



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, January 27th, 2021

- 9:00am Approval of December 16, 2020 Meeting Minutes
- Service Delivery Review – Julie Gonyou
- Nomination and Vote – New Chairperson
- Inquiries from Land Division Committee Members
- E 17-20 Hull (Amended Decision)
 29548 Pioneer Line – Dutton Dunwich
- E 32-20 Falkins Renovations (Amended Decision)
 276 Marsh St – Dutton Dunwich
- 9:45am E 1 - 21 Antonia Van Leeuwen and Best Line Farms
 54728 & 54744 Best Line – Municipality of Bayham
- 10:00am E 2 - 21 Springerhill Farms Inc
 10060 Somers Road – Municipality of Bayham
- 10:15am E 3 - 21 Karl & Carole Mclean
 10202 Talbotville Gore Road – Township of Southwold
- 10:30am E 4 – 21 Clarence & Rosalie Kielstra
 89 Bodkin Street – Municipality of Central Elgin
- 10:45am E 5 - 21 2245885 Ontario Inc
 13524 & 13662 Routh Road – Municipality of Southwold
- 11:00am E 6 – 21 Mark & Rosmarie McCord
 56813 Light Line – Municipality of Bayham
- 11:15am E 7 – 21 Ian Cameron
 55 & 59 Pine St W – Town of Aylmer

**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 – December 16, 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, Nancy Pasato, Acting Secretary-Treasurer/Manager of Planning, and Dawn Wittland-Graham, Administrative Assistant.

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:

John Seldon noted there was an error in the minutes for November 25, 2020: On Page 20 – Section 2c of the County comments needed to be removed.

Moved by: Ian Fleck

Seconded by: John Andrews

That the minutes of the meeting held November 25, 2020 be adopted.

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

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 a report in regards to Elgin County Land Division Activities for 2020.

The Proposed schedule for 2021 was brought forward for approval. The date for February was incorrect, noted to be corrected to the 24th, not the 23rd.

The Secretary-Treasurer advised the committee members to complete their registration and hand in their receipt for reimbursement.

Committee Comments:

Councillor Andrews questioned the level of applications. Nancy Pasato, Acting Secretary-Treasurer agreed there are high levels right now. Councillor Ian Fleck commented the level of development activity is high, especially in Dutton.

Councillor O'Grady commented on the Conservation Authority changes to legislation. Minister can order a permit regardless of Municipality? Councillor Van Kasteren questioned whether a Municipality is forced to give a building permit if they don't feel it should be given. Councillor Andrews believes it is similar to grow ops/cannabis – no input from Municipalities. Councillor Fleck feels this seems to be coming from Toronto and that they may have run out of land. Councillor Andrews said Western Ontario Farm had a big write up on this.

Councillor O'Grady commented that 1 – 1.5 years ago there was discussion on changes to the LDC. Update to be given in regards to Service Delivery Review. Councillor Fleck believes it should be left to the local mayors.

Councillor Andrews had questions in regards to changes to boundaries. Adding St. Thomas? Councillor Fleck agrees that St. Thomas wants more land.

Application E 50-20:

Gerhard Blatz
142 South St W
Agent: David Roe

The applicant proposes to sever a residential lot with a frontage of 15.1 metres (49.54 feet) along South Street West, by a depth of 67.1 metres (220.15 feet) and an area of 944.4 square metres (10,165.4 square feet). The owners are retaining a residential lot with a frontage of 15.1 metres (49.54 feet) by a depth of 50.4 metres (165.36 feet) and an area of 758.4 square metres (8,163.35 square feet) 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.

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Town of Aylmer:** Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Not 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 Andrews
Seconded by: Jack Van Kasteren

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

Application E 51-20:

The Luyks Group Inc. and KL Logistics Inc
35556 Fingal Line
Township of Southwold
Agent: Amy Dale/Helen Button

The applicant proposes to sever a residential lot with a frontage of 32.55 metres (106.8 feet) along Fingal Line, by a depth of 88.99 metres (291.96 feet) and an area of 0.2853 hectares (0.704 acres). The owners are retaining 76.96 hectares (190.18 acres) for agricultural use that contains a house, silo, and shed

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

Agent, Helen Button was present 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** – That the owner dedicate lands along the frontage of the severed and retained Jot/parcel up to 15 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.

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.

That 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.

Lot Grading Plan is required for the severed lot.

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 Seldon

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 lot

Adjournment:

The Chair adjourned the meeting at 9:54am.

Acting Secretary-Treasurer

Chair

ELGIN COUNTY SERVICE DELIVERY REVIEW



PRESENTATION TO ELGIN COUNTY LAND DIVISION COMMITTEE

WARDEN TOM MARKS
JULIE GONYOU, CHIEF ADMINISTRATIVE OFFICER



AGENDA

1

Project Focus

2

County Opportunities

3

Shared Partnership Opportunities

4

County/City Opportunities

5

Library Services

6

Questions and Answers



PROJECT FOCUS



Reviewing and improving the County's human and community services with a focus on long-term care.



Examining and improving the County's internal operations.



Reviewing, improving and potentially expanding shared municipal services and resources with the County's seven local municipal partners and the City of St. Thomas.

COUNTY CURRENT STATE & OPPORTUNITIES

1

The County has strong, forward-looking, nimble leadership with the desire to implement strategic change.

2

Governance and communications enhancements can improve the County's management of contracts.

3

The County celebrates its Long-Term Care Homes and now is the time to address short-term operational and long-term strategic issues.

COUNTY OPPORTUNITIES

4

The time is right to embrace the increased use of modern technologies and digital tools to improve processes and realize efficiencies.

5

Elgin's financial state is comparable to its comparators with similar operating and capital expenditures per capita and significantly lower long-term debt.

SHARED SERVICE OPPORTUNITIES

1

Consideration is being given to shared initiatives such as IT, planning, collaborative purchasing, HR, and engineering advice.

2

The opportunity exists to rework the governance and administration of existing shared services to ensure that the needs of all parties are being met. Ensuring that a successful framework exists for continuing to deliver these existing shared services is a priority.

COUNTY/CITY OPPORTUNITIES

1

Economic Development, IT Services

2

The two library services have a strong history of collaboration. Formalize procurement and work together to respond to the County and City's population growth and how it may affect service growth and facility needs. Focuses on improving the collaboration to reduce costs and improve services.

Consultants have recommended a two-phase approach to development services in Elgin that focuses first on improving the processes of the Land Division Committee and then exploring the possibility of offering Registered Professional Planning Services to Elgin's Local Municipal Partners (LMPs).

LAND DIVISION

Based on feedback from LMPs and staff, consultants recommend the following improvements:

Communication	Communication protocols should be established between County and LMP staff with a focus on when to schedule a public meeting and on communicating potential conditions and receiving LMP feedback. This would include establishing a pre-consultation meeting between County and LMP staff. This may include having local staff attend public consultation meetings to ensure that they understand the context of an application.
Process	Create a clear process, timelines, and roles and responsibilities for the County and the LMPs. This should include timing for Appendix B forms and how fees are handled. Once these processes are created this should be clearly communicated to all LMPs.
Draft Survey	Occasionally, there are discrepancies between submitted sketches at time of application submission and actual surveyed properties after conditional severance approval has been granted requiring applicants to re-apply or apply for a modification which causes greater expense and time. Requiring draft surveys at the time of application submission only would eliminate this discrepancy.



Technology

The current process is very manual. Forms are scanned and printed. This makes it easy to lose information and/or difficult to read the forms. Create an online process that eliminates the need to scan and print documents. This will decrease errors in the applications and improve productivity.



Committee Staffing

Staff the Committee with trained planning professionals to support the professionalism of the committee. This includes improving Committee packages to make the decisions easier to understand.



Training

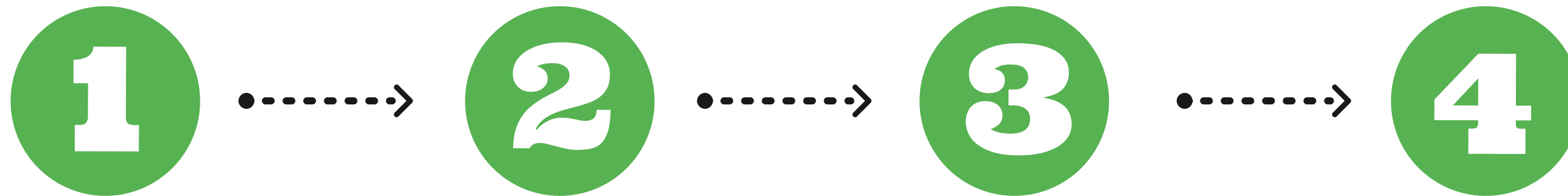
Committee members do not receive training. Some members lack previous experience in land division. As this is a very regulated space, this leaves the committee exposed to regulatory infractions. Create training materials for members and an onboarding process for new members. For the current committee, perform a training session to ensure understanding is at a needed level.



Skills Matrix and Board Appointments

LMPs are responsible for appointing members. However, there is no suggested process and skills matrix to support LMPs in selecting needed capabilities to make the committee more effective. Create a skills matrix to support LMPs selecting missing skillsets when vacancies occur and identify possible ways to open applications to the public. These tools will be suggestions as appointments are at the discretion of the LMP.

NEXT STEPS



Elgin County Council receives the report in open session on November 10, 2020

Staff investigate individual recommendations and provide Council more information

Council decides which recommendations to prioritize.

Ongoing Implementation & Partnership with the City of St. Thomas.

QUESTIONS?



MARTIN JOLDERSMA
Barrister & Solicitor

159 Currie Road
Dutton, Ontario
N0L 1J0

Telephone: 519-762-2882
Facsimile : 519-762-2880

January 7, 2021

DELIVERED

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

Attention: Land Division Committee
Nancy Pasato

Dear Nancy:

RE: Hull Severance - E17/20

I am the solicitor for the Estate of Larry Albert Hull, the applicant. In the above application.

I am writing to request that the "consent granted to" in the application be amended as follows :

Frontage - 52 metres
Depth - 18.898 metres
Area - 982.70 square metres (.98270 ha)

The owner is retaining 14.021 hectares.

Enclosed is a cheque in the amount of \$300.00 for the fee.

Thank you for your assistance.

Yours truly,



MARTIN JOLDERSMA

MJ:
Encl.



Municipality of Dutton/Dunwich
(Geographic Township of Dunwich)

Lot

12

UTM GRID NOTES

BEARINGS ARE U.T.M. GRID NAD83 (CSRS) (2010.0), DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999586728

POINT ID	NORTHING	EASTING
ORP 1	4724221.665	457861.187
ORP 2	4724262.726	457906.174

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS, A ROTATION OF 0°23'40" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON P1 & P2.

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

DATE: Oct 20, 2020

JASON WILBAND
ONTARIO LAND SURVEYOR

PLAN 11R-10669
RECEIVED AND DEPOSITED

DATE: Oct 19, 2020

'C. Thompson'
REPRESENTATIVE FOR LAND
REGISTRAR FOR THE LAND TITLES
DIVISION OF ELGIN. (No. 11)

PART SCHEDULE

PART	LOT	CONCESSION	P.I.N.
1			PART OF 35125-0216
2	PART OF 12	5 NORTH OF A	PART OF 35125-0163
3			PART OF 35125-0163

PART 1 COMPRISES PART OF PIN 35125-0216
PARTS 2 & 3 COMPRISE ALL OF PIN 35125-0163

PLAN OF SURVEY
OF PART OF

LOT 12, CONCESSION 5
NORTH OF CONCESSION A
(GEOGRAPHIC TOWNSHIP OF DUNWICH)

IN THE
MUNICIPALITY OF
DUTTON/DUNWICH
COUNTY OF ELGIN

SCALE 1:400
10 8 6 4 2 0 10 20
SCALE IN METRES

2020
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20th DAY OF AUGUST, 2020.

Oct 20, 2020
DATE

JASON WILBAND
ONTARIO LAND SURVEYOR

NOTES & LEGEND

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- AGM DENOTES ARCHIBALD, GRAY & MCKAY LTD., O.L.S.'s
- P1 DENOTES PLAN 11R-5194
- P2 DENOTES EXPROPRIATION PLAN D-932
- 741 DENOTES D. I. HOUGHTON O.L.S.
- N1 DENOTES INSTRUMENT No. 427372

AGM ARCHIBALD, GRAY & MCKAY LTD.
2514 WHITE OAK ROAD, COBURN, ONT. N1E 2Z5
PHONE: (519) 685-5300 FAX: (519) 685-5303
EMAIL: info@agm.on.ca WEB: www.agm.on.ca

PLAN • SURVEY • ENGINEER
DRAWN BY: JGH DIGITAL FILE: D:\2020\RP1MS.DWG PLAN NO:
CHECKED BY: CDC
Plot date: September 22, 2020 FILE No: DUN-ORNA-12-1 2-Z-8679

F:\PROJECTS\DUNWICH\DU\12\DUN-05NA\12\12-DUN-05NA-12-1\2020\2020RP1MS.DWG

Concession

P.I.N. 35125-0162

North

PART 1

of
Part 1

Plan 11R-5194

PART 2

P.I.N. 35125-0163

Concession 'A'

P.I.N. 35125-0216

Currie Road (County Road No. 8)

Expropriation Plan D-929

Lot Corner

Pioneer Line

(County Road No. 2)

P.I.N. 35125-0102

(Named By Corporation of Township of Dunwich By-Law No. 98-08, Dated April 1, 1998)

(Width Varies)

Road Allowance Between Concession "A" and Concession 5 North of Concession "A"

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

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 LOT 12, CONCESSION 5, NORTH OF A, PLAN 11R 5194 PART 1,
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 29548 PIONEER LINE**

of a severance of a portion of the above-mentioned premises as shown on a sketch attached to the application of an irregular shaped lot with a frontage of **52 metres (revised)**, by a depth of **18.9 metres (revised)** and an area of **982.7 square metres (revised)** to add to the adjoining residential lot to the south. The owners are retaining **14.02 hectares (revised)** containing one house, two barns and two outbuildings to remain in agricultural use.

