



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, November 25, 2020

- 9:00am Approval of October 28, 2020 Meeting Minutes
- Report from Acting Secretary-Treasurer
- Inquiries from Land Division Committee Members
- 9:15am E 21-20 Chad and Melisa Moore (amended)
 9563 Currie Road – Municipality Dutton Dunwich
- 9:30am E 38-20 Steven Ford (previously deferred)
 28548 Thomson Line – Municipality Dutton Dunwich
- 9:45pm E 41-20 Peter Littlejohn and Sarah Littlejohn (previously deferred)
 29357 Talbot Line – Dutton Dunwich
- 10:00am E 61-19 Dorothy Emerson (previously deferred)
 55233 Light Line - Municipality of Bayham
- 10:15am E 42-20 Gregory Max Underhill
 5031 Sawmill Road - Township of Malahide
- 10:30am E 43-20 Gregory Underhill Farms Limited
 55309 Orchard Line - Municipality of Bayham
- 10:45am E 44-20 Dolores Slanskey Von Groh & Jerry Schram (*previously application E 51-18*)
 15136 Whittaker Road - Township of Malahide
- 11:00am E 45-20 John Stewart
 E 46-20 Lot 21, Concession 9, Eden Line – Municipality of Bayham
 E 47-20
 E 48-20
 E 49-20

**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 – October 28, 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 9:00am, 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: Dennis O’Grady

Seconded by: John Andrews

That the minutes of the meeting held September 23, 2020 be adopted.

| 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**

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 three items for the Land Division Committee for consideration.

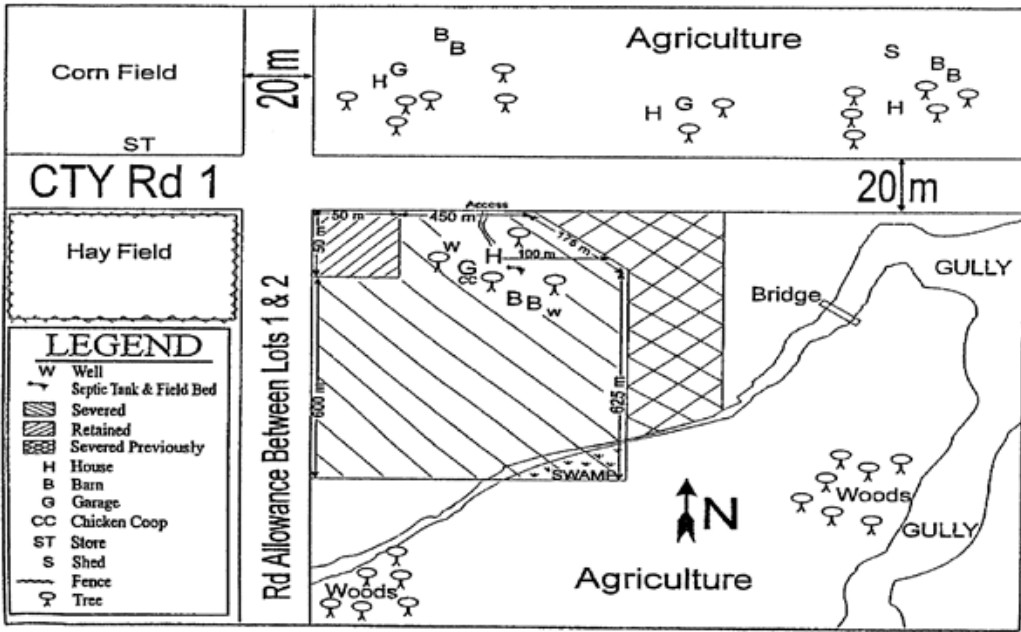
Detailed Sketch Requirements

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.



It was recommended by the Committee for the Acting Secretary-Treasurer to update the sample detailed sketch to include all noted requirements.

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.

The committee recommended that the Acting Secretary-Treasurer inquire with neighbouring Municipalities to see how this matter is dealt with elsewhere and what the associated fee is.

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?

The requested that the application form confirm the other farm holding ownership to ensure this severance is being completed through consolidation of a farming operation.

Committee Comments:

The committee informed the Acting Secretary-Treasurer of a few minor errors in the agenda package.

A discussion was held regarding how deferred applications. The committee has requested that if a deferred application request an extension to the deferral that the committee receives a report.

Application E 55-19:

Request for Amendment

John and Anita Peters

51402 Pressey Line - Township of Malahide

Agent: David Roe

Letter from agent, David Roe, Civic Planning Solutions:

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 1133 m². The retained lot was to have an area of 1241m².

The actual surveyed measurements for the severed parcel are: frontage - 29.94m, depth - 35.86m and 39.22m and area - 1124.4m². These measurements are all within 3% of the approved decision. However, the surveyed area of the retained parcel is 1141.3 m² which is more than 3% less than the approved 1241m². 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 1124 m². And the area of the retained parcel 1141.3m². This severance approval will lapse on October 16, 2020. We would

greatly appreciated if this request could be considered at the September 23rd 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.

Moved by: Rosemary Kennedy

Seconded by: John "Ian" Fleck

That the amendment for severance application E 55-19 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; 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.

| 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: Building lot in a settlement area.

Application E 12-18:

Previously deferred application

Gerry Hensels & Lorraine McElroy
349 George St

Municipality of Central Elgin

Agent: Hannah Shirtliff & Jay McGuffin, Monteith Brown Planning Consultants

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.

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

Hannah Shirtliff, Jay McGuffin, Gerry Hensel and Lorraine McElroy were present electronically.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - The Municipal Staff have reviewed the application and find that they will conform to the Municipality of Central Elgin Official Plan and Zoning By-law.
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.
- 4.

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

Moved by: Dennis O'Grady

Seconded by: Rosemary Kennedy

That revised severance application E 12-18 be granted subject to the following conditions:

1. That the requirements of the Municipality of Central Elgin are met, including the following:
 - a. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
 - b. The proponent enter into a development agreement with the Municipality of Central Elgin to address administrative, technical and financial matters related to the development of the lot;
 - c. A copy of the reference plan be provided to the Municipality of Central Elgin; and
 - d. A drainage reassessment be done, if necessary, at the owner's expense.

2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - a. Solicitor's undertaking required to provide a copy of the registered deed for the severed parcel once complete.
 - b. An electronic copy of the reference plan.

| 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: Creation of a new residential lot in settlement area.

Application E 20-20:

The Andersons Canada Limited, c/o Dave Wellington, CFO
12098 Blacks Road
Municipality of West Elgin
Agent: John Ariens, IBI

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.

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

Dave Wellington and John Ariens were present electronically.

Written submissions were received from the following:

1. **Municipality of West Elgin** – Staff and planner recommend Councils support of the consent application subject to the recommended conditions.
2. **Brian Lima, Director Engineering Services** – County Engineering Services doesn't have any concerns with the subject application.
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 20-20 be amended to only include Parcel A and Parcel B as part of the blanket easements and that the amended application be granted subject to the following conditions:

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - 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

2. That the requirements of the County of Elgin and Land Division Committee are met, including the following:
 - 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.

| 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: Agricultural industrial severance.

Application E 33-20:

Denis Norman Zettler
Part Lot 18, Concession 11, Registered Plan No 11R-6858
Township of Dutton Dunwich
Agent: Mark Coombes/Bowsher + Bowsher LLP

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.

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

Mark Coombes was present electronically. David Scheele, Ron Lackie, and Margaret Lackey were present.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - The proposed severance application does not impact the function of the property and allows the property legal access for the newly constructed home.
2. **Brian Lima, Director Engineering Services** – has no concerns
3. **Nancy Pasato, Manager of Planning** – 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.
4. **Lower Thames Conservation** – has no concerns
5. **Ron, Corrie, Kirsten, and Dave Scheel** - 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
6. **Ron Lackey** –
 - 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

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

Moved by: Jack Van Kasteren

Seconded by: John Andrews

That severance (easement) application E 33-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Dutton Dunwich are met, including the following:
 - a. That taxes are to be paid in full;
 - b. That hard two copies and one PDF copy of the registered survey has been
 - c. provided to the Municipality;
 - d. That the ownership of Bradt Road be confirmed to the satisfaction of the
 - e. Municipality of Dutton Dunwich;
 - f. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw,
 - g. be paid to the Municipality; and
 - h. That the solicitor provides an undertaking that a copy of the registered
 - i. deed for the severed parcel once the transaction has occurred will be
 - j. provided to the Municipality.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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.

Recorded Vote

| | <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: to provide a right of way for access.

Application E 34-20:

Antonius and Petronella Veldman
26591 Downie Line
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.

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

Antonius Veldman was in attendance.

Written submissions were received from the following:

1. **Municipality of West Elgin** - The proposed severance application will conform to the Municipality of West Elgin Official Plan.
2. **Brian Lima, Director Engineering Services** – Lands 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 Jot/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.
3. **Nancy Pasato, Manager of Planning** – The County supports this application for consent.

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

Moved by: John Andrews

Seconded by: John “Ian” Fleck

That severance application E 34-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Bayham are met, including the following:
 - 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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.

Recorded Vote

| | <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 35-20:

Rob Thompson
7254 Bogus Road
Municipality of Bayham
Agent: Rob Vanwynsberghe

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.

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

Rob Vanwynsberghe was in attendance.

Written submissions were received from the following:

1. **Municipality of Bayham** - The Municipal Staff have reviewed the application and find that they will conform to the Municipality of Bayham Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** — Lands for road widening is required. 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.
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 55963 Calton Line.

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

Moved by: Jack Van Kasteren

Seconded by: Rosemary Kennedy

That severance application E 35-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Bayham are met, including the following:
 - 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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.

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 36-20:

Rob Vanwynsberghe
55963 Calton Line
Municipality of Bayham

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.

Rob Vanwynsberghe was in attendance.

Written submissions were received from the following:

1. **Municipality of Bayham** - The Municipal Staff have reviewed the application and find that they will conform to the Municipality of Bayham Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** — Lands for road widening is required. 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.
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 7254 Bogus Road.

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 36-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Bayham are met, including the following:
 - 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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.

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: A technical severance to allow for application E 35-20

Application E 37-20:

James E Crane and John A Crane
45501 Elm Line
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.

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

James E Crane and John A Crane were in attendance.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – 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.

3. **Nancy Pasato, Manager of Planning** – 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).

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

Moved by: Dennis O’Grady

Seconded by: Jack Van Kasteren

That severance application E 37-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Central Elgin are met, including the following:
 - a. A copy of the reference plan be provided to the Municipality of Central Elgin.
 - b. A drainage reassessment be done, if necessary, at the owner’s expense.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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.

Recorded Vote

| | <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: Dwelling surplus to a farming operation.

Application E 38-20:

Steven Ford
28548 Thomson Line
Municipality of Dutton Dunwich
Agent: Mike Ford

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.

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

Mike Ford was in attendance electronically.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan. As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – 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.
4. **Lower Thames Conservation** – No objections to this application.

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 38-20 be deferred until the applicant reduces the lot size and to confirm the ownership of agricultural farm holdings.

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

- Carried

Application E 39-20:

Amanda Jo Adzija and Robert Tomislav Adzija
38301 Fingal Line
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.

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

Amanda Jo Adzija and Robert Tomislav Adzija were in attendance electronically.

Written submissions were received from the following:

1. **Township of Southwold** - 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.
2. **Brian Lima, Director Engineering Services** – 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 to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
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 Andrews

Seconded by: John “Ian” Fleck

That severance application E 39-20 be granted subject to the following conditions:

1. That the requirements of the Township of Southwold are met, including the following:
 - 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - 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 to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

| Recorded Vote | <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: Creation of a lot in a settlement area.

Application E 40-20:

Argyle Farms Brookwood Inc. & Argyle Hills Inc.
30734 Silver Clay Line
Municipality of Dutton Dunwich
Agent: Dan McKillop

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.

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 electronically.

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: Dennis O'Grady

That severance application E 40-20 be granted subject to the following conditions:

1. That the requirements of the Municipality of Dutton Dunwich are met, including the following:
 - 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 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
- 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.

| 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: Dwelling surplus to a farming operation.

Application E 41-20:

Peter Littlejohn and Sarah Littlejohn
29357 Talbot Line
Municipality of Dutton Dunwich
Agent: Joseph Hentz

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.

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

Joseph Hentz was in attendance electronically.

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** – If the Land Division Committee chooses to support this application, Staff recommend a deferral in order to draft possible conditions.

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 41-20 be deferred to allow the Manager of planning to provide recommended conditions for approval.

| Recorded Vote | <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**

Adjournment:

The Chair adjourned the meeting at 12:08pm.

Acting Secretary-Treasurer

Chair

Amendment Request (October 28, 2020)

From:

**Henry & Eva Dryfhout
9553 Currie Rd
Lot 3&4, Concession 7
Municipality of Dutton Dunwich**

Agent for:

**Chad and Melisa Moore
9563 Currie Rd
Lot 4&5, Concession 7
Municipality of Dutton Dunwich**

**Corporation of the County of Elgin
Nancy Pasato
Secretary-Treasurer (Acting)
Land Division Committee
450 Sunset Drive
St Thomas**

**Reference Application No. E21-20
Part Lot 4 & 5, concession 7 Plan 44 Block B, Municipality of
Dutton Dunwich
Municipal Address: 9563 Currie Road**

**I hereby am seeking an amendment to Notice of Consent dated October 6, 2020
consisting of ...**

**Frontage – 4.72 m
Depth – 41.30 m
Retained by owners - 1658.12 sq. m.**

**Please consider amending as follows, as per survey plan prepared by AGM Surveyor
Survey included in this package.**

**Frontage – 2.28 m
Depth – 41.529 m
Retained by owner – 1,476.3 sq. m.**

**Please review the survey plan as the document illustrates the property lines and specific land
in title.**

The reason for the change is presented in the survey plan.

A new survey prepared by AGM Land Surveyors revealed 3 separate land titles consisting of three parts.

- **Part 2** is the primary focus of severance and is smaller than originally calculated.
- The only land to be severed is **Part 2 Pin 35127-0128** prepared in the survey plan consisting of **159.92 sq. m., frontage 2.28 m.**, to be transferred to 35127-0129 Henry & Eva Dryfhout
- **Part 3** consisting of **frontage 2.438 m and 61.12 sq. m.** survey plan was included in the frontage of the Notice of Consent of the severance agreement. This land is not owned by Chad Moore and should not have been included in the original plan set forth. The prior survey was unclear of the Owner of Land and did not reveal separate land titles.
- **Part 3** of the survey plan is in title to John McArthur (1907/07/18) and has been de facto owned by Henry & Eva Dryfhout since January 23, 1983. Therefore severance is not required
- **Part 1** of the survey plan has no bearing on the severance agreement as this land is in title to Daniel McBrayen (1880/07/29)


It is understood that all requirements of the Notice of Decision established October 6, 2020 must be achieved by August 26, 2021.

Signed:



