Thursday, September 17, 2020 11:31 AM  
**To:** [markc@bowsherandbowsher.ca](mailto:markc@bowsherandbowsher.ca); Tracey Pillon-Abbs <[Planning@duttondunwich.on.ca](mailto:Planning@duttondunwich.on.ca)>  
**Cc:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Subject:** Application E 33-20

Good morning,

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A paper copy of the letter will be sent by Purolator to the applicant including the application notice signs.

## Kurtis Smith



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## COUNCIL RESOLUTION



Res: 2020.22. 27

Wednesday, October 14, 2020

Moved by: \_\_\_\_Hentz\_\_\_\_\_

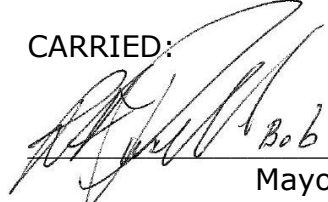
Seconded by: \_\_\_\_Loveland\_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E33/20 for Concession 11, Part of Lot 18, V/L Fingal Line/Bradt Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That taxes are to be paid in full;
- b) That two hard copies and one PDF copy of the registered survey has been provided to the Municipality;
- c) That the ownership of Bradt Road be confirmed to the satisfaction of the Municipality of Dutton Dunwich;
- d) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- e) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

<b><u>Recorded Vote</u></b>	<b><u>Yeas</u></b>	<b><u>Nays</u></b>
P. Corneil	<u>  x  </u>	<u>      </u>
A. Drouillard	<u>  x  </u>	<u>      </u>
K. Loveland	<u>  x  </u>	<u>      </u>
M. Hentz	<u>  x  </u>	<u>      </u>
B. Purcell – Mayor	<u>  x  </u>	<u>      </u>

CARRIED:

  
 Bob  
 Mayor

DEFEATED:

\_\_\_\_\_  
 Mayor

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 33/20**  
**7032 Bradt Street (Zettler)**  
**Part Lot 18, Concession 11**  
**Municipality of Dutton Dunwich**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Shorelines and Watercourses portion of the regulations. The issue of concern in this area is the Lake Erie shoreline, the Mauer Drain and its associated ravine system, stable slopes and erosion.

An application from this office is required prior to any works/construction/site alteration taking place within the regulated area. The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the bluff and ravine system of the Mauer Drain will be required to any proposed structure.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 33-20OWNER: Denis Norman ZettlerPROPERTY: LOT NO. Part Lot 18 CONCESSION: 11REG'D PLAN: 11R-6858 MUNICIPALITY: Dutton Dunwich

The notice of the above application on the above premises has been received and I have the following comments to make:

1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the retained lot/parcel up to \_\_\_\_\_ m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

☐

2) A one-foot reserve is required along the N \_\_\_\_\_,  
 S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....

☐

3) Drainage pipes and/or catchbasin(s) are required .....

☐

4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....

☐

5) A curb and gutter is required along the frontage .....

☐

6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐

7) Technical Reports .....

☐

8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.....

☐

9) Lot Grading Plan is required for the severed lot.....

☐

10) The County has no concerns.....

☒

11) Not on County Road .....

☐

12) Please provide me with a copy of your action on this application .....

☐

13) Other...

☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
 DIRECTOR OF ENGINEERING SERVICES

**From:** [Kristen Scheele](#)  
**To:** [Nancy Pasato](#)  
**Subject:** Document - Oct 14, 2020  
**Date:** October 14, 2020 3:20:00 PM  
**Attachments:** [Doc - Oct 14 2020 - 3-15 PM.pdf](#)

---

Hi Nancy,

Just wanted to make a note that the property abutting the lane owns the lane way as highlighted in the attached notice. The notice makes the property with solid boundaries marked as retained look as if the Zettler's own the lane way past the severed road section.

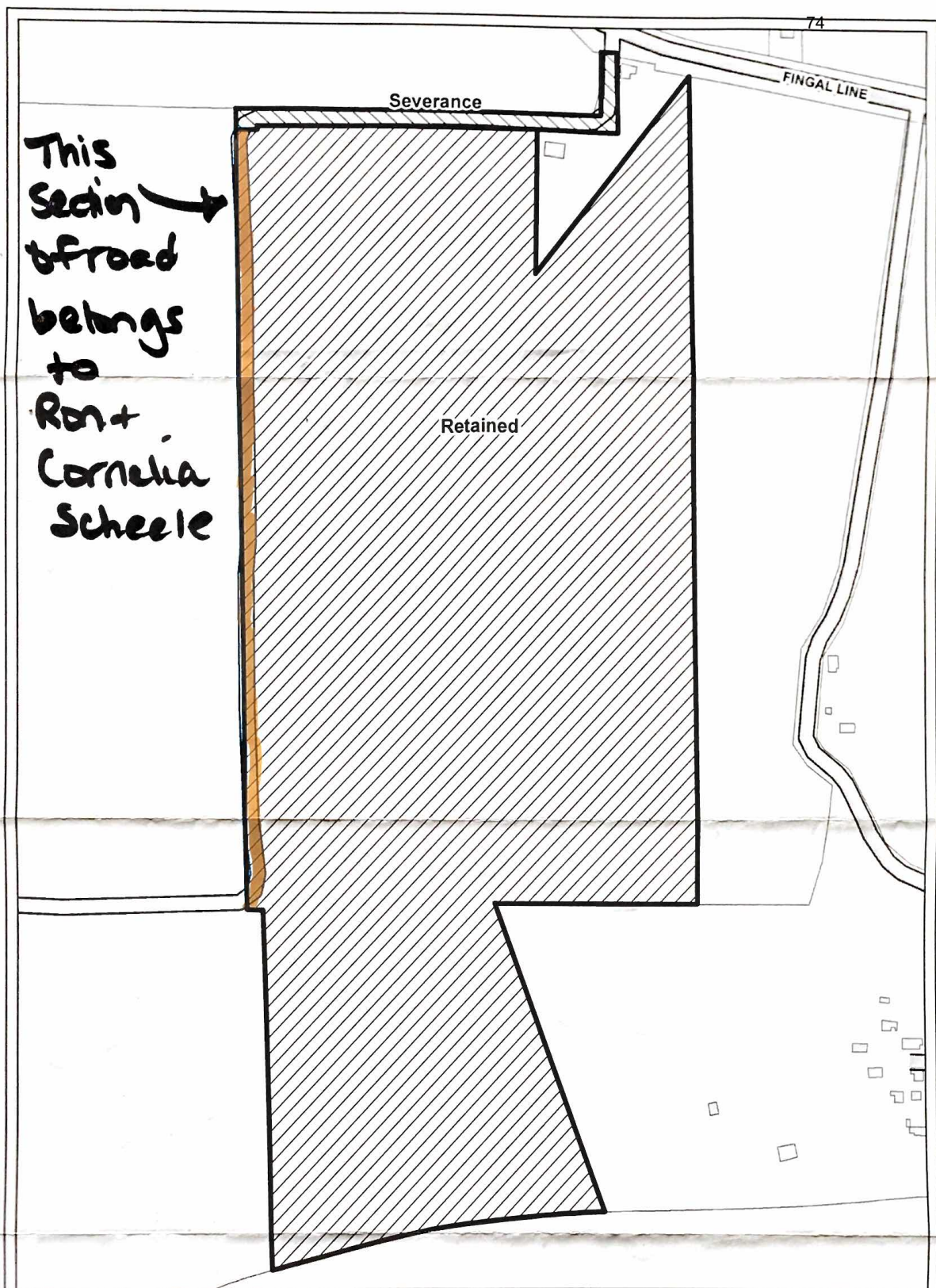
We have not issues with the severance but just wanted this noted to avoid any misunderstandings.

The Zettler's are aware of this fact which is verified by the survey.

Ron and Corrie Scheele  
And Kristen and Dave Scheele  
(Operating in a partnership).  
30768 Fingal Line

Scanned with TurboScan.

Sent from my iPhone



## Location Map

Subject Site: 7032 Bradt Road  
 File Number: E 33-20  
 Owner: Denis Norman Zettler  
 Planner: Nancy Pasato  
 Created By: TE  
 Date: 30/09/2020



## Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings

0 20 40 80 120 160 Meters

The Corporation of the County Elgin  
 Prepared By: Planning and Development

Scale 1:3,809

**Comments – E 33-20 Zettler ROW easement application**

Ron Lackey

30487 FINGAL LINE

R.R. #2

WALLACETOWN ON

NOL 2M0

- Live on west side of Bradt Road
- Bradt Road has always been a road owned and maintained by the municipality
- Has a stop sign, was plowed and garbage collection from Bradt Road
- Question how the lands were sold to the property owner – as an adjacent owner should have a right to purchase half that road allowance
- How is it owned by someone?
- Proper process of divesting was not done, expectation that it is owned by the Municipality





**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 33-20 DENIS NORMAN ZETTLER**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to create an easement for lands legally described as Part Lot 18, Concession 11, Registered Plan No 11R-6858, Municipality of Dutton Dunwich.

---

The applicants propose to create an easement having a frontage of 12.5 metres (41.01 feet) along Fingal Line, with a total area of 0.46 hectares (1.137 acres) over a private road known as Bradt Road to provide access to a lot located at 7032 Bradt Road, in favour of David Adrian Scheele and Kristen Ann Scheele.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

Policy 2.3.4.2 permits severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. The proposed right of way for access meets the policies of the PPS.

In the opinion of staff, the proposal is consistent with the PPS.

#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). Generally, severances are restricted in the Agricultural area, however, Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. The easement/right of way is necessary to ensure access to a newly constructed house.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



The subject lands are designated Agriculture on Schedule 'A' Land Use Plan in the Municipality of Dutton Dunwich Official Plan, and zoned Special Agricultural (A2) in the Zoning By-law. As a condition for the building permit granted for the new home at 7032 Bradt Road, prior to final occupancy, the subject property must have satisfactory and approved vehicular access to a public road.

The proposed severance application does not impact the function of the property and allows the property legal access for the newly constructed home. Generally, staff have no issue with the proposed right of way/easement, as it does not create a new parcel for development and will not affect the viability of the agricultural lands to continue.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

- a. That taxes are to be paid in full;
- b. That hard two copies and one PDF copy of the registered survey has been provided to the Municipality;
- c. That the ownership of Bradt Road be confirmed to the satisfaction of the Municipality of Dutton Dunwich;
- d. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
- e. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 34-20**

**PART LOT 24, CONCESSION 7  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 26591 DOWNIE LINE**

**TAKE NOTICE** that an application has been made by **Antonius and Petronella Veldman**, 28624 Pioneer Line, Dutton ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 26591 Downie Line, legally described as Part Lot 24, Concession 7, Municipality of West Elgin.

The applicants propose to sever a lot with a frontage of 45.06 metres (147.83 feet) along Downie Line, a total width of 86.69 metres (284.41 feet), by a depth of 103.21 metres (338.61 feet) and an area of 7,405.747 square metres (1.83 acres) containing one house and one shed, to create one new lot surplus to the needs of the owner. The owners are retaining 39.50 hectares (97.6 acres) proposed to remain in agriculture use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 10:15A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

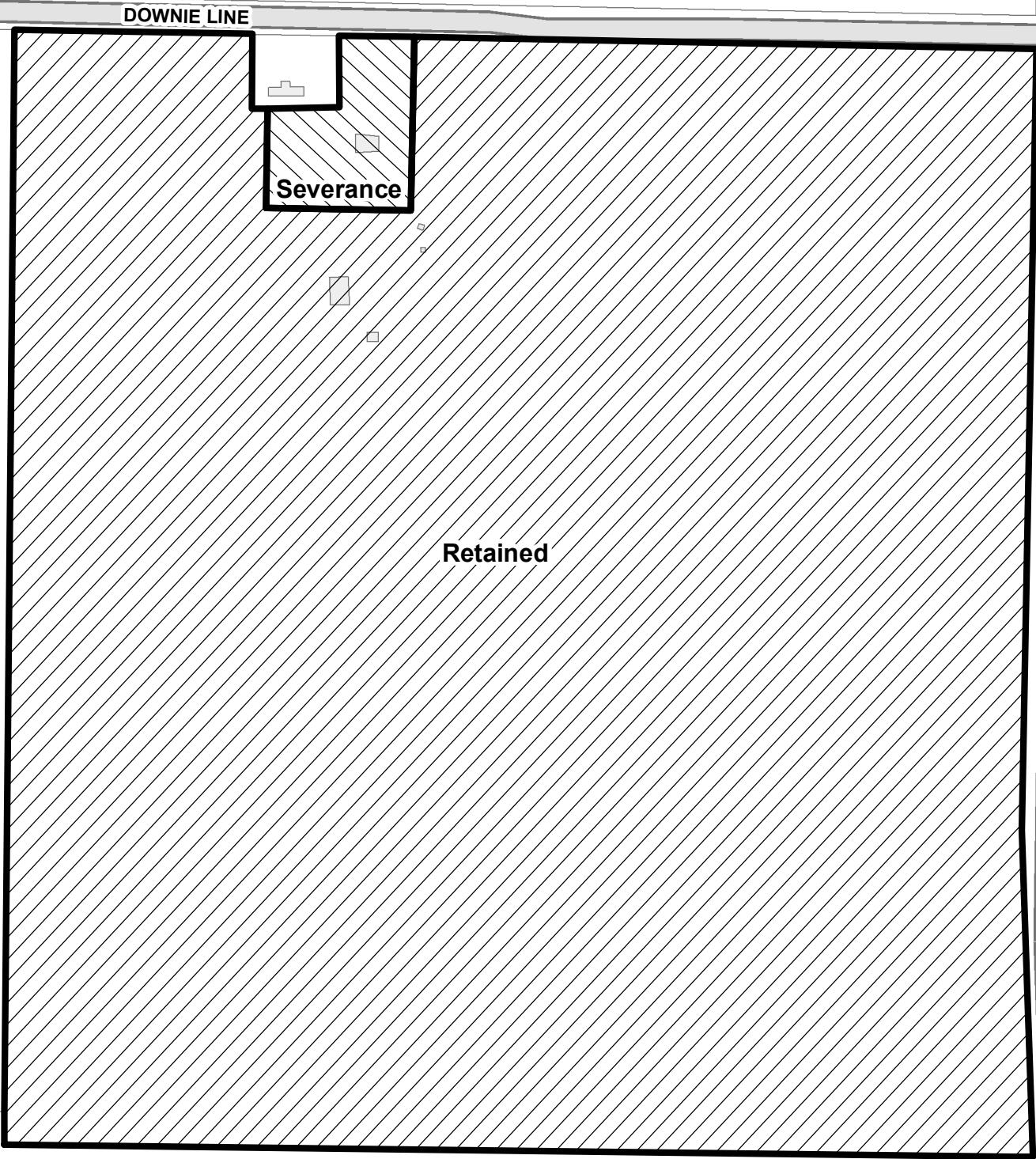
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

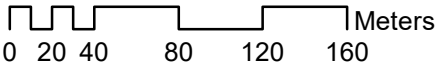
County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



*Location Map*



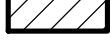


Subject Site: 26591 Downie Line  
File Number: E 34-20  
Owner: Antonius and Petzonella Veldman  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:3,585

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

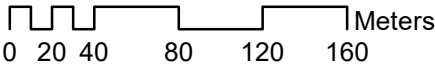




*Location Map*



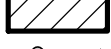


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Planner: Nancy Pasato  
Created By: TE  
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The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:3,585

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings





## MUNICIPALITY OF West Elgin

### Staff Report

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**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2020-10-08  
**Subject:** Severance Report 26591 Downie Line

---

#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 34/20 for 26591 Downie Line; and,

That West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 34/20 located at Concession 7, Part of Lot 24, 26591 Downie Line, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- c) That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- d) That drainage reapportionment has occurred;
- e) That taxes have been paid in full;
- f) That two copies of the registered survey have been provided to the Municipality; and
- g) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality

#### **Purpose:**

An application for a proposed severance was submitted to the Municipality of West Elgin by Antonius and Petronella Veldman. The purpose of the application is to permit the severance of a surplus farm dwelling.

The property owners are requesting the severance of a parcel of land, legally described as Concession 7, Part of Lot 24, in the geographic Township of Aldborough, and known municipally as 26591 Downie Line (outlined in red on the attached Key Map). The subject lands are located along the south side of Downie Line and the west side of Dunborough Road.

#### **Background:**

The proposed severed parcel will have an area of 0.741 ha (1.83 ac.), a frontage of 45.07 m (147.85 ft.) along the south side of Downie Line and an irregular depth of 103.82 m (340.60 ft.). The proposed severed parcel contains a habitable residential dwelling and shed and is serviced

with municipal water and private septic system (identified on the attached Sketches #1 and 2). There is a well on the proposed severed parcel not used for drinking water purposes. The proposed severed parcel has an existing entrance on to Downie Line.

The proposed retained parcel will have an area of 39.5 ha (97.6 ac.), a frontage of 499.0 m (1,637.14 ft.) along the south side of Downie Line and an irregular depth of 667.5 m (2,189.96 ft.). The proposed retained parcel is vacant with no services and is used for agricultural use (identified on the attached Sketch #2).

Agricultural and non-farm residential uses surround the subject lands. The Government Municipal Drain #1 runs through the lands. A non-farm residential parcel was severed from the subject lands in 1975. The parcel is now vacant.

The severance application was circulated to municipal staff for comment. The following comment was received:

Drainage Superintendent

*'Drainage reapportionment is required.'*

**Comment:** This requirement has been addressed as a condition of the severance.

At the time of submission of this report, no other comments of concerns were received from municipal staff.

**Financial Implications:**

None.

**Policies/Legislation:**

**Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Lot creation in prime agricultural areas are permitted for: a) agricultural uses; b) agriculture-related uses; c) **a residence surplus to a farming operation** as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way (Policy 2.3.4.1). New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae (Policy 2.3.3.3).

The PPS defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Comment:** The residence is surplus to the needs of the farmers' farming operation. The new lot is limited in size to accommodate the use and services. A condition to rezone the retained farmland to prohibit construction of new residences is recommended to address the PPS requirement to prohibit

new dwellings on the vacant farmland. The proposed severed parcel meets the recommended Minimum Distance Separation I setback.

Development and site alteration is not permitted in a significant woodland or on adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an E.I.S. (Policy 2.1.5).

**Comment:** A portion of the proposed retained parcel is within a significant woodland. No development is proposed as a result of this severance and therefore, the proposed severance will not have an impact on the significant woodland and adjacent lands and therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application is consistent with the PPS.

#### **County of Elgin Official Plan:**

The subject lands are designated Agricultural Area, as shown on Schedule 'A' Land Use and a portion subject to Woodlands overlay on Appendix #1 Natural Heritage Features and Areas in the County of Elgin Official Plan. The creation of new lots is permitted provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever (Policy E1.2.3.4 b).

**Comment:** The residence to be severed is habitable and is surplus to the owners' farming operation. The proposed severed parcel meets the recommended MDS I setback. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

Development and site alteration are not permitted within a significant woodland or on adjacent lands (120 metres) unless an E.I.S. has been completed, demonstrating there will be no negative impact to the natural heritage features (Policy D1.2.6).

**Comment:** No development is proposed in the significant woodlands and adjacent lands and therefore, an E.I.S. is not required.