Consent requested by: ESTATE OF LARRY HULL

Consent granted to: UNKNOWN

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

Conditions: This Decision will expire unless a deed is presented for stamping by: January 27, 2022.

1. That the severed subject lands are deeded in the same name and interest as the abutting lot at 29528 Pioneer Line and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
2. That the requirements of the Municipality of Dutton Dunwich are met, including the following:
 - a. That a Zoning By-law Amendment is in force and effect for the severed parcel;
 - b. That a septic system review for the severed parcel 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 By-law, be paid to the Municipality;
 - 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; and
 - h. 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: Lot addition to abutting parcel.

AMENDED DECISION

Application #E 17-20

January 27, 2021

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 27th day of January 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

Application # E 32-20
276 Marsh Line, Dutton, On
Severance of a lot.

Further to the completed survey attached to this Minor variance Application, please find the dimensions as altered from original sketch. Thank you.

	Original sketch	Completed Survey
East Side Part 2	40.23m	40.221m
North Side Part 2	No Change needed	
South Side Part 2	19.80mm	17.498m
Side Part 1	7.63m	2.408m
	12.73m	21.293m
North Side Part 1	20.12m	19.964m
West Side Part 1	36.0m	32.952m

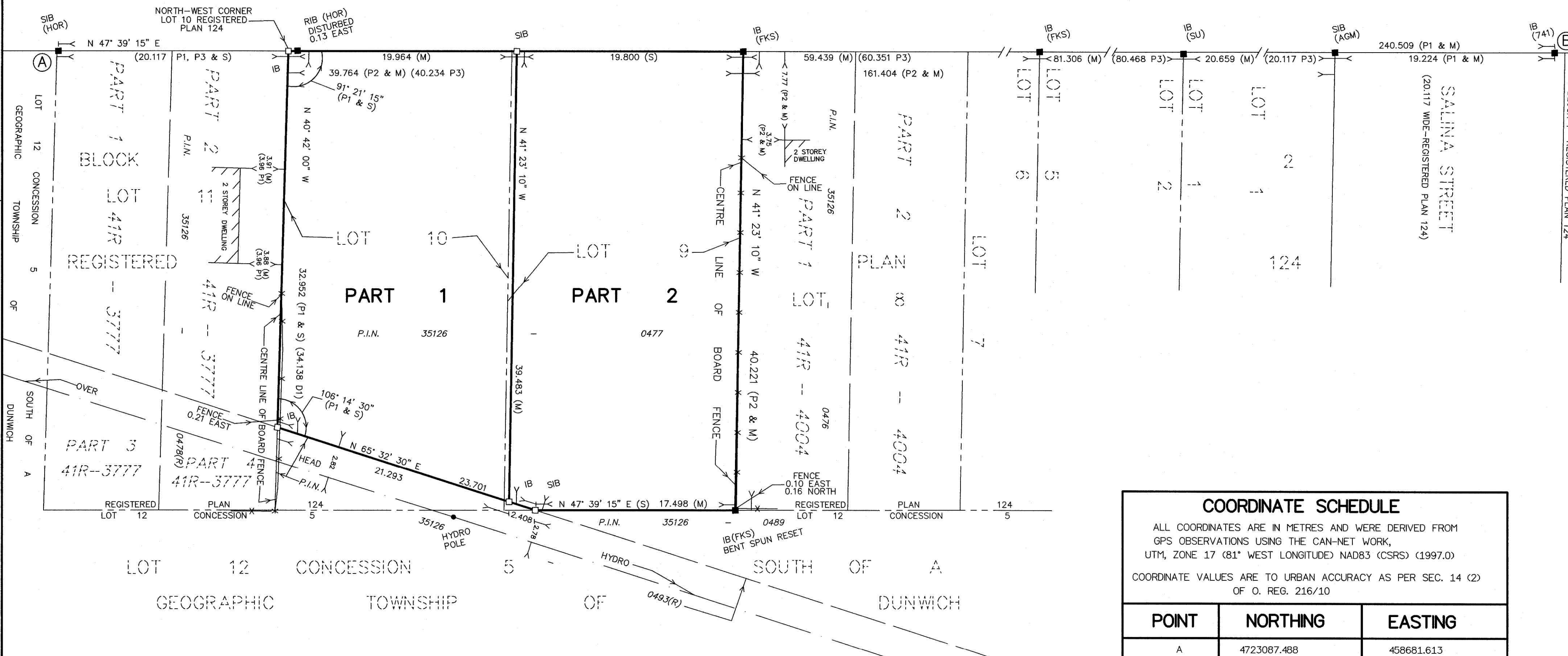
Changing from the original decision:

a frontage of 20.12 metres (66.01 feet) along Marsh Line, changed to 19.964 meters
by a depth of 40.23 metres (131.99 feet) changed to 32.952 meters
and an area of 761.89 square metres (0.19 acres). changed to 730.7 square meters

The owners are retaining a residential lot with a frontage of 19.80 metres (64.96 feet) along Marsh Line

by a depth of 40.23 metres (131.99 feet) changed to 40.221 meters
and an area of 797.12 square metres (0.20 acres) changed to 795.4 square meters

ROAD ALLOWANCE BETWEEN CONCESSIONS "A" AND 5 SOUTH OF "A" (KNOWN AS CONCESSION STREET)



COORDINATE SCHEDULE		
ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET WORK, UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0). COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2) OF O. REG. 216/10		
POINT	NORTHING	EASTING
A	4723087.488	458681.613
B	4723249.448	458859.316
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT	PLAN 11R- RECEIVED AND DEPOSITED
DATE	DATE
KIM S. HUSTED O.L.S.	REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN (No.11)

PART SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA
1	PART OF 9 AND 10	124	PART OF 35126-0477	730.7 SQUARE METRES
2	PART OF 9	124	PART OF 35126-0477	795.4 SQUARE METRES

PARTS 1 AND 2 COMPRISE ALL OF P.I.N. 35126-0477

PLAN OF SURVEY OF
PART OF LOTS 9 AND 10
BLOCK 2
REGISTERED PLAN 124
VILLAGE OF DUTTON
MUNICIPALITY OF DUTTON/DUNWICH
COUNTY OF ELGIN
KIM HUSTED SURVEYING LTD.

SCALE - 1: 250

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. THE INTENDED PLOT SIZE OF THIS PLAN IS 711mm IN WIDTH BY 432mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

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

(2) - THIS SURVEY WAS COMPLETED ON THE 15th DAY OF DECEMBER, 2020

DATE

KIM S. HUSTED
ONTARIO LAND SURVEYOR

NOTES

(1) - BEARINGS ARE GRID, DERIVED ON GPS OBSERVATIONS ON MONUMENTS "A" AND "B" SHOWN HEREON HAVING A GRID BEARING OF N 47° 39' 15" E (UTM, ZONE 17, NAD83 CSRS)

(2) - TO CONVERT (P1) AND (P2) BEARINGS TO GRID BEARINGS
- ADD 00° 17' 15" TO THE NORTHEAST BEARINGS
- SUBTRACT 00° 17' 15" FROM THE NORTHWEST BEARINGS

(3) - DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY 0.999600884

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
RIB	DENOTES	ROUND IRON BAR
(WIT.)	DENOTES	WITNESS
(P1)	DENOTES	DEPOSITED PLAN 11R-3777
(P2)	DENOTES	DEPOSITED PLAN 11R-4007
(P3)	DENOTES	REGISTERED PLAN 127
(741)	DENOTES	D.L. HOUGHTON O.L.S.
(AGM)	DENOTES	ARCHIBALD GREY AND McKAY
(FKS)	DENOTES	FARNCOMB KIRKPATRICK & STIRLING SURVEYING LTD.
(HOR)	DENOTES	HOLSTEAD AND REDMOND
(SU)	DENOTES	SOURCE UNKNOWN
(M)	DENOTES	MEASURED
(S)	DENOTES	SET
P.I.N.	DENOTES	PROPERTY IDENTIFIER NUMBER
(D1)	DENOTES	INSTRUMENT E316788 P.I.N. 35126-0477

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXX

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

PROJECT: 20-16337 REFERENCE: FF8

DISK No. DWG. OKD.

AMENDED DECISION

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

**LOTS 9 AND 10, CONCESSION BLOCK 2
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 276 MARSH LINE**

of a severance of a portion of the above-mentioned premises as shown on a sketch attached to the application to sever a residential lot with a frontage of **19.62 metres (revised)** along Marsh Line, by a depth of **32.95 metres (revised)** and an area of **730.7 square metres (revised)**. The owners are retaining a residential lot with a frontage of 19.80 metres (64.96 feet) along Marsh Line by a depth of **40.22 metres (revised)** and an area of **795.4 square metres (revised)** containing a dwelling and one shed.

Consent requested by: **FALKINS RENOVATIONS INC.**

Consent granted to: UNKNOWN

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

Conditions: This Decision will expire unless a deed is presented for stamping by: January 27, 2021.

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

Reasons: To create a residential lot.

AMENDED DECISION

Application #E 32-20

January 27, 2021

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 27th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 1-21

LOT 9, CONCESSION 10

MUNICIPALITY OF BAYHAM

MUNICIPAL ADDRESS: 54728 AND 54744 BEST LINE

TAKE NOTICE that an application has been made by **Antonia Van Leeuwen and Best Line Farms Ltd.**, 54466 Best Line, Aylmer ON N5H 2R3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54728 and 54744 Best Line, legally described as Lot 9, Concession 10, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 73.81 metres (242.16 feet) along Best Line by a depth of 64.45 metres (211.45 feet) and an area of 4715.4 square metres (1.165 acres) containing one house and garage, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 27.6 hectares (68.20 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 January 27, 2021 AT 9:45AM.

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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

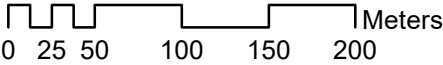
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 74728 & 54744 Best Line
File Number: E 1-2021
Owner: Antonia Van Leeuwen and Best Line Farms Ltd.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

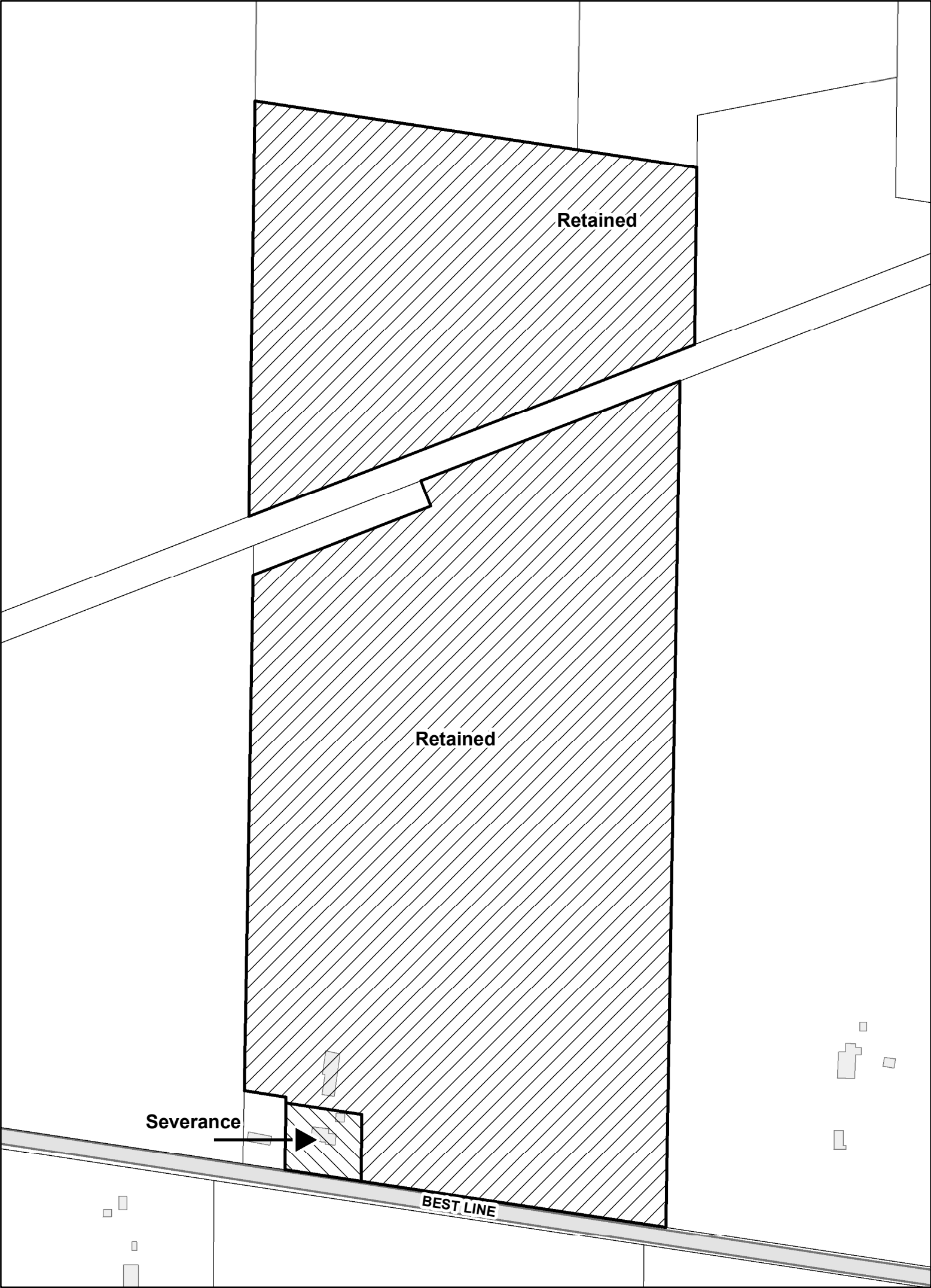
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:4,356