Henry Dryfhout

Agent



Chad Moore

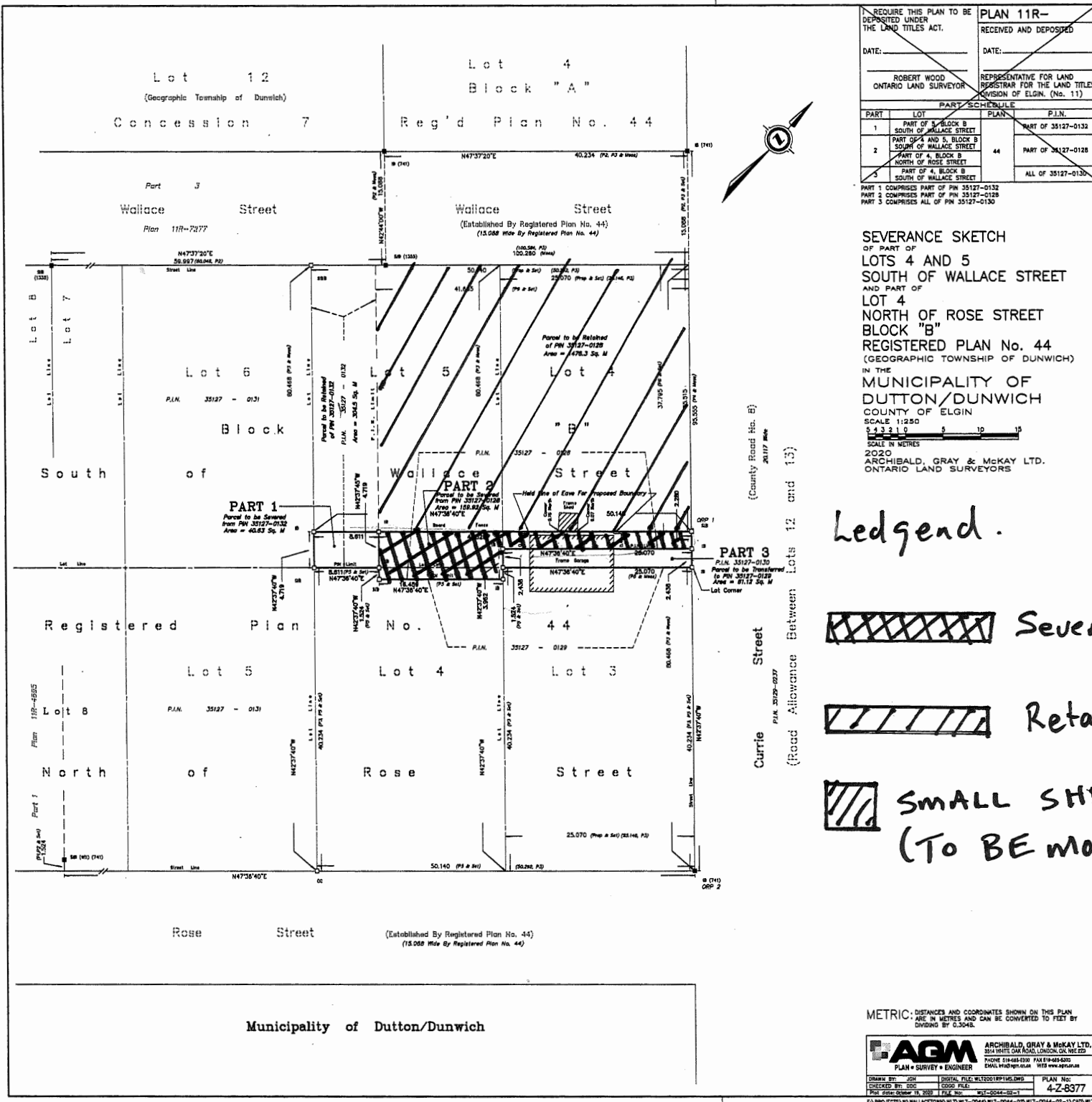
Owner

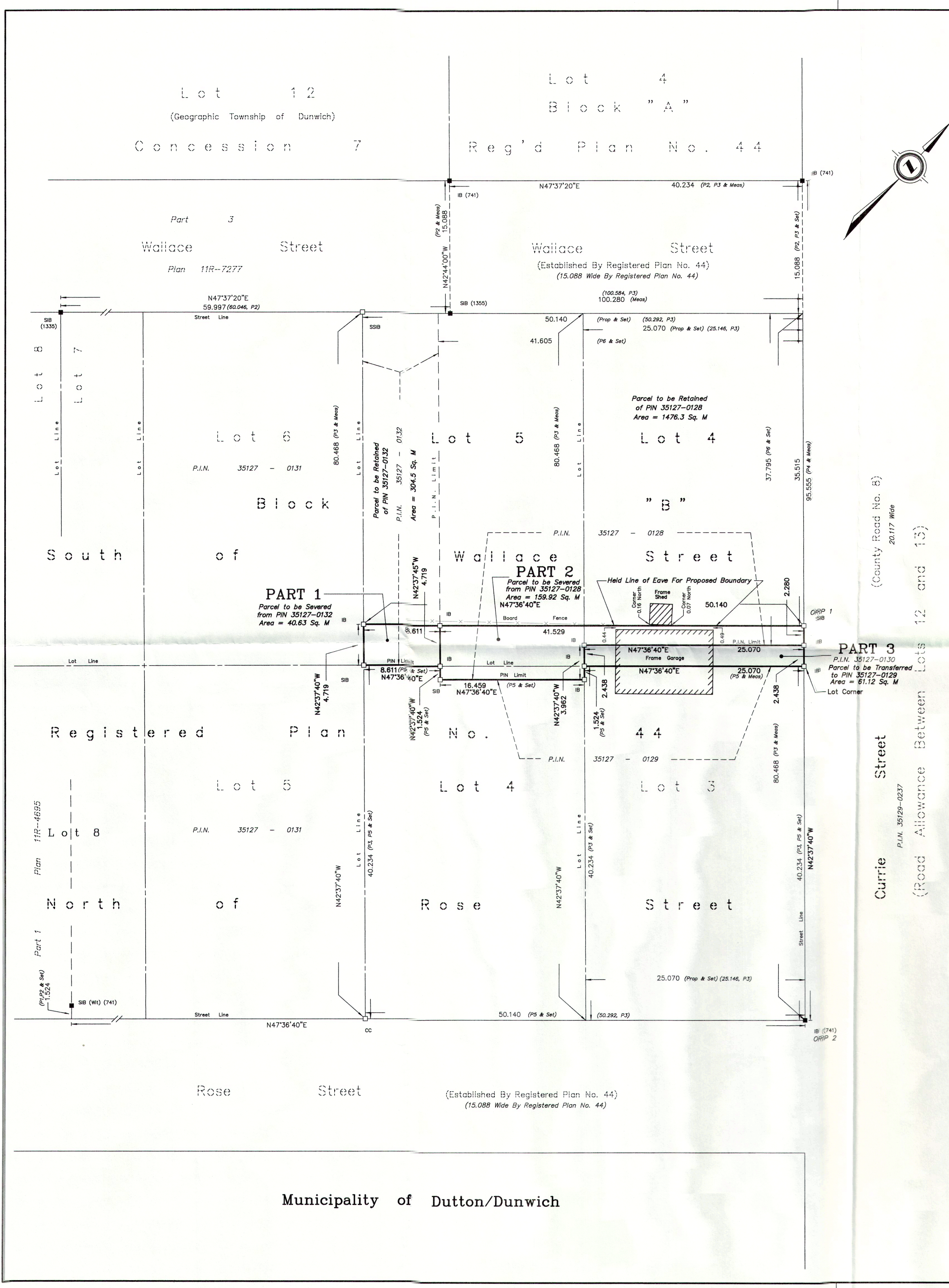


Melissa Moore

Owner

October 28, 2020





1. REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

ROBERT WOOD
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN, (No. 11)

| PART SCHEDULE | | | |
|---------------|--|------|--------------------|
| PART | LOT | PLAN | P.I.N. |
| 1 | PART OF 5, BLOCK B SOUTH OF WALLACE STREET | 44 | PART OF 35127-0132 |
| 2 | PART OF 4 AND 5, BLOCK B SOUTH OF WALLACE STREET | | PART OF 35127-0128 |
| 3 | PART OF 4, BLOCK B NORTH OF ROSE STREET | | ALL OF 35127-0130 |

PART 1 COMPRISES PART OF PIN 35127-0132
PART 2 COMPRISES PART OF PIN 35127-0128
PART 3 COMPRISES ALL OF PIN 35127-0130

SEVERANCE SKETCH
OF PART OF
LOTS 4 AND 5
SOUTH OF WALLACE STREET
AND PART OF
LOT 4
NORTH OF ROSE STREET
BLOCK "B"
REGISTERED PLAN No. 44
(GEOGRAPHIC TOWNSHIP OF DUNWICH)
IN THE
MUNICIPALITY OF
DUTTON/DUNWICH
COUNTY OF ELGIN
SCALE 1:250
5 4 3 2 1 0 5 10 15
SCALE IN METRES
2020
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

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

AGM
PLAN • SURVEY • ENGINEER

ARCHIBALD, GRAY & McKAY LTD.
3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PHONE 519-685-5300 FAX 519-685-5300
EMAIL info@agm.on.ca WEB www.agm.on.ca

| | | |
|-----------------------------|--------------------------------|----------|
| DRAWN BY: JGH | DIGITAL FILE: WLT2001RP1MS.DWG | PLAN No: |
| CHECKED BY: DDC | COGO FILE: | 4-Z-8377 |
| Plot date: October 19, 2020 | FILE No: WLT-0044-02-1 | |

F:\PROJECTS\W\WALLACETOWN\WLT\WLT-0044\WLT-0044-02-1\CAD\WLT2001RP1MS

Application #E 21-20

November 25, 2020

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:

**PART LOTS 4 & 5, CONCESSION 7, PLAN 44 BLOCK B, MUNICIPALITY OF
DUTTON DUNWICH
MUNICIPAL ADDRESS: 9563 CURRIE ROAD**

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 **2.28 metres** (revised) along Currie Road by a depth of **41.53 metres** (revised) and an area of **159.92 square metres (revised) (0.040 acres)** to be conveyed to the adjacent property at 9553 Currie Road. The owners are retaining **1476.3 square metres (0.36 acres)** (revised), proposed to remain in residential use. shed, proposed to remain in residential use.

Consent requested by: Chad & Melissa Moore

Consent granted to: Henry & Eva Dryfhout

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: November 25, 2021.

1. That the retained subject lands are deeded in the same name and interest as the abutting lot at 9553 Currie Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
2. That the requirements of the Municipality of Dutton Dunwich, provided the following conditions are included:
 - a. That a successful Minor Variance Application be obtained;
 - b. That septic system review has been completed;
 - c. That municipal drain re-apportionments have been completed;
 - 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 Bylaw, be paid to the Municipality;
 - g. That the solicitor provides an undertaking that a copy of the registered
 - h. deed for the severed parcel once the transaction has occurred will be provided to the Municipality; and
 - i. That the lots merge on title.
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Reasons: The proposed consent will add lands to an existing lot for residential purposes.

DECISION

Application #E 21-20

November 25, 2020

Members concurring in the above ruling by recorded vote:

| <u>Member:</u> | <u>YES</u> | <u>NO</u> |
|-----------------------|------------|-----------|
| John “Ian” Fleck | | |
| Dennis O’Grady | | |
| Rosemary Kennedy | | |
| John Seldon | | |
| Jack Van Kasteren | | |
| John Andrews | | |
| Dugald Aldred (Chair) | | |

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, Nancy Pasato, Acting 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 28th day of November 2020.

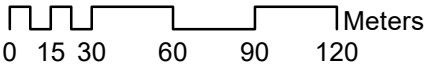
Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee



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

Legend

-  - Severed
-  - Retained
-  - Easement
- H - House
- P - Pool
- W - Well
- S - Septic
-  - Tree
- NAL - New Access Lane
- B - Barn

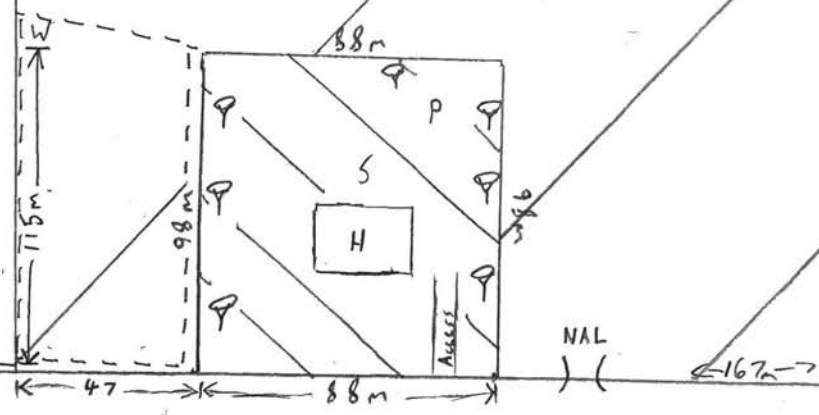
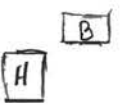
Agriculture

← 302m →

Agriculture

Agriculture (Mike Ford)

← 497.9m →



Thomson Line

From: [Nancy Pasato](#)
To: [Kurtis Smith](#)
Subject: FW: [Scan] 2020-11-18 21:55
Date: November 19, 2020 10:47:04 AM

Hi Kurtis please include this email in package as well thanks.

-----Original Message-----

From: Mike Ford <mike_ford1@hotmail.com>
Sent: November 19, 2020 10:37 AM
To: Nancy Pasato <npasato@ELGIN.ca>
Subject: Re: [Scan] 2020-11-18 21:55

Hi Nancy.

I have sent the revised sketch showing the reduction in the size of the severed land. The lot now measures 98 by 88 meters reducing the severed land from the previous 3.7 acres to 2.13 acres. I have also outlined the easement on the west side of the property where the well is located. I squared off the easement with the property lines and the purposes severed land. If the easement needs to be adjusted in anyway I am open to any options.

Thank you.

Mike Ford

Sent from my iPhone

PROPERTY DESCRIPTION: S1/2 LOT 9 CON 5 S OF CON A DUNWICH; S/T DN22005; DUTTON/DUNWICH

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN E328207.

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2007/01/22

OWNERS' NAMES
FORD, MICHAEL STEVEN

CAPACITY SHARE
ROWN

| REG. NUM. | DATE | INSTRUMENT TYPE | AMOUNT | PARTIES FROM | PARTIES TO | CERT/ CHKD |
|---|------------|-----------------|--------|-------------------|----------------------|---------------|
| ** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) ** | | | | | | |
| ** RANGE SPECIFIED FOR SEARCH: FROM 2014/01/01 TO 2018/08/23 ** | | | | | | |
| **SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO: | | | | | | |
| ** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * | | | | | | |
| ** AND ESCHEATS OR FORFEITURE TO THE CROWN. | | | | | | |
| ** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF | | | | | | |
| ** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY | | | | | | |
| ** CONVENTION. | | | | | | |
| ** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES. | | | | | | |
| **DATE OF CONVERSION TO LAND TITLES: 2007/01/22 ** | | | | | | |
| CT105866 | 2014/08/01 | TRANSFER | | FORD, SHERRY LYNN | FORD, MICHAEL STEVEN | C |
| REMARKS: PLANNING ACT STATEMENTS. | | | | | | |



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: November 19, 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.

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.

A decision on application E 38-20 was deferred at the request of the Land Division Committee on October 28, 2020 in order for the Applicant/Agent to explore a reduction in lot size for the surplus farm dwelling, and to confirm ownership of the adjacent farming operation.

A revised lot configuration and proposed easement for well/maintenance was submitted by the Applicant. The revised information is as follows:

The applicants propose to sever a lot with a frontage of 88 metres (288.71 feet) along Thompson Line by a depth of 98 metres (321.52 feet) and an area of 8,624 square metres (2.13 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 20.98 hectares (51.86 acres) proposed to remain in agriculture use. The applicants also propose to create an easement on the retained lands, having a frontage of 47 metres (154.20 feet) along Thomson Line by a depth of 115 metres (377.30 feet), proposed to provide access to a well, in favour of the severed lands.

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 then typically required, the Applicant has attempted to reduce the size of the lot to remove excess lands to the west of the proposed lot. The well will now be located on the retained lands, so an easement in favour of the severed lot will be required, in order for the severed lands to access the well.

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



Staff support this revised 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 Dutton Dunwich be included as conditions for consent:

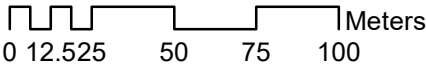
- a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b. That septic system review for the severed parcel has been completed;
- c. That Municipal drain re-apportionments have been completed;
- d. That a mutual drainage agreement (under Section 2 of the Drainage 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 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.



Location Map



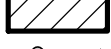


Subject Site: 29357 Talbot Line
File Number: E 41-20
Owner: Peter Littlejohn & Sarah Littlejohn
Planner: Nancy Pasato
Created By: TE
Date: 30/09/2020

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



Scale 1:2,300

Legend

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

**Lerners LLP**

53 Front Street West
 Strathroy, Ontario N7G 1X6
 Telephone: 519.245.1144
 Fax: 519.245.6090
 www.lerners.ca
 George E. Sinker, Counsel

Joseph M. Hentz
 Direct Line: 519.640.6307
 Direct Fax: 519.932.3307
 jhentz@lerners.ca

November 18, 2020

FILE NUMBER 111855-00003

Delivered Via E-Mail to Nancy Pasato

Elgin County Land Division Committee

Dear Committee Members:

**Re: Application #41-20 - Peter Littlejohn & Sarah Littlejohn Consent Application - 29357
 Talbot Line, Wallacetown being Part Lot 12, Concession 8 & Part Lot 11, Concession 8,
 former Dunwich, Municipality of Dutton-Dunwich, County of Elgin**

We are writing further to our discussion at the last hearing of the Land Division Committee on October 28, 2020 regarding the above noted Application. You had requested that we propose language for a condition regarding the need for an environmental impact study (EIS).

The requirement for an EIS is found in Elgin OP D1.2.6 which reads as follows:

Development and Site Alteration

a) Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands.

b) Development and site alteration shall not be permitted in

- i) significant woodlands;
- ii) significant valleylands;
- iii) significant wildlife habitat; and,

iv) significant areas of natural and scientific interest

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.

Based on the forgoing, and in discussion with Ms. Pasato, we recommend the condition relating to the EIS read as follows:

1. The Applicant shall provide an Environmental Impact Study (EIS) which shall demonstrate that the severance of the surplus farm dwelling as proposed in Consent Application E41-20 will have no negative impacts on the natural features or their ecological functions of the adjoining significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the Lower Thames Valley Conservation Authority, if required.

We look forward to discussing the foregoing with you on November 25, 2020.

Yours very truly,



Joseph M. Hentz
Partner
JMH

9756439.1



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: November 19, 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.

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.

A decision on application E 41-20 was deferred at the request of the Land Division Committee on October 28, 2020 in order for the Applicant/Agent to explore possible condition(s) related to an Environmental Impact Study (EIS).

Through discussion with the agent for the applicant, the following condition is recommended for the proposed severance:

- a. The Applicant shall provide an Environmental Impact Study (EIS) which shall demonstrate that the severance of the surplus farm dwelling as proposed in Consent Application E41-20 will have no negative impacts on the natural features or their ecological functions of the adjoining significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the Lower Thames Valley Conservation Authority, if required.

Additional conditions from the County are recommended including the following:

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

It is recommended that conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

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



- 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 Bylaw, 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.

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

APPLICATION NO. E 61-19

PART LOT 13& 14, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 55233 LIGHT LINE

TAKE NOTICE that an application has been made by **DOROTHY EMERSON**, 55267, Light Line Vienne, Ontario, N0J 1Z0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55233 Light Line, legally described as Part Lot 13 & 14, Concession 3, Municipality of Bayham.