**Conclusion:** The proposed severance application conforms to the County of Elgin Official Plan.

#### **Municipality of West Elgin Official Plan:**

The subject lands are designated as Agricultural, as shown on Schedule 'E' Rural Area Land Use & Transportation Plan and a portion of the lands subject to Woodlands, as shown on Schedule 'B' Map 2 Natural Heritage Feature in the Municipality of West Elgin Official Plan. The creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;

- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated (Policy 6.2.9).

**Comment:** The proposed severance demonstrates that the residence is surplus to the owners' farming operation. There are no livestock operations affecting the proposal. A new septic tile bed is required for the proposed severed parcel and will be addressed through the included septic review condition. The proposed severed parcel meets the Minimum Distance Separation I formula.

Development or site alteration shall only be permitted in Woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated there will be no negative impact on the natural heritage feature or on its ecological function. Adjacent lands are generally considered to be a minimum of 50 metres (Policy 3.3.7).

**Comment:** The significant woodland is located on a portion of the proposed retained parcel. No development is proposed; therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application will conform to the Municipality of West Elgin Official Plan.

#### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36**

The subject lands are zoned General Agricultural (A1) with a portion of the proposed retained parcel subject to Lower Thames Valley Conservation Authority Regulated Area on Map 43 of the Municipality of West Elgin Zoning By-law No. 2015-36.

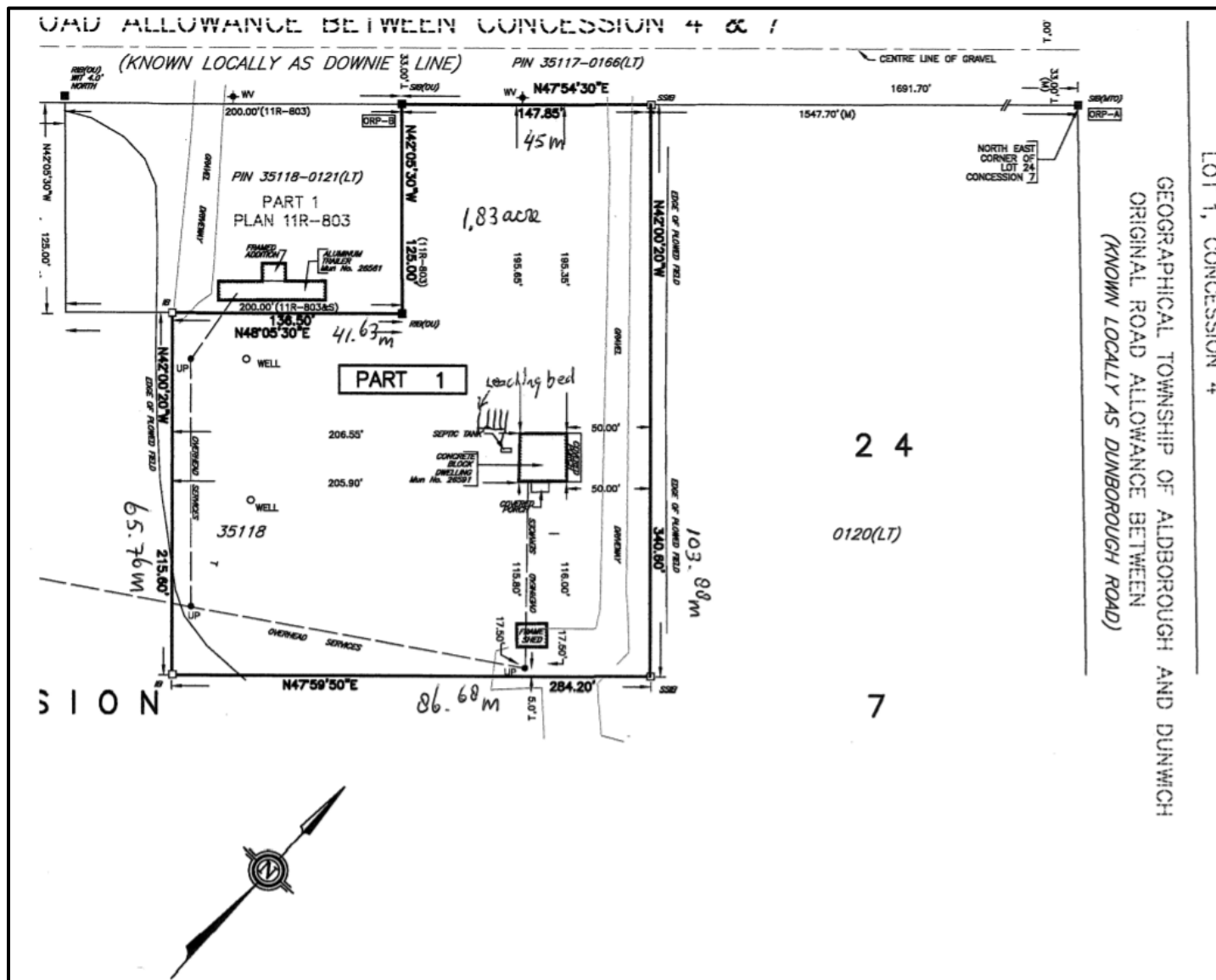
The severed parcel is proposed to be rezoned from Agricultural (A1) Zone to Restricted Agricultural (A3) Zone. The A3 Zone will permit agri-tourism, animal clinic, animal hospital, bed and breakfast establishment, dog kennel day care, day care centre, secondary farm occupation, restricted agricultural use, and single unit dwelling.

The retained parcel is proposed to be rezoned from Agricultural (A1) Zone to Agricultural (A2) Zone. The A2 zone prohibits new residential use and new residential buildings and permits agricultural use, agri-tourism use, farm winery, hunting reserve, production of oil and natural gas and wildlife preserve.

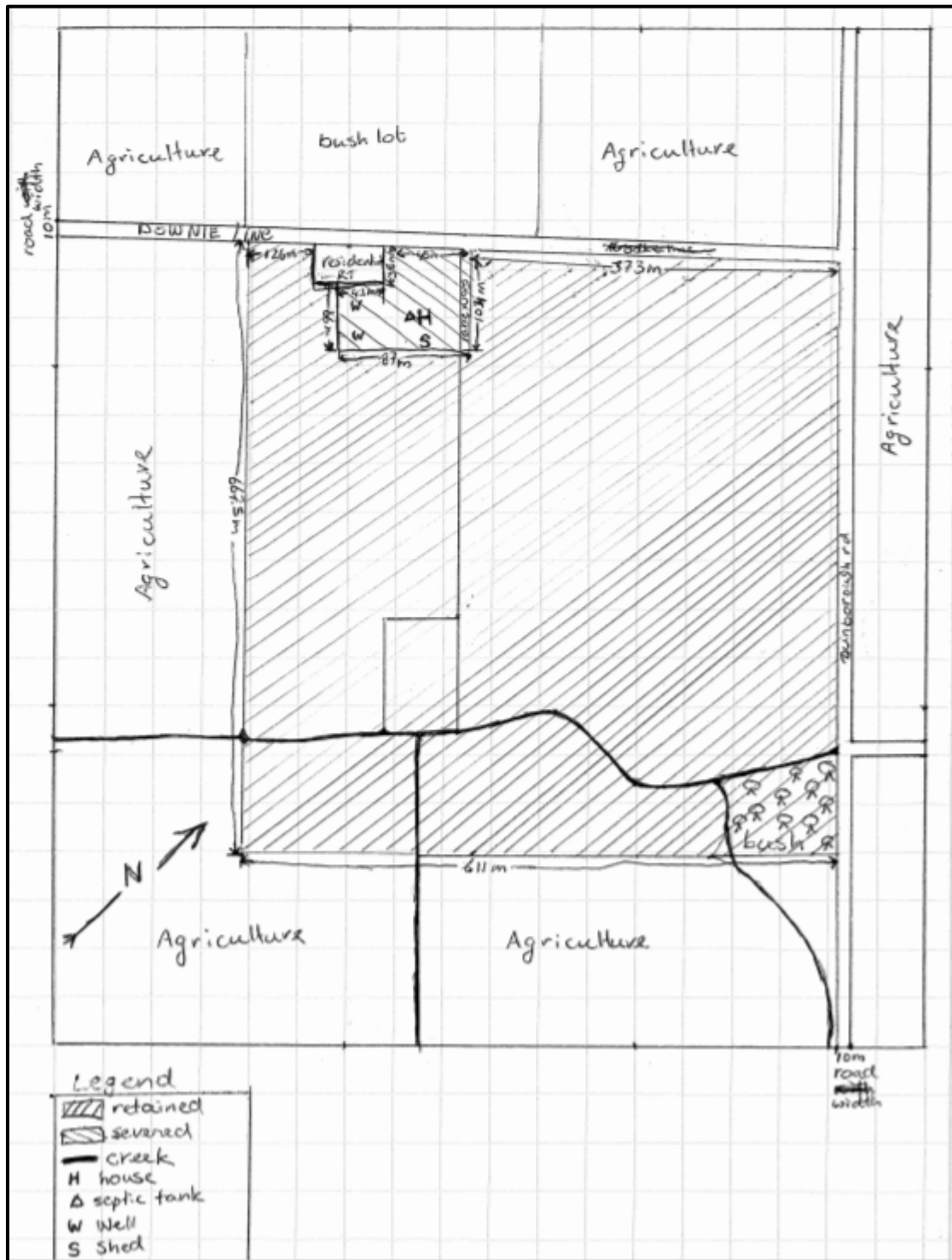
## Key Map



### Sketch #1



Sketch #2





**Report Approval Details**

Document Title:	Severance Report 26591 Downie Line - 2020-24-Planning.docx
Attachments:	
Final Approval Date:	Oct 5, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott



# The Municipality of West Elgin

22413 Hoskins Line, Box 490, Rodney Ontario N0L 2C0

October 8, 2020

At the Regular Meeting of Council on October 8, 2020, the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2020-327**

**Moved:** Councillor Rowe

**Seconded:** Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 34/20 for 26591 Downie Line; and

That West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 34/20 located at Concession 7, Part of Lot 24, 26591 Downie Line, provided the following conditions are included:

- a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b. That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- c. That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- d. That drainage reapportionment has occurred;
- e. That taxes have been paid in full;
- f. That two copies of the registered survey have been provided to the Municipality; and
- g. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality

**Carried**

P: 519.785.0560  
F: 519.785.0644

E: [deputyclerk@westelgin.net](mailto:deputyclerk@westelgin.net)  
[www.westelgin.net](http://www.westelgin.net)

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 5 – 26591 Downie Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 34-20

OWNER: Antonius and Petronella Veldman

PROPERTY: LOT NO. Part Lot 24 CONCESSION: 7

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: West Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required ..... ☒

*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 24 m from the centreline of construction of Dunborough Road County Road (5) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_, ☐  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☐
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 34/20**  
**26591 Downie Line (Zettler)**  
**Part Lot 24, Concession 7**  
**Municipality of Dutton Dunwich**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Government Drain No. 1, the Robinson Drain, the McKellar Drain and erosion.

An application from this office is required prior to any works/construction/site alteration taking place within the regulated area. The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the drains will be required to any proposed structure.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 34-20, ANTONIUS AND PETRONELLA VELDMAN**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 26591 Downie Line, legally described as Part Lot 24, Concession 7, Municipality of West Elgin.

The applicants propose to sever a lot with a frontage of 45.06 metres (147.83 feet) along Downie Line, a total width of 86.69 metres (284.41 feet), by a depth of 103.21 metres (338.61 feet) and an area of 7,405.747 square metres (1.83 acres) containing one house and one shed, to create one new lot surplus to the needs of the owner. The owners are retaining 39.50 hectares (97.6 acres) proposed to remain in agriculture use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residence located at 28624 Pioneer Line. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.74 hectares (1.83 acres)) will contain one house and one shed with a private septic system and municipal water.

In the opinion of staff, the proposal is consistent with the PPS.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residence located at 28624 Pioneer Line. The severed lands are of a sufficient size to accommodate the single detached dwelling and private well.

The property is designated as Agriculture in the Municipality of West Elgin Official Plan and zoned General Agricultural (A1) in the Municipality of West Zoning By-Law. The Municipality has indicated a zoning by-law amendment will be required for the severed and retained lands.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

- a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b. That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- c. That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- d. That drainage reapportionment has occurred;
- e. That taxes have been paid in full;
- f. That two copies of the registered survey have been provided to the Municipality; and
- g. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

**County of Elgin**  
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**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 35-20**

**PART LOT 14, CONCESSION 4**

**MUNICIPALITY OF BAYHAM**

**MUNICIPAL ADDRESS: 7254 BOGUS ROAD**

**TAKE NOTICE** that an application has been made by **Rob Thompson**, 6475 Creek Road, Vienna ON N0J 1Z0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 7254 Bogus Road, legally described as Part Lot 14, Concession 4, Municipality of Bayham.

The applicants propose to sever an irregular parcel of land with a total area of 0.4047 hectares (1 acre), a width of 116 metres (380.5 feet) and a east lot line depth of 39 metres (127.9 feet) and an irregular western lot line. The proposed severed lands are to be merged with the residential lot known as 55963 Calton Line. The owners are retaining 40.064 hectares (99 acres) proposed to remain in agricultural use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 10:30A.M.**

**BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT**

**Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

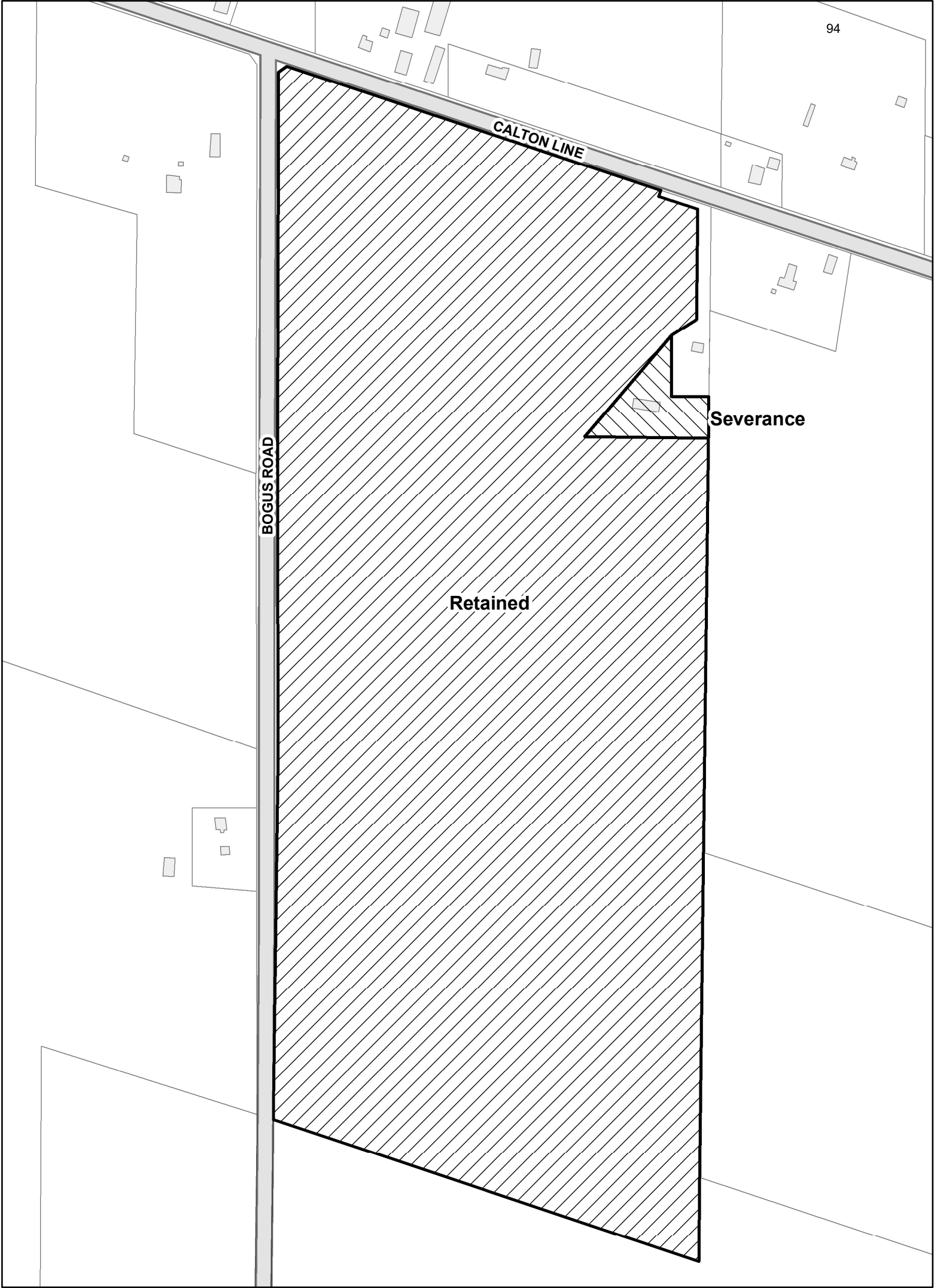
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549

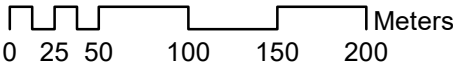




*Location Map*

Subject Site: 7254 Bogus Road  
File Number: E 35-20  
Owner: Rob Thompson  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:4,238

*Legend*

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings





## Location Map

Subject Site: 7254 Bogus Road  
File Number: E 35-20  
Owner: Rob Thompson  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020






The Corporation of the County Elgin  
Prepared By: Planning and Development



0 25 50 100 150 200 Meters

Scale 1:4,238

## Legend

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Municipality of  
**BAYHAM**

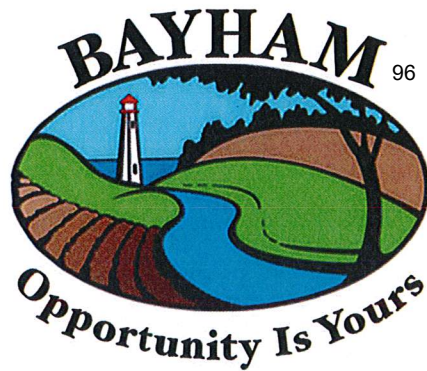
A: P.O. Box 160, 56169 Heritage Line  
Stratfordville, ON N0J 1Y0

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



October 15, 2020

EMAIL ONLY

Nancy Pasato, Acting Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

Dear Ms. Pasato,

**Re: Application for Consent No. E35/20 Thompson and E36/20 VanWynsberghe**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its October 15, 2020 meeting:

**THAT Staff Report DS-67/20 regarding Consent applications E35-20 Thompson and E36-20 VanWynsberghe be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E35/20, submitted by Robert Thompson be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 7254 Bogus Road (Thompson) will merge on title with the lands at 55963 Calton Line (VanWynsberghe)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E36-20, submitted by Rob VanWynsberghe be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 55963 Calton Line (VanWynsberghe) will merge on title with the lands at 7254 Bogus Road (Thompson)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

Municipal Appraisal Sheet emailed Oct 1/20. Staff Report DS-67/20 accompanies this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'M Underhill', with a large, stylized loop at the end.