Legend

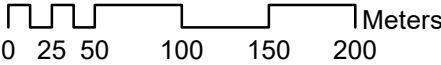
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map






Subject Site: 74728 & 54744 Best Line
File Number: E 1-2021
Owner: Antonia Van Leeuwen and Best Line Farms Ltd.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:4,356

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



January 22, 2021

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. E1-21 A. VanLeeuwen and Best Line Farms

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 21, 2021 meeting:

THAT Report DS-04/21 regarding Consent Application E01-21 for A. Van Leeuwen and Best Line Farms Ltd. be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E01-21 be granted subject to the following conditions:

- 1. Rezoning of the severed parcel**
- 2. Planning Report fee payable to the municipality**
- 3. Digital Copy of the final survey provided to the municipality**

Municipal Appraisal Sheet and Staff Report DS-06/21 emailed with 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
Acting Clerk/Planning Coordinator

D09.Best Line
Cc: D. Roe (email)

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 01-21

Applicant A. Van Leeuwen and Best Line Farms Ltd.

Location Bayham – 54728 Best Line

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, Hazard Lands,

Policies: OPA No. 25 Approved by Elgin County adding Section 2.7.1.6 Permit Second Surplus Farm Dwelling

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: A2/LPRCA Regulation Limit

Rezoning required for the severed parcel

- | | | |
|--|-----------|--------|
| 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 Resolution attached – Council meeting held January 21, 2021

DECLARATION

In Accordance with Section 17(38) of the Planning Act
Re: Official Plan Amendment No. 25
Municipality of Bayham

Applicant: Antonia Van Leeuwen & Best Line Farms Ltd.
Municipality: Municipality of Bayham
Owner: Antonia Van Leeuwen & Best Line Farms Ltd.
County File No.: BA-OPA25-20

I, Nancy Pasato, Manager of Planning, for the County of Elgin hereby declare,

1. That the Council of the County of Elgin confirmed approval of Official Plan Amendment No. 25 on October 13, 2020.
2. That notice of the afore-noted decision was given as required under section 17(35) of the Planning Act on October 20, 2020.
3. That no notice of appeal to the Local Planning Appeal Tribunal of the decision to approve Official Plan Amendment No. 25 was filed under section 17(36) of the Planning Act within the time allowed for submitting an appeal.
4. That based on the above information, the decision of the Council of the County of Elgin (Approval Authority) is final and Official Plan Amendment No. 25 is now in full force and effect.

Dated in Elgin County, Ontario, this 13th day of November, 2020.



Nancy Pasato, MCIP RPP
Manager of Planning
County of Elgin

**AMENDMENT NUMBER 25
TO THE OFFICIAL PLAN
OF THE
MUNICIPALITY OF BAYHAM**

**SUBJECT: Antonia Van Leeuwen and Best Line Farms Ltd.
 54728 and 54744 Best Line**

RECEIVED

FEB 24 2020

**COUNTY OF ELGIN
ADMINISTRATIVE SERVICES**

**The following text constitute Amendment
Number 25 to the Official Plan of the
Municipality of Bayham**

**OFFICIAL PLAN
OF THE
MUNICIPALITY OF BAYHAM**

THE below text change constituting Amendment No. 25 to the Official Plan of the Municipality of Bayham was prepared upon the recommendation of the Council of the Municipality of Bayham after evaluation of public input pursuant to the provisions of the **PLANNING ACT**.

THIS Amendment was adopted by the Council of the Corporation of the Municipality of Bayham by By-law No. 2020-008, in accordance with Section 17 of the **PLANNING ACT**, on the 6th day of February 2020.


MAYOR


CLERK

THE CORPORATION OF THE MUNICIPALITY OF BAYHAM

BY-LAW NO. 2020-008

THE Council of the Corporation of the Municipality of Bayham, in accordance with the provisions of the **PLANNING ACT**, hereby enacts as follows:

- 1) **THAT** Amendment No. 25 to the Official Plan of the Municipality of Bayham consisting of the site-specific text description of the location of the lands is hereby adopted.
- 2) **THAT** the Clerk is hereby authorized and directed to make application to the County of Elgin for approval of the aforementioned Amendment No. 25 to the Official Plan of the Municipality of Bayham.
- 3) **THAT** no part of this By-law shall come into force and take effect until approved by Elgin County.

ENACTED AND PASSED this 6th day of February 2020.


MAYOR


CLERK

CERTIFIED that the above is a true copy of By-law No. 2020-008 as enacted and passed by the Council of the Corporation of the Municipality of Bayham.


CLERK

**OFFICIAL PLAN
OF THE MUNICIPALITY OF BAYHAM
AMENDMENT NO. 25**

1. PURPOSE

The purpose of the Official Plan amendment is to change the land use designation for 27 ha (68 acres) of land is to permit, specific to the site, the creation of a second surplus dwelling lot and residential use on the lot in the Official Plan of the Municipality of Bayham.

2. LOCATION

The area affected by this amendment is a farm parcel in an agricultural area, bounded by a railway line to the north, located on the north side of Best Line, west of Somers Road and known municipally as 54728 and 54744 Best Line.

3. BASIS OF THE AMENDMENT

The subject lands are characterized as cultivated field with a ditch/creek crossing the site diagonally east to west, comprising a dwelling, shed and two barns. New residential uses are not permitted in the 'Agriculture' designation except in the case of surplus farm dwelling severances and only one surplus severance is permitted for each original farm parcel.

The farm operation consolidated the parcel in 2011 and it has been surplus to its needs since that time. There were two dwellings existing at the time of consolidation which is a unique situation. The dwelling is surplus to the needs of the farm operation, has existed for more than ten (10) years and the farm operation includes a dwelling within the Municipality. There was a previous residential lot severance from the original farm parcel for surplus farm dwelling, known as 54704 Best Line. The policies of the Bayham Official Plan Section 2.1.7 do not permit a second lot to be created, however, this is a unique situation where more than one dwelling existed at the time of consolidation.

4. DETAILS OF THE AMENDMENT

- a) Section 2.1.7 of the Official Plan of the Municipality of Bayham is hereby amended by adding the following sub-section:
 - 2.1.7.6 Notwithstanding Section 2.1.1.2 and Section 2.1.7.1, the existing dwelling located in Part S½, Lot 9, Concession 10, and known municipally as 54728 Best Line, may be severed as a surplus farm dwelling and zoned for residential use, whereas a new lot represents the second surplus farm dwelling severance from the original farm parcel known municipally as 54744 Best Line, and whereas new lots and new residential uses are not permitted in the Agriculture designation.
- b) The lands subject to this Amendment and designated "Agriculture" may be used, developed and zoned in accordance with surplus farm dwelling policies of Section 2.1.7 of the Official Plan, as amended.

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Residential (RR) Zone except for the following purposes:

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

7.11.1 The establishment of new livestock uses, livestock-related buildings and structures, and mushroom farms shall not be permitted.

7.11.2 No accessory buildings or structures shall be located within 3 metres of a side or

rear lot line.

7.12 Minimum Distance Separation

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 Exceptions - Rural Residential (RR) Zone

7.13.1

7.13.1.1 Defined Area

RR-1 as shown on Schedule "A", Map 11 to this By-law.

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

RR-2 as shown on Schedule "A", Map 5 to this By-law.

7.13.2.2 Permitted Uses

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

RR-3 as shown on Schedule "A", Map 2 to this By-law.



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	January 8, 2021
From	Paul Riley, CPT	Project No	3404-792
cc	William Pol, MCIP, RPP		
Subject	Antonia Van Leeuwen and Best Line Farms Ltd. - 54728 and 54774 Best Line - Application for Consent E01/21		

1. We have completed our review of Consent Application E01-21 submitted by David Roe (Civic Planning Solutions Inc.) on behalf of Antonia Van Leeuwen and Best Line Farms Ltd. for the lands located at 54728 and 54774 Best Line, north side, and west of Somers Road. The applicant is requesting a Consent to sever 0.47 ha (1.16 ac) of land and to retain 27.6 ha (68.2 ac) of land. The intent of this Consent is to sever the surplus farm dwelling on the subject lands. The subject lands are designated "Agriculture" on Schedule "A" Land Use and "Hazard Lands" on Schedule "B" Constraints of the Official Plan of the Municipality of Bayham (Official Plan) and are zoned Special Agricultural (A2) and LPRCA Regulation Limit on Schedule "A" Map No. 1 in Zoning By-law Z456-2003. Furthermore, the subject lands are designated "Site-Specific Agriculture" in Official Plan Section 2.7.1.6 to permit a second surplus farm dwelling severance of the original farm parcel.
2. The subject lands are characterized as an irregularly shaped farm parcel bounded by a railway line to the north and comprises a residential dwelling, shed and barn. There is a ditch located diagonally crossing the field, more than 110 metres (360 feet) from the dwelling, designated as hazard lands, which are not affected by the proposed development. The proposed retained parcel will have lot frontage of 338 m (1,109 ft) and lot depth of 813 m (2,667 ft). The proposed severed parcel will have a frontage of 73.8 m (242 ft) and lot depth of 64.4 m (211 ft). Surrounding uses are agricultural in all directions, aside from the residential parcel abutting to the west. The residential property located at 54704 Best Line was created by way of consent E13/11 based on surplus farm dwelling severance and was severed from the original farm parcel.
3. The dwelling has existing private sewer and water services. The application included confirmation of: adequate condition of the septic system from Darlington Wiring and Plumbing; adequate well water quality test from Public Health Ontario; and adequate water quantity from WRC Purifying.
4. The farm operation includes ten (10) separate parcels with approximately 303 ha (750 acres) of land and 213 ha (528 acres) used for crops - asparagus, corn, beans and wheat. 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 54466 Best

Municipality of Bayham – January 8, 2021

Line. The retained lands include a barn which will be located 10 m () from the proposed rear property line of the severed lands and approximately 32 m () from the dwelling. It is not anticipated that the proposed Consent will produce land use conflicts with any nearby land uses due to the existing nature of the farm/barn activities in proximity, i.e. future owners will be aware of the existing nature of the barn activities and to our knowledge there are no livestock activities occurring on the lands in relation to the retained barn.

5. Municipality of Bayham Official Plan Amendment No. 25 was approved by Elgin County and adopted, by By-law 2020-008, by the Council of the Municipality of Bayham on February 6th, 2020. The Amendment was to permit specific to the site a second surplus farm dwelling severance from the original farm parcel. The dwelling located at 54704 Best Line was severed surplus to the farm operation in 2011 and notwithstanding agricultural policies to the contrary, the effect of the Amendment was to permit a second surplus farm dwelling severance, as proposed. Therefore, the proposed severance is consistent to Municipality of Bayham Official Plan Section 2.1.7.6 for a second surplus farm dwelling severance.
6. The subject lands are zoned Special Agricultural (A2) and 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 Rural Residential (RR) Zone as a condition of this Consent application. The proposed severed parcel meets the minimum regulations in the RR Zone for yard setbacks, lot frontage and lot area. The existing A2 zoning for the retained lands is appropriate.
7. Based on the above review of Consent Application E01/21, we have no objection to the proposed Consent to permit the second surplus farm dwelling severance. We further recommend the following conditions for Consent approval:
 - a) That the owner obtains a Zoning By-law Amendment to rezone the severed lands from Special Agricultural (A2) to Rural Residential (RR) Zone.
 - b) That the owner provide a survey of the subject lands;
 - c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 1-21

OWNER: Antonia Van Leeuwen and Best Line Farms Ltd.