The applicants propose to sever an irregular shaped lot with a frontage of 244.3 metres along Light Line by a depth of 160 metres (west lot line), area 1.92 hectares (4.74 acres), proposed to create one residential building lot. The owner is retaining 48.9 hectares (121 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 November 25, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

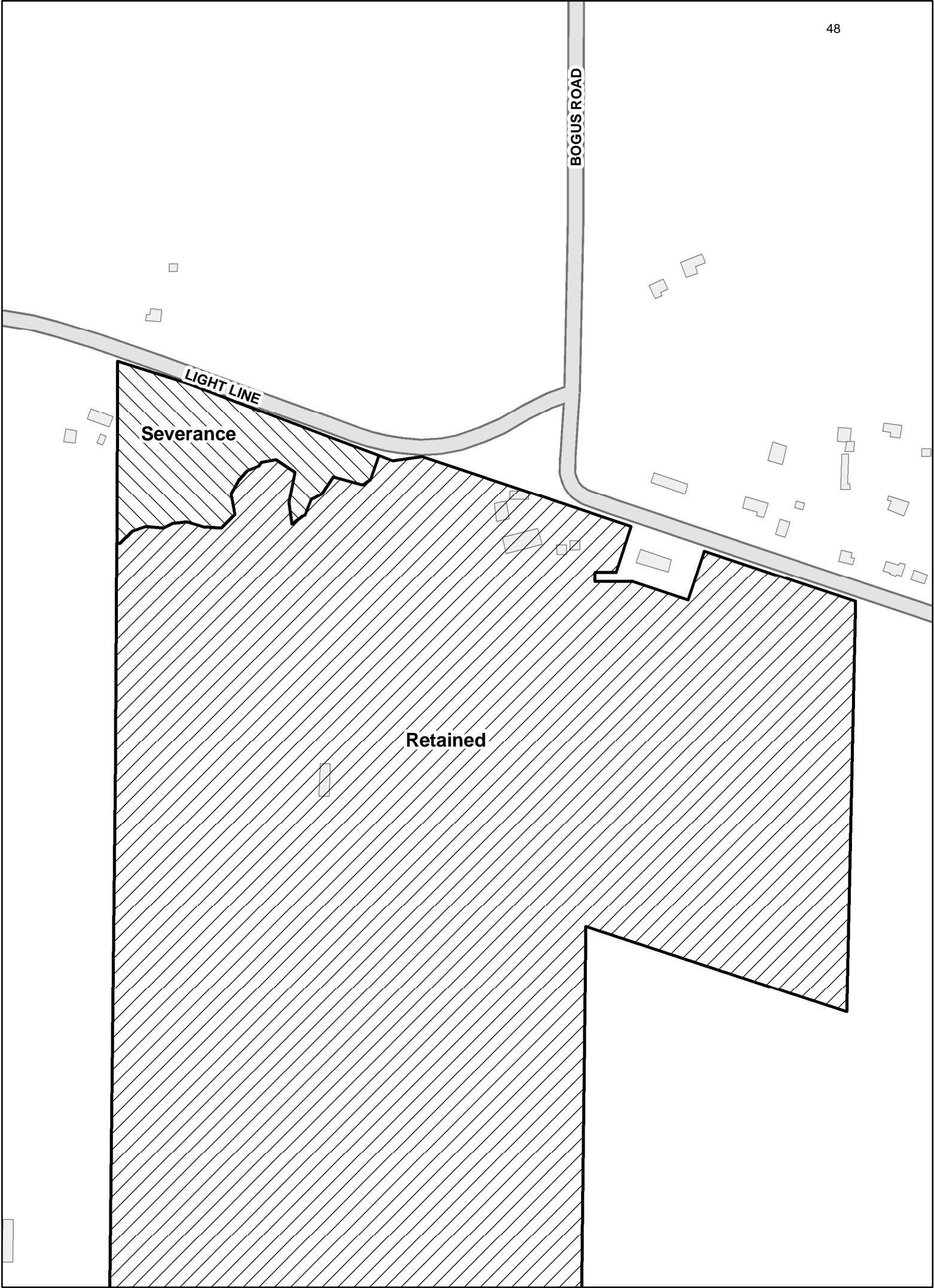
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 5th day of November, 2020.

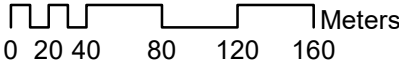
Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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: 55267 Light Line
File Number: E 61-19
Owner: Dorothy Emerson
Planner: Nancy Pasato
Created By: TE
Date: 04/11/2020



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

Scale 1:4,000

Legend

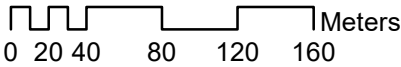
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map



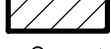


Subject Site: 55267 Light Line
File Number: E 61-19
Owner: Dorothy Emerson
Planner: Nancy Pasato
Created By: TE
Date: 04/11/2020

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



Scale 1:4,000

Legend

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: 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. E61/19 Emerson, D

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-66/20 regarding Consent application E61/19 Emerson be received for information;

AND THAT Council reconsidered the application in light of the recent changes to the Provincial Policy Statement 2020 and recommend to the Elgin County Land Division Committee that in regards to the Consent Application E61/19 submitted by Dorothy Emerson, the Committee consider granting the application with the following considerations and conditions:

1. Cash in Lieu of Parkland dedication fee payable to the municipality
2. Planning Report Fee payable to the municipality
3. Digital copy of the final survey
4. Civic number sign purchased for the severed parcel

Municipal Appraisal Sheet and Staff Report DS-66/20 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 dark ink, appearing to read 'M Underhill', is written over a light blue horizontal line.

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.Emerson
Cc: D. Roe (email)

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 61-19

Applicant Dorothy Emerson

Location Bayham – Concession 3 Part Lots 13 and 14

PART 1 - OFFICIAL PLAN

- | | | |
|---|-----------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Residential

Policies: OP Section 4.5

Bayham OPA No. 24 changed designation from "Open Space" "Hazard Lands" to "Residential"

PART 2 - ZONING

- | | | |
|---|----------|--------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes (X) | No () |

Comments: Zoning: Village Residential – Holding 2 [(R1(h2)]

ZB Section 3.3 b) applies to the entire property

And ZB Section 10 – Village Residential (R1) for uses

- | | | |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes () | No () |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- | | | |
|---|----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes () | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes () | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |

10. Does the municipality have other concerns that should be considered by the Committee?

See attached Letter of Conditions with Staff Report DS-66/20 for additional conditions

3.3 **Holding Zones**

In any zone which is accompanied by the holding symbol “h”, the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

- a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the “h1” zone symbol.
- b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the “h2” zone symbol.
- c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the “h3” zone symbol.
- d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the “h4” zone symbol.

Z655-2016

- e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.

3.4 **Application of Regulations**

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 **Defined Areas**

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone from each other and from other areas within the zone.

3.6 **Exceptions for Defined Areas**

Within any zone there may apply exceptions with respect to a defined area and, in addition to such exceptions, all provisions of this By-law including the general use regulations and the special use regulations applicable to the zone within which the

pursuant to the Planning Act, for consents and new subdivisions will be used to create local parks.

- 4.4.4.7 Monies acquired in lieu of parkland dedication shall be managed by the Municipality in a park fund for use in providing recreational lands and facilities to serve the needs of all residents.

4.5 VILLAGES

This section of the Official Plan provides the land use policies that apply to future development in the Villages of Straffordville, Vienna and Port Burwell during the 2018-2038 planning period.

4.5.1 General

- 4.5.1.1 Three major concentrations of urban development have been designated as “Villages” in the Official Plan of the Municipality of Bayham. The villages of Port Burwell and Vienna have the capability of accommodating urban types of development on full municipal services including piped water and sewerage facilities. The village of Straffordville has the capability of accommodating urban types of development on municipal sewers. For public health and safety purposes, all proposed development within the Village of Straffordville shall require proof of potable water by the Municipality, and will be restricted to infilling until such time as municipal water becomes available.
- 4.5.1.2 There are eleven land use designations / constraints that apply in the three villages as follows:
- Residential
 - Multi-Unit Residential
 - Harbour Residential/Commercial
 - Commercial
 - Industrial
 - Institutional
 - Open Space
 - Conservation Lands
 - Hazard Lands
 - Floodway
 - Flood Fringe

- 4.5.1.3 The three “Residential” designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.
- 4.5.1.4 The “Commercial”, “Industrial”, “Institutional” and “Open Space” policies apply to those areas within the villages where each specific development occurs or is planned for future development.
- 4.5.1.5 The policies for “Conservation Lands” (Section 3.9) and “Hazard Lands” (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.
- 4.5.1.6 The “Floodway/Flood Fringe” policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

4.5.2 **Residential**

- 4.5.2.1 Within the areas designated “Residential” on Schedule “B”, “C” and “D”, the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.
- 4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the “Residential” designation where such lands are being underutilized. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.
- 4.5.2.3 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:
- Small scale professional offices which occupy less than 93 m² (1000 ft²);
 - Small scale institutional uses such as churches;
 - Home occupations.

- 4.5.2.4 All such uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. As a general rule, no more than two similar complementary uses shall be situated within a two-block radius of each other.
- 4.5.2.5 Home occupations may be permitted if they are clearly secondary to a residential use, and comply with the standards and regulations as prescribed by the Zoning By-law.
- 4.5.2.6 In order to maintain and strengthen the development of the “Commercial” designation and in order to maintain the character of areas designated “Residential”, the establishment of commercial uses will not be permitted (with the exception of those described in subsection 4.5.2.3) in the “Residential” designation.
- 4.5.2.7 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the “Residential” areas shall be permitted in accordance with Section 4.5.8 provided they comply with the standards and regulations of the Zoning By-law.
- 4.5.2.8 Proposals for new single unit and two unit dwellings in the designated “Residential” areas shall meet the following criteria:
- a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
 - c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
 - d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.8.

- e) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
- f) Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- g) Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.
- i) The Planning Act: In the case of a residential subdivision, all matters contained within Section 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.

4.5.2.9 Consideration of an amendment to the Zoning By-law for mobile home parks within the Village designation will be subject to Section 4.6.1 of the Official Plan.

4.5.2.10 It shall be the policy of this plan that an applicant who wishes to develop a mobile home park in the Village designation shall enter into a development agreement with the Municipality prior to the passing of an amendment to the implementing zoning by-law. Such an agreement will be subject to Section 4.6.1.2 of the Official Plan.

4.5.2.11 Notwithstanding the policies of this Plan the following existing mobile home parks have been recognized in the “Residential” designation by this Plan and shall be appropriately zoned in the Zoning By-law;

- a) Pitt Street, Port Burwell, Municipality of Bayham
- b) Elizabeth Street, Port Burwell, Municipality of Bayham

4.5.3 **Multi-Unit Residential**

4.5.3.1 Permitted uses in the “Multi-Unit Residential” designation are housing in the form of triplex dwellings, group homes and crisis housing and medium density residential uses such as townhouses and apartment buildings, including senior citizens’ complexes.

4.5.3.2 Other uses complementary to, and compatible with, residential development such as small scale schools, churches, clinics and parks may be permitted, subject to rezoning. These uses will be permitted if they serve the residential function and improve the quality of life in the neighbourhood.

4.5.3.3 Home occupations are not permitted in the “Multi-Unit Residential” designation.

4.5.3.4 In the “Multi-Unit Residential” designation, apartments should target a net density of 75 units per hectare. All other permitted uses should target a net density of 35 units per hectare.

4.5.3.5 Mobile homes or trailers are not permitted in the “Multi-Unit Residential” designation.

4.5.3.6 “Multi-Unit Residential” uses shall be provided with adequate off-street parking and should be designed, situated, buffered and landscaped so as to minimize adverse impacts on adjacent properties.

4.5.3.7 “Multi-Unit Residential” developments in excess of 10 units will require site plan agreements in accordance with Section 41 of the Planning Act. Council may pass a by-law that requires plans and a site plan agreement, as set out in Section 8.17 of this plan.



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: October 15, 2020
REPORT: DS-66/20

FILE NO. C-07 / D9.19 Emerson
Roll # 3401-000-002-045/004-001-25500

SUBJECT: Consent Application E61/19 Emerson

BACKGROUND:

In September 2019 a consent application was received from the Elgin County Land Division Committee submitted by Dorothy Emerson proposing to sever to create a new lot 1.92 ha (4.74 acre) and retain a 48.9 ha (121 acre) agricultural parcel. The subject lands are designated "Residential" on Schedule "C" Vienna Land Use and Constraints of the Official Plan and zoned Village Residential [R1(h2)] and LPRCA Regulation Limit on Schedule "H" Vienna in Zoning By-law Z456-2003.

On October 17, 2019 Council considered Staff Report DS-68/19 and passed the following resolution:

THAT Staff Report DS-68/19 regarding Consent application E61/19 Emerson be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that in regards to the Consent Application E61/19 submitted by Dorothy Emerson, the Committee consider the following:

1. *The proposal to sever the 1.92 ha parcel be deferred as it does not meet the intent of the PPS 2014, Elgin County Official Plan and Municipality of Bayham Official Plan and is considered to be premature at this time to sever the land zoned with a Holding Provision that requires a Plan of Subdivision.*

One day prior on October 16, 2019, the Elgin County Land Division Committee deferred the application upon the request by the applicant's authorized agent. Deferred applications are held for one year from the date of deferral and then they lapse if no action taken. Due to COVID-19 the lapse date is extended for an additional 90 days.

DISCUSSION:

The parcel was subject to Official Plan Amendment No. 24 approved by the County of Elgin on April 24, 2019 changing the designation from “Hazard Lands” to “Residential”. The consent application proposes to sever this 1.92 ha (4.74 acre) vacant wooded residential parcel within the village boundary of Vienna. The planner’s memorandum dated September 24, 2019 with Staff Report DS-68/19 analyzed the application against the various planning documents, namely the PPS 2014. With the recent updates and changes to the PPS 2020, there is now more flexibility for lot creation and development.

The proposed parcel is 1.92 ha (4.74 acres) of woodland. The property’s zoning remains as Village Residential - Holding 2 [R1(h2)] with the holding provision for the purpose of requiring development through a Plan of Subdivision ideally on full services. There are no municipal services within a feasible distance to extend to this area, however, development should exercise efficient residential intensification and effective servicing.

Since the original consideration of the application staff and planner have reviewed the proposal and the municipal planner offers the following comments:

- A change that occurred since the previous memo in September of 2019 and now, is the new Provincial Policy Statement 2020. This document provides more flexibility in lot creation and development alternatives which may be appropriate for the 1.92 ha severed lands. Based on this change we can adjust our opinion in support of the consent.
- Practically, granting the consent provides greater protection of the woodlot north of the stream since the farming use of this area will be less likely. The wooded area is better suited to residential land uses with an opportunity to retain as many trees as possible. The agricultural land will continue to be efficiently farmed in the Vienna urban area and the woodlot value will be retained for future residential land use. It makes sense to continue efficiently farming this area in support of the consent.
- The consent will not result in any further development or new dwelling units on the severed lands until such time as the “h2” symbol is removed and staff and council are satisfied there is appropriate municipal servicing. Bayham retains control as to when development will occur in accordance with the Plan policies.
- The municipality can request the parkland dedication fees for creating one new lot and obtain any necessary road widening, if applicable, along Light Line. We can add these as conditions of approval.
- Should they wish to develop the 1.92 ha severed lands even with one dwelling, we should request a plan of subdivision proposal showing how these lands will be developed for residential uses in accordance with the Plan policies.
- Based on further review there are no objections to the consent as proposed subject to the appropriate conditions mentioned above.

Staff and planner recommend Council support the E61/19 application with conditions to create a residential parcel with the R1 zoning with a Holding provision (h2) that will remain in effect until such time as a Plan of Subdivision is approved.

ATTACHMENTS

1. Consent Application E61/19
2. Zoning By-law Schedule H Vienna
3. Elgin Mapping Aerial Map

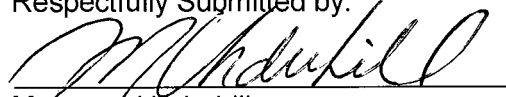
RECOMMENDATION

THAT Staff Report DS-66/20 regarding Consent application E61/19 Emerson be received for information;

AND THAT Council reconsidered the application in light of the recent changes to the Provincial Policy Statement 2020 and recommend to the Elgin County Land Division Committee that in regards to the Consent Application E61/19 submitted by Dorothy Emerson, the Committee consider granting the application with the following considerations and conditions:

1. **Cash in Lieu of Parkland dedication fee payable to the municipality**
2. **Planning Report Fee payable to the municipality**
3. **Digital copy of the final survey**
4. **Civic number sign purchased for the severed parcel**

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk|Planning Coordinator

Reviewed by:

Paul Shipway
CAO|Clerk

COUNTY OF ELGIN ROAD SYSTEM

61

DATE: November 5, 2020 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 61-19

OWNER: Dorothy Emerson


PROPERTY: LOT NO. Part Lots 13 & 14 CONCESSION: 3

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 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: November 19, 2020

Re: **Deferred Application E 61-19 DOROTHY EMERSON**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55233 Light Line, legally described as Part Lot 13 & 14, Concession 3, Municipality of Bayham.

The applicants propose to sever an irregular shaped lot with a frontage of 244.3 metres along Light Line by a depth of 160 metres (west lot line), area 1.92 hectares (4.74 acres), proposed to create one residential building lot. The owner is retaining 48.9 hectares (121 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.

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 proposed severance is located in a settlement area (Vienna).

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 a Tier 1 Settlement Area (Vienna) in the Elgin County Official Plan (OP). The County OP contains policy related to lot creation.

Policy E 1.2.3.1 requires the approval authority to be satisfied that the following conditions can be met for any new lot proposed by consent. Criteria i) *“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;”*.

The Applicant has indicated that the proposed lot is to be used for a residential dwelling unit in the future.

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. 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
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-633-7661
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 are not satisfied that an h-2 holding provision will require the necessary Environmental Impact Study prior to building permit to ensure no negative impacts on the significant feature. Therefore Staff recommend the following conditions:

- a. The Applicant shall provide an Environmental Impact Study (EIS) which shall confirm that the severance and any proposed residential dwelling will have no negative impacts on the natural features or their ecological functions of the surrounding significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the appropriate Conservation Authority, if required. The submitted EIS may be peer reviewed as per the procedures of the County of Elgin, in consultation with the local Conservation Authority, OR the Applicant will amend the zoning by-law for the site to add a holding provision (h-3) that requires the submission of an EIS to the satisfaction of the County and the local municipality prior to any building permits for the site;
- b. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- c. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
- d. The applicant shall provide to the County of Elgin 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;

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



- 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.

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

- a. Cash in Lieu of Parkland dedication fee payable to the municipality;
- b. Planning Report Fee payable to the municipality;
- c. Digital copy of the final survey; and
- d. Civic number sign purchased for the severed parcel.