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.Thompson  
D09.VanWynsberghe  
Cc: R. VanWynsberghe (email)



# REPORT

## DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE: October 15, 2020

REPORT: DS-67/20

FILE NO: C-07/D9.20 Thompson/VanWynsberghe

Roll # 3401-000-002-14700/#3401-000-002-14702

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SUBJECT: Consent Application E35-20 Thompson – Lot Addition

Consent Application E36-20 VanWynsberghe – Lot Addition 1' X 1'

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### BACKGROUND:

Two consent applications were received from the Elgin County Land Division Committee:

- E35-20 submitted by Rob Vanwynsberghe Agent on behalf of Robert Thompson proposing to sever 4046 m<sup>2</sup> (1.0 acre) of land and to retain 40.064 ha (99 acres) of land from 7254 Bogus Road with the intent of conveying the severed piece to the owner of the adjacent property at 55963 Calton Line, Rob VanWynsberghe.  
The subject lands are described as Concession 4 Part Lot 14 and designated "Agriculture" on Schedule 'A1' Municipality of Bayham: Land Use and "Hazard Lands" with an "Existing Petroleum Well" on Schedule 'A2' Municipality of Bayham: Constraints in the Official Plan. The property is zoned Special Agriculture (A2-12) and Long Point Region Conservation Authority Regulation Limit.
- E36-20 submitted by Rob VanWynsberghe proposing a technical severance with a width of 0.3 metres (1 foot) by a depth of 0.3 metres (1 foot) and an area of 0.09 m<sup>2</sup> (1 sq. ft.) to be merged with the adjacent property at 7254 Bogus Road owned by Robert Thompson to facilitate the proposed severance and merging application E35-20.  
The subject lands are described as Concession 4 Part Lot 14 and designated "Agriculture" on Schedule 'A1' Municipality of Bayham: Land Use in the Official Plan. The property is zoned Rural Residential (RR) in the Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the applications at the meeting scheduled for October 28, 2020.

### DISCUSSION:

The current zoning on the Thompson property is Special Agriculture A2-12 carrying regulations that require a minimum lot area of 40.0 hectares. Providing the measurements are accurate and the retained portion meets the minimum of 40.0 hectares, rezoning of the retained lands is not required. Rezoning of the severed portion is required to be consistent with the lands to which it will merge – changing the zoning from A2-12 to RR.

The VanWynsberghe application for the 1' X 1' conveyance is a technical severance requiring rezoning under a separate application to change the zoning from Rural Residential (RR) to Special Agriculture (A2-12) to be consistent with the lands to which it will merge.

Please refer to the planner's memorandums attached for the analysis of the applications. Staff and planner recommend Council's support of the consent applications with the recommended conditions as presented.

#### **ATTACHMENTS**

1. Consent Application E35-20 Thompson
2. Consent Application E36-20 VanWynsberghe
3. County of Elgin Notices of Application for Consent E35-20 and E36-20
4. IBI Group memorandums dated October 5, 2020

#### **RECOMMENDATION**

**THAT Staff Report DS-67/20 regarding Consent applications E35-20 Thompson and E36-20 VanWynsberghe be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E35/20, submitted by Robert Thompson be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 7254 Bogus Road (Thompson) will merge on title with the lands at 55963 Calton Line (VanWynsberghe)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E36-20, submitted by Rob VanWynsberghe be granted subject to the following considerations and conditions:**

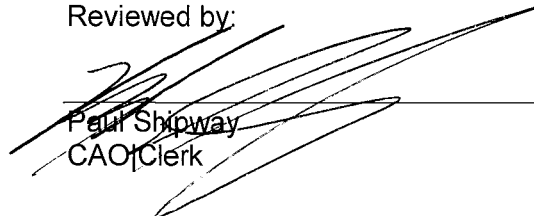
1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 55963 Calton Line (VanWynsberghe) will merge on title with the lands at 7254 Bogus Road (Thompson)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

Respectfully Submitted by:



Margaret Underhill  
Deputy Clerk|Planning Coordinator

Reviewed by:



Paul Shipway  
CAO|Clerk





**IBI GROUP**  
 203 – 350 Oxford Street West  
 London ON N6H 1T3 Canada  
 tel 519 472 7328  
 ibigroup.com

## Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	October 5, 2020
<b>From</b>	Ivana Osojnicki	<b>Project No</b>	3404-783
<b>cc</b>	William Pol, MCIP, RPP Paul Riley, CPT		
<b>Subject</b>	Rob Thompson - 7254 Bogus Road - Application for Consent E35-20		

1. We have completed our review of Consent Application E35-20 submitted by Rob Thompson for the lands located at 7254 Bogus Road, east side, and south of Calton Line. The applicant is requesting a Consent to sever 0.4047 ha (1 ac) of land and to retain 40.0639 ha (99 ac) of land. The intent of this Consent is to convey the severed lands to the owners of the adjacent property to the northeast, 55963 Calton Line. The lands are designated Agricultural Area by Schedule 'A' of the Elgin County Official Plan. The lands are also designated Agriculture on Schedule 'A1' Land Use of the Municipality of Bayham Official Plan. The northern portion of the lands is further designated Estate Residential. Schedule 'A2' Municipality of Bayham: Constraints identifies watercourses and Hazard Lands on the lands. The lands are zoned Special Agriculture Zone Exception No. 12 (A2-12) on Schedule 'A' Map No. 11 of Zoning By-law Z456-2003.
2. The area of the existing lot is 40.4686 ha (100 ac). The proposed retained lands will have a frontage of 369 m (1,211 ft), a depth of 987 m (3,238 ft), and an area of 40.0639 ha (99 ac). The proposed severed lands will have a depth of 91 m (299 ft) and an area of 0.4047 ha (1 ac). The severed lands will not have frontage on a municipal road, as they will be added to the rear yard of the adjacent property located at 55963 Calton Line. The retained lands are occupied by agricultural uses bisected by woodlands and tributaries associated with the Big Otter Creek. An open municipal drain exists on the retained lands directly west of the severed lands. A tobacco pack barn previously used for tobacco storage and then miscellaneous storage for the previous tenants is located on the southwest portion of the severed lands. A small tobacco kiln yard is located on the southeast portion of the severed lands. The applicant has indicated that the severed lands have never been incorporated into the agricultural operation existing on the remainder of the lands. The surrounding uses are agricultural and estate residential. The Village of Vienna exists to the south of the lands.



Municipality of Bayham – October 5, 2020

3. 55963 Calton Line was previously severed from 7254 Bogus Road via Consent Application E42/15. This lot is irregular in shape as a result of efforts to retain as much agricultural land as possible on 7254 Bogus Road and to meet the general zoning requirements, namely the minimum lot frontage of 50 m (164 ft).
4. Section E1.2.3.2 of the Elgin County Official Plan permits Consents for the purpose of modifying lot boundaries, provided that no new building lots are created. This policy further requires that the approval authority is satisfied that the boundary adjustment will not impact the viability of the use of the affected lands. The approval authority shall also be satisfied that the Consent will not affect the viability of any affected agricultural parcels. It is our opinion that the viability of the retained and severed lands will not be impacted by the proposed Consent, as this severance will not negatively impact either the agricultural uses on 7254 Bogus Road and or the residential uses 55963 Calton Line. The open municipal drain causes the proposed severed lands to be challenging to incorporate into the existing agricultural uses on 7254 Bogus Road. The proposed Consent will result in an addition to 55963 Calton Line and will therefore not create a new lot.
5. Section 2.1.9.1 of the Municipality of Bayham Official Plan permits Consents to Sever in areas designated Agriculture to allow minor lot additions provided that the severance does not create a new lot. The severed and retained parcels are required to conform to the policies of the Official Plan and the regulations of the Zoning By-law. The proposed Consent will result in an addition to 55963 Calton Line and will therefore not create a new lot.
6. The subject lands are zoned Special Agricultural Zone Exception No. 12 (A2-12) in Zoning By-law Z456-2003. The proposed retained lands are 40.0639 ha (99 ac in area), which will meet the minimum lot area requirement of 40.0 ha (90 ac) and the minimum lot frontage requirement of 150.0 m (492 ft). As there are no buildings/structures on the retained lands, all other zoning regulations are not applicable.
7. A Zoning By-law Amendment will be required to rezone the severed lands to be consistent with the addition lands. 55963 Calton Line is zoned Rural Residential (RR). The addition of the severed lands will increase the lot area from 0.4047 ha (1 ac) to 0.8094 ha (2 ac). The lot frontage and front yard depth will not change, as the proposed severed lands will be added to the rear of the property. Details on the existing tobacco pack barn will need to be provided by the applicant to ensure that zoning regulations related to maximum lot coverage, maximum building height, minimum side yard with, and minimum rear yard depth are met. A Site-Specific Zoning By-law Amendment may be required if the addition of the severed lands to 55963 Calton Line causes the lands not to comply with the applicable RR zoning.
8. Based on the above review of Consent Application E35/20, we have no objection to the proposed Consent to sever 7254 Bogus Road to facilitate the addition of the

Municipality of Bayham – October 5, 2020

4. Section E1.2.3.2 of the Elgin County Official Plan permits Consents for the purpose of modifying lot boundaries, provided that no new building lots are created. This policy further requires that the approval authority is satisfied that the boundary adjustment will not impact the viability of the use of the affected properties. The approval authority shall also be satisfied that the Consent will not impact the viability of any affected agricultural parcels. It is our opinion that the viability of the lands will not be impacted by the proposed Consent, as this severance will not negatively impact either the residential uses at 55963 Calton Line or the agricultural uses on 7254 Bogus Road. The proposed Consent will result in an addition to 7254 Bogus Road and will therefore not create a new lot.
5. Section 2.1.9.1 of the Municipality of Bayham Official Plan permits Consents to Sever in areas designated Agriculture to allow minor lot additions provided that the severance does not create a new lot. The severed and retained parcels are required to conform to the policies of the Official Plan and the regulations of the Zoning By-law. The proposed Consent will result in an addition to 7254 Bogus Road and will therefore not create a new lot.
6. The subject lands are zoned Rural Residential (RR) Zone in Zoning By-law Z456-2003. The proposed retained lands comply with the minimum lot area requirement in the RR Zone of 0.4 ha (99 ac). Due to the size, location, and absence of buildings/structures on the proposed severed lands, the retained lands will not change in regard to frontage, lot coverage, building height, front yard depth, side yard width, and rear yard depth.
7. A Zoning By-law Amendment will be required to rezone the severed lands to be consistent with the addition lands. 7254 Bogus Road is zoned Special Agriculture Exception No. 12 (A2-12). The addition of the severed lands to 7254 Bogus Road will increase its area by 0.1 sq. m (1 sq. ft), therefore it will continue to meet the minimum area requirement of 40.0 ha (99 ac). The frontage and front yard depth of 55963 Calton Road will not be altered based on the location of the lot addition. As there are not any buildings/structures on 7254 Bogus Road, the regulations related to lot coverage, building height, front yard depth, side yard width, and rear yard depth are not applicable.
8. Based on the above review of Consent application E36/20, we have no objection to the proposed Consent to sever 55963 Calton Line to facilitate the addition of the severed land to 7254 Bogus Road. We further recommend the following conditions for Consent approval:
  - a) That the owner provides a survey of the lands;
  - b) That the owner provides a Letter of Undertaking for the lands to merge;
  - c) That the owner merges the severed lands from 55963 Calton Line on title with the lands at 7254 Bogus Road;

Municipality of Bayham – October 5, 2020

- d) That the owner of the severed lands from 55963 Calton Line obtains the necessary Zoning By-law Amendment to be consistent with the merged lands at 7254 Bogus Road;
- e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Ivana Osojnicki

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IBI Group  
Ivana Osojnicki

Consulting Planner to the  
Municipality of Bayham

# COUNTY OF ELGIN ROAD SYSTEM

106

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 45 - 7254 Bogus Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 35-20

OWNER: Rob Thompson

PROPERTY: LOT NO. Part Lot 14 CONCESSION: 4

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Bayham

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the retained lot/parcel up to 26 m from the centreline of construction of Calton Line County Road (45) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☒
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☐
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 35-20 ROB THOMPSON**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 7254 Bogus Road, legally described as Part Lot 14, Concession 4, Municipality of Bayham.

---

The applicants propose to sever an irregular parcel of land with a total area of 0.4047 hectares (1 acre), a width of 116 metres (380.5 feet) and an east lot line depth of 39 metres (127.9 feet) and an irregular western lot line. The proposed severed lands are to be merged with the residential lot known as 55963 Calton Line. The owners are retaining 40.064 hectares (99 acres) proposed to remain in agricultural use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4.2 permits lot adjustments in prime agricultural areas for legal or technical reasons. Although the resultant lot is substantial in size (approx. 0.93 ha/2.3 acres) in the opinion of staff, the lot addition lands are not able to be farmed due to the site constraints located nearby, the Applicant has demonstrated the need for the larger size of lot, and is therefore consistent with the PPS.

#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). Generally, severances are restricted in the Agricultural area, however, policy E1.2.3.2 allows for boundary adjustments to existing lots, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



The Applicant has provided a letter to explain the rationale for the additional lands to be added to the lot. Although the size of the resultant lot is larger in size, generally, staff have no issue with the proposed boundary adjustment, as it does not create a new parcel for development, and will not affect the viability of the agricultural parcel.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property at 55963 Calton Line.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
- c. That the retained subject lands are deeded in the same name and interest as the abutting lot at 55963 Calton Line and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands;
- d. Final approval and registration of consent application E 36-20 will be completed prior to the finalizing this consent; and
- e. As per Section 51 (25) of the Planning Act, the owner dedicate lands along the frontage of the retained lot/parcel up to 26 m from the centreline of construction of Calton Line County Road (45) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

It is also recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:

- a. Digital Copy of the final survey be provided to the municipality;
- b. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 7254 Bogus Road (Thompson) will merge on title with the lands at 55963 Calton Line (VanWynsberghe);
- c. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands; and
- d. Planning report fee payable to the municipality.

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**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 36-20**

**PART LOT 14, CONCESSION 4  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 55963 CALTON LINE**

**TAKE NOTICE** that an application has been made by **Rob Vanwynsberghe**, 55963 Calton Line, Vienna ON N0J 1Z0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55963 Calton Line, legally described as Part Lot 14, Concession 4, Municipality of Bayham.

The applicants propose a technical severance with a width of 0.3 metres (1 foot) by a depth of 0.3 metres (1 foot) and an area of 0.09 square metres (1 square foot) to be merged with the adjacent property at 7254 Bogus Road. The application is required to facilitate the proposed severance and merging application (E 35-20).

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 10:40A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

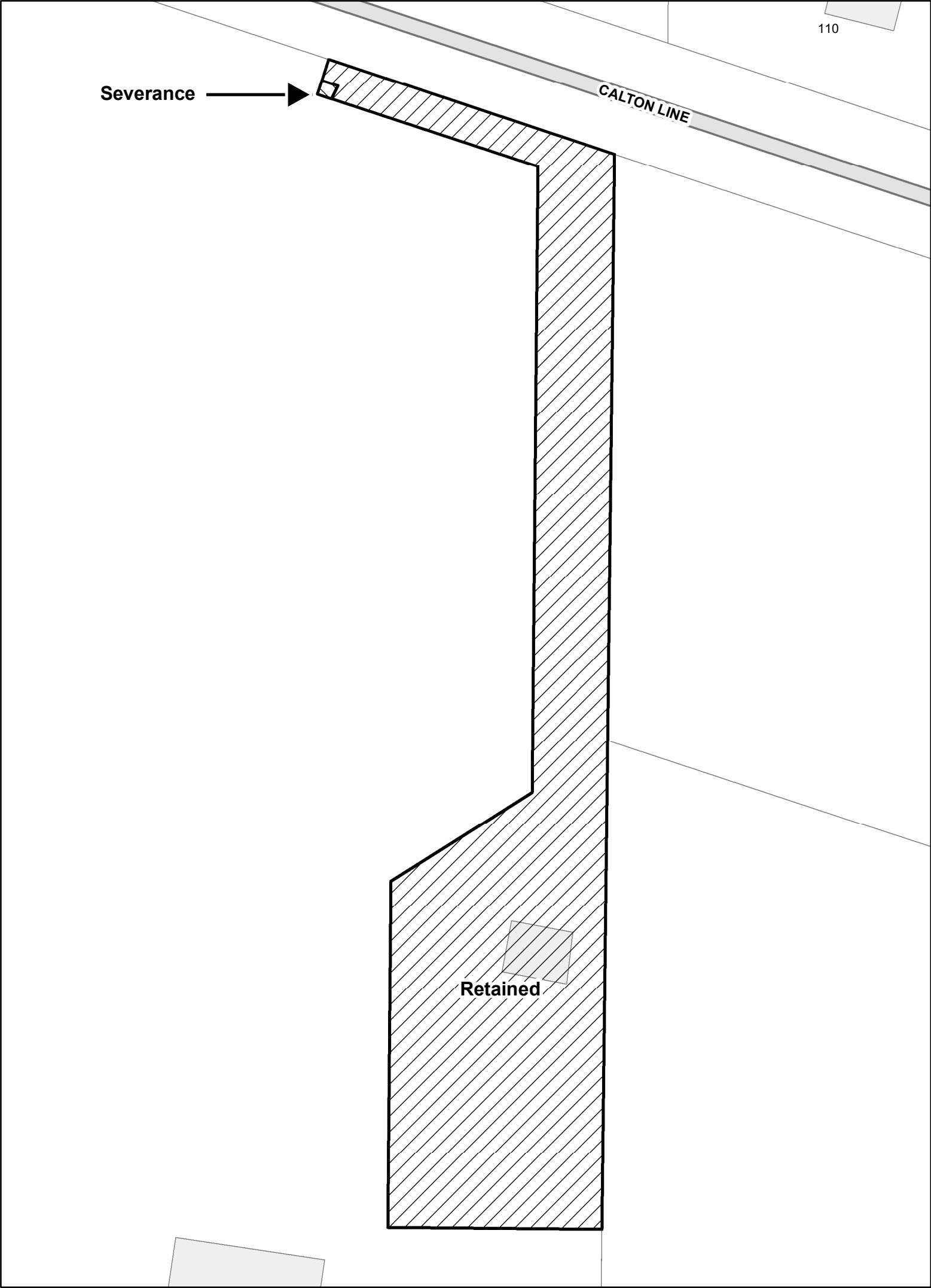
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549





### Location Map

Subject Site: 55963 Calton Line  
File Number: E 36-20  
Owner: Rob Vanwynsberghe  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development

N

0 4.25 8.5 17 25.5 34 Meters

### Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings

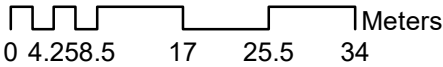




*Location Map*



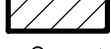


Subject Site: 55963 Calton Line  
File Number: E 36-20  
Owner: Rob Vanwynsberghe  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:747

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Municipality of  
**BAYHAM**

A: P.O. Box 160, 56169 Heritage Line  
Stratfordville, ON N0J 1Y0

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



October 15, 2020

EMAIL ONLY

Nancy Pasato, Acting Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

Dear Ms. Pasato,

**Re: Application for Consent No. E35/20 Thompson and E36/20 VanWynsberghe**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its October 15, 2020 meeting:

**THAT Staff Report DS-67/20 regarding Consent applications E35-20 Thompson and E36-20 VanWynsberghe be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E35/20, submitted by Robert Thompson be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 7254 Bogus Road (Thompson) will merge on title with the lands at 55963 Calton Line (VanWynsberghe)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E36-20, submitted by Rob VanWynsberghe be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 55963 Calton Line (VanWynsberghe) will merge on title with the lands at 7254 Bogus Road (Thompson)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

Municipal Appraisal Sheet emailed Oct 1/20. Staff Report DS-67/20 accompanies this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'M Underhill', with a large, stylized loop at the end.