PROPERTY: LOT NO. Lot 9 CONCESSION: 10

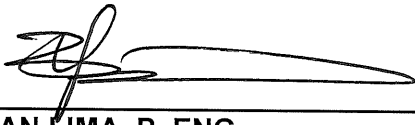
REG'D PLAN: MUNICIPALITY: Bayham

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

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



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: January 20, 2021

Re: **Application E 1-21 Antonia Van Leeuwen and Best Line Farms Ltd.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54728 and 54744 Best Line, legally described as Lot 9, Concession 10, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 73.81 metres (242.16 feet) along Best Line by a depth of 64.45 metres (211.45 feet) and an area of 4715.4 square metres (1.165 acres) containing one house and garage, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 27.6 hectares (68.20 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 a purchasing farmer, with the principle residence located at 54466 Best Line. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.47 ha (1.165 acres)) will contain one single detached dwelling and one garage, with a private well and septic system.

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

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



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 purchasing farmer, with the principle residence located at 54466 Best Line. The severed lands are of a sufficient size to accommodate the single detached dwelling and private well and septic system.

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

The County supports this application for consent, provided it meets the policies of the Municipality of Bayham Official Plan and the provisions of the local Zoning By-law.

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. 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 Bayham be included as conditions for consent:

1. Rezoning of the severed parcel;
2. Planning, Report fee payable to the municipality; and
3. 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



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 2-21

LOTS 11, 12, 13, CONCESSION 8

MUNICIPALITY OF BAYHAM

MUNICIPAL ADDRESS: 10060 SOMERS ROAD

TAKE NOTICE that an application has been made by **Springerhill Farms Inc.**, 5 Wood Haven Drive, Unit #304, Tillsonburg, ON N4G 0A8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10060 Somers Road, legally described as Lots 11, 12, 13, Concession 8, Municipality of Bayham.

The applicants propose to sever an irregular parcel with a frontage of 246.03 metres (807.19 feet) along Somers Road by a depth of 404.77 metres (1327.99 feet) and an area of 84174.61 square metres (20.80 acres), to be merged with an abutting parcel. The owners are retaining 230671 square metres (57.00 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 January 27, 2021 AT 10:00AM.

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.

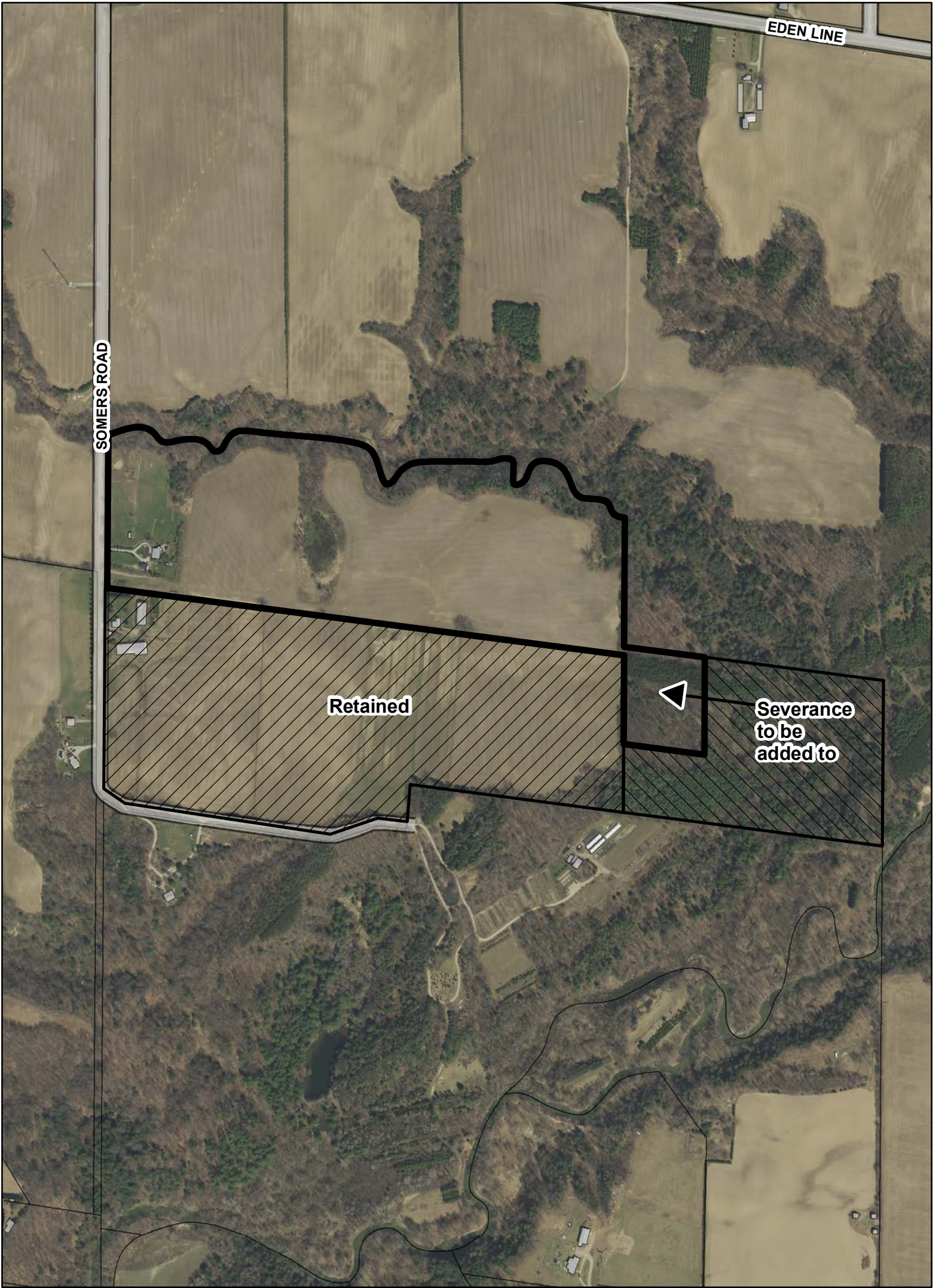
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

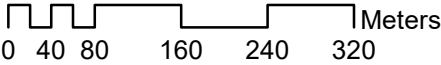
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 10060 Somers Road
File Number: E 2-2021
Owner: Springerhill Farms Inc.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

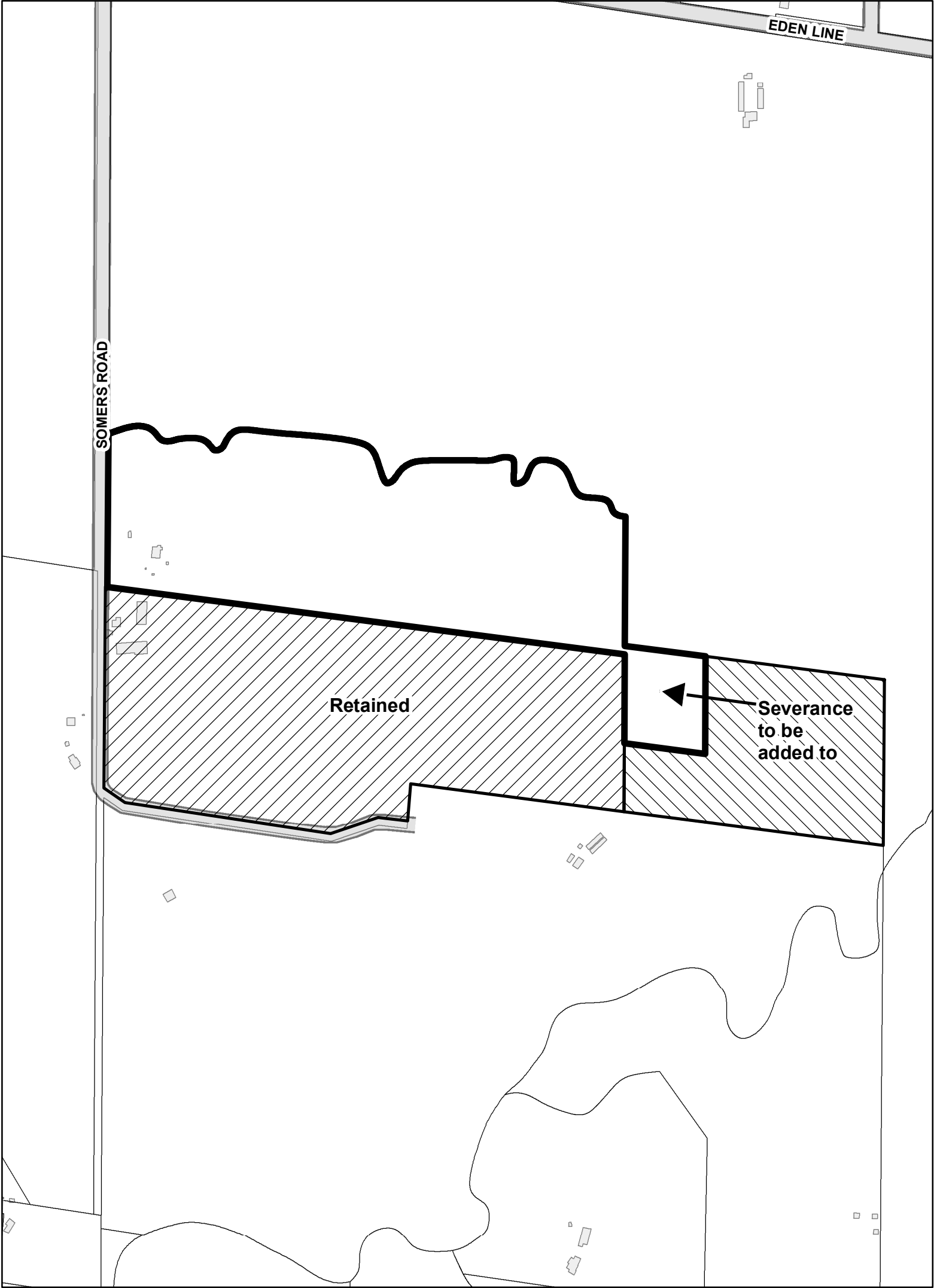
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:7,000

Legend

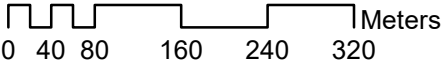
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 10060 Somers Road
File Number: E 2-2021
Owner: Springerhill Farms Inc.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:7,000

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



January 22, 2021

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. E2-21 Springerhill Farms Inc.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 21, 2021 meeting:

THAT Report DS-05/21 regarding Consent Application E02-21 for Springerhill Farms Inc. be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E02-21 be granted subject to the following conditions:

- 1. Planning Report fee payable to the municipality**
- 2. Digital Copy of the final survey provided to the municipality**
- 3. Letter of Undertaking confirming the merger of the lands with the adjacent lands owned by Abram and Charlotte Wall, 10260 Somers Road**

Municipal Appraisal Sheet and Staff Report DS-05/21 emailed with 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
Acting Clerk/Planning Coordinator

D09.Springer-Cc: A. Wall (email)

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 02-21

Applicant Springerhill Farms Inc.

Location Bayham – 10060 Somers Road

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, Hazard Lands, Significant Woodlands

Policies: Section 2.19 Minor Lot Adjustments _____

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: A1/LPRCA Regulation Limit

No 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 (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 Resolution attached – Council meeting held January 21, 2021

2.1.9 **Minor lot adjustments**

2.1.9.1 Consents to sever and convey land in areas designated "Agriculture" shall be permitted for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created.

2.1.10 **Supplementary Farm Dwellings**

2.1.10.1 The Municipality supports the erection or placement of additional dwellings on farm parcels where the size or nature of the farming operation warrants additional dwellings. Such dwellings may only be permitted by a minor variance to the Zoning By-law and may not be severed from the farm operation. Such dwellings may be temporary dwellings in the form of a mobile home or modular home; or a permanent dwelling in the form of a converted dwelling or bunkhouse. Farming operations shall refer to any parcels owned, or owned in part by an applicant. Establishment of supplementary farm dwellings will be permitted subject to the following criteria:

- a) **Need:** Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;
- b) **Existing dwellings:** Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;
- c) **Location:** Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;
- d) **Size and type:** The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m²



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	January 7, 2021
From	Paul Riley, BA, CPT	Project No	3404-793
cc	William Pol, MCIP, RPP		
Subject	Springerhill Farms Inc. - 10060 Somers Road - Application for Consent E02/21		

1. We have completed our review of Consent Application E02-21 submitted by Abe Wall on behalf of Springerhill Farms Inc. for lands located at 10060 Somers Road, west side, south of Eden Line. The applicant is requesting Consent to sever 8.4 ha (20.8 ac) of land and to retain 23 ha (57 ac) of land. The intent of this Consent is lot addition to the abutting parcel known municipally as 10260 Somers Road. The subject lands are designated "Agriculture" and "Natural Heritage" on Schedule 'A1' Land Use and "Hazard Lands" and "Significant Woodlands" on Schedule 'A2' Constraints of the Municipality of Bayham Official Plan. The parcel is zoned Agricultural (A1) and LPRCA Regulation Limit on Schedule 'A' Map No. 5 of Zoning By-law Z456-2003.
2. The retained parcel frontage is unchanged at 243 m (797 ft) and would have lot depth of 744 m (2,441 ft). The proposed severed parcel would have existing lot frontage on Somers Road when consolidated with the abutting lot addition lands. The severed lands depth is 404 m (1,325 ft) and width is 252 m (827 ft). The lot addition lands at 10260 Somers Road have lot frontage of 237 m (777 ft).
3. The subject lands are used for agricultural purposes, with the retained lands being mostly crop fields and the severed portion being woodlands associated with the Otter Creek valleylands. Otter Creek is adjacent to the eastern lot line of the proposed severed parcel. Surrounding land uses are agricultural and two residential dwellings are located across Somers Road.
4. Bayham Official Plan Section 2.19 Minor Lot Adjustments permits consents to sever and convey lands in the Agriculture designation for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created. The proposed severance should be considered a lot addition for technical severance and no new lot is created. The severed land area of 8.4 ha is not minor in nature, however, the proposal is a lot addition and the use of the lands is not changing, therefore the severance is technical in nature. The applicant indicates that the reason for the severance is to consolidate the severed lands with the neighbouring lands for land stewardship purposes and improving their access to the significant woodlands on the severed lands. The proposed severance is consistent to the Official Plan based on the technical nature of the lot addition and no new lot being created.