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

APPLICATION NO. E 42-20

**LOT 25, CONCESSION 2
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 5031 SAWMILL ROAD**

TAKE NOTICE that an application has been made by **Gregory Max Underhill**, 55032 Vienna Line, Port Burwell ON N0J 1T0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 5031 Sawmill Road, legally described as Lot 25, Concession 2 Township of Malahide

The applicants propose to sever an irregular corner lot with a frontage of 27.15 metres (89.1 feet) along Nova Scotia Line by a depth of 104.81 metres (343.9 feet) along Sawmill Road and an area of 2,998.4 square metres (0.74 acres) containing one house and shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 39.79 hectares (98.34 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 November 25, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

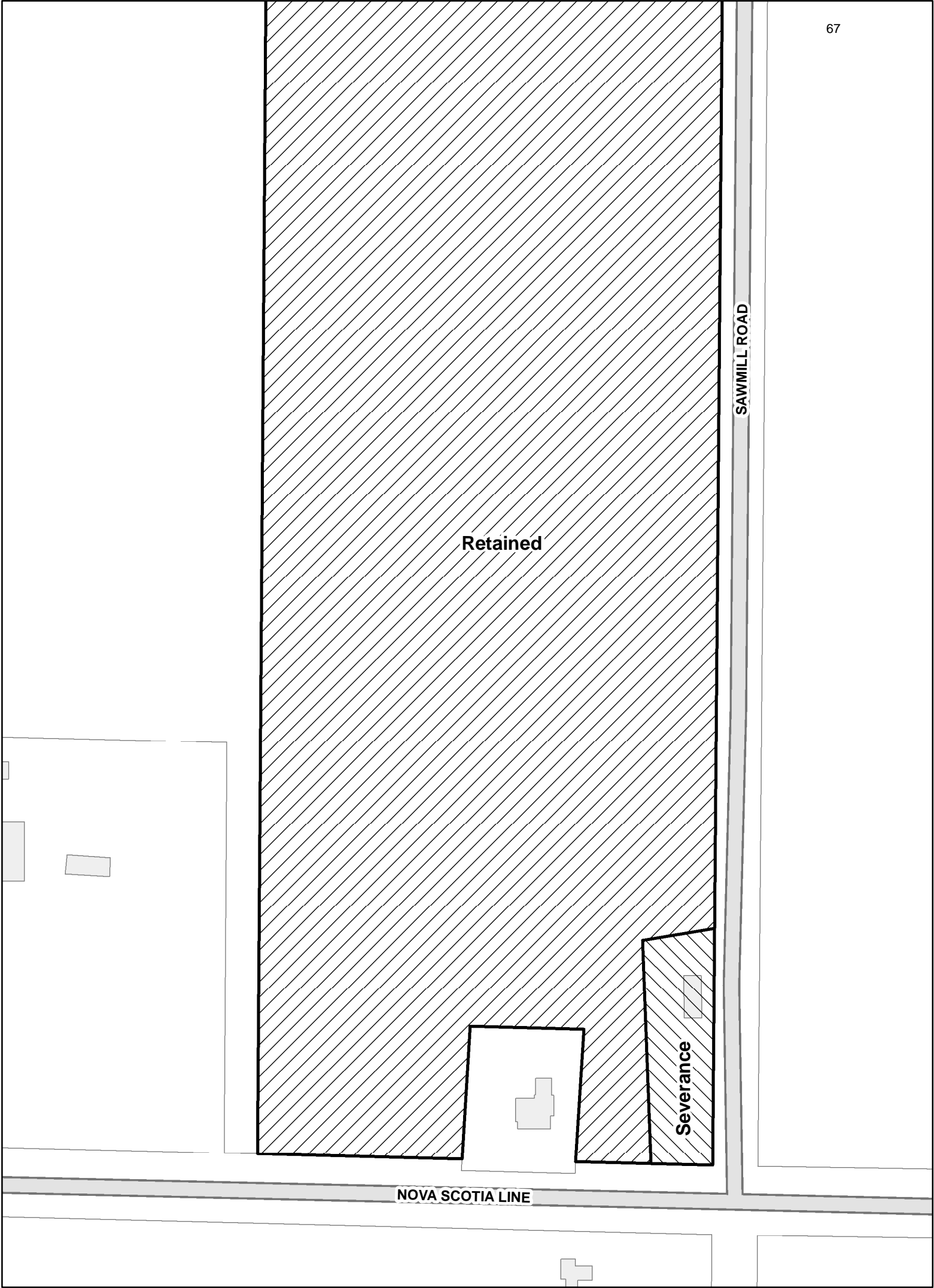
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 5th day of November, 2020.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

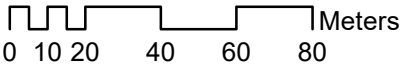
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 5031 Sawmill Road
File Number: E 42-20
Owner: Gregory Max Underhill
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020

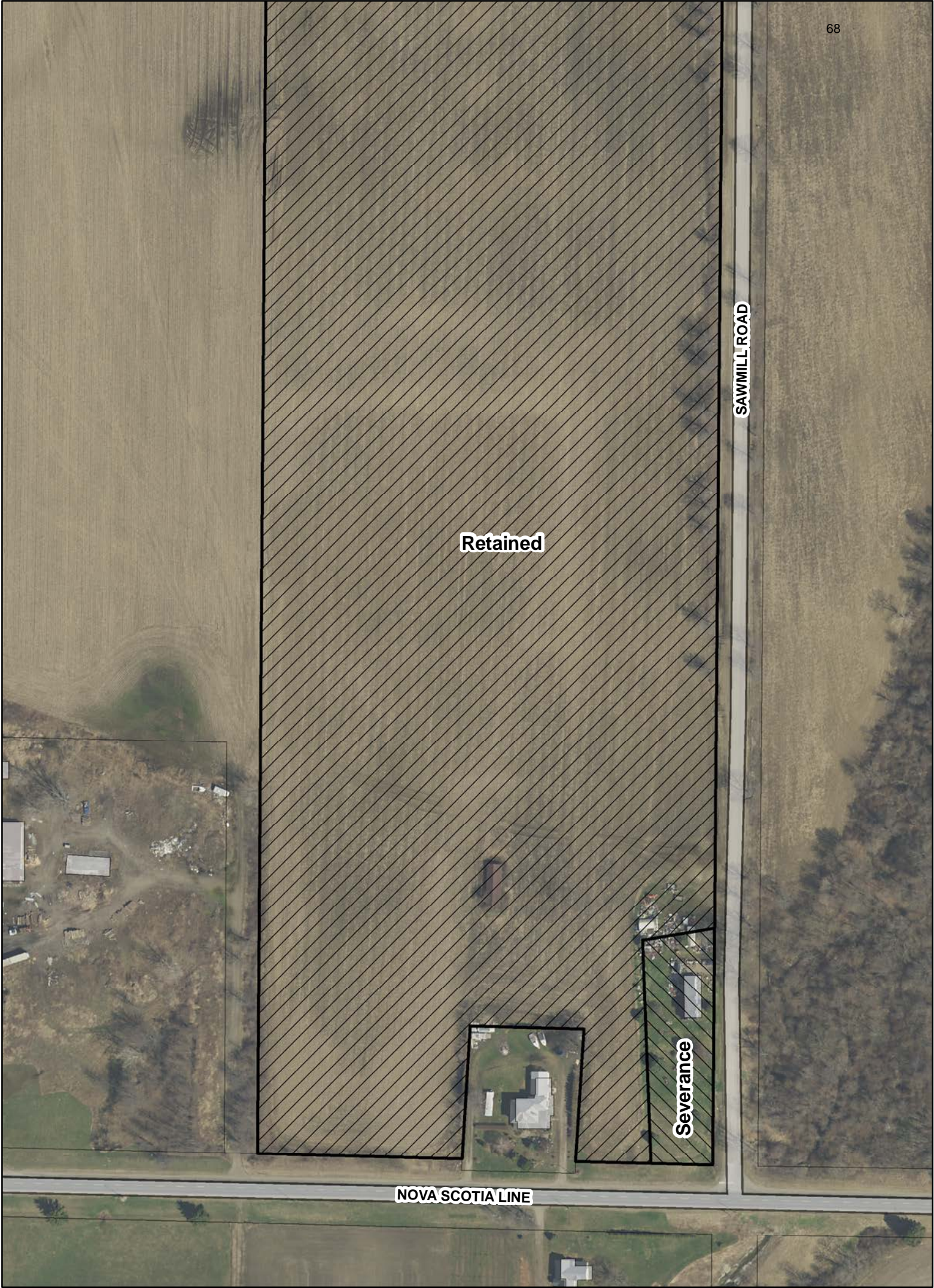
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:2,000

Legend

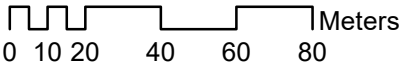
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map

Subject Site: 5031 Sawmill Road
File Number: E 42-20
Owner: Gregory Max Underhill
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020

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



Scale 1:2,000

Legend

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



Report to Council

REPORT NO.: DS-20-30
DATE: November 5, 2020
ATTACHMENT: Severance Applications
SUBJECT: **Severance Applications E42/20**

Recommendation:

THAT Report No. DS-20-30 entitled “Severance Applications E42/20” be received;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

Background:

The purpose of this Report is to provide background information to the Council regarding Severance Application E42/20. Should the Council support the application, this Report will be forwarded to the Land Division Committee together with the imposed conditions and Municipal Appraisal Sheet for their review and consideration.

Comments/Analysis:

The Applicant, Gregory Max Underhill, is proposing to create through consent one (1) new farm surplus residence of 2998.4 square metres (0.74 acres). The applicant will retain a 39.79 hectare (98.34 acre) agricultural parcel. This consent is proposed at CON 2 E PT LOT 25, geographic Township of Malahide; and is known municipally as 5031 Sawmill Road.

The Official Plan designation of the proposed parcel is Agricultural and the Zoning is Small Lot Agricultural (A4) for the severed parcel and Special Agricultural (A2) for the retained parcel. This property will conform to the size requirements of the Zoning By-law. This area of the Township is serviced by municipal water and private wastewater systems. A number of conditions will be placed on this consent as set out in a proposed resolution.

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.


Financial Implications to Budget:

The full cost of the consent process is at the expense of the Applicant and has no implications on the Township's 2020 Operating Budget.

Relationship to *Cultivating Malahide*:

The *Cultivating Malahide* Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Local Government.

One of the goals that supports the "Our Land" Strategic Pillar is "Promote growth in a responsible manner". By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal.

| | |
|--|--|
| Submitted by: | Approved For Council: |
| Allison Adams, Development Services Coordinator |  |



November 5, 2020.

Land Division Committee
County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1

Dear Committee Members:

RE: Land Severance Application E42/20 – Gregory Max Underhill

The Malahide Township Council passed the following Resolutions on November 5, 2020:

THAT the Malahide Township Council has no objection to the Land Severance No. E42/20, in the name of Gregory Max Underhill, relating to the property located at Part Lot 25, Concession 2, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.

Page 2.

- (iv) 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.
- (v) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vi) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (vii) 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.

We enclose Municipal Appraisal together with Municipal Report DS-20-30 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE



M. CASAVECCHIA-SOMERS, D.P.A., C.M.O., CMM III
Chief Administrative Officer/Clerk

Copy - John Seldon
Rosemary Kennedy
Gregory Underhill

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 42/20

Applicant Gregory Max Underhill

Location 5031 Sawmill Road

PART 1 - OFFICIAL PLAN

- I. Is there an O.P. in effect?

Yes (X)

No ()
2. Does the proposal conform with the O.P.?

Yes (X)

No ()

Land Use Designation: Agricultural

Policies:

PART 2 - ZONING

3. Is there a By-Law in effect?

Yes (X)

No ()
4. Does the proposal conform with all requirements of the By-Law?

Yes ()

No (X)

Comments: Rezoning Required

5. If not, is the Municipality prepared to amend the By-Law?

Yes ()

No ()

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

6. Does the Municipality foresee demand for new municipal services?

Yes ()

No ()
7. If so, is the Municipality prepared to provide those services?

Yes ()

No ()
8. Does the Municipality wish the Committee to impose conditions?

Yes ()

No ()
9. Does Council recommend the application?

Yes ()

No ()
- 10.Does the municipality have other concerns that should be considered by the Committee?

From: [Tony Difazio](#)
To: [Nancy Pasato](#)
Subject: Application no. E42-20
Date: November 17, 2020 11:37:35 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Nancy,

We (CCCA) have no concerns with the above noted Underhill Consent Application at 5031 Sawmill Road.

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

Regards,



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

DATE: November 5, 2020

ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 42-20

OWNER: Gregory Max Underhill

PROPERTY: LOT NO. Lot 25

CONCESSION: 2

REG'D PLAN: MUNICIPALITY: Malahide

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: November 19, 2020

Re: **Application E 42-20, Gregory Max Underhill**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, 5031 Sawmill Road, legally described as Lot 25, Concession 2 Township of Malahide.

The applicants propose to sever an irregular corner lot with a frontage of 27.15 metres (89.1 feet) along Nova Scotia Line by a depth of 104.81 metres (343.9 feet) along Sawmill Road and an area of 2,998.4 square metres (0.74 acres) containing one house and shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 39.79 hectares (98.34 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 55032 Vienna Line (Bayham). 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 (0.3 ha (0.74 acres)) will contain one house and one shed, with a municipal water and private 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



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 55032 Vienna Line (Bayham). The severed lands are of a sufficient size to accommodate the single detached dwelling and private septic system.

The property is designated as Agricultural in the Township of Malahide Official Plan and Small Lot Agricultural (A4) for the severed parcel and Special Agricultural (A2) for the retained parcel in the Township of Malahide. 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. Confirmation of the status of the barn on the retained lands.

It is recommended that conditions from the Township of Malahide be included as conditions for consent:

- 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;

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



- 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; and
- 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.

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

APPLICATION NO. E 43-20

**LOTS 11 AND 12, CONCESSION 1
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 55309 ORCHARD LINE**

TAKE NOTICE that an application has been made by **Gregory Underhill Farms Limited**, 55032 Vienna Line, Port Burwell ON N0J 1T0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55309 Orchard Line, legally described as Lots 11 and 12, Concession 1, Municipality of Bayham.

The applicants propose to sever an irregular lot with a frontage of 22 metres (72.2 feet) along Orchard Line by a depth of 108.15 (354.8 feet) and an area of 0.56 hectares (1.38 acres) containing one house and garage, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 33.75 hectares (83.4 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 November 25, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

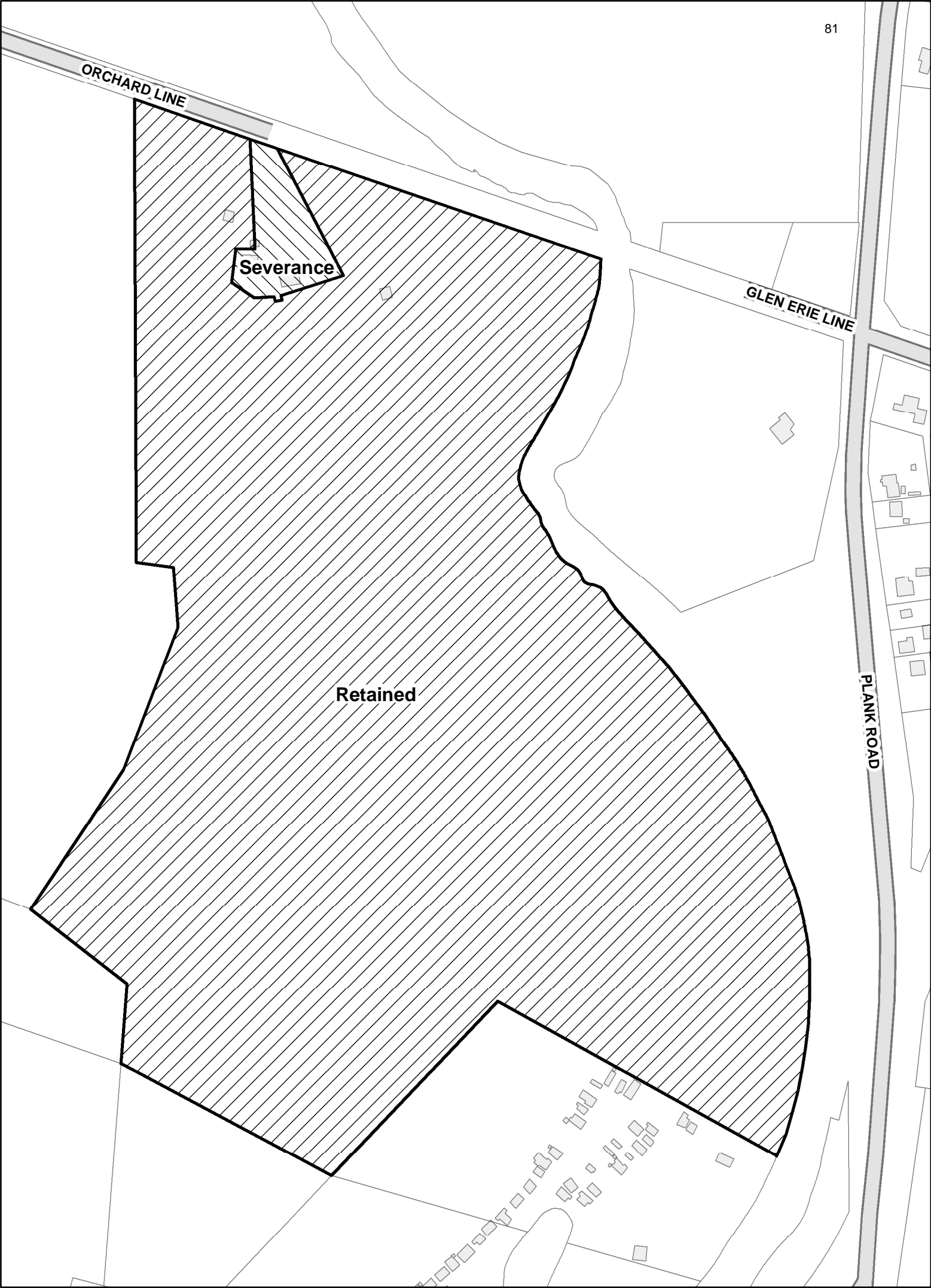
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 5th day of November, 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: 55309 Orchard Line
File Number: E 43-20
Owner: Gregory Underhill Farms Limited
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020





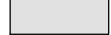
The Corporation of the County Elgin
Prepared By: Planning and Development



0 20 40 80 120 160 Meters

Scale 1:3,500

Legend

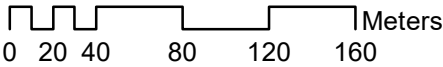
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map





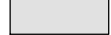
Subject Site: 55309 Orchard Line
File Number: E 43-20
Owner: Gregory Underhill Farms Limited
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020

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



Scale 1:3,500

Legend

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



November 9, 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. E43/20 Gregory Underhill Farms Limited

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its November 5, 2020 meeting:

THAT Report DS-74/20 regarding Consent Application E43/20 Gregory Underhill Farms Limited be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E43/20 be granted subject to the following conditions:

- 1. Rezoning of both the severed and retained parcels**
- 2. Planning Report fee payable to the municipality**
- 3. Digital Copy of the final survey provided to the municipality**
- 4. Purchase a Municipality of Bayham Road Access Permit for the retained lands**
- 5. Purchase civic number sign for the retained lands**

Municipal Appraisal Sheet and Staff Report DS-74/20 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 blue ink, appearing to read 'Margaret Underhill', is written over a light blue horizontal line.