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.Thompson  
D09.VanWynsberghe  
Cc: R. VanWynsberghe (email)



# REPORT

## DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE: October 15, 2020

REPORT: DS-67/20

FILE NO: C-07/D9.20 Thompson/VanWynsberghe

Roll # 3401-000-002-14700/#3401-000-002-14702

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SUBJECT: Consent Application E35-20 Thompson – Lot Addition

Consent Application E36-20 VanWynsberghe – Lot Addition 1' X 1'

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### BACKGROUND:

Two consent applications were received from the Elgin County Land Division Committee:

- E35-20 submitted by Rob Vanwynsberghe Agent on behalf of Robert Thompson proposing to sever 4046 m<sup>2</sup> (1.0 acre) of land and to retain 40.064 ha (99 acres) of land from 7254 Bogus Road with the intent of conveying the severed piece to the owner of the adjacent property at 55963 Calton Line, Rob VanWynsberghe. The subject lands are described as Concession 4 Part Lot 14 and designated "Agriculture" on Schedule 'A1' Municipality of Bayham: Land Use and "Hazard Lands" with an "Existing Petroleum Well" on Schedule 'A2' Municipality of Bayham: Constraints in the Official Plan. The property is zoned Special Agriculture (A2-12) and Long Point Region Conservation Authority Regulation Limit.
- E36-20 submitted by Rob VanWynsberghe proposing a technical severance with a width of 0.3 metres (1 foot) by a depth of 0.3 metres (1 foot) and an area of 0.09 m<sup>2</sup> (1 sq. ft.) to be merged with the adjacent property at 7254 Bogus Road owned by Robert Thompson to facilitate the proposed severance and merging application E35-20. The subject lands are described as Concession 4 Part Lot 14 and designated "Agriculture" on Schedule 'A1' Municipality of Bayham: Land Use in the Official Plan. The property is zoned Rural Residential (RR) in the Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the applications at the meeting scheduled for October 28, 2020.

### DISCUSSION:

The current zoning on the Thompson property is Special Agriculture A2-12 carrying regulations that require a minimum lot area of 40.0 hectares. Providing the measurements are accurate and the retained portion meets the minimum of 40.0 hectares, rezoning of the retained lands is not required. Rezoning of the severed portion is required to be consistent with the lands to which it will merge – changing the zoning from A2-12 to RR.

The VanWynsberghe application for the 1' X 1' conveyance is a technical severance requiring rezoning under a separate application to change the zoning from Rural Residential (RR) to Special Agriculture (A2-12) to be consistent with the lands to which it will merge.

Please refer to the planner's memorandums attached for the analysis of the applications. Staff and planner recommend Council's support of the consent applications with the recommended conditions as presented.

#### **ATTACHMENTS**

1. Consent Application E35-20 Thompson
2. Consent Application E36-20 VanWynsberghe
3. County of Elgin Notices of Application for Consent E35-20 and E36-20
4. IBI Group memorandums dated October 5, 2020

#### **RECOMMENDATION**

**THAT Staff Report DS-67/20 regarding Consent applications E35-20 Thompson and E36-20 VanWynsberghe be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E35/20, submitted by Robert Thompson be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 7254 Bogus Road (Thompson) will merge on title with the lands at 55963 Calton Line (VanWynsberghe)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E36-20, submitted by Rob VanWynsberghe be granted subject to the following considerations and conditions:**

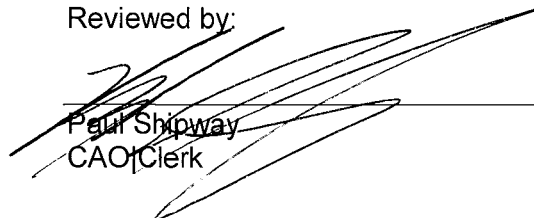
1. Digital Copy of the final survey be provided to the municipality
2. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 55963 Calton Line (VanWynsberghe) will merge on title with the lands at 7254 Bogus Road (Thompson)
3. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands
4. Planning report fee payable to the municipality

Respectfully Submitted by:



Margaret Underhill  
Deputy Clerk|Planning Coordinator

Reviewed by:



Paul Shipway  
CAO|Clerk





**IBI GROUP**  
 203–350 Oxford Street West  
 London ON N6H 1T3 Canada  
 tel. 519 472 7328  
 ibigroup.com

## Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	October 13, 2020
<b>From</b>	Ivana Osojnicki	<b>Project No</b>	3404-783
<b>cc</b>	William Pol, MCIP, RPP Paul Riley, CPT		
<b>Subject</b>	Rob Vanwynsberghe - 55963 Calton Line, Vienna - Application for Consent E36-20		

1. We have completed our review of Consent Application E36-20 submitted by Rob Vanwynsberghe for the lands located at 55963 Calton Line, south side, and east of Bogus Road, in the Village of Vienna. The applicant is requesting a Consent to sever 0.1 sq. m (1 sq. ft) of land and to retain 0.4 ha (1 ac) of land. The intent of this Consent is to convey the severed lands to the owners of the adjacent property to the west, 7254 Bogus Road. The lands are designated Agricultural Area by Schedule 'A' of the Elgin County Official Plan. The lands are also designated Agriculture and Estate Residential on Schedule 'A1' Land Use: of the Municipality of Bayham Official Plan. Schedule 'A2' Municipality of Bayham: Constraints also identifies watercourses and Hazard Lands on the lands. The lands are zoned Rural Residential (RR) Zone on Schedule 'A' Map No. 11 in Zoning By-law Z456-2003.
2. The lot area of the existing lot is 0.4070 ha (1 ac). The retained lands will have a frontage of 50 m (164 ft), a depth of 117 m (570 ft), and an area of 0.4070 ha (1 ac). The severed lands will have a lot depth of 0.3 m (1 ft) and a lot area of 0.1 sq. m (1 sq. ft). The severed lands will not have frontage on a municipal road, as they will be added to the adjacent property to the southwest located at 7254 Bogus Road. The severed lands do not contain any buildings/structures. The retained lands are occupied by a single detached residential dwelling and various accessory structures, including storage buildings. The Consent will allow the severed lands to be added to 7254 Bogus Road, which is occupied by agricultural uses bisected by woodlands and tributaries. The surrounding uses are agricultural and estate residential. The Village of Vienna exists to the south of the lands.
3. 55963 Calton Line was previously severed from 7254 Bogus Road via Consent Application E42/15. This lot is irregular in shape as a result of efforts to retain as much agricultural land as possible on 7254 Bogus Road and to meet the general zoning requirements, namely the minimum lot frontage of 50.0 m (164 ft).

Municipality of Bayham – October 5, 2020

4. Section E1.2.3.2 of the Elgin County Official Plan permits Consents for the purpose of modifying lot boundaries, provided that no new building lots are created. This policy further requires that the approval authority is satisfied that the boundary adjustment will not impact the viability of the use of the affected properties. The approval authority shall also be satisfied that the Consent will not impact the viability of any affected agricultural parcels. It is our opinion that the viability of the lands will not be impacted by the proposed Consent, as this severance will not negatively impact either the residential uses at 55963 Calton Line or the agricultural uses on 7254 Bogus Road. The proposed Consent will result in an addition to 7254 Bogus Road and will therefore not create a new lot.
5. Section 2.1.9.1 of the Municipality of Bayham Official Plan permits Consents to Sever in areas designated Agriculture to allow minor lot additions provided that the severance does not create a new lot. The severed and retained parcels are required to conform to the policies of the Official Plan and the regulations of the Zoning By-law. The proposed Consent will result in an addition to 7254 Bogus Road and will therefore not create a new lot.
6. The subject lands are zoned Rural Residential (RR) Zone in Zoning By-law Z456-2003. The proposed retained lands comply with the minimum lot area requirement in the RR Zone of 0.4 ha (99 ac). Due to the size, location, and absence of buildings/structures on the proposed severed lands, the retained lands will not change in regard to frontage, lot coverage, building height, front yard depth, side yard width, and rear yard depth.
7. A Zoning By-law Amendment will be required to rezone the severed lands to be consistent with the addition lands. 7254 Bogus Road is zoned Special Agriculture Exception No. 12 (A2-12). The addition of the severed lands to 7254 Bogus Road will increase its area by 0.1 sq. m (1 sq. ft), therefore it will continue to meet the minimum area requirement of 40.0 ha (99 ac). The frontage and front yard depth of 55963 Calton Road will not be altered based on the location of the lot addition. As there are not any buildings/structures on 7254 Bogus Road, the regulations related to lot coverage, building height, front yard depth, side yard width, and rear yard depth are not applicable.
8. Based on the above review of Consent application E36/20, we have no objection to the proposed Consent to sever 55963 Calton Line to facilitate the addition of the severed land to 7254 Bogus Road. We further recommend the following conditions for Consent approval:
  - a) That the owner provides a survey of the lands;
  - b) That the owner provides a Letter of Undertaking for the lands to merge;
  - c) That the owner merges the severed lands from 55963 Calton Line on title with the lands at 7254 Bogus Road;

Municipality of Bayham – October 5, 2020

- d) That the owner of the severed lands from 55963 Calton Line obtains the necessary Zoning By-law Amendment to be consistent with the merged lands at 7254 Bogus Road;
- e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Ivana Osojnicki

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IBI Group  
Ivana Osojnicki

Consulting Planner to the  
Municipality of Bayham

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 45 – 55963 Calton Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 36-20

OWNER: Rob Vanwynsberghe

PROPERTY: LOT NO. Part Lot 14 CONCESSION: 4

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Bayham

The notice of the above application on the above premises has been received and I have the following comments to make:

- |   |   |
|---|---|
| <p>1) Land for road widening is required .....<br/> <i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the retained lot/parcel up to 26 m from the centreline of construction of Calton Line County Road (45) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.</i></p> | <div style="border: 1px solid black; width: 40px; height: 40px; line-height: 40px; margin: 0 auto;">X</div> |
| <p>2) A one-foot reserve is required along the N _____,<br/> S _____, E _____ and/or W _____ property line .....</p>  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>3) Drainage pipes and/or catchbasin(s) are required .....</p>  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....</p>  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>5) A curb and gutter is required along the frontage .....</p>  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....</p>  | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>                     |
| <p>7) Technical Reports .....</p>   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.....</p>  | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>                     |
| <p>9) Lot Grading Plan is required for the severed lot.....</p>   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>10) The County has no concerns.....</p>  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>11) Not on County Road .....</p>   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>12) Please provide me with a copy of your action on this application .....</p>   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |
| <p>13) Other...</p>   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                     |

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 36-20 ROB VANWYNSBERGHE**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55963 Calton Line, legally described as Part Lot 14, Concession 4, Municipality of Bayham.

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The applicants propose a technical severance with a width of 0.3 metres (1 foot) by a depth of 0.3 metres (1 foot) and an area of 0.09 square metres (1 square foot) to be merged with the adjacent property at 7254 Bogus Road. The application is required to facilitate the proposed severance and merging application (E 35-20).

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4.2 permits lot adjustments in prime agricultural areas for legal or technical reasons. In the opinion of staff, the proposal is consistent with the PPS.

#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). Generally, severances are restricted in the Agricultural area, however, policy E1.2.3.2 allows for boundary adjustments to existing lots, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected.

The property at 55963 Calton Line was previously created in 2015. In order to allow for the merging of lands through the previous consent application (E 35-20), the legal description for the site must be altered. The applicant is proposing the severance of a 1 foot by 1-foot piece of land to be transferred to the adjacent property at 7254 Bogus Road.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



The proposed consent is technical in nature and is required to facilitate the severance application E 35-20.

Generally, staff have no issue with the proposed boundary adjustment, as it does not create a new parcel for development, will add an existing access to the merged lands, will not affect the viability of the use of the properties to continue, and the boundary adjustment will not affect the viability of the agricultural parcel.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property at 7254 Bogus Road.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
- c. That the retained subject lands are deeded in the same name and interest as the abutting lot at 7254 Bogus Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands;
- d. As per Section 51 (25) of the Planning Act, the owner dedicate lands along the frontage of the retained lot/parcel up to 26 m from the centreline of construction of Calton Line County Road (45) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

It is also recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:

- a. Digital Copy of the final survey be provided to the municipality;
- b. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 55963 Calton Line (VanWynsberghe) will merge on title with the lands at 7254 Bogus Road (Thompson);
- c. Owner of the subject lands apply to the Municipality to obtain the necessary zoning by-law amendment for the severed lands; and
- d. Planning report fee payable to the municipality.

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**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 37-20**

**NORTH PART LOT 17, CONCESSION 7  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 45501 ELM LINE**

TAKE NOTICE that an application has been made by **James E Crane and John A Crane**, 14867 Putnam Road, Springfield ON N0L 2J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45501 Elm Line, legally described as North Part Lot 17, Concession 7, Municipality of Central Elgin.

The applicants propose to sever a lot with a frontage of 70 metres (229.66 feet) along Elm Line by a depth of 68 metres (223.1 feet) and an area of 4,760 square metres (1.176 acres) containing one house and one garage, to create a residential lot surplus to the needs of the owner. The owners are retaining 20.766 hectares (51.31 acres) proposed to remain in agriculture use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 10:45A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

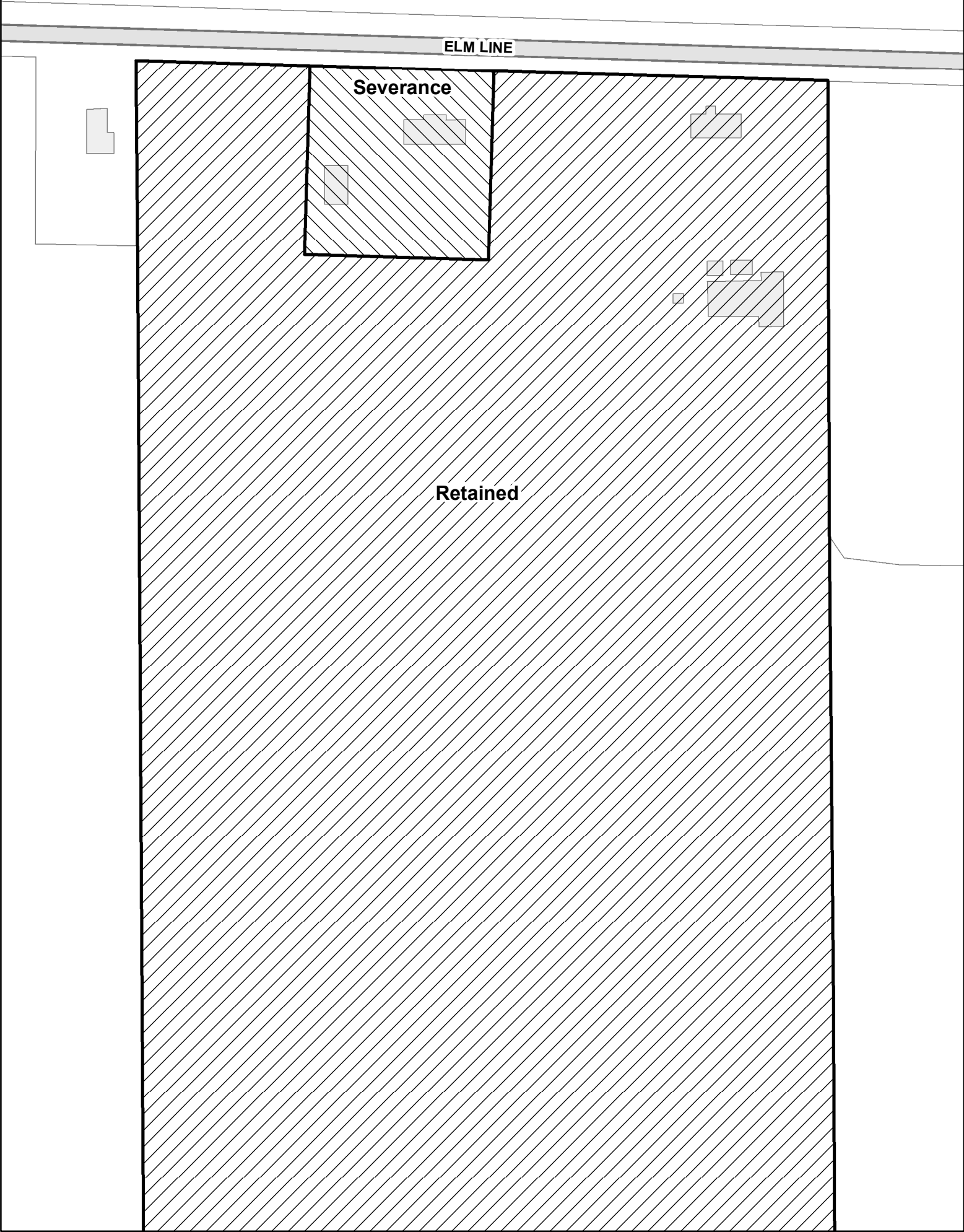
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

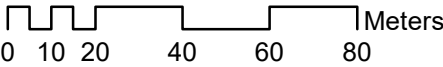
Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



*Location Map*






Subject Site: 45501 Elm Line  
File Number: E 37-20  
Owner: James & Johna Crane  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020



The Corporation of the County Elgin  
Prepared By: Planning and Development

Scale 1:1,732

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

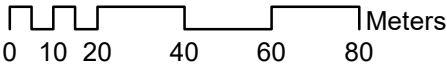




*Location Map*






Subject Site: 45501 Elm Line  
File Number: E 37-20  
Owner: James & Johna Crane  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:1,732

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 56 – 45501 Elm Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:  
APPLICATION NO.: E 37-20  
OWNER: James E Crane and John A Crane  
PROPERTY: LOT NO. North Part Lot 17 CONCESSION: 7  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Central Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 24 m from the centreline of construction of Elm Line County Road (56) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

☒
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....

☐
- 3) Drainage pipes and/or catchbasin(s) are required .....

☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....

☐
- 5) A curb and gutter is required along the frontage .....

☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐
- 7) Technical Reports .....

☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.....

☐
- 9) Lot Grading Plan is required for the severed lot.....

☐
- 10) The County has no concerns.....

☐
- 11) Not on County Road .....

☐
- 12) Please provide me with a copy of your action on this application .....

☐
- 13) Other...

☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

**From:** [Tony Difazio](#)  
**To:** [Nancy Pasato](#)  
**Subject:** Crane Application E37-20  
**Date:** October 7, 2020 8:37:15 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

---

Hi Nancy,

We (CCCA) have no concerns with the above noted Consent Application at 45501 Elm Line.

If you have any questions do not hesitate to contact me directly.

Regards,



Tony Difazio  
Resource Planning Coordinator  
8079 Springwater Road, R.R.#5,  
Aylmer ON. N5H 2R4  
519-773-9037  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 37-20, JAMES E CRANE AND JOHN A CRANE**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45501 Elm Line, legally described as North Part Lot 17, Concession 7, Municipality of Central Elgin.