Municipality of Bayham – October 29, 2020

5. Bayham Official Plan Section 2.2.3.2 c) indicates that development or site alteration in significant woodlands is permitted if it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The proposed technical severance is considered development, however, there is no physical changes or site alteration proposed. The owners of 10260 Somers Road indicate that the purpose of the severance is for them to better manage the significant woodland and valleylands on the severed lands adjacent to the Creek. Furthermore, Section 2.2.3.5 indicates that:

"Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue; normal farm practices to be undertaken in or adjacent to significant woodlands; or to prohibit the harvest of woodlands products in a manner that is sustainable and in accordance with any applicable by-laws. In addition, the severance of land for agricultural purposes will not require any demonstration of negative impacts, provided there is no development proposed as part of the application"

Based on no site alteration or physical development proposed, specifically in the natural heritage area, with the intent being to improve management of the natural area by facilitating ownership change to owners more actively interested in the management and sustainability of the significant woodlands area, the proposed severance is consistent to the Municipality of Bayham Official Plan.

6. The subject lands are zoned Agricultural (A1) and are within the LPRCA Regulation Limit as per Municipality of Bayham Zoning By-law Z456-2003. The use of the lands for agriculture is not changed based on the technical nature of the proposed severance and no new development or land uses are proposed. The resultant retained and lot addition parcels would exceed the minimum lot area and lot frontage minimum in the A1 zone. The existing A1 zone is appropriate.
7. Based on the above review of Consent Application E02/21, we have no objection to the proposed Consent to sever a portion of land from 10060 Somers Road and add those lands to the abutting parcel at 10260 Somers Road. We further recommend the following conditions for Consent approval:
- a) That the applicant merge the lands on title with the addition lands at 10260 Somers Road.
 - b) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 2-21

OWNER: Springerhill Farms Inc

PROPERTY: LOT NO. Lots 11, 12, 12 CONCESSION: 8

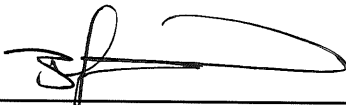
REG'D PLAN: MUNICIPALITY: Bayham

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

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



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: January 20, 2021

Re: **Application E 2-21 Springerhill Farms Inc.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10060 Somers Road, legally described as Lots 11, 12, 13, Concession 8, Municipality of Bayham.

The applicants propose to sever an irregular parcel with a frontage of 246.03 metres (807.19 feet) along Somers Road by a depth of 404.77 metres (1327.99 feet) and an area of 84174.61 square metres (20.80 acres), to be merged with an abutting parcel. The owners are retaining 230671 square metres (57.00 acres) proposed to remain in agricultural use.

Planning Act and Provincial Policy Statement

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

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4.2 permits lot adjustments in prime agricultural areas for legal or technical reasons.

County of Elgin Official Plan

The subject site is within the Agricultural designation of the Elgin County Official Plan (OP). As per the County Official Plan, Appendix 1, Natural Heritage, the proposed severance is located within a Woodland. Generally, severances are restricted in the Agricultural area, however, policy E1.2.3.2 allows for boundary adjustments to existing lots, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected. Although the lands are within the Woodlot overlay, this severance will consolidate additional woodlot under one ownership to ensure its continued protection. Staff are satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected

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



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 10260 Somers Road. Staff support this application for consent.

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
3. That the retained subject lands are deeded in the same name and interest as the abutting lot at 10260 Somers Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

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

1. Planning Report fee payable to the municipality;
2. Digital Copy of the final survey provided to the municipality; and
3. Letter of Undertaking confirming the merger of the lands with the adjacent lands owned by Abram and Charlotte Wall, 10260 Somers Road.

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



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 3-21

**PART LOT C, CONCESSION ENBTR W
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10202 TALBOTVILLE GORE ROAD**

TAKE NOTICE that an application has been made by **Karl & Carole Mclean**, 10202 Talbotville Gore Road, Talbotville ON N5P 3T2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10202 Talbotville Gore Road, legally described as Part Lot C, Concession ENBTR W, Township of Southwold.

The applicants propose to sever an irregular parcel with a frontage of 5.5 metres (18.04 feet) along Talbotville Gore Road by a depth of irregular and an area of 2163 square metres (0.53 acres), proposed to create one new lot. The owners are retaining 1883 square metres (0.47 acres) proposed to remain in residential use.

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

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

**WEDNESDAY January 27, 2021 AT 10:15AM.
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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

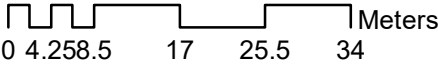
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map



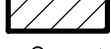


Subject Site: 10202 Talbotville Gore Road
File Number: E 3-2021
Owner: Karl Mclean & Carole Mclean
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

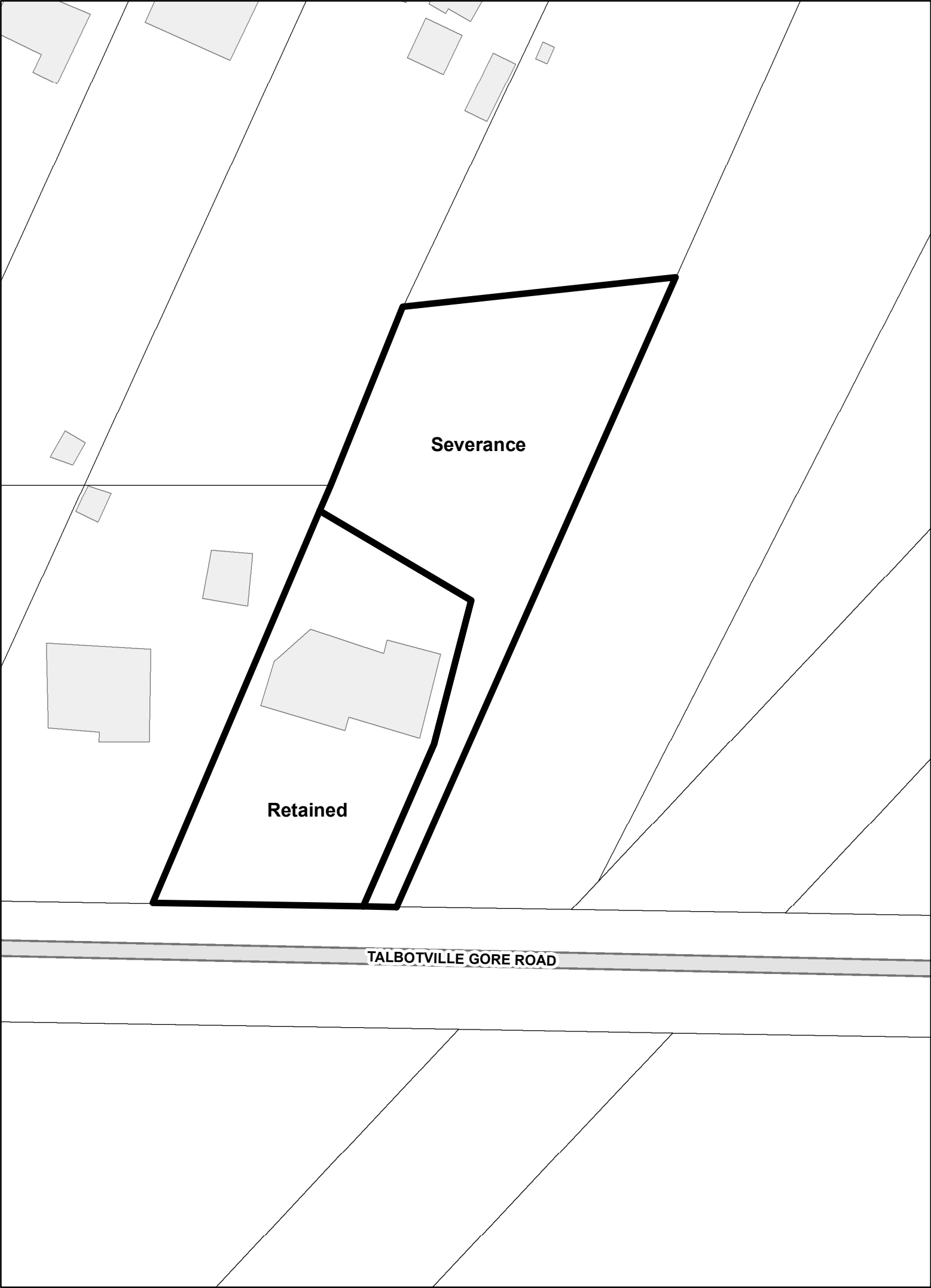
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:750

Legend

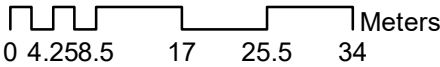
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 10202 Talbotville Gore Road
File Number: E 3-2021
Owner: Karl Mclean & Carole Mclean
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:750

Legend

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



TOWNSHIP OF SOUTHWOLD

OFFICE OF THE CLERK

35663 Fingal Line
Fingal, ON N0L 1K0

Phone: (519) 769-2010

Fax: (519) 769-2837

Email: cao@southwold.ca

January 18, 2020

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

VIA EMAIL: npasato@elgin.ca

Dear Ms. Pasato:

**RE: Application for Consent – E 3/21 Karl and Carole Mclean c/o Zelinka
Priamo Ltd. (Matt Campbell)**

The Township of Southwold received the notice of public meeting on January 5, 2021 from your department. The above noted consent has been circulated to Township staff for comments. Due to outstanding concerns raised by Township staff on the consent, the Township planner notified the agent who requested for the consent application to be deferred for consideration by the Council of the Township of Southwold. The agent has also indicated to the Township planner that they intend to amend the consent application. As a result of outstanding concerns from Township staff and the request by the agent to defer, to date the consent application has not been brought forward to Southwold Council for their recommendation to Elgin County Land Division Committee.

Due to outstanding concerns by Township staff, and no recommendation made by Southwold Council on the consent, the Township of Southwold is requesting that Elgin County Land Division Committee defer their decision on the consent until outstanding concerns raised by Township staff have been addressed by the agent and/or the application has been revised by the agent and Southwold Council have had an opportunity to provide a recommendation on the consent application to Elgin County Land Division Committee.

Yours truly,

Ken Loveland
CAO/Clerk

From: [Joe Gordon](#)
To: [Nancy Pasato](#)
Subject: FW: file E-3-21 McLean
Date: January 18, 2021 11:16:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[E 3-21 Notice of Application.pdf](#)

Hi Nancy,

Please accept this email as confirmation that staff of KCCA has reviewed the subject consent application E3-21 affecting 10202 Talbotville Gore Road, Southwold and that based on our mandate and policies, we have no objection to its approval.

We can also confirm that the subject property is not affected by KCCA's natural hazard regulations.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

Assistant Manager
Supervisor of Planning & Conservation Areas
Kettle Creek Conservation Authority

From: Valerie Towsley <Valerie.Towsley@ltvca.ca>
Sent: January 18, 2021 10:57 AM
To: Joe Gordon <joe@kettlecreekconservation.on.ca>
Subject: file E-3-21 McLean

Hey Joe

Did you get application E 3-21 from the County? It's within your jurisdiction.

Valerie Towsley
Resource Technician

NEW LOGO High-Res



Lower Thames Valley Conservation Authority
100 Thames Street
Chatham, Ontario
N7L 2Y8

Phone: 519-354-7310 Ext.: 226
Fax: 519-352-3435

E-mail: Valerie.Towsley@ltvca.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 3-21

OWNER: Karl & Carole Mclean


PROPERTY: LOT NO. Part Lot C CONCESSION: ENBTR W
REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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: [LenPaula McFadden](#)
To: [Nancy Pasato](#)
Subject: Application No. E 3-21 Severance Application
Date: January 8, 2021 3:13:05 PM
Attachments: [20210108_142654.jpg](#)
[20210108_142510.jpg](#)

I was talking to Nancy Pasato and advised her that there is a 20X 40 foot garage that does not appear on the Key Map. I am the neighbor on the north side and am opposed to the severance. This severance will be an eye sore and will devalue my property. I have drawn an approximate positioning of the garage on the Key Map.