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.G Underhill

Cc: D. Roe (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

84

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 43-20

Applicant Gregory Underhill Farms Limited

Location Bayham – 55309 Orchard Line, Con 1 Lots 11 and 12

PART 1 - OFFICIAL PLAN

- | | | |
|---|-----------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Agriculture, Natural Heritage, Mineral Aggregate on Schedule A1

Hazard Lands, Significant Woodlands on Schedule A2

Policies: Section 2.1.7.1

PART 2 - ZONING

- | | | |
|---|-----------|----------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (X) |

Comments: Zoning: A1/partially within LPRCA Regulation Limit

Rezoning required for both retained and severed parcels.

- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No () |
| Rezoning amendment application required | | |

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- | | | |
|---|-----------|----------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes () | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes () | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |

10. Does the municipality have other concerns that should be considered by the Committee?

Staff Report and documents attached with Letter of Conditions

agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;

- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

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 of the subject lands;

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) 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 by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,

- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

2.1.7.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.8 Existing Lots

2.1.8.1 One non-farm residential unit may be considered on existing lots of record in areas designated "Agriculture", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
 FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
 DATE: November 5, 2020
 REPORT: DS-74/20 FILE NO. C-07 / D09.20 Underhill G
 Roll # 3401-000-001-01410

SUBJECT: Consent Application E43/20 Gregory Underhill Farms Limited

BACKGROUND:

Consent application E43-20 was received from the Elgin County Land Division Committee submitted by Gregory Underhill Farms Limited proposing to sever a 0.56 ha (1.38 ac) parcel and retain 33.75 ha (83.4 ac), Part Lots 11 and 12 Concession 1, known municipally as 55309 Orchard Line for the purpose of severing a surplus farm dwelling. The subject lands are designated "Agriculture", "Natural Heritage" and "Mineral Aggregate", on Schedule "A1" Municipality of Bayham: Land Use and "Hazard Lands" and "Significant Woodlands" on Schedule "A2" Municipality of Bayham: Constraints of the Official Plan. The lands are zoned Agriculture (A1) and LPRCA Regulation Limit on Schedule "A" Map No. 13 in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on November 25, 2020.

DISCUSSION:

The proposal suggests creating a residential parcel encompassing the dwelling and garage with no new structures proposed. The applicant exhibited through the application that the severance of a surplus farm dwelling qualifies through farm consolidation with the owner's dwelling located at 55032 Vienna Line in the same ownership and is farmed and operated under the corporate farm operation, Gregory Underhill Farms Limited.

The planner's memorandum dated October 28, 2020 analyzes the application subject to the Provincial Policy Statement 2020, Elgin County Official Plan, Bayham Official Plan and Bayham Zoning By-law regulations.

Rezoning is required – retained lands to the Special Agriculture (A2) zone that prohibits future residential development on the lands; severed lands to a site-specific Rural Residential (RR-XX) zone to permit residential use and to prohibit the keeping of livestock.

Staff and planner recommend Council's support of the application with the listed conditions as a supplementary farm dwelling.

ATTACHMENTS

1. Consent Application E43/20
2. IBI Memorandum dated October 28, 2020

RECOMMENDATION

THAT Report DS-74/20 regarding Consent Application E43/20 Gregory Underhill Farms Limited be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E43/20 be granted subject to the following conditions:

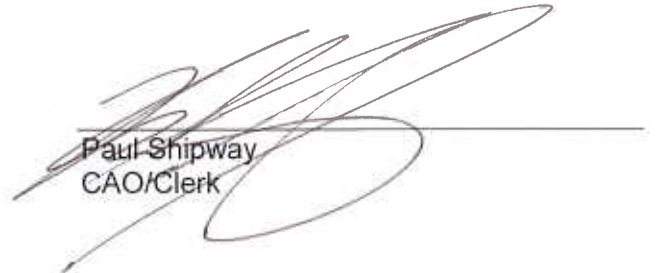
- 1. Rezoning of both the severed and retained parcels**
- 2. Planning Report fee payable to the municipality**
- 3. Digital Copy of the final survey provided to the municipality**
- 4. Purchase a Municipality of Bayham Road Access Permit for the retained lands**
- 5. Purchase civic number sign for the retained lands**

Respectfully Submitted by:

Reviewed by:



Margaret Underhill
Deputy Clerk/Planning Coordinator



Paul Shipway
CAO/Clerk



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

Memorandum

| | | | |
|---------------------|---|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | October 29, 2020 |
| From | Ivana Osojnicki | Project No | 3404-788 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Gregory Underhill Farms Limited - 55309 Orchard Line, Port Burwell - Application for Consent E43/20 | | |

1. We have completed our review of Consent Application E43-20 submitted by David Roe (Civic Planning Solutions Inc.) on behalf of Gregory Underhill Farms Limited for the lands located at 55309 Orchard Line, south side, and east of Plank Road. The applicant is requesting a Consent to sever 0.56 ha (1.38 ac) of land and to retain 33.75 ha (83.4 ac) of land. The intent of this Consent is to sever the surplus farm dwelling on the subject lands. The proposed severed parcel is designated Agriculture and Mineral Aggregate Resource Area on Schedule 'A1' Land Use of the Municipality of Bayham Official Plan. The remainder of the subject lands is also designated Natural Gas Reservoir and Natural Heritage. Schedule 'A2' Municipality of Bayham: Constraints identifies Significant Woodlands and Hazard Lands on the subject lands as well. The proposed severed parcel is zoned Agricultural (A1) and LPRCA Regulation Limit on Schedule 'A' Map No. 14 of Zoning By-law Z456-200. The remainder of the subject lands is also zoned Tourist Commercial (C3) on Schedule 'I' Port Burwell.
2. The area of the existing lot is 34.31 ha (84.78 ac). The proposed retained parcel will have a frontage of 358 m (1,175 ft), a depth of 747 m (2,451 ft), and an area of 33.75 ha (83.4 ac). The proposed severed parcel will have a frontage of 22 m (72 ft), a depth of 108 m (354 ft), and an area of 0.56 ha (1.38 ac). The proposed retained parcel is currently occupied by agricultural uses and woodlands. The proposed severed parcel is occupied by a single detached dwelling, a detached garage, and woodlands. Big Otter Creek is adjacent to the eastern lot line of the proposed retained parcel. Agricultural uses exist to the north of the subject lands, while a small cemetery exists to the northeast. Low-rise residential uses are located to the east of Big Otter Creek to the east. Big Otter Marina and Campgrounds exist to the southeast of the subject lands. Woodlands are located directly south of the subject lands. Land uses to the west of the subject lands include agriculture, estate residential development, low-rise residential development, vacant lands, and a small produce market.

Municipality of Bayham – October 29, 2020

3. The proposed severed parcel of the subject lands is designated Agriculture and Mineral Aggregate Resource Area in the Municipality of Bayham Official Plan. Agriculture-related uses, including surplus farm dwellings on separate lots, are permitted within the Agriculture designation of the Official Plan, provided that no compatibility issues are created with adjacent agricultural uses. Section 2.1.7.1 of the Official Plan permits the severance of surplus farm dwellings provided they were built at least ten (10) years prior to the date of the Consent application. Proposed Consents are also required to not result in land use conflicts for any nearby agricultural operations or any other adjacent land uses. A minimum of one (1) existing dwelling must be retained by the farm operation. The applicant has indicated that the subject lands were acquired for the workable farmland, therefore this dwelling is considered surplus to the operational needs of the farm. The applicant owns a principal residence located at 55032 Vienna Line. It is not anticipated that the proposed Consent will produce land use conflicts with any nearby land uses, including agricultural operations.
4. The proposed severed parcel is zoned Agricultural (A1) and is partially within the LPRCA Regulation Limit as per Municipality of Bayham Zoning By-law Z456-2003. A Zoning By-law Amendment will be required to be rezone the proposed severed parcel to a site-specific Rural Residential (RR) Zone as a condition of this Consent application. The proposed severed parcel is 0.56 ha (1.38 ac) in area, whereas the minimum lot area within the RR Zone is 0.4 ha (0.99 ac). The site-specific provisions will be required as the frontage of the proposed severed parcel is 22 m (72 ft), whereas 50 m (164 ft) of frontage is required at minimum within the RR Zone. Additionally, the existing single detached dwelling will also be located 9.4 m (30.8 ft) from the proposed rear lot line, whereas a rear yard depth of 15 m (49 ft) is required at minimum.
5. The proposed retained parcel is subject to Agriculture (A1) and Tourist Commercial (C2) zoning and is also partially within the LPRCA Regulation Limit. The entire retained parcel will be required to be rezoned Special Agricultural Zone (A2), including the portion of the proposed retained parcel zoned C2. This zoning applies to parcels designated Agriculture in the Official Plan where new dwellings are prohibited as a result of a severance of a surplus farm dwelling. The minimum lot area requirement of 20.0 ha (49.4 ac) and lot frontage requirement of 150 m (492 ft) within the A2 zoning will be met by the proposed retained parcel. As there are no buildings/structures on the retained parcel, all other A2 zoning regulations are not currently applicable.
6. Based on the above review of Consent Application E43/20, we have no objection to the proposed Consent to sever a portion of land from 55309 Orchard Line. We further recommend the following conditions for Consent approval:
 - a) That the owner of the proposed severed parcel obtains a Zoning By-law Amendment to rezone the lands from A1 to a site-specific RR Zone.

Municipality of Bayham – October 29, 2020

- b) That the owner of the proposed retained parcel obtains a Zoning By-law Amendment to rezone the entire property to an A2 Zone;
- c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Ivana Osojnicki

IBI Group
Ivana Osojnicki

Consulting Planner to the
Municipality of Bayham

APPENDIX "C"

Surplus Farm Dwelling Information Form
in Support of an Application for Consent
under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

| | | | |
|--|-------------------------------|--|--|
| 1. Details of Subject Lands | | | |
| Municipal Address 55309 Orchard Line | | | |
| Legal Description Bayham Concession 1, Part of Lots 11 and 12 | | | |
| Lot Area (metric): 0.56ha | Lot Frontage (metric): 22m | Lot Depth (metric): 108.15m | Year the surplus dwelling was constructed: |
| Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house: the dwelling is currently being occupied by a renter. | | | |
| 2. Proposed Transaction | | | |
| Identify the proposed transaction (i.e. the proposed severance) | | | |
| Identify how/why the dwelling is surplus to the needs of the owner/purchasing farmer due to farm consolidation? this farm was acquired for the workable farmland and this dwelling is surplus to the operations needs | | | |
| 3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus | | | |
| To whom is the dwelling surplus? | | <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchasing Farmer | |
| Total area of land farmed (metric): 740ac | | Total area of farm land owned (metric): 1078ac | |
| Identify the locations of all lands farmed by the owner/purchasing farmer: see attached list | | | |
| 4. Principal Residence of the Owner/Purchasing Farmer | | | |
| Identify the location of the owner's/purchasing farmer's principal residence: the owners reside at 55032 Vienna Line Farm is in their father's company's ownership, however they also own a farm with a house located at 5634 Brown Road in Bayham. | | | |
| Does the owner/purchasing farmer own or rent their principal residence? | | Own <input checked="" type="checkbox"/> Rent | |
| Does the owner/purchasing farmer own any other dwellings? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes, identify the location of all other dwellings owned by the owner/purchasing farmer: 55309 Orchard Line Bayham, 5031 Sawmill Road Malahide, 5634 Brown Road Bayham | | | |

DATE: November 5, 2020 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 43-20

OWNER: Gregory Underhill Farms Limited


PROPERTY: LOT NO. Lots 11 & 12 CONCESSION: 1

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 <i>[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.</i> | <input type="checkbox"/> |
| 2) A one-foot reserve is required along the N _____, S _____, E _____ and/or W _____ property line | <input type="checkbox"/> |
| 3) Drainage pipes and/or catchbasin(s) are required | <input type="checkbox"/> |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... | <input type="checkbox"/> |
| 5) A curb and gutter is required along the frontage | <input type="checkbox"/> |
| 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..... | <input type="checkbox"/> |
| 7) Technical Reports | <input type="checkbox"/> |
| 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..... | <input type="checkbox"/> |
| 9) Lot Grading Plan is required for the severed lot..... | <input type="checkbox"/> |
| 10) The County has no concerns..... | <input type="checkbox"/> |
| 11) Not on County Road | <input checked="" type="checkbox"/> |
| 12) Please provide me with a copy of your action on this application | <input type="checkbox"/> |
| 13) Other... | <input type="checkbox"/> |

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: November 19, 2020

Re: **Application E 43-20, Gregory Underhill Farms Limited**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55309 Orchard Line, legally described as Lots 11 and 12, Concession 1, Municipality of Bayham.

The applicants propose to sever an irregular lot with a frontage of 22 metres (72.2 feet) along Orchard Line by a depth of 108.15 (354.8 feet) and an area of 0.56 hectares (1.38 acres) containing one house and garage, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 33.75 hectares (83.4 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 55032 Vienna Line (Bayham). 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 (0.56 ha (1.38 acres)) will contain one house and one garage, with a municipal water and private septic system.

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."*

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



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."*

As per the County Official Plan, Appendix 1, Natural Heritage, the proposed severance is located adjacent to 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.

As a condition of the severance, staff recommend the Applicant provide an Environmental Impact Study (EIS) which shall confirm that the severance of the surplus farm dwelling will have no negative impacts on the natural features or their ecological functions of the surrounding significant woodlands.

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 55032 Vienna Line (Bayham). The severed lands are of a sufficient size to accommodate the single detached dwelling and private septic system.

The property is designated as Agriculture, Natural Heritage, Mineral Aggregate on Schedule A1, and Hazard Lands, Significant Woodlands on Schedule A2 in the Municipality of Bayham Official Plan, and zoned Agriculture (A1) and within the Long Point Conservation Area Regulation Limit in the Municipality of Bayham Zoning By-law.

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



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 adjacent to a significant woodland, and the feature appears to be greater than 10 ha in size.

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; "...*

The proposed severance is located within 120m of the identified Woodland. As per the County OP, an EIS is required in order to confirm that the proposed severance will not have a negative impact on the surrounding woodland.

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. The Applicant shall provide an Environmental Impact Study (EIS) which shall confirm that the severance of the surplus farm dwelling as proposed in Consent Application E43-20 will have no negative impacts on the natural features or their ecological functions of the surrounding significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the appropriate Conservation Authority, if required.

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

- a. Rezoning of both the severed and retained parcels;
- b. Planning Report fee payable to the municipality;
- c. Digital Copy of the final survey provided to the municipality;

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



- d. Purchase a Municipality of Bayham Road Access Permit for the retained lands; and
- e. Purchase civic number sign for the retained lands.

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

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 44-20

**PART LOT 7, CONCESSION 7
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 15165 WHITTAKER ROAD**

TAKE NOTICE that an application has been made by **Dolores Slanskey Von Groh & Jerry Schram**, 238 Burford Delhi Townline Rd, Scotford ON N0E 1R0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 15165 Whittaker Road, legally described as Part Lot 7, Concession 7, Township of Malahide.

The applicants propose to sever an irregular lot with a frontage of 30.5 metres (100 feet) along Whittaker Road by a depth of 100 metres (328.1 feet) and an area of 3,665 square metres (0.91 acres), proposed to create one new residential lot. The owners are retaining 6.6 hectares (16.3 acres) proposed for 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 November 25, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

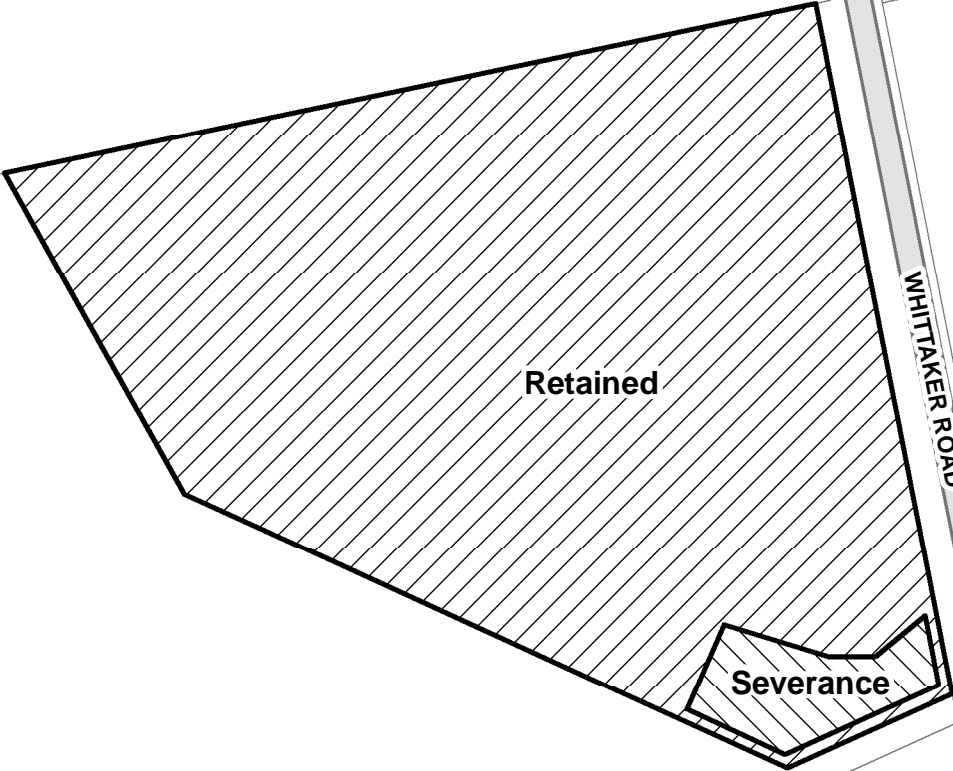
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 5th day of November, 2020.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

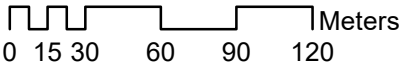
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 15165 Whittaker Road
File Number: E 44-20
Owner: Dolores Slansky VonGroh & Jerry Schram
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020

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



Scale 1:3,000

Legend

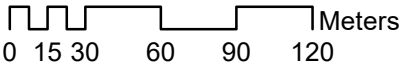
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map






Subject Site: 15136 Whittaker Road
File Number: E 44-20
Owner: Dolores Slansky VonGroh & Jerry Schram
Planner: Nancy Pasato
Created By: TE
Date: 26/10/2020

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



Scale 1:3,000

Legend

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



November 5, 2020.