The applicants propose to sever a lot with a frontage of 70 metres (229.66 feet) along Elm Line by a depth of 68 metres (223.1 feet) and an area of 4,760 square metres (1.176 acres) containing one house and one garage, to create a residential lot surplus to the needs of the owner. The owners are retaining 20.766 hectares (51.31 acres) proposed to remain in agriculture use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residences located at 14867 Putman Road and 49862 Yorke Line. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.48 ha (1.176 acres)) will contain one house and one garage with a private well and septic system.

In the opinion of staff, the proposal is consistent with the PPS.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)





#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicants, with the principle residence located at 14867 Putman Road and 49862 Yorke Line. The severed lands are of a sufficient size to accommodate the single detached dwelling and private well.

The property is designated as Agricultural in the Municipality of Central Elgin Official Plan and the zoning is Open Space Zone 1 (OS1) in the Township of Yarmouth By-law Zoning By-law. A zoning by-law amendment will likely be required.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
- c. As per Section 51 (25) of the Planning Act, the owner dedicate lands along the frontage of the retained lot/parcel up to 24 m from the centreline of construction of Elm Line County Road (56) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

It is recommended that conditions from the Municipality of Central Elgin be included as conditions for consent.

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**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 38-20**

**LOT 8, CONCESSION 5 SOUTH OF A  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 28548 THOMSON LINE**

**TAKE NOTICE that** an application has been made by **Steven Ford**, 28548 Thomson Line, Dutton ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 28548 Thomson Line, legally described as Lot 8, Concession 5 South of A, Municipality of Dutton Dunwich.

The applicants propose to sever a lot with a frontage of 135 metres (442.91 feet) along Thompson Line by a depth of 115 metres (377.3 feet) and an area of 14,338 square metres (3.54 acres) containing one house and one garden shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 20.42 hectares (50.45 acres) proposed to remain in agriculture use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 11:00A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

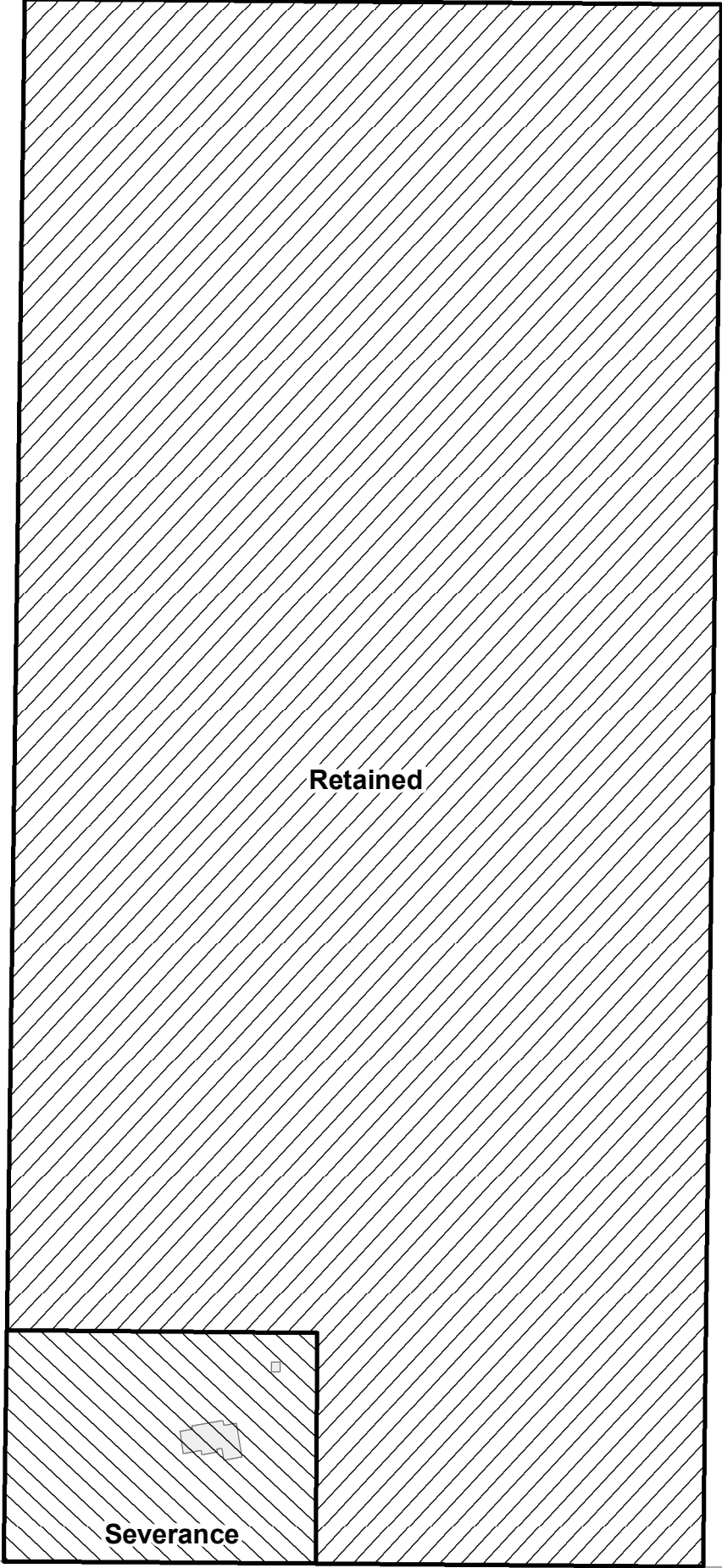
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549

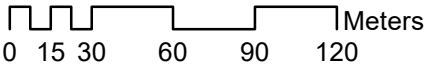


THOMSON LINE

*Location Map*

Subject Site: 28548 Thomson Line  
File Number: E 38-20  
Owner: Steven Ford  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020






The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:2,775



*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

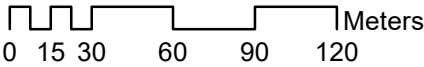




*Location Map*






Subject Site: 28548 Thomson Line  
File Number: E 38-20  
Owner: Steven Ford  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:2,775

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings





Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**DATE:** October 14, 2020

**SUBJECT:** Application for Severance – Concession 5 South of A, Lot 8, 28548 Thomson Line (E38/20), Municipality of Dutton Dunwich – Steve Ford

---

**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E38/20 for Concession 5 South of A, Lot 8, 28548 Thomson Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

**FOR INFORMATION:**

**Reasons for and Nature of the Application**

A severance application was submitted to the County of Elgin Land Division Committee (E38/20) by Steve Ford, the owner of the subject property.



The owner is requesting the severance of a surplus farm dwelling from a parcel of land.

The subject parcel is legally described as Concession 5 South of A, Lot 8, and locally known as 28548 Thomson Line, Municipality of Dutton Dunwich (see attached Key Map).

The proposed severed parcel will have an area of 1.43 ha, depth of 115 m and frontage of 135 m along Thomson Line. The proposed severed parcel has 1 house and 1 accessory structure with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 20.41 ha, depth of 676 m and frontage of 302 m along Thomson Line. The proposed retained land is used for agricultural uses with no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands.

The proposed severance application was circulated to municipal staff (see attached Comments).

### **Planning Policy Review**

#### **Provincial Policy Statement (PPS)**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements, 2020.

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the Minimum Distance Separation I (MDS I) Formula. The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities.

**Comment:** The proposed severance application is consistent with the PPS.

#### **County of Elgin Official Plan (OP)**

The subject lands are designated Agricultural Area on Schedule ‘A’ Land Use of the County of Elgin Official Plan.

Section E1.2.3.1 General Criteria contains the conditions of approval for severed and/or retained lots.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

**Comment:** The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed and that the lands are appropriately zoned. The house is habitable, the owners have indicated the severance is the result of farm consolidation and as a condition of severance a zoning by-law amendment is required to prohibit the development of a new residential use.

The proposed severance conforms to the County of Elgin Official Plan.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan.

Section 2.1.16 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of ten years;*  
Records indicate that the dwelling has been in existence for greater than ten years.
- b) *The lot with the surplus farm dwelling should be no larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*  
The proposed lot has an existing private sanitary sewage treatment and disposal system.
- c) *The lot with the surplus farm dwelling must meet the provisions of the Minimum Distance Separation I requirements;*  
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner.
- d) *The lot with the surplus farm dwelling must comply with the provisions of an appropriate 'Rural Residential' zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*  
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.

- e) *The retained agricultural lands must meet the Special Agricultural (A2) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*

The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.

- f) *In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area; and,*

There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production. The hazardous lands feature will not be impacted.

- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*

The owners have indicated the retained parcel will result in farm consolidation and will be operated with other farm parcels as one farming operation.

Section 2.1.17 states *additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of the change in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units.* The proposed retained parcel will be rezoned to A2 which prohibits residential uses.

Lastly, Section 2.1.18 states *a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation within the Municipality of Dutton Dunwich or in an adjacent municipality.* The owners have confirmed this in writing in their severance application.

**Comments:** The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan.

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL)

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Agricultural (A1) Zone on Map 10.

**Comment:** As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to prohibit all residential uses.

**Comments:** The proposed severance application shall comply with the permitted uses and regulations set out in the Municipality of Dutton Dunwich Zoning By-law.

Respectfully Submitted

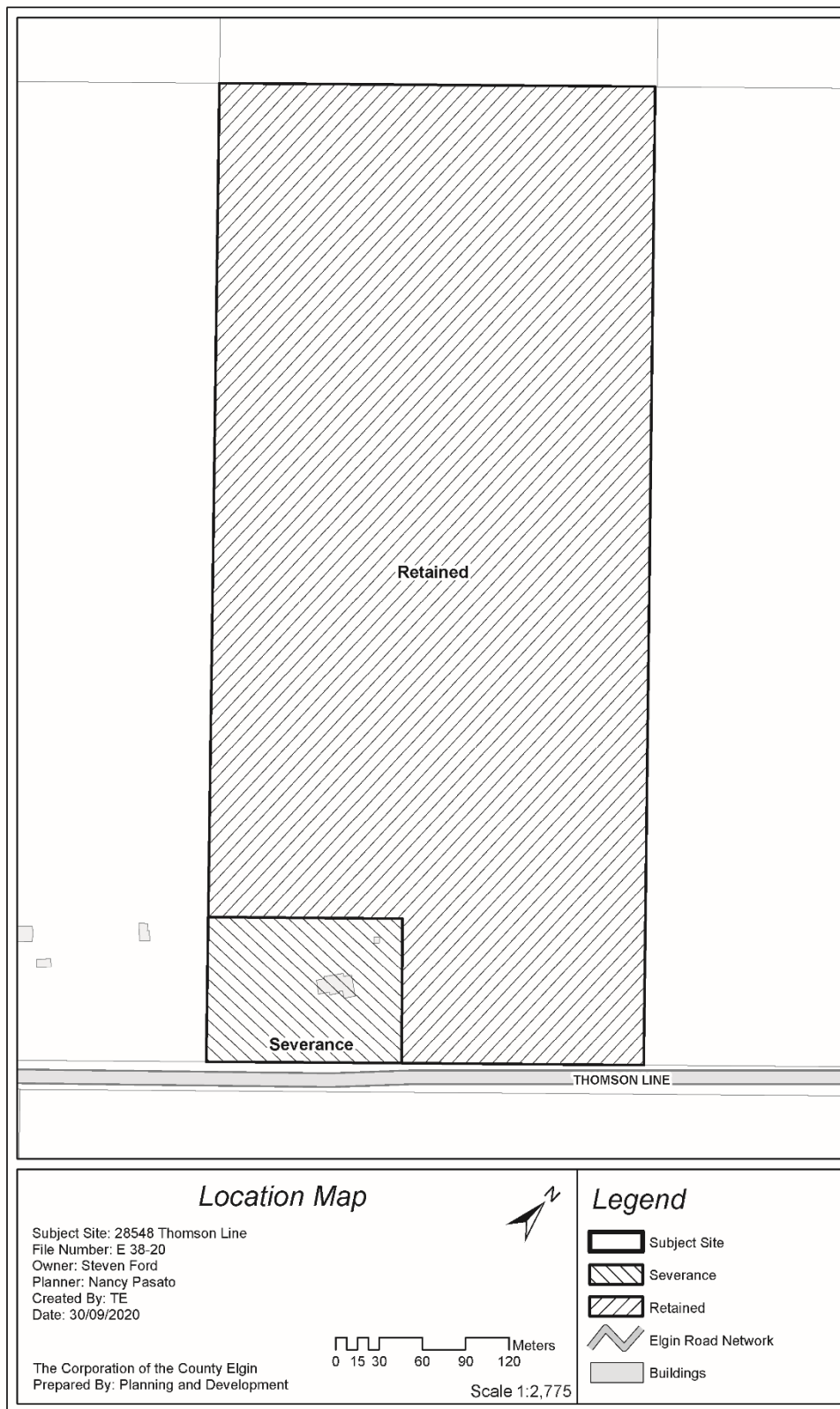
Approved for Submission

A handwritten signature in blue ink, appearing to read 'Tracey Pillon-Abbs', with a stylized flourish at the end.

Tracey Pillon-Abbs, MCIP, RPP  
Planner

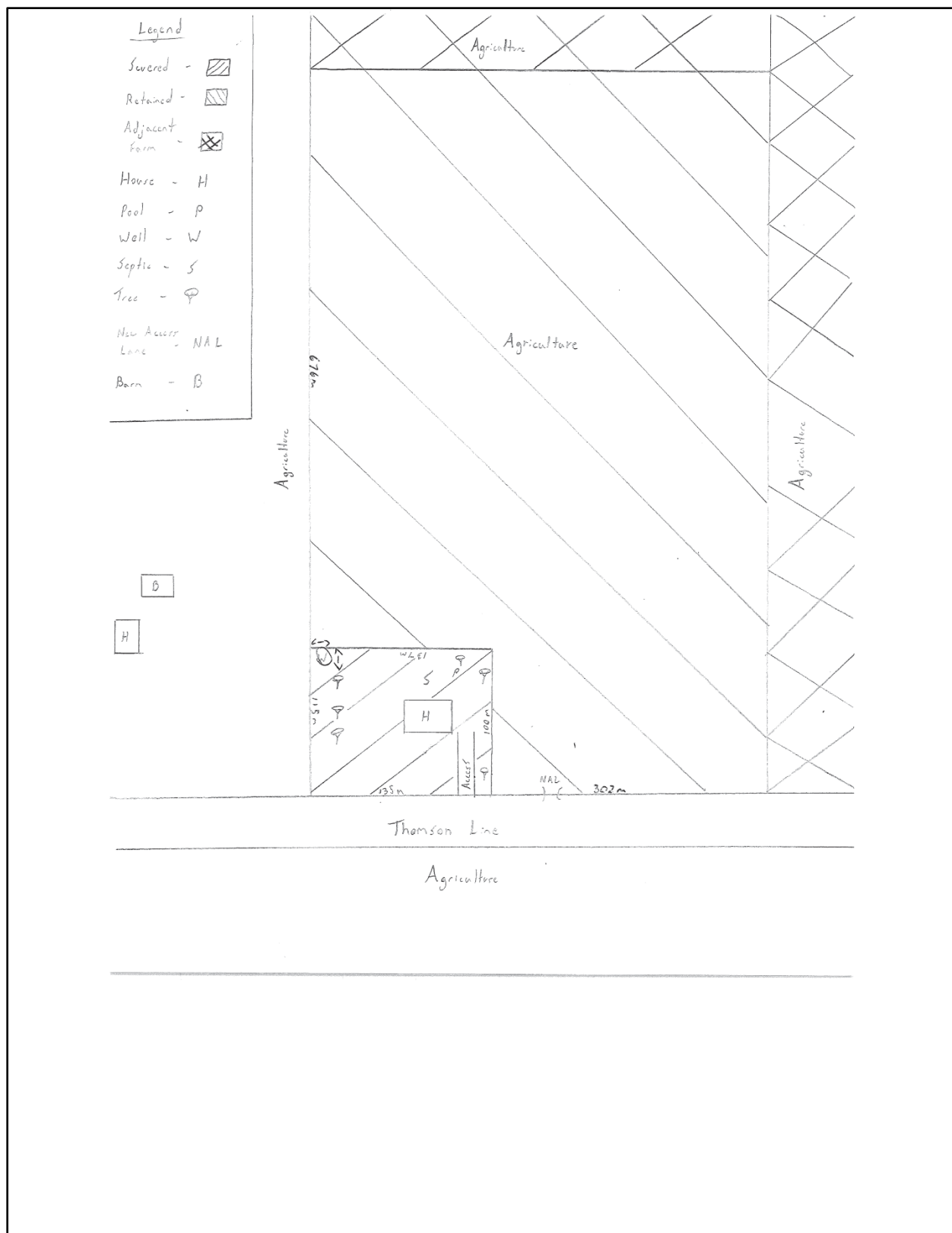
Heather Bouw  
Clerk

## KEY MAP





# SKETCH



## COMMENTS

## Tracey Pillon-Abbs

---

**From:** Jackie Morgan-Beunen  
**Sent:** Friday, October 02, 2020 12:27 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** RE: Notice of Application E 38-20 and E 41 20

H Tracey. Septic reviews are required for both. I believe I've been to one of them with John Drummelsmith.

Thanks

**Jackie Morgan-Beunen, CBCO**  
**Chief Building Official**



**199 Currie Road, Dutton, Ontario N0L 1J0**  
**T 519.762.2204 F 519.762.2278**  
**C 519.857.9605**



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---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Friday, October 2, 2020 12:05 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Notice of Application E 38-20 and E 41 20

Hi Everyone

A couple of last minutes LDC application need your review. See attached notices. If you need the full application, please let me know.

Comments to be include in the council report are due on Oct 5<sup>th</sup>.

## Tracey Pillon-Abbs

---

**From:** Brent Clutterbuck  
**Sent:** Monday, October 05, 2020 12:59 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** Re: Application E 38-20

Re apportionment of the Englehart Drain East and the Mennie Drain.

The Englehart Drain crosses their front yard so there will not be a need for a Mutual Agreement Drain

Brent Clutterbuck  
 Drainage Superintendent  
 The Municipality of Dutton/Dunwich  
 199 Currie Road, P.O. Box 329  
 Dutton, Ontario N0L 1J0

Office 519-762-2204  
 Fax 519-762-2278  
 Email [drainage@duttondunwich.on.ca](mailto:drainage@duttondunwich.on.ca)

---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** October 2, 2020 2:19 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Application E 38-20

FYI – here is the application.