Sincerely Leonard Mc Fadden
10216 Talbotville Gore Road., Talbotville
Township of Southwold
PLEASE ACKNOWLEDGE THIS EMAIL..THANKYOU.

Sent from my Samsung Galaxy smartphone.







CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 4-21

PART LOT 45

MUNICIPALITY OF CENTRAL ELGIN

MUNICIPAL ADDRESS: 89 BODKIN STREET

TAKE NOTICE that an application has been made by **Clarence & Rosalie Kielstra**, 89 Bodkin St, St Thomas, ON N5R 5M5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 89 Bodkin St, legally described as Part Lot 45, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 1.524 metres (5 feet) along Bodkin Street by a depth of 38.35 metres (125.82 feet) and an area of 58.45 square metres (0.014 acres), to be merged with an abutting parcel. The owners are retaining 724.7 square metres (0.18 acres) proposed to remain in residential use.

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

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

WEDNESDAY January 27, 2021 AT 10:30AM.

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 4th day of January, 2021.

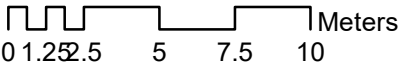
Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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



Location Map



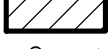


Subject Site: 89 Bodkin Street
File Number: E 4-2021
Owner: Clarence Kielstra & Rosalie Kielstra
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

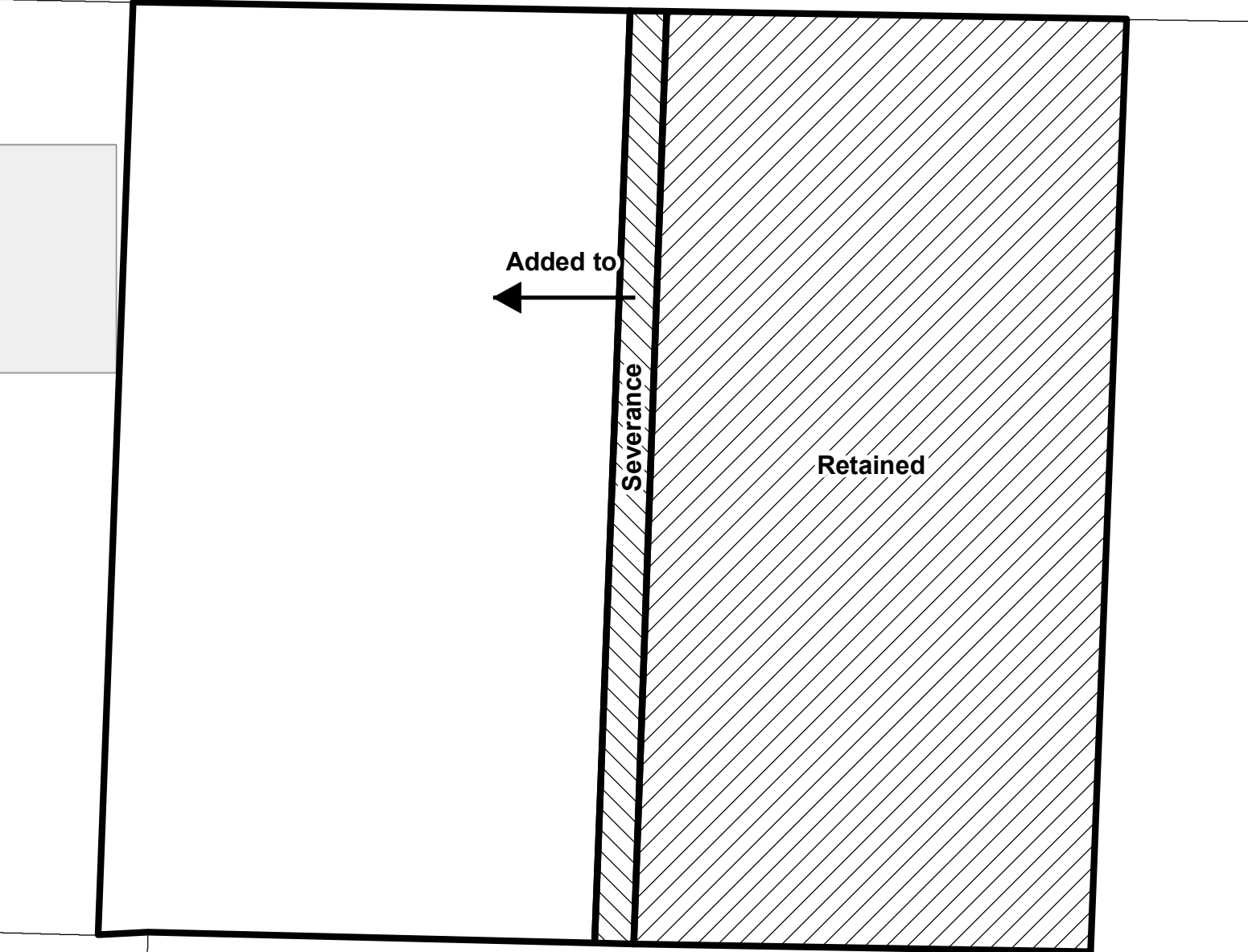


The Corporation of the County Elgin
Prepared By: Planning and Development

Scale 1:250

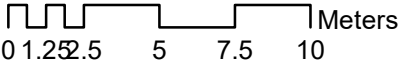
Legend

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



Location Map

Subject Site: 89 Bodkin Street
File Number: E 4-2021
Owner: Clarence Kielstra & Rosalie Kielstra
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020



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

Scale 1:250

Legend

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



The Corporation of the Municipality of
Central Elgin

450 Sunset Drive, 1st Floor, St. Thomas, Ontario N5R 5V1 P: 519.631.4860 F: 519.631.4036

January 12th, 2021

VIA EMAIL

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

Dear Ms. Pasato:

Re: Application for Consent E 04/21 –
Clarence and Rosalie Kielstra, 89 Bodkin Street

Please be advised that Council discussed the above noted application at their Regular Meeting dated Monday, January 11th, 2021 and the following resolution was passed:

THAT: Report CEP 01-21 be received as information;

AND THAT: Council has no objections to consent application E04/21 Clarence and Rosalie Kielstra, 89 Bodkin Street subject to the following recommended conditions;

- the severed land be merged in title with the abutting lot to the west (87 Bodkin Street);
- that Subsection 3 or 5 of Section 50 of the Planning Act; R.S.O, 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest;
- a drainage reassessment be done, if necessary, at the owner's expense, and
- the Municipality of Central Elgin be provided with a copy of the Reference Plan

As per Council's direction, please note that a copy of the Planning Report is attached for your reference.

Yours truly,

Dianne Wilson
Deputy Clerk/Records Management Coordinator

c.c. Clarence and Rosalie Kielstra, Owner (via email)
S. Craig, Senior Planning Technician, CEPO

Encl.





The Corporation of the Municipality of
Central Elgin

REPORT

DATE:	January 5, 2021	REPORT:	CEP.01.21
TO:	Mayor Sally Martyn and Council	CEPO FILE:	E04/21
PREPARED BY:	Steve Craig, Sr. Planning Technician Central Elgin Planning Department		
SUBJECT:	Application for a Consent No. E04/21 – Clarence and Rosalie Kielstra 89 Bodkin Street		
ATTACHMENTS:	Location Plan		
TO COUNCIL:	January 25, 2021		

RECOMMENDATION:

THAT: Report CEP.01.21 be received for information;

AND THAT: Should Council pass a resolution in support of consent application E04/21 to the Land Division Committee, staff recommends the following conditions:

- the severed land be merged in title with the abutting lot to the west (87 Bodkin Street);
- that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest; and
- the Municipality of Central Elgin be provided with a copy of the Reference Plan.

Background:

Consent application E4/21 has been filed for the purpose of a lot addition.

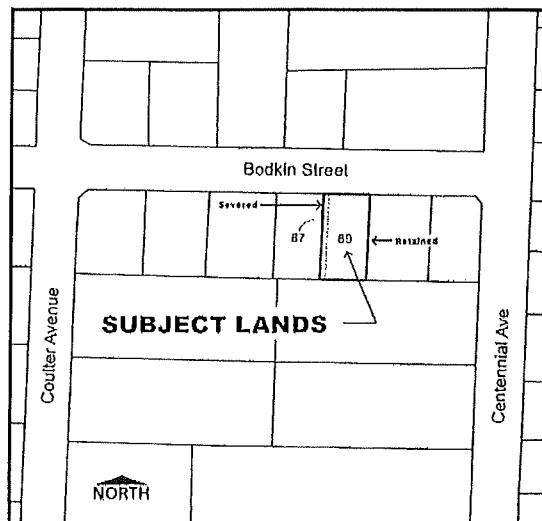
Location:

The subject lands are located on the South side of Bodkin Street. The lands are described as, Plan 251, Part Lot 45 and 46, Part 1, 11R9844, Municipality of Central Elgin.

Proposal:

The applicants are proposing to convey a 1.5m x 38.3m vacant parcel of land to the abutting lot to the west, municipally known as 87 Bodkin Street. The severed parcel will be merged with 87 Bodkin Street and used to construct one new single detached residential dwelling. The applicants are proposing to retain a lot with frontage of 18.9m on Bodkin Street, a lot depth of 38.35m and a lot area of 724.7m², containing one single detached dwelling. The retained lot will continue to be used for residential purposes.

Location Plan:



Staff Report

1. Official Plan

- The subject lands are within the Residential designation in accordance with Schedule "D" - Community of Eastwood Land Use Plan to the Municipality of Central Elgin Official Plan. The Residential policies of the Plan permit a range of residential dwelling types and densities.
- The Consent Policies found in the Official Plan permit consents for technical or legal purposes, such as a boundary adjustment, easement or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law Amendment or Minor Variance.

2. Zoning By-Law

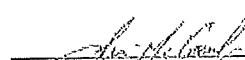
- The subject lands are located within the Residential Zone 1 (R1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- The Residential Zone 1 (R1) permitted uses include residential uses, institutional uses lawfully existing on the day of the passing of the by-law, home occupations and accessory uses.
- The Residential Zone 1 (R1) permits one single-detached dwelling or one unit of a semi-detached dwelling on one lot, institutional buildings and structures lawfully existing on the day of the passing of the by-law and accessory buildings on residential lots
- Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5m², the minimum lot frontage is 15m and the minimum lot depth required is 30.48m.

3. County of Elgin Official Plan:

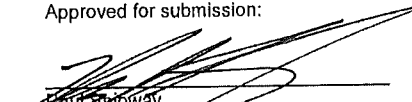
- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- Settlement Areas are the focus of urban development in the County Plan and Tier 1 Settlement Areas are to be fully serviced with municipal sanitary sewers and piped water. The objectives of the Plan for Settlement Areas support a variety of residential development types and densities while encouraging compatibility with existing uses.
- Consents may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

Respectfully submitted:


Steve Craig
Sr. Planning Technician


Jim McGloomb, MCIP, RPP
Manager of Planning Services

Approved for submission:


Paul Dempsey
Acting CAO/Clerk

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: Map for E 4-21
Date: January 11, 2021 9:21:22 AM

Hi Dawn,

We (CCCA) have no concerns with the above noted consent application at 89 Bodkin Street.

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: January-07-21 8:59 AM
To: Tony Difazio <planning@catfishcreek.ca>
Subject: Map for E 4-21

Hi Tony,

I have attached the map for the Notice Joe forwarded to you.

Have a great day!
Dawn Wittland-Graham
Administrative Assistant
Engineering & Planning Services



450 Sunset Drive
St. Thomas ON N5R 5V1

(519)631-1460 Ext 183
dwittlandgraham@elgin.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 4-21

OWNER: Clarence & Rosalie Kielstra

PROPERTY: LOT NO. Part Lot 45

CONCESSION: _____

REG'D PLAN: _____ MUNICIPALITY: Central Elgin

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

1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to _____ 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: January 20, 2021

Re: **Application E 4-21 Clarence & Rosalie Kielstra**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 89 Bodkin St, legally described as Part Lot 45, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 1.524 metres (5 feet) along Bodkin Street by a depth of 38.35 metres (125.82 feet) and an area of 58.45 square metres (0.014 acres), to be merged with an abutting parcel. The owners are retaining 724.7 square metres (0.18 acres) proposed to remain in residential use.

Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision 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 1 Settlement Area (Eastwood) in the Elgin County Official Plan (OP). This application is to sever and convey the proposed lands with the adjacent property to the west. 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, and will not affect the viability of the use of the properties to continue.