Land Division Committee
County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1

Dear Committee Members:

RE: Land Severance Application E44/20 – Dolores Slansky VonGroh

The Malahide Township Council passed the following Resolutions on November 5, 2020:

THAT the Malahide Township Council has no objection to the Land Severance No. E44/20, in the name of Dolores Slansky VonGroh, relating to the property located at Part Lot 7, Concession 7, Geographic Township of South Dorchester, subject to the following conditions:

- (i) 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.
- (ii) That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
- (iii) That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and

Page 2.

ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.

- (iv) The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.**
- (v) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.**
- (vi) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.**
- (vii) 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.**

We enclose Municipal Appraisal together with Municipal Report DS-20-31 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE



M. CASAVECCHIA-SOMERS, D.P.A., C.M.O., CMM III
Chief Administrative Officer/Clerk

Copy - John Seldon
Rosemary Kennedy
Dolores Slansky VonGroh



Report to Council

REPORT NO.: DS-20-31
DATE: November 5, 2020
ATTACHMENT: Severance Applications
SUBJECT: **Severance Applications E44/20**

Recommendation:

THAT Report No. DS-20-31 entitled “Severance Applications E44/20” be received;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

Background:

The purpose of this Report is to provide background information to the Council regarding Severance Application E44/20. This application was previously applied for as Application E51/18 and presented to the Council in August, 2018. The time frame to complete the severance lapsed and the applicant has reapplied. Should the Council support the application, this Report will be forwarded to the Land Division Committee together with the imposed conditions and Municipal Appraisal Sheet for their review and consideration.

Comments/Analysis:

The Applicant, Dolores Slansky Von Groh, is proposing to create through consent one (1) Residential lot of a total area of 3,665 square metres. The applicant will retain 6.60 hectares for future development of a residential lot. This consent is proposed at South Dorchester CON 7 PT LOT 7 RP 11R9338 PT PART 1, Geographic Township of South Dorchester, Township of Malahide; and is known municipally as 15165 Whittaker Road.

The Official Plan designation of the proposed parcels is Specific Policy Area No. 2 and Hazard Lands and the proposed Zoning will remain Small Lot Agricultural (A4) for the severed and the retained parcel. This property will conform to the size requirements of the Zoning By-law. This area of the Township is serviced by private water and wastewater systems. A number of conditions will be placed on this consent as set out in a proposed resolution.

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.


Financial Implications to Budget:

The full cost of the consent process is at the expense of the Applicant and has no implications on the Township's 2020 Operating Budget.

Relationship to *Cultivating Malahide*:

The *Cultivating Malahide* Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Local Government.

One of the goals that supports the "Our Land" Strategic Pillar is "Promote growth in a responsible manner". By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal.

| | |
|--|---|
| Submitted by: | Approved For Council: |
| Allison Adams, Development Services Coordinator |  |

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 44/20

Applicant Dolores Slansky Von Groh & Jerry Schram

Location Whittaker Road- SOUTH DORCHESTER CON 7 PT LOT 7 RP 11R9338 PT PART 1

PART 1 - OFFICIAL PLAN

| | | |
|---|--------------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |
| Land Use Designation: | Agricultural | |
| Policies: | | |

PART 2 - ZONING

| | | |
|---|---------|--------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes (X) | No () |
| Comments: | | |
| | | |
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes () | No () |

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

| | | |
|--|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes () | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes () | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes () | No () |
| 9. Does Council recommend the application? | Yes () | No () |
| 10.Does the municipality have other concerns that should be considered by the Committee? | | |
| | | |

DATE: November 5, 2020 ELGIN COUNTY ROAD NO.:


TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:
APPLICATION NO.: E 44-20
OWNER: Dolores Slanskey Von Groh & Jerry Schram
PROPERTY: LOT NO. Part Lot 7 CONCESSION: 7
REG'D PLAN: MUNICIPALITY: Malahide

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

X
- 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: [Adrian and Linda de Dreu](#)
To: [Nancy Pasato](#)
Subject: Part Lot 7, Concession 7 land severance
Date: November 9, 2020 6:45:23 PM

I am writing in response to notice of application for consent, application number # E 44-20. I was disappointed to see the request for a land severance along Whittaker Road. This former property has already had severances and it seems that after each severance additional severances are requested. It was my understanding a request had been made previously for this parcel of land to be divided up into multiple severance lots, which was denied. It seems that approving this severance would oppose the previous decision.

Also, I find it surprising to see this application as I had called the Township of Malahide inquiring about the severance of three acres kitty corner to this property (across the road, north east of the property in question). I was told a severance was not possible as this was agricultural land. I fail to see how I could be denied a severance for a property that is three acres while the proposed severance would produce a lot of 16.3 acres and one of 0.91 acres. Therefore I request to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Adrian de Dreu

3663 Avon Drive,
Belmont, ON
519-269-9875



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: November 19, 2020

Re: **Application E 44-20 Dolores Slanskey Von Groh & Jerry Schram**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 15165 Whittaker Road, legally described as Part Lot 7, Concession 7, Township of Malahide.

The applicants propose to sever an irregular lot with a frontage of 30.5 metres (100 feet) along Whittaker Road by a depth of 100 metres (328.1 feet) and an area of 3,665 square metres (0.91 acres), proposed to create one new residential lot. The owners are retaining 6.6 hectares (16.3 acres) proposed for residential use.

A previous consent application was approved by the land Division Committee (E 51-18), however the Applicant did not complete the severance conditions in time and the severance lapsed.

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 special policy area that would permit residential development, and there are no known natural hazards or human-made hazards associated with this consent application.

County of Elgin Official Plan

The subject lands are designated as Agricultural in the Elgin County Official Plan and are designated as Specific Policy Area No. 2 in the Malahide Official Plan, which states that the lands comprising Part Lot 7, Concession 7, designated Specific Policy Area No. 2, may accommodate up to ten non-farm residential building lots. The subject lands are zoned Small Lot Agricultural (A4) in the Township of Malahide Zoning By-law.

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



The County of Elgin acknowledges that the subject lands are designated for residential development in the Malahide Official Plan and supports this application for consent provided that the severed and retained lots meet the requirements of the local official plan and zoning by-law.

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. 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.

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. The applicant shall provide to the County of Elgin 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.

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

- 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;

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



- b. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain;
- 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. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot;
- 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; and
- 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.

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

APPLICATION NO. E 45-20

**LOT 21, CONCESSION 9
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **John Stewart**, 54965 Eden Line, Eden ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 21, Concession 9, Municipality of Bayham.

The applicants propose to sever a portion of land with a frontage of 5.1 metres (16.7 feet) along Eden Line by a depth of 76.2 metres (250 feet) and an area of 388.4 square metres (0.09 acres). The proposed vacant lands are to be merged with agricultural property to the east to provide a wider farm road access.

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 November 25, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

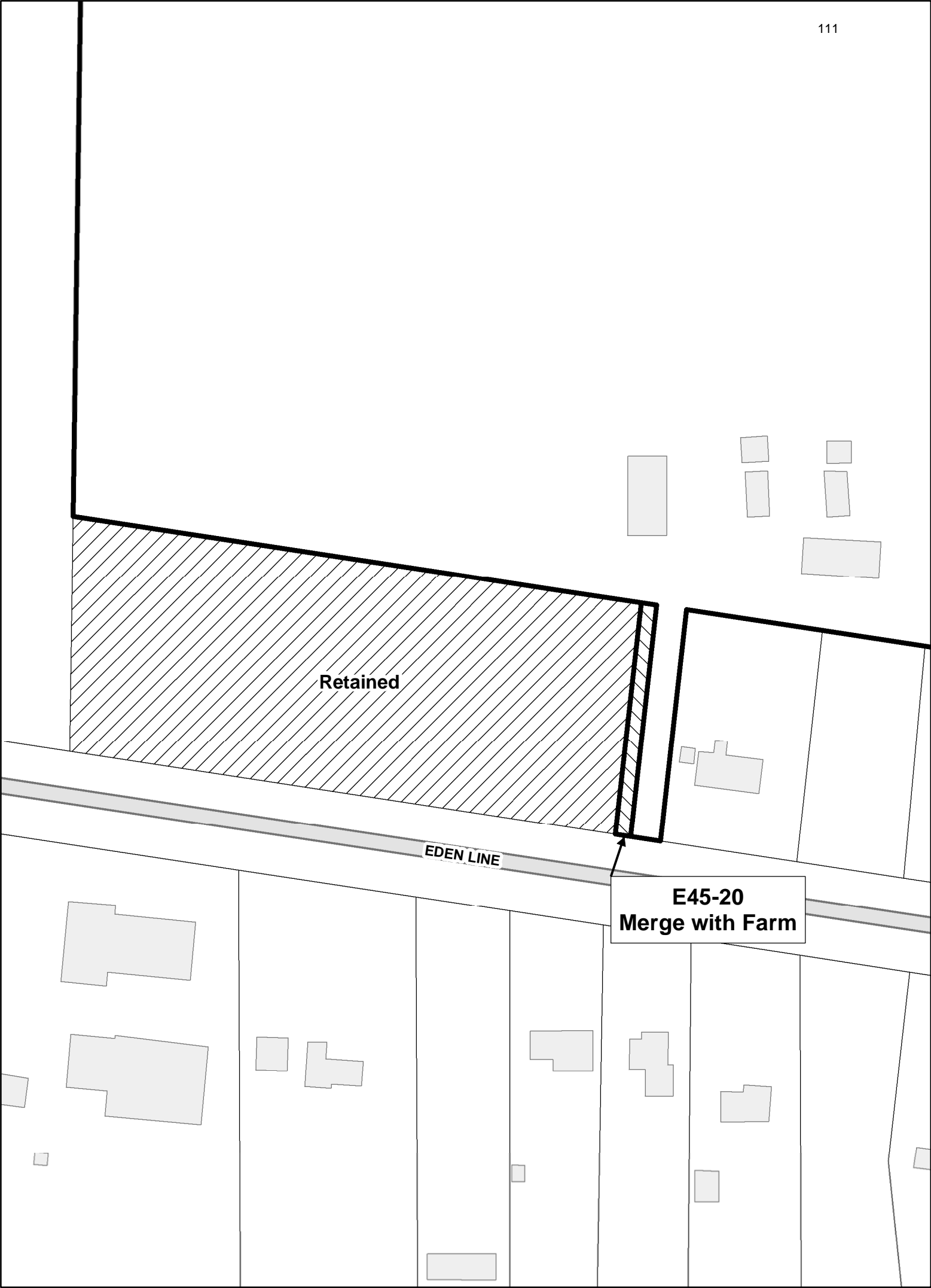
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 5th day of November, 2020.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

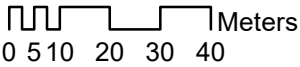
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 15136 Whittaker Road
File Number: E 45-20
Owner: John Stewart
Planner: Nancy Pasato
Created By: TE
Date: 02/11/2020

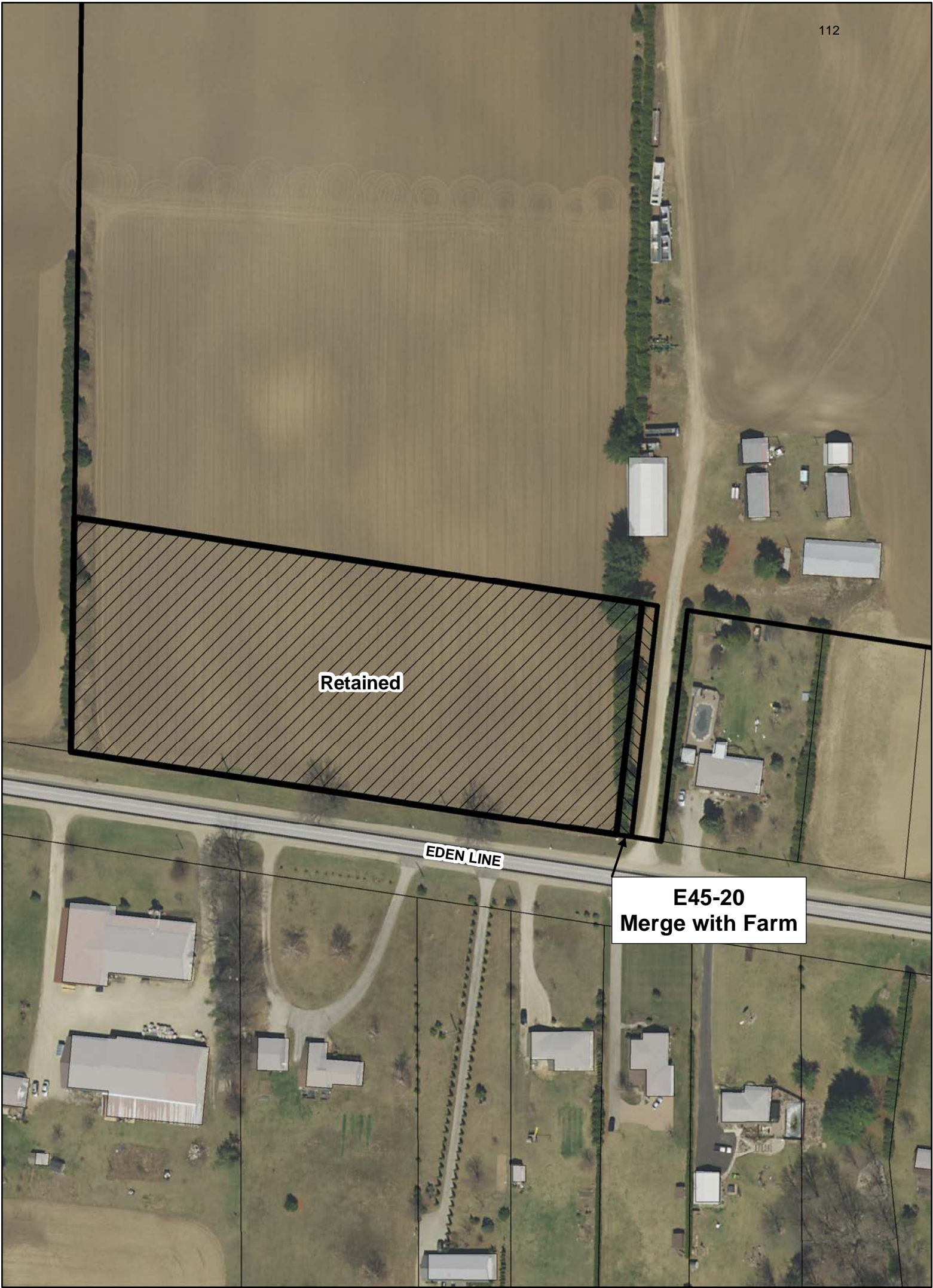
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:1,500

Legend

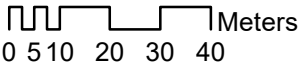
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map






Subject Site: LOT 21, CONCESSION 9
File Number: E 45-20
Owner: John Stewart
Planner: Nancy Pasato
Created By: TE
Date: 02/11/2020

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



Scale 1:1,500

Legend

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



November 9, 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. E45-49/20 Stewart

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its November 5, 2020 meeting:

THAT Report DS-73/20 regarding the Consent Applications E45-49/20 submitted by John Stewart be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E45/20 be granted subject to the following conditions:

- 1. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.**
- 2. Digital copy of the registered plan of survey**
- 3. Purchase of a civic number sign for the access to the rear lands**

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49/20 be granted subject to the following conditions:

- 1. Installation of individual private wells 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**
- 2. Engineer design municipal drain and grading plan**
- 3. Rezoning to remove the holding provision h2 from the retained and severed parcels**
- 4. Municipal Lot Assessments results for each of four created and one retained lot**
- 5. Digital copy of the registered plan of survey**
- 6. Cash in Lieu of Parkland Dedication fee for each of four created lots**
- 7. Purchase civic number signs for each of four created and one retained lots**
- 8. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheets and Staff Report DS-73/20 accompanies this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.Stewart

Cc: D. Roe (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

114

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 45-20

Applicant John Stewart

Location Bayham – Eden Line, Con 9 Lot 21

PART 1 - OFFICIAL PLAN

- | | | |
|---|-----------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Hamlets

Policies: Section 4.4.2.2

PART 2 - ZONING

- | | | |
|---|----------|---------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (X) |

Comments: Zoning: Hamlet Residential – Holding 2 (HR-h2)

Rezoning required to remove the holding 2

- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No () |
| Rezoning application required | | |

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- | | | |
|---|----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes () | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes () | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |

10. Does the municipality have other concerns that should be considered by the Committee?
Staff Report and Letter of Conditions is attached

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 46-49/20

Applicant John Stewart

Location Bayham – Eden Line, Con 9 Lot 21

PART 1 - OFFICIAL PLAN

- | | | |
|---|-----------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Hamlets

Policies: Section 4.4.2.2

PART 2 - ZONING

- | | | |
|---|----------|---------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (X) |

Comments: Zoning: Hamlet Residential – Holding 2 (HR-h2)

Rezoning required to remove the holding 2

- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No () |
| Rezoning application required | | |

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the applications? | Yes (X) | No () |
| 10. Does the municipality have other concerns that should be considered by the Committee? | | |
| Staff Report and Letter of Conditions is attached | | |

- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: November 5, 2020
REPORT: DS-73/20 **FILE NO. C-07 / D09.20 Stewart**
Roll # 3401-000-006-11240

SUBJECT: Consent Applications E45-49/20 Stewart, J, Eden

BACKGROUND:

Five consent applications E45-49/20 were received on October 16, 2020 from the Elgin County Land Division Committee submitted by Appointed Agent David Roe on behalf of John Stewart proposing to sever four lots with 35.0 m (114.8 ft) frontage and equal depths at 76.2 m (250 ft). The owner would retain 3033.1 m² (32648.0 ft).