Tracey

---

**From:** Nancy Pasato [mailto:npasato@ELGIN.ca]  
**Sent:** Friday, October 02, 2020 2:13 PM  
**To:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Subject:** FW: Application E 38-20

See attached

**Nancy Pasato**  
*Manager of Planning*



450 Sunset Drive  
 St. Thomas, ON. N5R 5V1



## COUNCIL RESOLUTION



Res: 2020.22. 29

Wednesday, October 14, 2020

Moved by: \_\_\_\_Drouillard\_\_\_\_\_

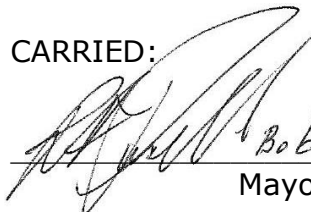
Seconded by: \_\_\_\_Corneil\_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E38/20 for Concession 5 South of A, Lot 8, 28548 Thomson Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

<b>Recorded Vote</b>	<b>Yeas</b>	<b>Nays</b>
P. Corneil	<u>  x  </u>	<u>      </u>
A. Drouillard	<u>  x  </u>	<u>      </u>
K. Loveland	<u>  x  </u>	<u>      </u>
M. Hentz	<u>  x  </u>	<u>      </u>
B. Purcell – Mayor	<u>  x  </u>	<u>      </u>

CARRIED:

  
 Bob  
 Mayor

DEFEATED:

\_\_\_\_\_  
 Mayor



DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 38-20OWNER: Steven FordPROPERTY: LOT NO. Lot 8 CONCESSION: 5 South of AREG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Dutton Dunwich

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner. ☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☒
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 38/20**  
**28548 Thomson Line (Ford)**  
**Part Lot 8, Concession 5 S of A**  
**Municipality of Dutton Dunwich**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 38-20 STEVEN FORD**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 28548 Thomson Line, legally described as Lot 8, Concession 5 South of A, Municipality of Dutton Dunwich.

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The applicants propose to sever a lot with a frontage of 135 metres (442.91 feet) along Thompson Line by a depth of 115 metres (377.3 feet) and an area of 14,338 square metres (3.54 acres) containing one house and one garden shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 20.42 hectares (50.45 acres) proposed to remain in agriculture use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands are to be consolidated with other farm lands to be purchased by an adjacent farmer. However staff was unable to confirm the address for the primary farm residence (28864 Thomson Line).

Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands are large in size (1.4 ha (3.54 ac.)) and will contain one house and one garden shed with private septic and well services.

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



In the opinion of staff, the proposal is not consistent with the PPS as the Applicant has not demonstrated the need for the large size of the lot. A reduction in lot size is recommended.

#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands to be purchased by an adjacent farmer. However staff was unable to confirm the address for the primary farm residence (28864 Thomson Line).

The property is designated as Agriculture in the Municipality of Dutton Dunwich Official Plan and zoned Agricultural (A1) in the Municipality of Dutton Dunwich Zoning By-law. The Municipality has indicated a zoning by-law amendment will be required for the severed and retained lands.

While the County of Elgin supports consents for a residence surplus to a farming operation, the Provincial Policy Statement states that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The Committee may wish to consider deferring the application until the Applicant can confirm the purchasing farmer, location of primary residence for the purchasing farmer, and reducing the size of the proposed residential lot.

Staff recommend deferral of the consent.

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 39-20**

**PART LOT 34, CONCESSION STR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 38301 FINGAL LINE**

**TAKE NOTICE** that an application has been made by **Amanda Jo Adzija and Robert Tomislav Adzija**, 38301 Fingal Line, St. Thomas ON N5P 3S5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 38301 Fingal Line, Part Lot 34, Concession STR, Township of Southwold.

The applicant proposes to sever a residential lot with a frontage of 47.59 metres (156.14 feet) along Fingal Line, by a depth of 42.88 metres (140.69 feet) east lot line /44.23 metres (145.11 feet) west lot line and an area of 2,323.5 square metres (0.574 acres). The owners are retaining a residential lot with a frontage of 49.01 metres (160.79 feet) along Fingal Line by a depth of 50.334 metres (165.13 feet) west lot line /49.411 metres (162.11 feet) east lot line and an area of 2,323.5 square metres (0.574 acres) containing a dwelling and one shed.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 11:15A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

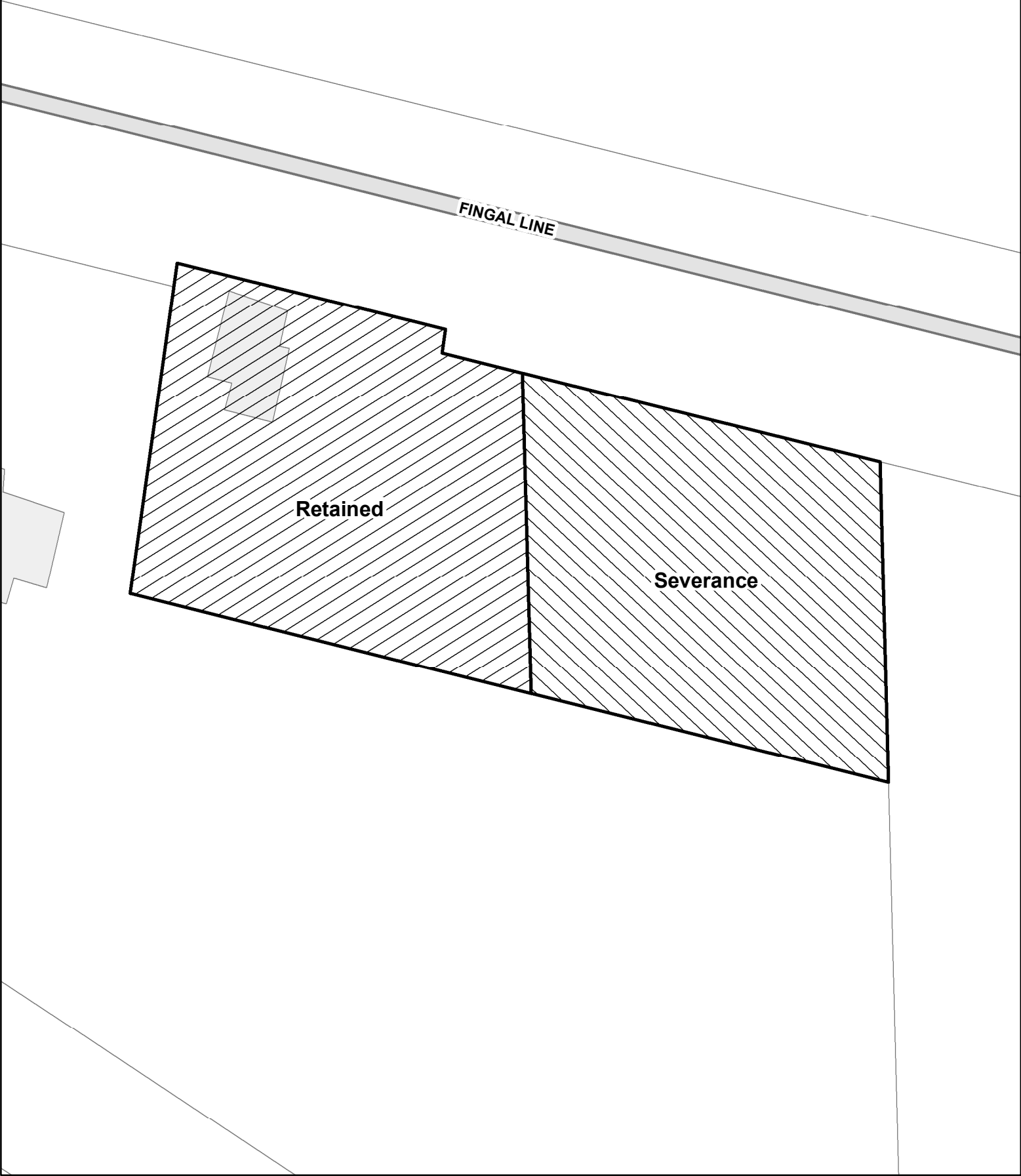
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549










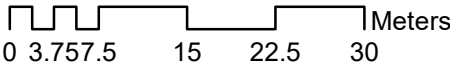
*Location Map*

Subject Site: 38301 Fingal Line  
File Number: E 39-20  
Owner: Amanda Jo Adzija & Robert Tomislav Adzija  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020



*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



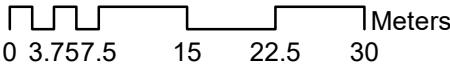




*Location Map*

Subject Site: 38301 Fingal Line  
File Number: E 39-20  
Owner: Amanda Jo Adzija & Robert Tomislav Adzija  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:640

*Legend*

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings





## TOWNSHIP OF SOUTHWOLD

### PLANNING REPORT

**Application:** Proposed Severance

**Report No.:** PLA 2020-18

**File No:** E 39/20

**Date:** September 28, 2020

**TO:** Mayor and Council of the Township of Southwold

**FROM:** Heather James, MCIP, RPP, Planner

**SUBJECT:** Proposed Severance Application by Amanda and Robert Adzija c/o Gabriela Adzija, to permit the severance of a hamlet residential infill lot.

#### REASONS FOR AND NATURE OF THE APPLICATION:

The subject lands, shown on Figure 1, are legally described as Part of Lot 34, Concession South of Talbot Road and known municipally as 38301 Fingal Line. They are located on the south side of Fingal Line and have frontage on Fingal Line. The approximate 4,324.4 m<sup>2</sup> (46,547.45 ft.<sup>2</sup>) residential parcel has a habitable residence and shed. The predominant land use in the area is hamlet residential and cash crop agricultural.

**Figure 1: Location of Subject Lands**

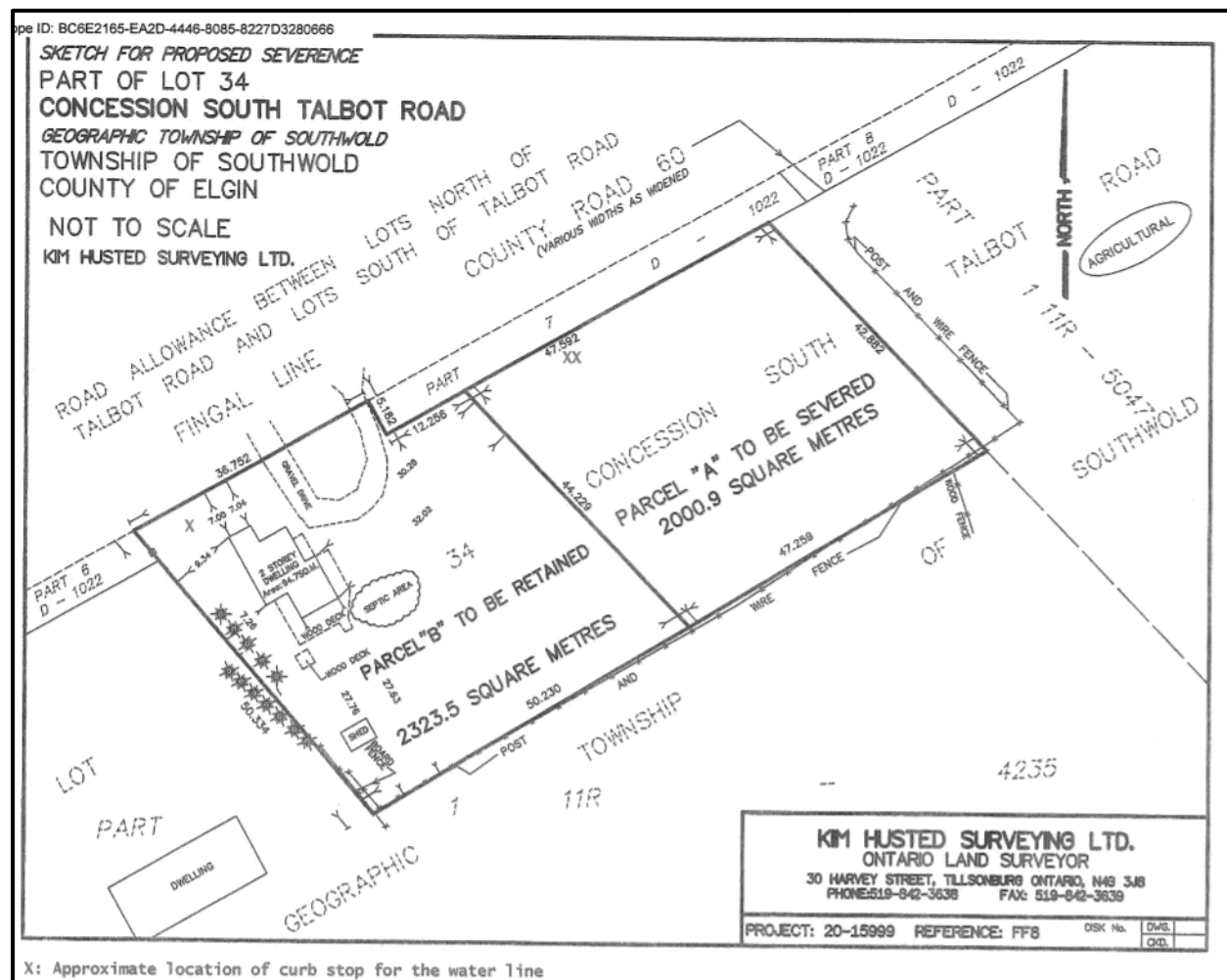


#### BACKGROUND INFORMATION:

Figure 2 shows the proposal to sever 2,000.9 m<sup>2</sup> (21,537.51 ft.<sup>2</sup>) parcel with a depth of 44.229 m (145.11 ft.) along the west lot line and a depth of 42.882 m (140.69 ft.) along the east lot line and a frontage of 47.592 m (156.14 ft.) with a proposed residence to be serviced with municipal water and private septic system.

Figure 2 also shows the proposed retained parcel will have an area of 2,323.5 m<sup>2</sup> (25,009.95 ft.<sup>2</sup>) with a depth of 50.334 m (165.14 ft.) along the west lot line and an average irregular depth of 46.82 m (153.61 ft.) along the east lot line and a frontage of 36.752 m (120.58 ft.), with a habitable residence and shed.

**Figure 2: Proposed Severed Parcel Sketch, Submitted by Owner**



A driveway is proposed to provide access to Fingal Line for the proposed severed parcel. An existing driveway provides access to Fingal Line for the proposed retained parcel.

#### STAFF COMMENTS:

The proposed severance application was circulated to Township staff for comment. The following comments were submitted:

##### Drainage Superintendent

*'Drain reapportionment of the Fitcher and Casey Municipal Drains is required. Mutual agreement drain is also required as drainage for the retained parcel will need to cross the severed parcel to get to the Fitcher Municipal Drain.'*

**Comment:** Drainage reapportionments and mutual agreement drain have been included as conditions of severance.

Chief Building Official

*'Upon review from 2015 air photography on Elgin Mapping, it appears there is an old manure pit and would appear to be a livestock barn that may or may not be in use at this time but it is only 180 metres from the proposed severance.'*

**Comment:** The barn and manure pit in question is located at 38425 Fingal Line, on an adjacent separate lot of record. The Minimum Distance Separation (MDS) Document Publication 853, Implementation Guideline #36 states MDS I setbacks are not required for proposed land use changes such as consents within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

**PLANNING POLICY REVIEW:**

Provincial Policy Statement (PPS)

Under Section 3(5) of the *Planning Act*, the Township "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Section 1.1.3 Settlement Areas and Section 1.6.6 Sewage, Water and Stormwater policies were evaluated.

**Comment:** The subject lands are within the hamlet of Middlemarch and are designated Hamlet in the Township of Southwold Official Plan. Limited residential lot creation such as infilling within the settlement area is permitted. Development on partial services to allow for the infilling and minor rounding out of an existing development area is permitted, provided site conditions are suitable. Septic studies have been completed as a condition of severance for the severed and retained parcels and there are no concerns.

**Conclusion:** The proposed severance application is consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Tier Two Settlement Area on Schedule 'A' Land Use in the County of Elgin Official Plan. Settlement area and severance policies were reviewed.

**Comment:** Residential use is permitted in Tier Two Settlement Areas. Section B2.5 Hierarchy of Settlement Areas permits infilling and rounding out of existing settlement areas provided that the proposed development is within the reserve water system capacity and site conditions are suitable for the long-term provision of such services. The severed parcel will be required to connect to municipal water service as a condition of severance. The retained parcel will continue to be serviced with municipal water service and private septic system.

Section E1.2.3.1 General Criteria contains the conditions of approval for severed and/or retained lots. The severed and retained parcels are generally in conformity with these criteria, provided the sewage disposal can be adequately addressed.

**Conclusion:** The proposed severance application conforms to the County of Elgin Official Plan.



#### Township of Southwold Official Plan

The subject lands are designated Hamlet, as shown on Schedule 'A' Land Use in the Township of Southwold Official Plan. Section 4.2 Hamlets and Section 6.8.2 Consent Guidelines policies were reviewed.

**Comment:** Single detached dwellings are permitted in Section 4.2 Hamlets. The proposed lot creation will create infilling in a hamlet residential area and meets the criteria of Section 6.8.2. Cash in lieu of parkland for residential lot creation has been included as a condition of severance.

**Conclusion:** The proposed severance application conforms to the Township of Southwold Official Plan.

#### Township of Southwold Comprehensive Zoning By-Law 2011-14

The subject lands are zoned Residential 1 (R1) in the Township of Southwold Comprehensive Zoning By-law, as shown on Schedule 'A' Map 17C Middlemarch. A single detached is permitted in the R1 Zone. The minimum lot area in the R1 Zone with partial services is 1,858.0 m<sup>2</sup> (20,000.0 ft.<sup>2</sup>) and the minimum lot frontage is 15.0 m (49.0 ft.).

**Comment:** The severed and retained parcels comply with all Residential 1 (R1) Zone provisions, for partially serviced parcels.

#### **SUMMARY/CONCLUSION:**

The proposed severance application is consistent with the Provincial Policy Statement and conforms to the County of Elgin Official Plan and the Township of Southwold Official Plan.

#### **RECOMMENDATION:**

- 1) THAT the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 39/20 subject to the following conditions:
  - i) That septic system assessments be conducted on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system;
  - ii) That the municipal water connection has been installed for the severed parcel and payment therefore;
  - iii) Drainage re-apportionments, and payment therefore;
  - iv) That a mutual drain agreement be provided;
  - v) That contribution to parkland reserve fee be paid, \$1,750.00 for the creation of a new residential parcel;
  - vi) That all financial obligations to the Township of Southwold be paid in full;
  - vii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
  - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

**Respectfully submitted by:**

**Heather James, MCIP, RPP, Planner**  
**"Submitted electronically"**

**Approved by:**

**Ken Loveland  
CAO/Clerk**

# COUNTY OF ELGIN ROAD SYSTEM

158

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 16 - 38301 Fingal Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 39-20

OWNER: Amanda Jo Adzija and Robert Tomislav Adzija

PROPERTY: LOT NO. Part Lot 34 CONCESSION: STR

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Southwold

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 26 m from the centreline of construction of Fingal Line County Road (16) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☒
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☐
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.

  
BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 39/20**  
**38301 Fingal Line (Adzija)**  
**Part Lot 34, Concession STR**  
**Township of Southwold**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 39-20 AMANDA JO ADZIJA AND ROBERT TOMILAV ADZIJA**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 38301 Fingal Line, Part Lot 34, Concession STR, Township of Southwold.

---

The applicant proposes to sever a residential lot with a frontage of 47.59 metres (156.14 feet) along Fingal Line, by a depth of 42.88 metres (140.69 feet) east lot line /44.23 metres (145.11 feet) west lot line and an area of 2,323.5 square metres (0.574 acres). The owners are retaining a residential lot with a frontage of 49.01 metres (160.79 feet) along Fingal Line by a depth of 50.334 metres (165.13 feet) west lot line /49.411 metres (162.11 feet) east lot line and an area of 2,323.5 square metres (0.574 acres) containing a dwelling and one shed.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). In the opinion of staff, the proposal is consistent with the PPS, as it located within a settlement area (Fingal), and there are no known natural hazards or human-made hazards associated with this consent application.