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 is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
3. That the severed lands are deeded in the same name and interest as the abutting lot located to the west of the severed lands, municipally addressed as 87 Bodkin Street, 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 Central Elgin included as conditions for consent:

1. The severed land be merged in title with the abutting lot to the west (87 Bodkin Street);
2. That Subsection 3 or 5 of Section 50 of the Planning Act; R.S.O, 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
3. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest;
4. A drainage reassessment be done, if necessary, at the owner's expense, and
5. The Municipality of Central Elgin be provided with a copy of the Reference 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



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 5-21

**LOTS 8, 9, 10, PART LOT 11
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 13524-13662 ROUTH ROAD**

TAKE NOTICE that an application has been made by **2245885 Ontario Inc.**, 10401 Westminster Drive, London ON N6P 1P3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 13524-13662 Routh Road, legally described as Lots 8, 9, 10, Part Lot 11, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 53.7 metres (176.18 feet) along Routh Road by a depth of 57 metres (187.01 feet) and an area of 3061 square metres (0.76 acres), containing one house, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 99.8 hectares (246.61 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 January 27, 2021 AT 10:45AM.
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.

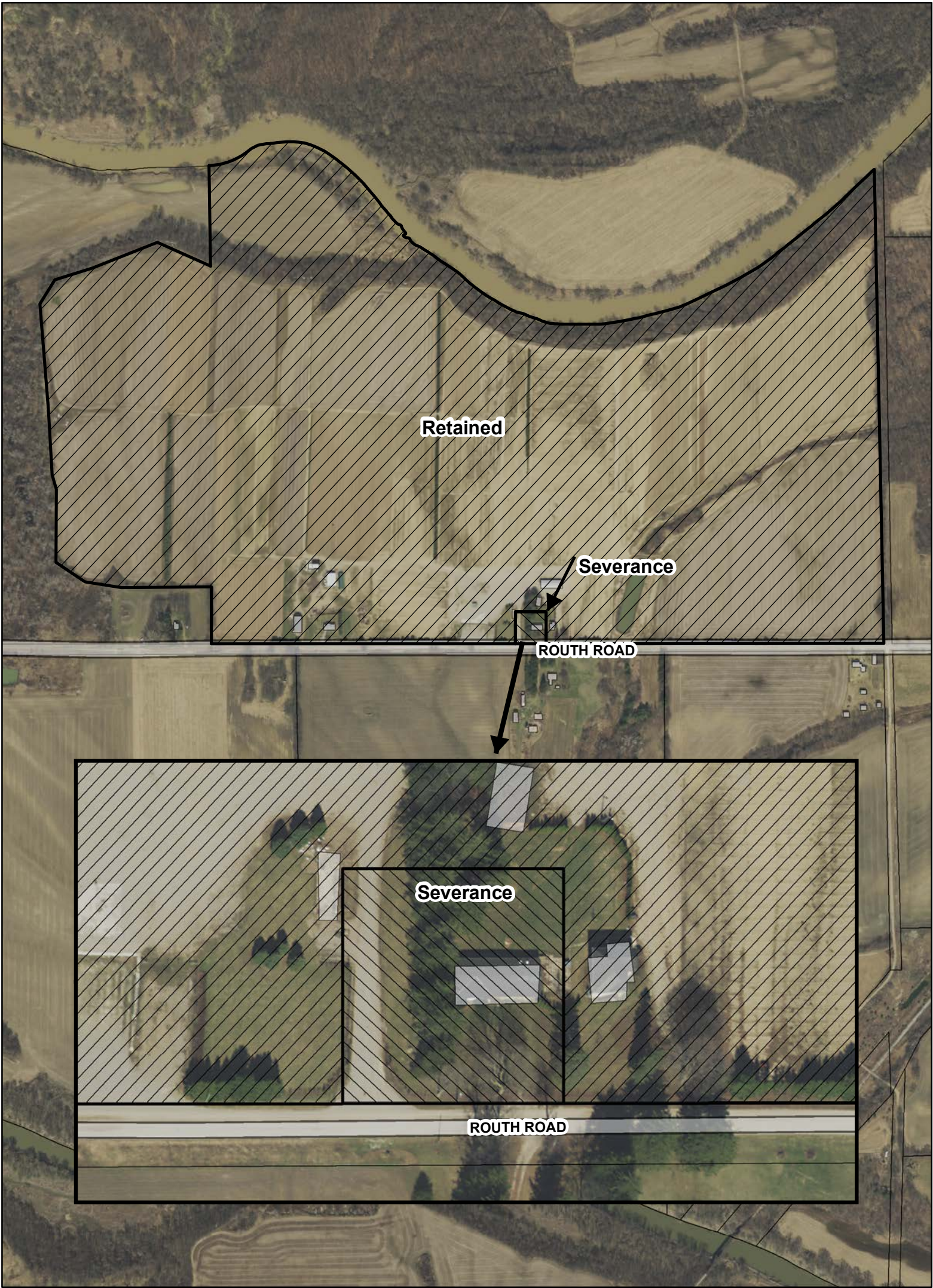
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

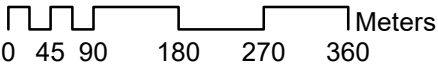
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 13524-13662 Routh Road
File Number: E 5-2021
Owner: 2245885 Ontario Inc.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020






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

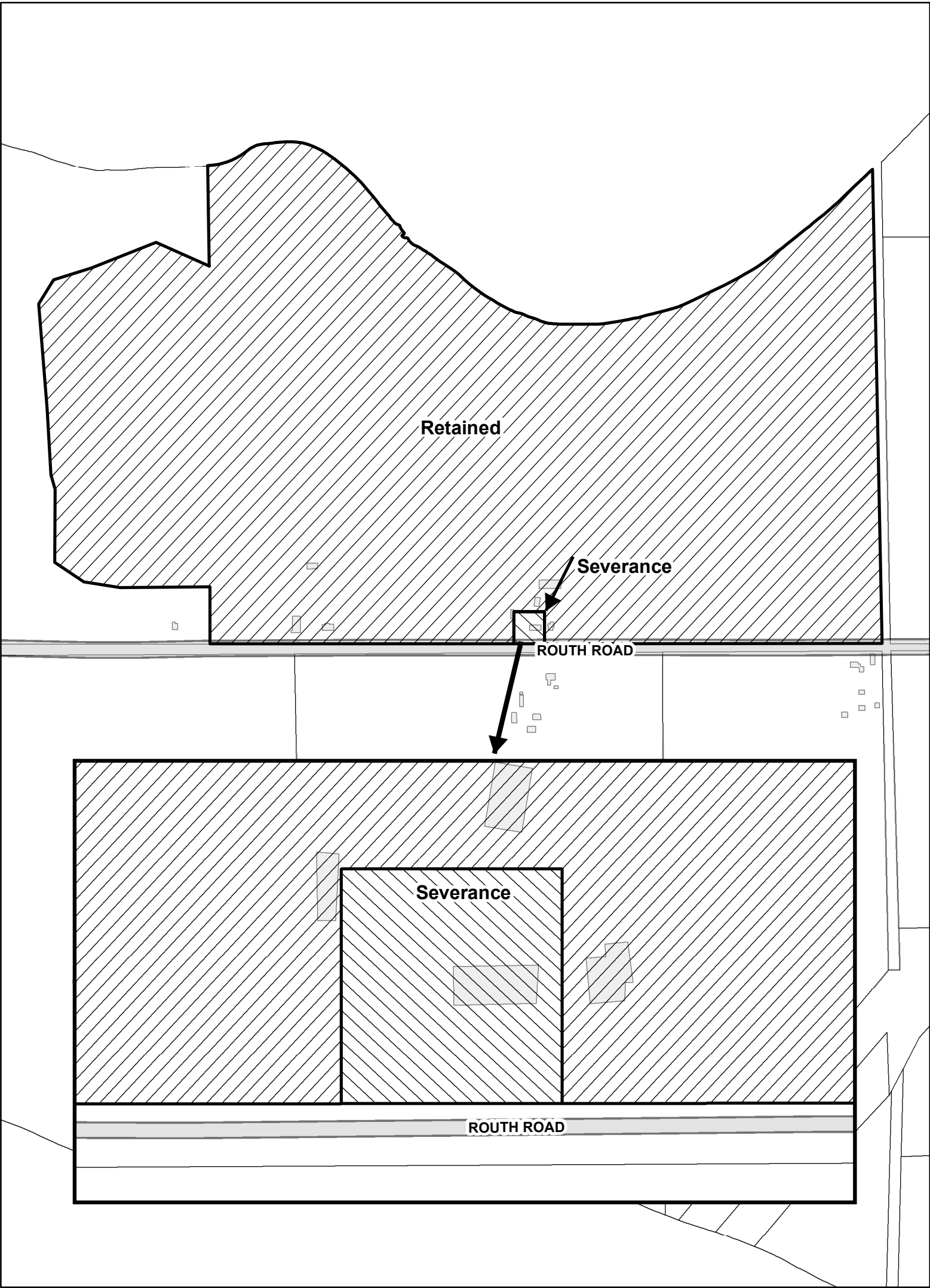


Scale 1:8,000



Legend

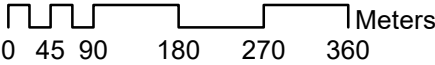
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 13524-13662 Routh Road
File Number: E 5-2021
Owner: 2245885 Ontario Inc.
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:8,000



Legend

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



TOWNSHIP OF SOUTHWOLD

OFFICE OF THE CLERK

35663 Fingal Line
Fingal, ON N0L 1K0

Phone: (519) 769-2010

Fax: (519) 769-2837

Email: planning@southwold.ca

January 19, 2021

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

VIA EMAIL: npasato@elgin.ca

Dear Ms. Pasato:

RE: Application for Consent – E 5/21

2245885 Ontario Inc.

Please be advised that Council, at its regular meeting of Monday, January 11, 2021 passed the following resolution:

2021-008

Con App E 5/21

2245885 Ontario Inc.

- 1) **THAT** the Council of the Township of Southwold regarding the proposed severance application file E 5/21 for a surplus farm dwelling hereby waives the requirement for an Environmental Impact Study on the proposed retained parcel.
- 2) **THAT** the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 5/21 subject to the following conditions:
 - i) That the proposed severed parcel be rezoned;
 - ii) That the proposed retained parcel be rezoned save and except for lands zoned A1-2;
 - iii) That a septic system assessment be conducted on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system;
 - iv) That an assessment on the private water well be conducted on the severed parcel to ensure the drinking water source is safe for human consumption;
 - v) Drainage reapportionment and payment therefore;

- vi) That a mutual drain agreement be provided;
- vii) That all financial obligations to the Township of Southwold be paid in full;
- viii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- ix) 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.

CARRIED

Thank you.

Yours truly,

A handwritten signature in black ink that reads "Heather James". The signature is written in a cursive, flowing style.

Heather James
Planner



TOWNSHIP OF SOUTHWOLD

PLANNING REPORT

Application: Proposed Severance

Report No.: PLA 2021-02

File No: E 5/21

Date: January 11, 2021

TO: Mayor and Council of the Township of Southwold

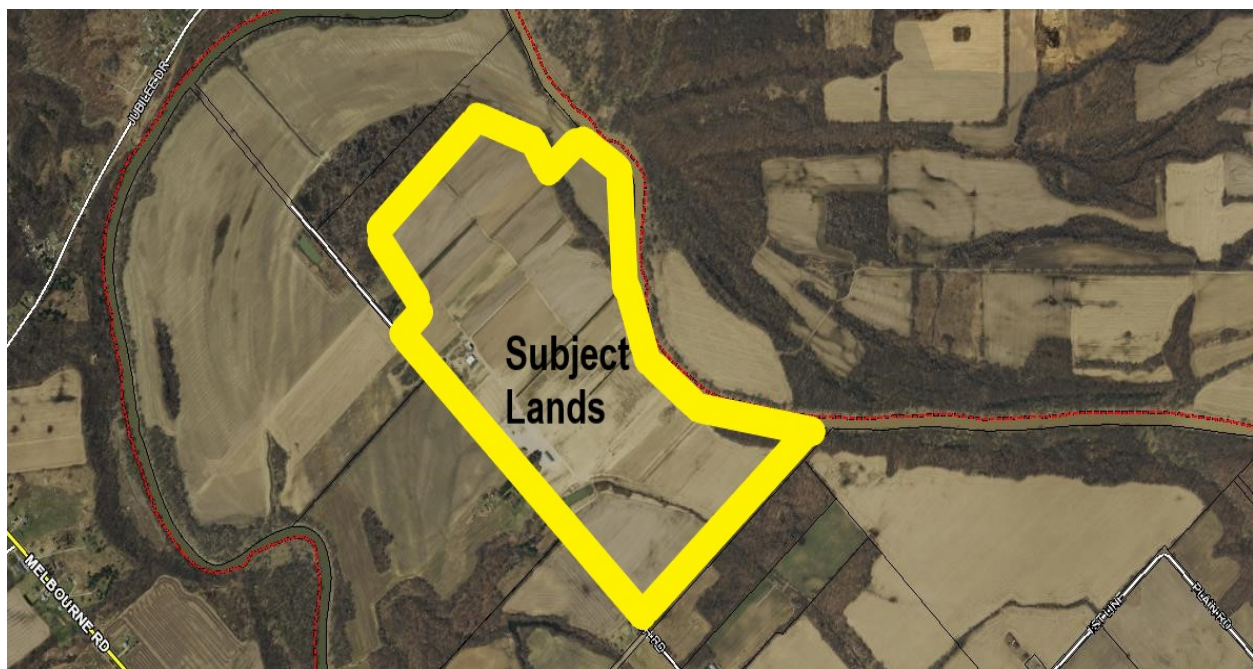
FROM: Heather James, MCIP, RPP, Planner

SUBJECT: Proposed Severance Application by 2245885 Ontario Inc. c/o Gunn & Associates (Helen R. Button) to permit the severance of a surplus farm dwelling.