The subject land is within the boundary of the Hamlet of Eden. Lands are designated "Hamlet" on Schedule 'A1' Municipality of Bayham Land Use in the Official Plan. Lands are zoned Hamlet Residential Holding (HR-h2) Zone in Zoning By-law No. Z456-2003.

In the immediate area of the proposed lots, the lands are designated and zoned appropriate for future residential development.

Elgin County Land Division Committee will consider the applications on November 25, 2020.

DISCUSSION:

In the past, Council has supported multiple lot developments by consent. Careful consideration must be made to the overall development and potential servicing and surface water management and drainage. The four plus one retained lot proposed are considered to be infilling in an established residential area. The lots will require private services as no municipal services are available. A requirement for servicing is the installation of individual wells and the provision of acceptable water quality and quantity testing results meeting provincial standards for residential use. As well, our standard conditions to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design storm water management, drainage/grading plan and municipal lot assessments for lands on private septic systems.

In anticipation of the consent applications coming forward, Mr. Stewart went ahead with the installation of the Stewart Drain for these lots at his expense and will provide final grading plan details for the entire lands to satisfy the condition. Further, the wells were installed and the municipal lot assessments have been completed with reports pending to satisfy the conditions.

Unlike the other four applications, Consent E45/20 is an "addition to a lot" to add land to the driveway access to the rear lands owned by Eden Elevators Ltd. to create an access that meets the minimum 20.1 m width. Future development of the retained interior lands would be through a registered Plan of Subdivision to ensure the lands are developed utilizing the best planning principles and design criteria including the proper access width. There's been no indication of further development of the interior lands at this time.

Staff and municipal planner recommend the support of the consent applications for the addition to a lot and the creation of four plus one retained building lots fronting on Eden Line in the Hamlet of Eden.

ATTACHMENTS

1. Consent Applications E45-49/20 Stewart (complete E45-20 lot addition; E46-20 and only portions of E47-49/20 lot creation)
2. IBI Group Memorandum dated October 28, 2020

RECOMMENDATION

THAT Report DS-73/20 regarding the Consent Applications E45-49/20 submitted by John Stewart be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E45/20 be granted subject to the following conditions:

1. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.
2. Digital copy of the registered plan of survey
3. Purchase of a civic number sign for the access to the rear lands

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49/20 be granted subject to the following conditions:

1. Installation of individual private wells 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
2. Engineer design municipal drain and grading plan
3. Rezoning to remove the holding provision h2 from the retained and severed parcels
4. Municipal Lot Assessments results for each of four created and one retained lot
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created and one retained lots
8. 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

| | | | |
|---------------------|---|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | October 28, 2020 |
| From | Ivana Osojnicki | Project No | 3404-789 |
| cc | William Pol, MCIP, RPP | | |
| Subject | John Stewart - Eden Line - Application for Consent E45/20, E46/20, E47/20, E48/20, and E49/20 | | |

1. We have completed our review of Consent Application E45/20, E46/20, E47/20, E48/20, and E49/20 submitted by David Roe (Civic Planning Solutions Inc.) on behalf of his client, John Stewart, for lands legally known as Part of Lot 21 Concession 9 Bayham, Part of Road Allowance between Lot 20 and Lot 21 Concession 9 Bayham closed by E356506, designated as Part 1, 11R-9055; Bayham, north side and west side of Plank Road. The applicant is requesting to sever four (4) 2,666 sq. m (28,694 sq. ft) parcels of land for the purpose of developing four (4) single detached dwellings. A single detached dwelling will also be developed on the retained parcel. The applicant is also requesting to sever a 388 sq. m (4,181 sq. ft) parcel of land, which will be added to an access for the adjacent property to the north. The lands are designated Hamlets on Schedule 'A1' Municipality of Bayham: Land Use in the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential with a Holding Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The existing lot is 14,357 sq. m (154,537 sq. ft) in area with 183.8 m (603.1 ft) of frontage on Eden Line. These lands are currently vacant. Surrounding uses are agricultural to the north, low-density residential to the east, estate residential to the south, and agricultural to the west and southwest. Consent application E45/20 will create a 388 sq. m (4,181 sq. ft) parcel with 5.1 m (16.7 ft) of frontage, which will be added to the rear lands owned by Eden Elevators Limited. Consent applications E46/20, E47/20, E48/20, and E49/20 will each create a single detached lot with an area of 2,666 sq. m (28,694 sq. ft), a lot depth of 76.2 m (250 ft), and a frontage of 35.0 m (115.8 ft) on Eden Line. The retained parcel will be 3,003 sq. m (32,325 sq. ft) in area, with 35.2 m (115.5 ft) of frontage on Eden Line.
3. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. The proposed Consent applications are in keeping with this policy direction.

Municipality of Bayham – October 28, 2020

4. Section 4.4.2.2 of the Official Plan states that Consents will generally be discouraged and only granted when a Plan of Subdivision is clearly not required to protect the public interest. This policy states that Consents for boundary adjustment purposes will be permitted where they adhere to principles of good planning, will not result with land use conflicts, and will conform to zoning regulations. Consent application E45/20 will allow the access to the rear lands to meet the applicable 20.0 m (65.6 ft) frontage requirements within the HR Zone. Land use conflicts between the residential uses along Eden Line and the agricultural use to the north are anticipated to be mitigated through this lot addition. As a result, it is our opinion that this Consent will promote good land use planning in the area.
5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, which includes requiring that no extension of municipal services is required, where land fronts on an existing public road, and where the Hamlet area will not be extended unduly. The subject lands are not municipally serviced. The lands front on to a municipal road, Eden Line. The lands already exist within the Hamlet of Eden. The applicant will be required to demonstrate to the Municipality that the proposed dwellings can be adequately serviced by private infrastructure. Severed lands are required to be appropriately sized and to conform to zoning regulations. Consent applications E46/20, E47/20, E48/20, and E49/20 will create parcels of lands which are 2,666 sq. m (28,694 sq. ft) in area, while lots in the HR zone with no public water supply or sanitary sewage disposal services are required to be 1,390 sq. m (14,961.8 sq. ft) in area. The proposed severed parcels will each have 35.0 m (114.8 ft) of frontage on Eden Line, while the minimum lot frontage requirement within the HR Zone is 20.0 m (65.6 ft). Each of these lots will be 76.2 m (250.0 ft) in depth, which may allow one (1) single detached dwelling to be developed on each proposed severed parcel which meets the remainder of the HR zoning requirements. Consents will not be granted where they will result in traffic hazards or will interfere with access to interior lands. It is not anticipated that the proposed severed parcels will result in either of these impacts.
6. The subject lands are zoned the HR(h2) zone in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The proposed retained parcel will be 3,003 sq. m (32,324 sq. ft) in area with 35.2 m (115.5 ft) in frontage, in compliance with HR zoning regulations. The depth of the proposed retained parcel is 76.2 m (250.0 ft), therefore one (1) single detached dwelling may be developed which complies with zoning.
7. The proposed severed parcel created by Consent application E45/20 will be added to an access to the rear lands, causing this access to have a frontage of 20.1 m (65.9 ft), while the minimum frontage requirement in the HR Zone is 20.0 m (65.6 ft). The area of this property will increase to 1,117,807 sq. m (12,031,963 sq. ft), which meets the area requirement within the HR Zone of 1,390 sq. m (14,961.8 sq. ft) for properties

Municipality of Bayham – October 28, 2020

without municipal services. This Consent will not impact any other applicable zoning regulations.

8. The proposed severed parcels created by Consent applications E46/20, E47/20, E48/20, and E49/20 will create parcels of lands which are 2,666 sq. m (28,694 sq. ft) in area, while lots in the HR Zone with no public water supply or sanitary sewage disposal services are required to be 1,390 sq. m (14,961.8 sq. ft) in area. The proposed severed parcels will each have 35.0 m (114.8 ft) of frontage on Eden Line, while the minimum lot frontage requirement within the HR Zone is 20.0 m (65.6 ft). Each of these lots will be 76.2 m (250.0 ft) in depth, which may allow single detached dwellings to be developed which meet the remainder of the HR Zoning requirements.
9. Based on the above review of Consent Applications E45/20, E46/20, E47/20, E48/20, and E49/20, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the applicant provide a Letter of Undertaking for the proposed severed parcel to merge with the rear lands;
 - b) That the applicant merge the proposed severed parcel on title with the rear lands;
 - c) That the applicant obtain a Zoning By-law Amendment to remove the Holding (h2) Zoning;
 - d) That the applicant provide conceptual servicing plans to demonstrate that the proposed residential lots created by Consent Applications E46/20, E47/20, E48/20, and E49/20 can be serviced by private water supply and sanitary sewage disposal services.
 - e) That the applicant provide preliminary lot grading plans to demonstrate that the proposed residential lots created by Consent Applications E46/20, E47/20, E48/20, and E49/20 will not have a negative drainage impact on abutting lots.
 - f) That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provide a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provide parkland dedication fee of \$2,000 to the Municipality of Bayham for the new lots in accordance with By-Law 2020-053.

Ivana Osojnicki

IBI Group
Ivana Osojnicki

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

124

DATE: November 6, 2020 ELGIN COUNTY ROAD NO.: 44 – 54965 Eden Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 45-20

OWNER: John Stewart

| | | |
|-----------|-----------------------|-----------------------------|
| PROPERTY: | LOT NO. <u>Lot 21</u> | CONCESSION: <u>9</u> |
| | REG'D PLAN: _____ | MUNICIPALITY: <u>Bayham</u> |

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 <i>[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.</i> | <input type="checkbox"/> |
| 2) A one-foot reserve is required along the N _____, S _____, E _____ and/or W _____ property line | <input type="checkbox"/> |
| 3) Drainage pipes and/or catchbasin(s) are required | <input type="checkbox"/> |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... | <input type="checkbox"/> |
| 5) A curb and gutter is required along the frontage | <input type="checkbox"/> |
| 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..... | <input type="checkbox"/> |
| 7) Technical Reports | <input type="checkbox"/> |
| 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..... | <input type="checkbox"/> |
| 9) Lot Grading Plan is required for the severed lot..... | <input type="checkbox"/> |
| 10) The County has no concerns..... | <input checked="" type="checkbox"/> |
| 11) Not on County Road | <input type="checkbox"/> |
| 12) Please provide me with a copy of your action on this application | <input type="checkbox"/> |
| 13) Other... | <input type="checkbox"/> |

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: November 19, 2020

Re: **Application E 45-20 John Stewart**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 21, Concession 9, Municipality of Bayham.

The applicants propose to sever a portion of land with a frontage of 5.1 metres (16.7 feet) along Eden Line by a depth of 76.2 metres (250 feet) and an area of 388.4 square metres (0.09 acres). The proposed vacant lands are to be merged with agricultural property to the east to provide a wider farm road access.

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 (Eden), and there are no known natural hazards or human-made hazards associated with this consent application.

County of Elgin Official Plan

The subject lands are designated as a Tier 2 Settlement Area (Eden) in the Elgin County Official Plan (OP). This application is to sever and convey the proposed lands with the agricultural property to the east to provide a wider farm road access. 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.

Generally, staff have no issue with the proposed boundary adjustment, as it does not create a new parcel for development, 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.

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



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.

It should be a condition of consent that the subject lands are deeded in the same name and interest as the abutting lot and that Section 50 (3) of the Planning Act applies to any future consent affecting the same 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;
- b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
- c. That the retained subject lands are deeded in the same name and interest as the abutting lot located to the east of the severed lands, legally described as Concession 9, Part Lot 21, and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

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

- a. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.;
- b. Digital copy of the registered plan of survey; and
- c. Purchase of a civic number sign for the access to the rear lands.

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 46-20, E 47-20, E 48-20 AND E 49-20

**LOT 21, CONCESSION 9
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that four applications has been made by **John Stewart**, 54965 Eden Line, Eden ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 21, Concession 9, Municipality of Bayham.

The applicants propose to sever four lots with a frontage of 35 metres (114.8 feet) along Eden Line by a depth of 76.2 metres (250 feet), area of 2,665.8 metres square (0.66 acres), proposed to create four residential building lot. The applicant is retaining a irregular vacant residential building lot with a frontage of 35.2 metres (115.5 feet) along Eden Line by a depth of 76.2 metres (250 feet, and an area of 3003.1 square metres (0.74 acres).

The effect of Applications E 46-20, E 47-20, E 48-20 and E 49-20 permits the establishment of four new residential building lots and one retained residential building lot.

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 November 25, 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 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 5th day of November, 2020.

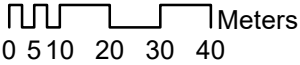
Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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: LOT 21, CONCESSION 9
File Number: E 46-20 E 47-20 E 48-20 E 49-20
Owner: John Stewart
Planner: Nancy Pasato
Created By: TE
Date: 02/11/2020

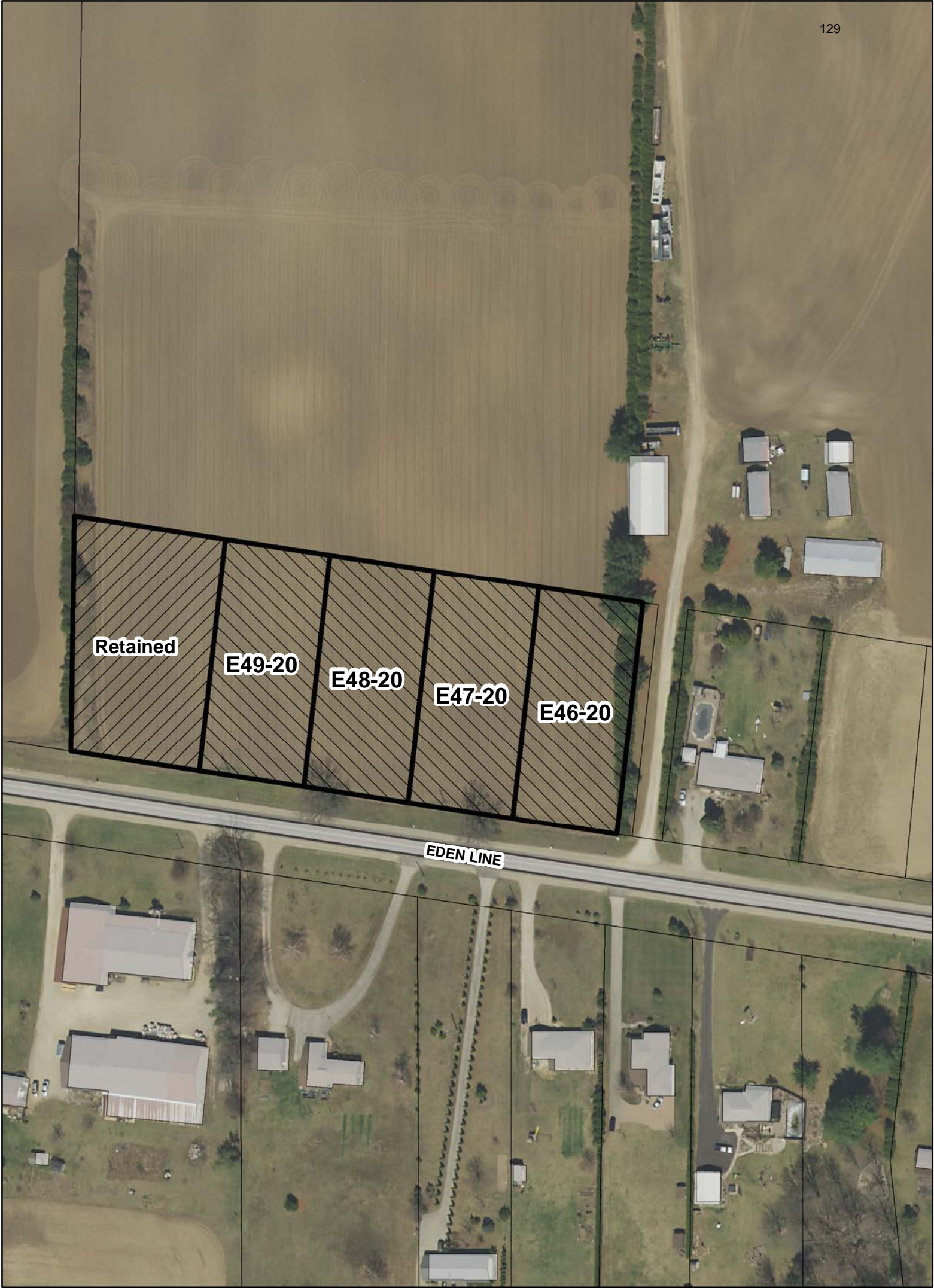


The Corporation of the County Elgin
Prepared By: Planning and Development

Scale 1:1,500

Legend

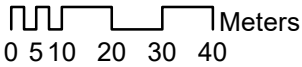
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map



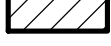


Subject Site: LOT 21, CONCESSION 9
File Number: E 46-20 E 47-20 E 48-20 E 49-20
Owner: John Stewart
Planner: Nancy Pasato
Created By: TE
Date: 02/11/2020