#### County of Elgin Official Plan

The subject lands is designated as a Tier 2 Settlement Area (Fingal) in the Elgin County Official Plan (OP). Tier 2 Settlement Areas are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development is permitted in these settlement areas given the absence of full municipal services.

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard.

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 St. Thomas, Ontario  
 N5R 5V1 Canada  
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 Fax: 519-633-7661  
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Both the severed and retained lots appear to have adequate frontage as per the local municipalities Zoning By-law, and if not, a zoning by-law amendment or minor variance may be required, and approval of such amendment or variance shall be included as a condition of the approval of the consent. The proposed lot can be serviced with an appropriate municipal water supply and means of sewage disposal, provided there is confirmation of reserve water system capacity within municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion. The application conforms with the local Official Plan.

The subject lands are designated Hamlet as per the Township of Southwold Official Plan, and zoned Residential 1 (R1) in the Township of Southwold Comprehensive Zoning By-law.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
- c. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
  - ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts;
  - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries; and
  - iv. The Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system;
- d. As per Section 51 (25) of the Planning Act, the owner dedicate lands along the frontage of the retained lot/parcel up to 26 m from the centreline of construction of Fingal Line County Road (16) to the County of Elgin for the purposes of road widening if the right of way is not already

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to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

It is also recommended that the following conditions from the Township of Southwold be included as conditions for consent:

- a. That septic system assessments be conducted on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system;
- b. That the municipal water connection has been installed for the severed parcel and payment therefore;
- c. Drainage reapportionments and payment therefore;
- d. That a mutual drain agreement be provided;
- e. That contribution to parkland reserve fee be paid, \$1,750.00 for the creation of a new residential parcel;
- f. That all financial obligations to the Township of Southwold be paid in full;
- g. That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- h. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 40-20**

**LOTS SE 1/2 17, CONCESSION 6  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 30734 SILVER CLAY LINE**

**TAKE NOTICE that** an application has been made by Argyle Farms Brookwood Inc. & Argyle Hills Inc., 29963 Silver Clay Line, Dutton ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 30734 Silver Clay Line legally described as Lots SE 1/2 17, Concession 6, Municipality of Dutton Dunwich.

The applicants propose to sever a lot with a frontage of 56 metres (183.7 feet) along Silver Clay Line by a depth of 80 metres (262.4 feet) and an area of 4,480 square metres (1.1 acres) containing one house and 2 sheds, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 42.28 hectares (104.49 acres) proposed to remain in agriculture use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 11:30A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

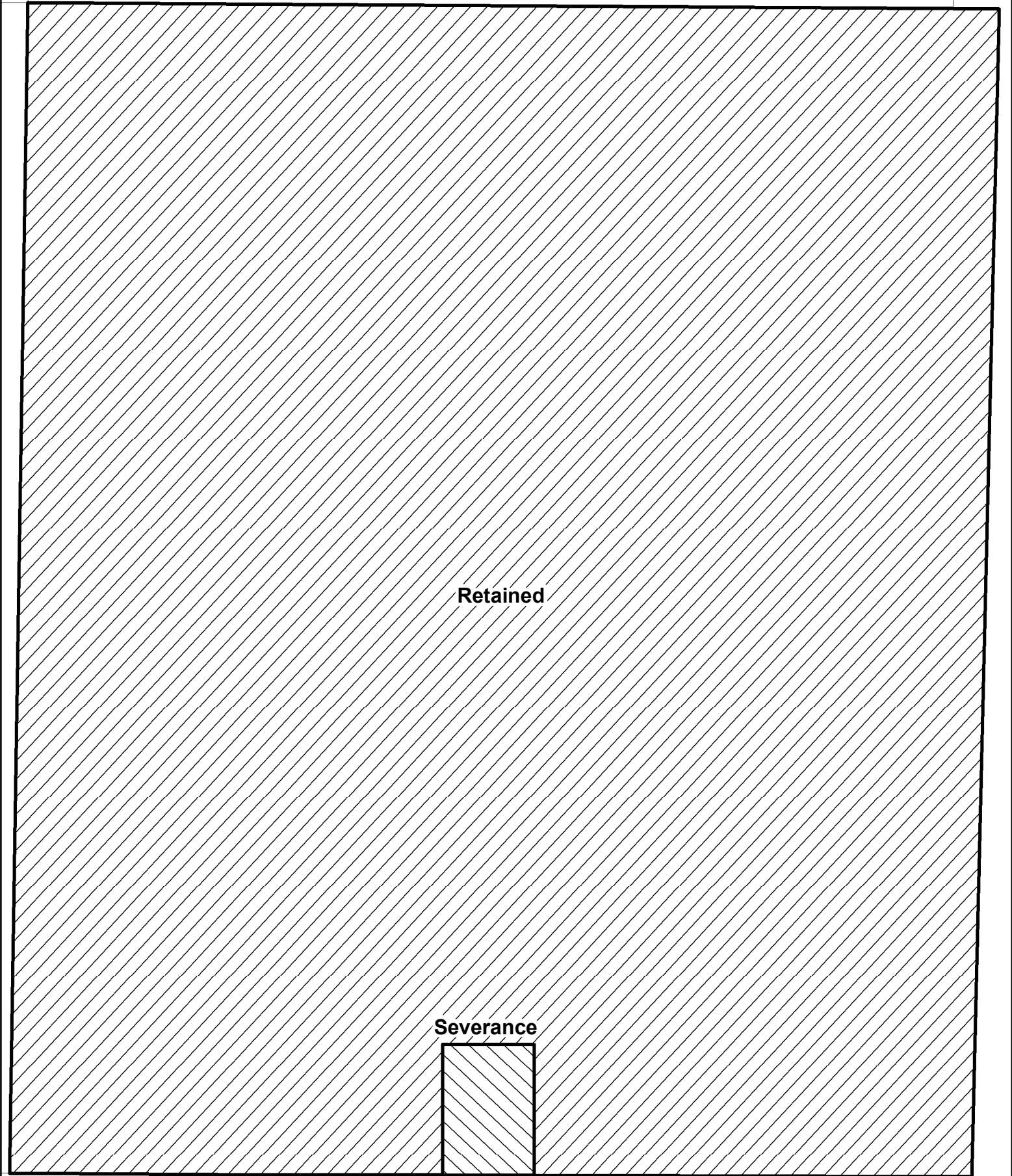
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549

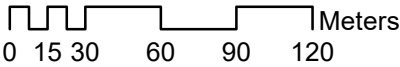


SILVER CLAY LINE

Location Map

Subject Site: 30734 Silver Clay Line  
File Number: E 40-20  
Owner: Argyle Farms Brookwood Inc. & Argyle Hills Inc.  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:3,000



Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings

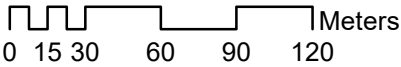




Location Map

Subject Site: 30734 Silver Clay Line  
File Number: E 40-20  
Owner: Argyle Farms Brookwood Inc. & Argyle Hills Inc.  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:3,000



Legend

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings





## COUNCIL RESOLUTION



Res: 2020.22. 31

Wednesday, October 14, 2020

Moved by: \_\_\_\_Corneil\_\_\_\_\_

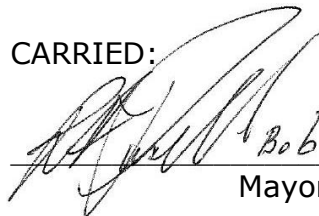
Seconded by: \_\_\_\_Loveland\_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E40/20 for Concession 6, South ½ of Lot 17, 30734 Silver Clay Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

<b><u>Recorded Vote</u></b>	<b><u>Yeas</u></b>	<b><u>Nays</u></b>
P. Corneil	<u>  x  </u>	<u>      </u>
A. Drouillard	<u>  x  </u>	<u>      </u>
K. Loveland	<u>  x  </u>	<u>      </u>
M. Hentz	<u>  x  </u>	<u>      </u>
B. Purcell – Mayor	<u>  x  </u>	<u>      </u>

CARRIED:

  
 Bob  
 Mayor

DEFEATED:

\_\_\_\_\_  
 Mayor

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 40-20OWNER: Argyle Farms Brookwood Inc. & Argyle Hills Inc.PROPERTY: LOT NO. SE ½ 17 CONCESSION: 6REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Dutton Dunwich

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to \_\_\_\_\_ m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☒
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 40/20**  
**30734 Silver Clay Line (Argyle Farms Brookwood Inc & Argyle Hills Inc.)**  
**Part Lot 17, Concession 6**  
**Municipality of Dutton Dunwich**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 40-20, ARGYLE FARMS**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 30734 Silver Clay Line legally described as Lots SE 1/2 17, Concession 6, Municipality of Dutton Dunwich.

The applicants propose to sever a lot with a frontage of 56 metres (183.7 feet) along Silver Clay Line by a depth of 80 metres (262.4 feet) and an area of 4,480 square metres (1.1 acres) containing one house and 2 sheds, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 42.28 hectares (104.49 acres) proposed to remain in agriculture use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residences located at 29963 Silver Clay Line and 8578 Currie Road. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.45 ha (1.1 acres)) contain one house and 2 sheds with a private septic system and municipal water.

In the opinion of staff, the proposal is consistent with the PPS.

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 Phone: 519-631-1460  
 Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

It should be noted that the larger farm parcel is designated Aggregate and Petroleum Resources Areas on Schedule 'C' and Natural Heritage Features and Areas on Appendix #1 in the County OP. However, since the proposed severance is located outside of the Aggregate Area and Woodland, no additional studies are required.

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residences located at 29963 Silver Clay Line and 8578 Currie Road. The severed lands are of a sufficient size to accommodate the single detached dwelling and private well.

The property is designated as Agriculture in the Municipality of Dutton Dunwich Official Plan and zoned Agricultural (A3) Zone in the Municipality of Dutton Dunwich Zoning By-Law. The Municipality has indicated a zoning by-law amendment will be required for the severed and retained lands.

Staff support this application for consent, and recommend the following conditions:

- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

- a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b. That septic system review for the severed parcel has been completed;
- c. That Municipal drain re-apportionments have been completed;
- d. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f. That taxes are to be paid in full;
- g. That all Dutton Dunwich planning applications fees, set out in the

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- Fees Bylaw, be paid to the Municipality; and
- h. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality..

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 41-20**

**PART LOT 12 & PART LOT 11, CONCESSION 8  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 29357 TALBOT LINE**

**TAKE NOTICE** that an application has been made by **Peter Littlejohn and Sarah Littlejohn**, 29751 Lakeview Line, Wallacetown ON N0L 2M0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29357 Talbot Line, Part Lot 12 & Part Lot 11, Concession 8, Municipality of Dutton Dunwich.

The applicants propose to sever a flag shaped lot with a frontage of 10 metres (32.81 feet) along Talbot Line, a total width of 82 metres (269.029 feet) by a depth of 99 metres (324.803 feet) and a total area of 1.12 hectares (2.77 acres) containing one house, to create one new lot surplus to the needs of the owner. The owners are retaining 81.3 hectares (200.9 acres) containing one barn proposed to remain in agriculture use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY October 28, 2020 AT 11:45A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

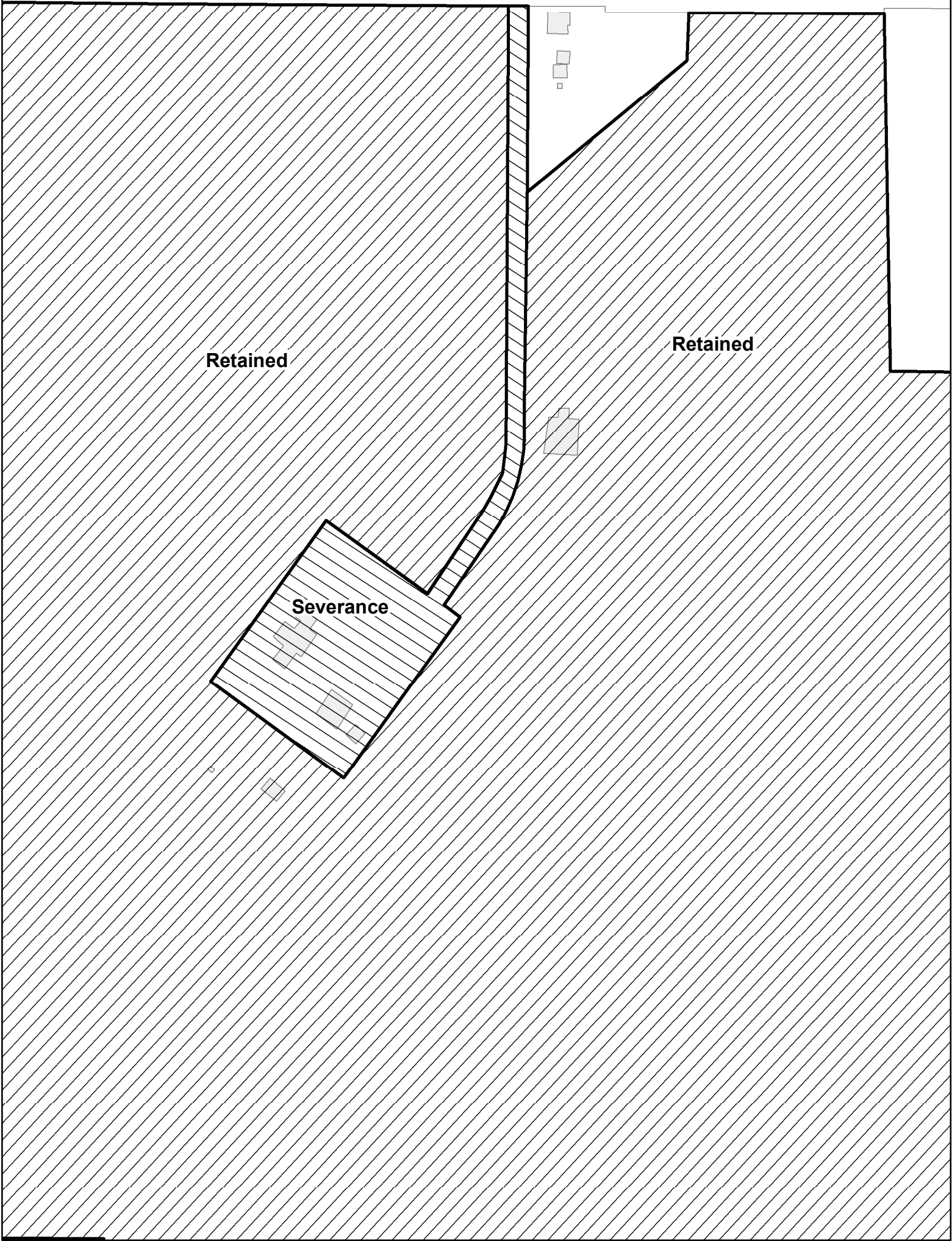
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of October, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

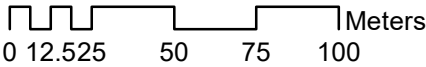
County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



*Location Map*






Subject Site: 29357 Talbot Line  
File Number: E 41-20  
Owner: Peter Littlejohn & Sarah Littlejohn  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development

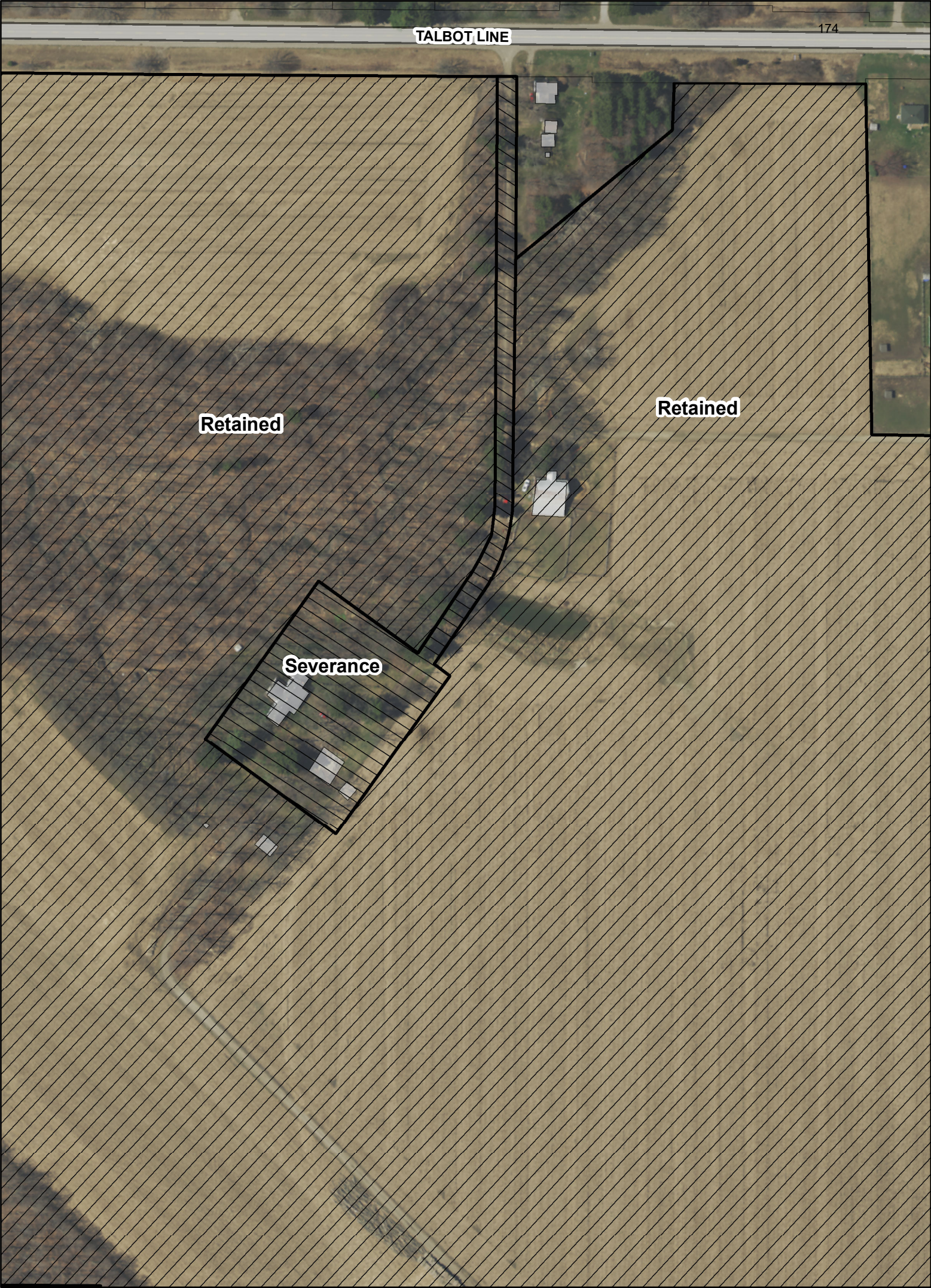


Scale 1:2,300

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

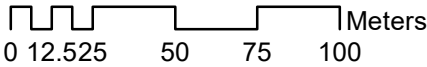




*Location Map*






Subject Site: 29357 Talbot Line  
File Number: E 41-20  
Owner: Peter Littlejohn & Sarah Littlejohn  
Planner: Nancy Pasato  
Created By: TE  
Date: 30/09/2020

The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:2,300

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings





Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**DATE:** October 14, 2020

**SUBJECT:** Application for Severance – Concession 8, Part of Lot 11 and 12, 29357 Talbot Line (E41/20), Municipality of Dutton Dunwich – Peter and Sarah Littlejohn

---

**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E41/20 for Concession 8, Part of Lot 11 and 12, 29357 Talbot Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That the location of the water connection be confirmed;
- f) That an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
- g) That approval is received from the Lower Thames Valley Conservation Authority;
- h) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- i) That taxes are to be paid in full;
- j) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- k) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.



## **FOR INFORMATION:**

### **Reasons for and Nature of the Application**

A severance application was submitted to the County of Elgin Land Division Committee (E41/20) by Peter and Sarah Littlejohn, the owners of the subject property.

The owners are requesting the severance of a flag shaped surplus farm dwelling from a parcel of land.

The subject parcel is legally described as Concession 8, Part of Lot 11 and 12, and locally known as 29357 Talbot Line, Municipality of Dutton Dunwich (see attached Key Map).

The proposed severed parcel will have an area of 1.12 ha, depth of 99 m, a width of 82 m and frontage of 10 m along the south side of Talbot Line. The proposed severed parcel has 1 house with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 81.3 ha, an irregular depth and frontage along the south side of Talbot Line and the north side Ash Line and Currie Road. The proposed retained land contains 1 accessory building and is used for agricultural uses with no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands and is located outside the settlement area of Wallacetown. There is a woodlot on the subject property in addition to several drains (see attached Air Photo).

The proposed severance application was circulated to municipal staff (see attached Comments).

### **Planning Policy Review**

#### **Provincial Policy Statement (PPS)**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements, 2020.

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the Minimum Distance Separation I (MDS I) Formula. The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities.

**Comment:** The proposed severance application is consistent with the PPS.

#### County of Elgin Official Plan (OP)

The subject lands are designated 'Agricultural Area' and a small portion on the northeast corner 'Tier 2' on Schedule 'A' Land Use of the County of Elgin Official Plan with a portion subject to 'Natural Heritage Features and Areas' on Appendix #1.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact to the natural heritage features.

**Comment:** The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed and that the lands are appropriately zoned. The house is habitable, the owners have indicated the severance is the result of farm consolidation and as a condition of severance a zoning by-law amendment is required to prohibit the development of a new residential use.

Lot creation is considered development and is within and adjacent to the woodlands area. As a condition of severance an Environmental Impact Statement shall be completed.

The proposed severance conforms to the intent of the County of Elgin OP.

#### Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated "Agriculture" and a small portion on the northeast corner "Hamlets" on Schedule 'A' - Land Use Plan with a portion subject to Significant Woodlands and Hazardous Lands on Schedule 'B' - Natural Heritage and Natural Hazards.

Section 2.1.16 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of ten years;*  
Records indicate that the dwelling has been in existence for greater than ten years.

- b) *The lot with the surplus farm dwelling should be no larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*  
The proposed lot has an existing private sanitary sewage treatment and disposal system.
- c) *The lot with the surplus farm dwelling must meet the provisions of the Minimum Distance Separation I requirements;*  
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner.
- d) *The lot with the surplus farm dwelling must comply with the provisions of an appropriate 'Rural Residential' zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*  
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands must meet the Special Agricultural (A2) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*  
The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) *In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area; and,*  
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*  
The owners have indicated the retained parcel will result in farm consolidation and will be operated with other farm parcels as one farming operation.

Section 2.1.17 states *additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of the change in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units.* The proposed retained parcel will be rezoned to A2 which prohibits residential uses.

Section 2.1.18 states *a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation within the Municipality of Dutton Dunwich or in an adjacent municipality.* The owners have confirmed this in writing in their severance application.

Section 5.3.5 sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact

Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Section 4 set out that development and/or site alteration is not permitted in the Hazardous Lands without advice/approval from Lower Thames Valley Conservation Authority (LTVCA). Specifically 4.1.2 c) *vehicular and pedestrian mobility to and from sites within the 'Hazardous Lands' designation must be ensured during times of emergency (ie. flooding, erosion etc.).*

**Comments:** The above noted land division criteria can be complied with.

Lot creation is considered development and is within and adjacent to the woodlands area. As a condition of severance an Environmental Impact Statement shall be completed.

As a condition of severance, LTVCA approval will be required for the hazardous lands.

The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL)

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Agricultural (A3) Zone on Map 10 Schedule A and Hamlet Residential Holding (HR(h)) on Map 1 Schedule C with a portion subject to LTVCA Regulation Limits.

As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to a site specific Special Rural Residential (RS-XX) Zone to permit non-farm residential uses. Relief is also required from Section 9.1.3 to reduce the minimum lot frontage from the required 30 m to 10 m along Talbot Line.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to prohibit all residential uses.

**Comments:** The proposed severance application shall comply with the permitted uses and regulations set out in the Municipality of Dutton Dunwich Zoning By-law.

The shape of the proposed parcel is not preferred, however, the location of the existing house is very unique.

LTVCA approval is required as the subject lands are within the Regulation Limits.

Respectfully Submitted

Approved for Submission

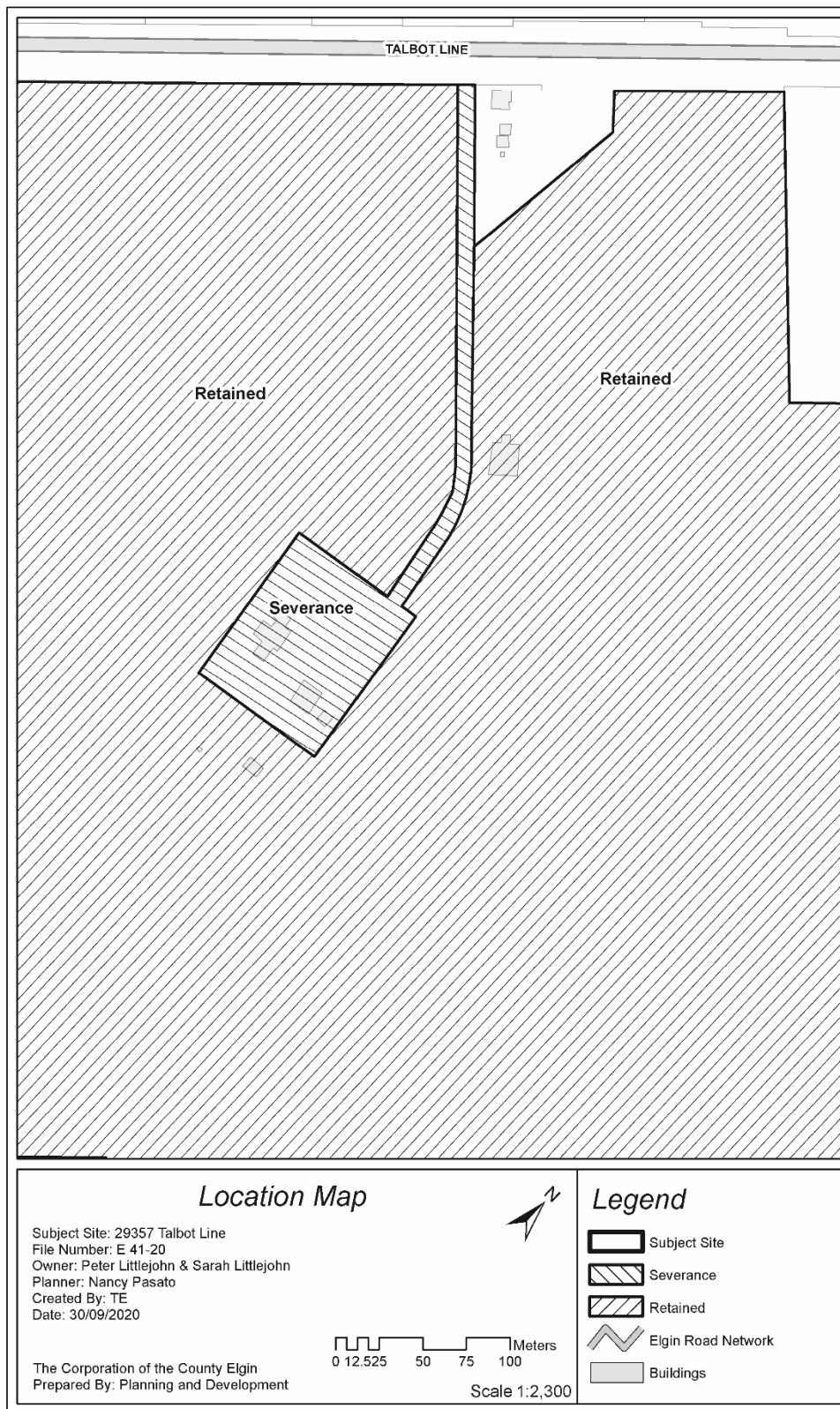
A handwritten signature in blue ink, appearing to read 'Tracey Pillon-Abbs', with a stylized, flowing script.

Tracey Pillon-Abbs, MCIP, RPP  
Planner

Heather Bouw  
Clerk



## KEY MAP





## COMMENTS

## Tracey Pillon-Abbs

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**From:** Jackie Morgan-Beunen  
**Sent:** Friday, October 02, 2020 12:27 PM  
**To:** Tracey Pillon-Abbs  
**Subject:** RE: Notice of Application E 38-20 and E 41 20

H Tracey. Septic reviews are required for both. I believe I've been to one of them with John Drummelsmith.

Thanks

**Jackie Morgan-Beunen, CBCO**  
**Chief Building Official**



**199 Currie Road, Dutton, Ontario N0L 1J0**  
**T 519.762.2204 F 519.762.2278**  
**C 519.857.9605**



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**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Friday, October 2, 2020 12:05 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Notice of Application E 38-20 and E 41 20

Hi Everyone

A couple of last minutes LDC application need your review. See attached notices. If you need the full application, please let me know.

Comments to be include in the council report are due on Oct 5<sup>th</sup>.

## Tracey Pillon-Abbs

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**From:** Brent Clutterbuck  
**Sent:** Monday, October 05, 2020 10:49 AM  
**To:** Tracey Pillon-Abbs; Archie Leitch; Jackie Morgan-Beunen; Dan Lundy; Heather Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer; Tim Hansen  
**Subject:** RE: Application E 41-20 Littlejohn 29357 Talbot Line

For E41/20 Littlejohn

Mutual agreement drain

Reapportionment letter to state the all drainage assessments will remain with the retained farmlands

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**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Friday, October 02, 2020 2:33 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Application E 40-20

FYI – here is the application for the LittleJohn LDC file.

TPA

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**From:** Nancy Pasato [<mailto:npasato@ELGIN.ca>]  
**Sent:** Friday, October 02, 2020 2:25 PM  
**To:** Tracey Pillon-Abbs <[Planning@duttondunwich.on.ca](mailto:Planning@duttondunwich.on.ca)>  
**Subject:** RE: Application E 40-20

### Nancy Pasato

*Manager of Planning*



450 Sunset Drive  
 St. Thomas, ON. N5R 5V1  
 (519) 631-1460 ext.126  
[www.elgincounty.ca](http://www.elgincounty.ca)

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**From:** Tracey Pillon-Abbs <[Planning@duttondunwich.on.ca](mailto:Planning@duttondunwich.on.ca)>  
**Sent:** October 2, 2020 2:22 PM  
**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Subject:** RE: Application E 40-20



## Tracey Pillon-Abbs

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**From:** Tim Hansen  
**Sent:** Friday, October 02, 2020 4:06 PM  
**To:** Tracey Pillon-Abbs; Archie Leitch; Brent Clutterbuck; Jackie Morgan-Beunen; Dan Lundy; Heather Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer  
**Subject:** RE: Notice of Application E 38-20 and E 41 20

Hi Tracey

As per our phone conversation regarding application E 41 20 for Peter Littlejohns property at 29357 Talbot line. There is a water service connection with meter pit servicing that property now located just west of the laneway. This is servicing the existing house of the proposed severed portion. We need to make sure that this water service is included in the proposed severance section coming off of Talbot line. I did stop to take a look and if the severance signs they have posted up each side of driveway off of Talbot line are fairly accurately located the water service is outside the proposed severed section. So as long as we make sure the service gets included inside the severed portion I'm good. Thanks

TIM HANSEN  
 Water Operations Manager  
 Municipality Dutton/Dunwich Water Dept  
 Phone: 519-933-6483 | Fax: 519-762-5090  
 Email: [thansen@duttondunwich.on.ca](mailto:thansen@duttondunwich.on.ca)

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**From:** Tracey Pillon-Abbs <[Planning@duttondunwich.on.ca](mailto:Planning@duttondunwich.on.ca)>  
**Sent:** October 2, 2020 12:05 PM  
**To:** Archie Leitch <[aleitch@duttondunwich.on.ca](mailto:aleitch@duttondunwich.on.ca)>; Brent Clutterbuck <[drainage@duttondunwich.on.ca](mailto:drainage@duttondunwich.on.ca)>; Jackie Morgan-Beunen <[JMorgan-Beunen@duttondunwich.on.ca](mailto:JMorgan-Beunen@duttondunwich.on.ca)>; Dan Lundy <[DLundy@duttondunwich.on.ca](mailto:DLundy@duttondunwich.on.ca)>; Heather Bouw <[HeatherBouw@duttondunwich.on.ca](mailto:HeatherBouw@duttondunwich.on.ca)>; Murray Wickerson <[mwickerson@duttondunwich.on.ca](mailto:mwickerson@duttondunwich.on.ca)>; Ryan McLeod <[rmcleod@duttondunwich.on.ca](mailto:rmcleod@duttondunwich.on.ca)>; Tara Kretschmer <[TKretschmer@duttondunwich.on.ca](mailto:TKretschmer@duttondunwich.on.ca)>; Tim Hansen <[timhansen@duttondunwich.on.ca](mailto:timhansen@duttondunwich.on.ca)>  
**Subject:** FW: Notice of Application E 38-20 and E 41 20

Hi Everyone

A couple of last minutes LDC application need your review. See attached notices. If you need the full application, please let me know.

Comments to be include in the council report are due on Oct 5<sup>th</sup>.

Thanks  
 Tracey

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**From:** Tracey Pillon-Abbs  
**Sent:** Friday, October 02, 2020 11:39 AM  
**To:** 'Kurtis Smith' <[klsmith@ELGIN.ca](mailto:klsmith@ELGIN.ca)>  
**Subject:** RE: Notice of Application E 38-20

Hi Kurtis

**COUNTY OF ELGIN ROAD SYSTEM**

187

DATE: October 7, 2020 ELGIN COUNTY ROAD NO.: 3 - 29357 Talbot Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 41-20

OWNER: Peter Littlejohn and Sarah Littlejohn

PROPERTY: LOT NO. Part Lot 12 & Part Lot 11 CONCESSION: 8

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Dutton Dunwich

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to \_\_\_\_\_ m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☒
- 11) Not on County Road ..... ☐
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES

October 19, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E-41/20**  
**29357 Talbot Line (Littlejohn)**  
**Part of Lot 11-12, Concession 8**  
**Municipality of Dutton Dunwich**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, R.S.O. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Waterways portion of the regulations. The issue of concern in this area is the natural watercourses, their associated ravine systems and erosion.

An application from this office is required prior to any works/construction/alteration taking place within the regulated area. The upper table lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the ravine systems of the natural watercourses will be required to any proposed structure(s) for both the severed and retained parcels.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician

Note to file

E 41-20 Littlejohn

Judy McDonald – no address given – adjacent neighbor

No issue with this application



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** October 22, 2020

**Re:** **Application E 41-20 Peter Littlejohn and Sarah Littlejohn**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29357 Talbot Line, Part Lot 12 & Part Lot 11, Concession 8, Municipality of Dutton Dunwich.

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The applicants propose to sever a flag shaped lot with a frontage of 10 metres (32.81 feet) along Talbot Line, a total width of 82 metres (269.029 feet) by a depth of 99 metres (324.803 feet) and a total area of 1.12 hectares (2.77 acres) containing one house, to create one new lot surplus to the needs of the owner. The owners are retaining 81.3 hectares (200.9 acres) containing one barn proposed to remain in agriculture use.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Policy 2.1.5 restricts development (defined as the creation of a new lot) in ...*"b) significant woodlands in Ecoregions 6E and 7E (excluding in Lake Huron and the St. Marys River).... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."*

Policy 2.1.8 states that ...*"development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

**County of Elgin**  
 450 Sunset Drive  
 St. Thomas, Ontario  
 N5R 5V1 Canada  
 Phone: 519-631-1460  
 Fax: 519-633-7661  
 www.elgin-county.on.ca





As per the County Official Plan, Appendix 1, Natural Heritage, the proposed severance is located within a Woodland. The Applicant has not provided any study or review that has demonstrated there will be no negative impacts on the natural features or their ecological functions.

In the opinion of staff, the proposal is not consistent with the PPS as the Applicant has not demonstrated no negative impact on the natural heritage feature. Further discussion is provided below.

#### County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the Applicant, with the principle residence located at 29751 Lakeview Line.

County policy D 1.2.3 states that all natural heritage features are considered to be important to the County. While the location and significance of these features has yet to be determined in some cases, all of these features need to be considered when applications for development and site alteration are being evaluated. Appendix Map 1 is intended to reflect natural heritage features and areas, including woodlands.

County policy related to significant woodlands (D1.2.2.1) specifies that Elgin County considers woodlands 10 hectares or greater as significant woodland. Woodlands between 2 hectares and 10 hectares are also significant if they are located within 30 metres of the boundary of a significant natural heritage feature (e.g. significant wetland, significant valleyland, fish habitat and/ or watercourses). The subject lands appear to be located in a significant woodland, as is shown on the attached map. The feature appears to be greater than 10 ha in size.

Policy D1.2.6 does not permit development and site alteration within significant woodlands, unless it has been demonstrated through an Environmental Impact Study (EIS), that there will be no negative impacts on the natural features or their ecological functions.

**County of Elgin**  
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[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



Policy D1.2.8 specifies that an Environmental Impact Study (EIS) will be prepared in accordance with the requirements of the Plan, including Appendix B, which details the requirements for the EIS. The purpose of an EIS is to: a) collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of natural heritage features and associated ecological and hydrological functions that exist; b) to determine whether there are any additional natural heritage features on the lands and adjacent lands; and, c) make an informed decision as to whether or not the proposed development and/or site alteration will have a negative impact on the natural heritage features and ecological and hydrological functions.

Policy 1.2.3.1 also contains criteria on the evaluation of consents. Criteria i) states a severance ...*"will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes; "...*

At this time, the Applicant cannot demonstrate that the proposed severance will have no impact on the natural heritage features.

Staff recommend deferral of the consent until the following occurs:

1. The Applicant shall provide an Environmental Impact Study (EIS) to the satisfaction of the Land Division Committee. The determination of the scope and content of an EIS shall be in general accordance with the guidelines set out in Appendix B, and be agreed to in advance with the appropriate agencies, as required.
2. The submitted EIS will be peer reviewed as per the procedures of the County of Elgin, in consultation with the local Conservation Authority.

If the Land Division Committee chooses to support this application, Staff recommend a deferral in order to draft possible conditions.