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



Scale 1:1,500

Legend

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

Municipality of
BAYHAM

A: P.O. Box 160, 56169 Heritage Line
Stra-Hordville, ON N0J 1Y0

T: 519-866-5521

F: 519-866-3884

E: [hal\(ha_CO@b_ay_ha_m.o_n.ca](mailto:hal(ha_CO@b_ay_ha_m.o_n.ca)

W: www.bayham.on.ca



November 9, 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. E45-49/20 Stewart

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its November 5, 2020 meeting:

THAT Report DS-73/20 regarding the Consent Applications E45-49/20 submitted by John Stewart be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E45/20 be granted subject to the following conditions:

1. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.
2. Digital copy of the registered plan of survey
3. Purchase of a civic number sign for the access to the rear lands

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49/20 be granted subject to the following conditions:

- ii. Installation of individual private wells 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
2. Engineer design municipal drain and grading plan
3. Rezoning to remove the holding provision h2 from the retained and severed parcels
4. Municipal Lot Assessments results for each of four created and one retained lot
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created and one retained lots
8. Planning Report fee payable to the Municipality

Municipal Appraisal Sheets and Staff Report DS-73/20 accompanies this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill, Deputy Clerk/Planning Coordinator

D09.Stewart

Cc: D. Roe (email)

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 45-20

Applicant John Stewart

Location Bayham - Eden Line, Con 9 Lot 21

PART 1 - OFFICIAL PLAN

- | | | |
|---|------------------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Hamlets

Policies: Section 4.4.2.2 _____

PART 2 - ZONING

- | | | |
|---|---------|--------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (X) |

Comments: Zoning: Hamlet Residential - Holding 2 (HR-h2)

Rezoning required to remove the holding 2

- | | | |
|--|-------------------------------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No () |
| | Rezoning application required | |

PART 3 - COUNCIL RECOMMENDATION - please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports (s) and Council resolutions/recommendations

- | | | |
|---|---------|---------------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes () | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes () | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |

10. Does the municipality have other concerns that should be considered by the Committee?

Staff Report and Letter of Conditions is attached

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 46-49/20

Applicant John Stewart

Location Bayham - Eden Line, Con 9 Lot 21

PART 1 - OFFICIAL PLAN

- | | | |
|---|------------------|--------|
| 1. Is there an O.P. in effect? | Yes (X) | No () |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No () |

Land Use Designation: Hamlets

Policies: _ Section 4.4.2.2 _ _ _ _ _

PART 2 - ZONING

- | | | |
|---|---------|---------------|
| 3. Is there a By-Law in effect? | Yes (X) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (X) |

Comments: Zoning: Hamlet Residential - Holding 2 (HR-h2)

Rezoning required to remove the holding 2

- | | | |
|--|------------------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No () |
| Rezoning application required | | |

PART 3 - COUNCIL RECOMMENDATION - please complete below and send to the Secretary Treasurer of the Land Division Committee and attach d any comments' staff r s) and Council resolutions/recommendations

- | | | |
|---|------------------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No (X) |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the applications? | Yes (X) | No () |

10. Does the municipality have other concerns that should be considered by the Committee?

Staff Report and Letter of Conditions is attached

- F) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2 Residential Uses

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c), Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 Commercial Uses

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a), The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include



REPORT

DEVELOPMENT SERVICES

TO : Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE: November 5, 2020

REPORT: DS-73/20

FILE NO. C-07 / D09.20 Stewart

Roll# 34.01 -000-006-11240

SUBJECT: Consent Applications E45-49/20 Stewart, J, Eden

BACKGROUND

Five consent applications E45-49/20 were received on October 16, 2020 from the Elgin County Land Division Committee submitted by Appointed Agent David Roe on behalf of John Stewart proposing to sever four lots with 35.0 m (114.8 ft) frontage and equal depths at 76.2 m (250 ft). The owner would retain 3033.1 m² (32648.0 ft).

The subject land is within the boundary of the Hamlet of Eden. Lands are designated "Hamlet" on Schedule 'A1' Municipality of Bayham Land Use in the Official Plan. Lands are zoned Hamlet Residential Holding (HR-h2) Zone in Zoning By-law No. Z456-2003.

In the immediate area of the proposed lots, the lands are designated and zoned appropriate for future residential development.

Elgin County Land Division Committee will consider the applications on November 25, 2020.

DISCUSSION:

In the past, Council has supported multiple lot developments by consent. Careful consideration must be made to the overall development and potential servicing and surface water management and drainage. The four plus one retained lot proposed are considered to be infilling in an established residential area. The lots will require private services as no municipal services are available. A requirement for servicing is the installation of individual wells and the provision of acceptable water quality and quantity testing results meeting provincial standards for residential use. As well, our standard conditions to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design storm water management, drainage/grading plan and municipal lot assessments for lands on private septic systems.

In anticipation of the consent applications coming forward, Mr. Stewart went ahead with the installation of the Stewart Drain for these lots at his expense and will provide final grading plan details for the entire lands to satisfy the condition. Further, the wells were installed and the municipal lot assessments have been completed with reports pending to satisfy the conditions.

Unlike the other four applications, Consent E45/20 is an "addition to a lot" to add land to the driveway access to the rear lands owned by Eden Elevators Ltd. to create an access that meets the minimum 20.1 m width. Future development of the retained interior lands would be through a registered Plan of Subdivision to ensure the lands are developed utilizing the best planning principles and design criteria including the proper access width. There's been no indication of further development of the interior lands at this time.

Staff and municipal planner recommend the support of the consent applications for the addition to a lot and the creation of four plus one retained building lots fronting on Eden Line in the Hamlet of Eden.

ATTACHMENTS

1. Consent Applications E45-49/20 Stewart (complete E45-20 lot addition ; E46-20 and only portions of E47-49/20 lot creation)
2. IBI Group Memorandum dated October 28, 2020

RECOMMENDATION

THAT Report DS-73/20 regarding the Consent Applications E45-49/20 submitted by John Stewart be received;

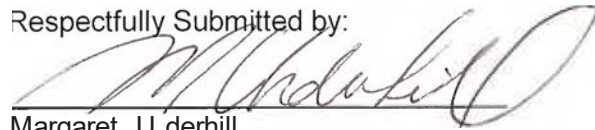
AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E45/20 be granted subject to the following conditions:

1. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.
2. Digital copy of the registered plan of survey
3. Purchase of a civic number sign for the access to the rear lands

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49/20 be granted subject to the following conditions:

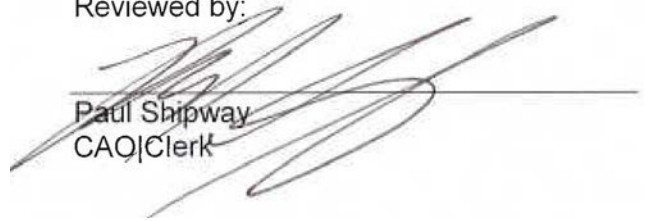
1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Engineer design municipal drain and grading plan
3. Rezoning to remove the holding provision h2 from the retained and severed parcels
4. Municipal Lot Assessments results for each of four created and one retained lot
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created and one retained lots
8. Planning Report fee payable to the Municipality

Respectfully Submitted by:

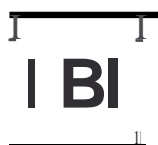


Margaret U derhill
Deputy Clerk!Planning Coordinator

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

| | | | |
|---------------------|---|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | October 28, 2020 |
| From | Ivana Osojnicki | Project No | 3404-789 |
| cc | William Pol, MCIP, RPP | | |
| Subject | John Stewart - Eden Line - Application for Consent E45/20, E46/20, E47/20, E48/20, and E49/20 | | |

1. We have completed our review of Consent Application E45/20, E46/20, E47/20, E48/20, and E49/20 submitted by David Roe (Civic Planning Solutions Inc.) on behalf of his client, John Stewart, for lands legally known as Part of Lot 21 Concession 9 Bayham, Part of Road Allowance between Lot 20 and Lot 21 Concession 9 Bayham closed by E356506, designated as Part 1, 11R-9055; Bayham, north side and west side of Plank Road. The applicant is requesting to sever four (4) 2,666 sq. m (28,694 sq. ft) parcels of land for the purpose of developing four (4) single detached dwellings. A single detached dwelling will also be developed on the retained parcel. The applicant is also requesting to sever a 388 sq. m (4,181 sq. ft) parcel of land, which will be added to an access for the adjacent property to the north. The lands are designated Hamlets on Schedule 'A1' Municipality of Bayham: Land Use in the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential with a Holding Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law 2456-2003.
2. The existing lot is 14,357 sq. m (154,537 sq. ft) in area with 183.8 m (603.1 ft) of frontage on Eden Line. These lands are currently vacant. Surrounding uses are agricultural to the north, low-density residential to the east, estate residential to the south, and agricultural to the west and southwest. Consent application E45/20 will create a 388 sq. m (4,181 sq. ft) parcel with 5.1 m (16.7 ft) of frontage, which will be added to the rear lands owned by Eden Elevators Limited. Consent applications E46/20, E47/20, E48/20, and E49/20 will each create a single detached lot with an area of 2,666 sq. m (28,694 sq. ft), a lot depth of 76.2 m (250 ft), and a frontage of 35.0 m (115.8 ft) on Eden Line. The retained parcel will be 3,003 sq. m (32,325 sq. ft) in area, with 35.2 m (115.5 ft) of frontage on Eden Line.
3. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. The proposed Consent applications are in keeping with this policy direction.

Municipality of Bayham - October 28, 2020

4. Section 4.4.2.2 of the Official Plan states that Consents will generally be discouraged and only granted when a Plan of Subdivision is clearly not required to protect the public interest. This policy states that Consents for boundary adjustment purposes will be permitted where they adhere to principles of good planning, will not result with land use conflicts, and will conform to zoning regulations. Consent application E45/20 will allow the access to the rear lands to meet the applicable 20.0 m (65.6 ft) frontage requirements within the HR Zone. Land use conflicts between the residential uses along Eden Line and the agricultural use to the north are anticipated to be mitigated through this lot addition. As a result, it is our opinion that this Consent will promote good land use planning in the area.
5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, which includes requiring that no extension of municipal services is required, where land fronts on an existing public road, and where the Hamlet area will not be extended unduly. The subject lands are not municipally serviced. The lands front on to a municipal road, Eden Line. The lands already exist within the Hamlet of Eden. The applicant will be required to demonstrate to the Municipality that the proposed dwellings can be adequately serviced by private infrastructure. Severed lands are required to be appropriately sized and to conform to zoning regulations. Consent applications E46/20, E47/20, E48/20, and E49/20 will create parcels of lands which are 2,666 sq. m (28,694 sq. ft) in area, while lots in the HR zone with no public water supply or sanitary sewage disposal services are required to be 1,390 sq. m (14,961.8 sq. ft) in area. The proposed severed parcels will each have 35.0 m (114.8 ft) of frontage on Eden Line, while the minimum lot frontage requirement within the HR Zone is 20.0 m (65.6 ft). Each of these lots will be 76.2 m (250.0 ft) in depth, which may allow one (1) single detached dwelling to be developed on each proposed severed parcel which meets the remainder of the HR zoning requirements. Consents will not be granted where they will result in traffic hazards or will interfere with access to interior lands. It is not anticipated that the proposed severed parcels will result in either of these impacts.
6. The subject lands are zoned the HR(h2) zone in Zoning By-law 2456-2003, where a single-detached dwelling is a listed permitted use. The proposed retained parcel will be 3,003 sq. m (32,324 sq. ft) in area with 35.2 m (115.5 ft) in frontage, in compliance with HR zoning regulations. The depth of the proposed retained parcel is 76.2 m (250.0 ft), therefore one (1) single detached dwelling may be developed which complies with zoning.
7. The proposed severed parcel created by Consent application E45/20 will be added to an access to the rear lands, causing this access to have a frontage of 20.1 m (65.9 ft), while the minimum frontage requirement in the HR Zone is 20.0 m (65.6 ft). The area of this property will increase to 1,117,807 sq. m (12,031,963 sq. ft), which meets the area requirement within the HR Zone of 1,390 sq. m (14,961.8 sq. ft) for properties

Municipality of Bayham - October 28, 2020

without municipal services. This Consent will not impact any other applicable zoning regulations.

8. The proposed severed parcels created by Consent applications E46/20, E47/20, E48/20, and E49/20 will create parcels of lands which are 2,666 sq. m (28,694 sq. ft) in area, while lots in the HR Zone with no public water supply or sanitary sewage disposal services are required to be 1,390 sq. m (14,961.8 sq. ft) in area. The proposed severed parcels will each have 35.0 m (114.8 ft) of frontage on Eden Line, while the minimum lot frontage requirement within the HR Zone is 20.0 m (65.6 ft). Each of these lots will be 76.2 m (250.0 ft) in depth, which may allow single detached dwellings to be developed which meet the remainder of the HR Zoning requirements.
9. Based on the above review of Consent Applications E45/20, E46/20, E47/20, E48/20, and E49/20, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the applicant provide a Letter of Undertaking for the proposed severed parcel to merge with the rear lands;
 - b) That the applicant merge the proposed severed parcel on title with the rear lands;
 - c) That the applicant obtain a Zoning By-law Amendment to remove the Holding (h2) Zoning;
 - d) That the applicant provide conceptual servicing plans to demonstrate that the proposed residential lots created by Consent Applications E46/20, E47/20, E48/20, and E49/20 can be serviced by private water supply and sanitary sewage disposal services.
 - e) That the applicant provide preliminary lot grading plans to demonstrate that the proposed residential lots created by Consent Applications E46/20, E47/20, E48/20, and E49/20 will not have a negative drainage impact on abutting lots.
 - f) That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provide a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provide parkland dedication fee of \$2,000 to the Municipality of Bayham for the new lots in accordance with By-Law 2020-053.

-clva_u_,c--u Cbc:J UJcK1

IBI Group
Ivana Osojnicky

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

141

DATE: November 6, 2020 ELGIN COUNTY ROAD NO.: 44 – 54965 Eden Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 46-49 /20

OWNER: John Stewart

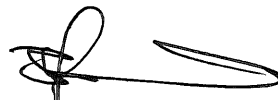
PROPERTY: LOT NO. Lot 21 CONCESSION: 9

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 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: November 19, 2020

Re: **Application E 46-20 to 49-20, John Stewart**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 21, Concession 9, Municipality of Bayham.

The applicants propose to sever four lots with a frontage of 35 metres (114.8 feet) along Eden Line by a depth of 76.2 metres (250 feet), area of 2,665.8 metres square (0.66 acres), proposed to create four residential building lot. The applicant is retaining an irregular vacant residential building lot with a frontage of 35.2 metres (115.5 feet) along Eden Line by a depth of 76.2 metres (250 feet, and an area of 3003.1 square metres (0.74 acres).

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 consents 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 (Eden), and there are no known natural hazards or human-made hazards associated with these consent applications.

County of Elgin Official Plan

The subject lands are designated as a Tier 2 Settlement Area (Eden) in the Elgin County Official Plan (OP). Eden is limited in the availability of services. The proposed lots are proposed to be serviced by private well and private septic for each new lot.

Policy E 1.2.1. Applications for the creation of multiple lots are encouraged to proceed by the plan of subdivision process. Lot creation by Plan of Subdivision is generally required if: ...d) more than five lots including the retained lands are being created and/or the owner is retaining sufficient lands for the development of additional lots in accordance with the land use designation in the local Official Plan.

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



Previous applications for severance have created the existing lot, which is now proposed to be severed into a total of 5 lots. Although a plan of subdivision is not required based on the configuration of the existing lot, Staff would like to ensure that servicing and the impacts of private services have been considered through appropriate studies.

Policy B2.7 of the County Official Plan requires a settlement area capability study in areas without full municipal services. Such a study will be prepared to the satisfaction of the local municipality and the County to determine whether the settlement area can adequately accommodate additional development on the basis of private or partial services without having a negative impact on groundwater used for drinking purposes and/or the ability of the soils in the area to assimilate effluent. Such a settlement capability study will provide the technical foundation on which individual plans of subdivision or consent will be evaluated, subject to the requirements of the appropriate agencies.

The Municipality of Bayham has indicated that the Applicant has installed a municipal drain, installed the individual wells on each lot and conducted the municipal lot assessments for the soil testing for private septic for each of the proposed lots.

However, staff are concerned with the cumulative impacts of a total of 11 lots in this location on private services, particularly if no comprehensive study has been done to determine the impact of private services and its impact on groundwater and soils.

E1.2.3.1 contains criteria on the review of consent applications. Generally, the proposed lots fronts on and will be directly accessed by a public road, is not on a County or Provincial road, is not anticipated to create a traffic hazard, has adequate size and frontage, does not appear to have a negative impact on the drainage patterns in the area, will not restrict the development of other parcels of land, particularly as it relates to the provision of access, will not have a negative impact on the significant features and functions of any natural heritage feature, and will not have an adverse effect on natural hazard processes such as flooding and erosion. However, nothing has been provided from the Applicant to ensure that these applications will not have a negative impact on the quality and quantity of groundwater available for other uses in the area.

Staff recommend the following conditions be added to address the servicing requirements as per the County Official Plan:

- a. A settlement area capability study will be prepared to the satisfaction of the local municipality and the County to determine whether the settlement area can adequately accommodate additional development on the basis of private services without having a negative impact on groundwater used for drinking purposes and the ability of the soils in the area to assimilate effluent.

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



Additional conditions from the County are recommended including the following:

- 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 County of Elgin 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; and
 - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
- d. 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;
- e. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed and retained parcels. All costs associated with this shall be borne by the owner; and
- f. Lot Grading Plan is required for the severed and retained lots.

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

- a. Installation of individual private wells 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. Engineer design municipal drain and grading plan;
- c. Rezoning to remove the holding provision h-2 from the retained and severed parcels;
- d. Municipal Lot Assessments results for each of four created and one retained lot;
- e. Digital copy of the registered plan of survey;
- f. Cash in Lieu of Parkland Dedication fee for each of four created lots;
- g. Purchase civic number signs for each of four created and one retained lots; and
- h. Planning Report fee payable to the Municipality.

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