REASONS FOR AND NATURE OF THE APPLICATION:

The subject lands, shown on Figure 1, are legally described as Lots 8, 9, 10 and Part of Lot 11, Plan 41 and known municipally as 13524 and 13662 Routh Road. They are located on the east side of Routh Road. The approximate 100.11 ha (247.37 ac.) farm parcel has three (3) habitable residences with two livestock facilities, three barns (non-livestock) and one shed. The residence on the proposed severed parcel is currently serviced with a private water well and a privately owned and operated individual septic system. The lands are under cultivation on the proposed retained parcel. The predominant land use in the area is cash crop agriculture. The lands border the Thames River to the east. The Howe Municipal Drain runs through southwest portion of the property and a wooded area is located along the northern and eastern portions of the lands.

Figure 1: Location of Subject Lands



BACKGROUND INFORMATION:

Figure 2: Proposed Severed Parcel Sketch, Submitted by Solicitor

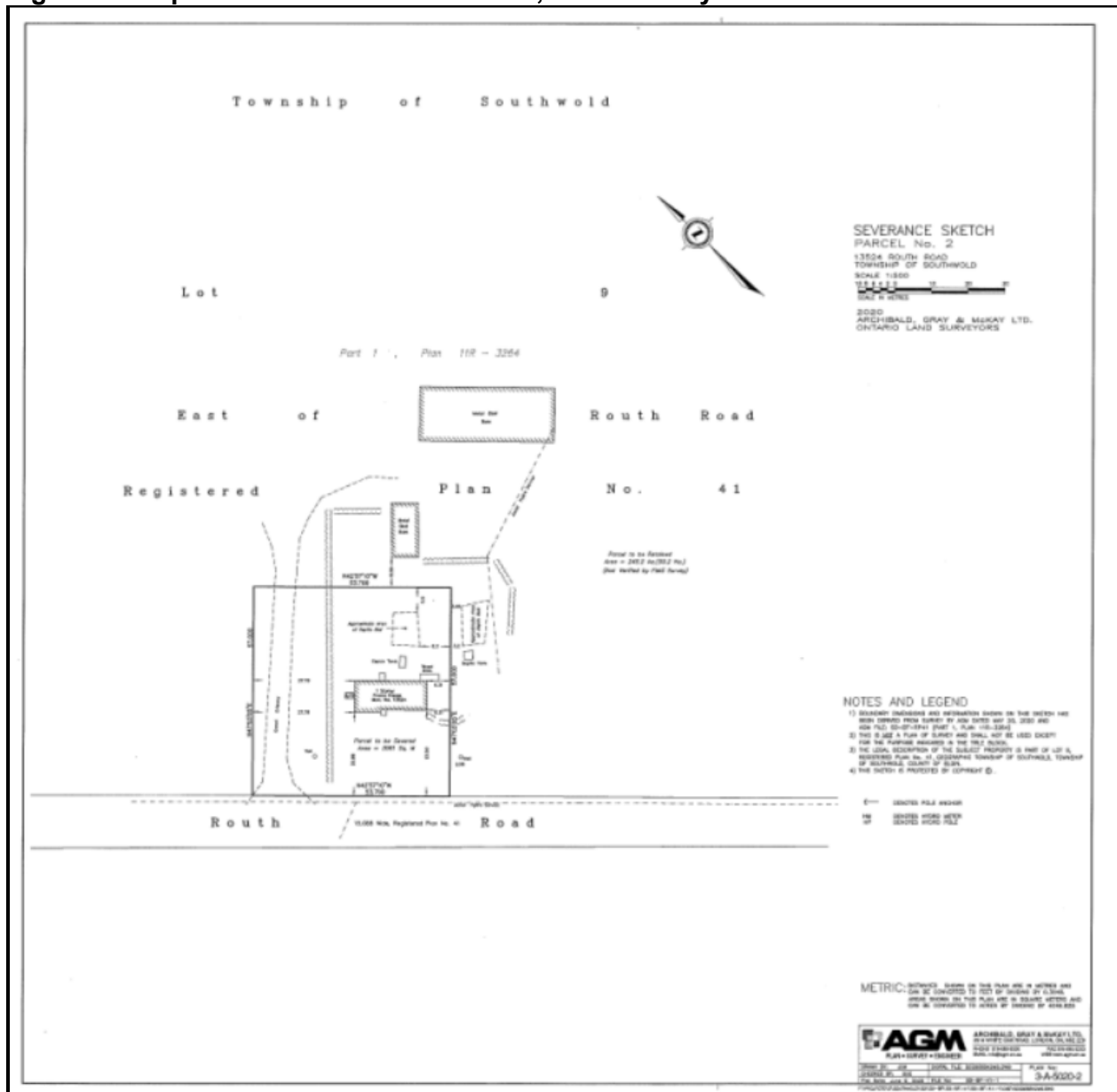
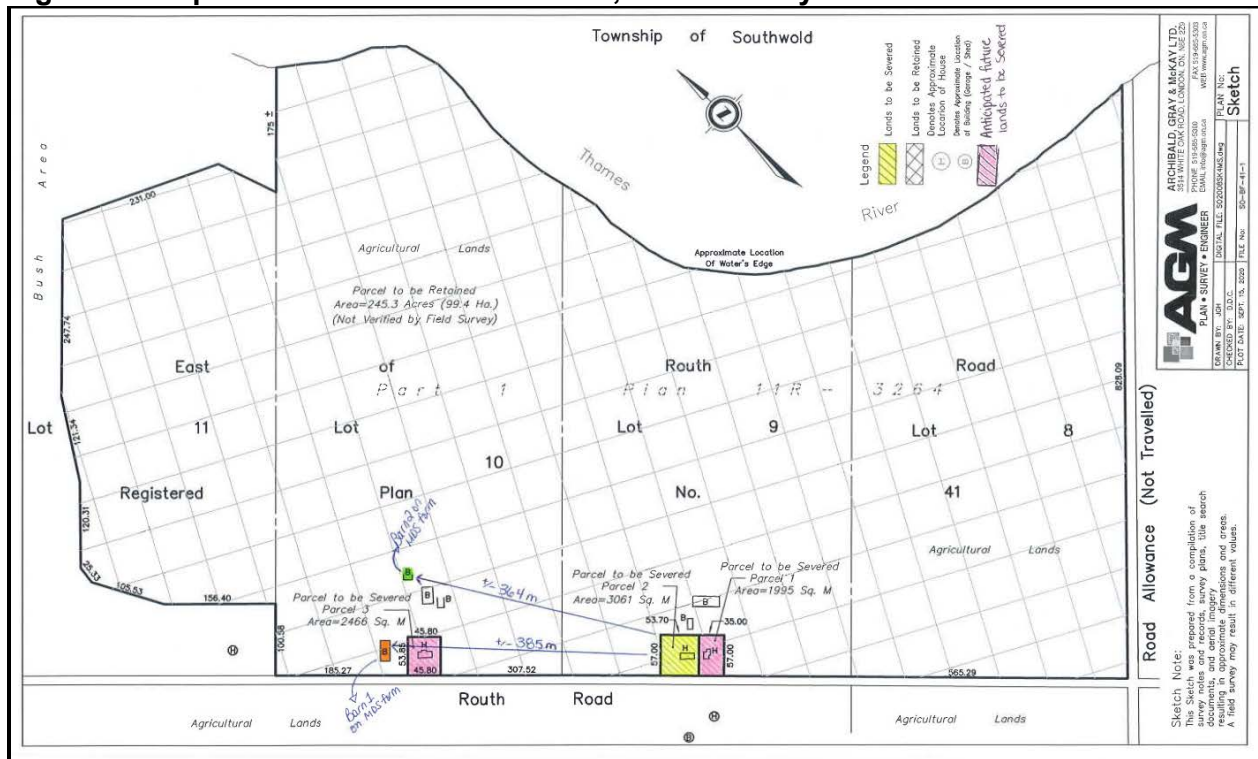


Figure 2 shows the proposal to sever 0.3061 ha (0.76 ac.) parcel with a depth of 57.0 m (187.0 ft.) and frontage of 53.7 m (176.18 ft.) with a habitable residence with private water well and private septic system. At the time of submission of this report, the private water well had not passed a drinking water test. It is my understanding from the solicitor that the owners have resubmitted a new drinking water test from the well to the local public health unit and are awaiting the results. The severed parcel is identified on Figure 2 as Parcel to be Severed Parcel 2 on Lot 9.

Figure 3 shows the proposed retained parcel will have an area of 99.8 ha (246.61 ac.) with an irregular depth of 828.09 m (2,716.83 ft.) and frontage of 1,192.58 m (3,912.66 ft.), with two habitable residences, two livestock facilities, three barns (non-livestock) and one shed and no services.

Figure 3: Proposed Retained Parcel Sketch, Submitted by Solicitor



An existing driveway provides access to Routh Road for the proposed severed parcel. Two existing driveways provide access to Routh Road for the proposed retained parcel.

In Section 18 of the Elgin County Application for Consent, the farm owners have declared the residence will be surplus to the needs of their farming operation once the transaction has occurred. They own one farm operation with a dwelling in the City of London (former Township of Westminster, Middlesex County) as well as two other dwellings on the subject lands.

In the future, the owners intend to apply for severances to sever off two additional residences on the subject lands that are also surplus to the needs of their farming operation.

STAFF COMMENTS:

The proposed severance application was circulated to Township staff for comment. The following comments were submitted:

Drainage Superintendent

'Reapportionment of the Howe Drain to the retained parcel is required. A mutual agreement drain is also required.'

Comment: Drainage reapportionment and mutual agreement drain have been included as conditions of severance.

Chief Building Official

'Should the water sample from the private water well for the severed parcel not pass the drinking water test, then the owners would be required to install a drinking water filtration system and then provide a drinking water test that passes after such system has been installed.'

Comment: A requirement for the water well to be assessed for safe drinking water consumption has been included as a condition of severance.

All other comments submitted by Township staff indicated they had no concerns with the proposed severance application.

PLANNING POLICY REVIEW:

Provincial Policy Statement 2020 (PPS)

Under Section 3(5) of the *Planning Act*, the Township "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Lot creation in agricultural areas is permitted for: a) agricultural uses; b) agriculture-related uses; c) **a residence surplus to a farming operation** because of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Comment: The residence is surplus to the needs of the farm owners. The proposed severed parcel has been limited in size to accommodate the use and services. A condition to rezone the retained farmland to prohibit construction of new dwellings is recommended to address the PPS requirement to prohibit new dwellings on the vacant farmland. The proposed severance meets Minimum Distance Separation I, in accordance with Implementation Guideline #8 of OMAFRA's The Minimum Distance Separation (MDS) Document, Publication 853 (see attached MDS calculation).

A portion of the proposed retained parcel is within a significant woodland. Development and site alteration in significant woodlands or on adjacent lands is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an Environmental Impact Study (E.I.S.).

Comment: No development is proposed because of this severance and therefore, the proposed severance will not have an impact on the significant woodlands and adjacent lands and therefore an E.I.S. is not required. Should development be proposed within and adjacent to the significant woodlands, an E.I.S. will be required during the building permit application process.

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

County of Elgin Official Plan

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the County of Elgin Official Plan. A portion of the proposed retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas in the County of Elgin Official Plan.

Section E1.2.3.4 b) permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development

of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever.

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

Section D1.2 Natural Heritage contains policies pertaining to significant woodlands. Section D1.2.6 states development and site alteration are not permitted in a significant woodland or on adjacent lands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact to the natural heritage features. Lastly, Section D1.2.7 Adjacent Lands states development and site alteration within 120 metres of a significant woodland shall not proceed unless an E.I.S. has been completed, demonstrating there will be no negative impact to the natural heritage features.

Comment: No development is proposed because of this severance and therefore, the proposed severance will not have an impact on the significant woodlands and adjacent lands and therefore, as a condition of this severance, I request that Council waive the requirement for an E.I.S.

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

Township of Southwold Official Plan

The subject lands are designated Agricultural on Schedule 'A' Land Use in the Township of Southwold Official Plan. The Woodlands on Schedule 'B' and the Hazard Lands on Schedule 'B-1' overlay apply to a portion of the proposed retained parcel.

Section 6.8.6 Agricultural Consent policies for residences surplus to the needs of a farm operation state land severances in the Agricultural Area may be permitted for:

e) a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use;
- iii) Minimum Distance Separation I provisions can be met.

Comment: The proposed severance demonstrates that the residence is surplus to the farm owners' farming operation. There are no livestock operations affecting the proposal.

Section 5.7.1 Sanitary Sewage and Water Services policies require that existing sewage and water services be adequate.

Comment: A condition that the Chief Building Official be satisfied that the septic system functions adequately is recommended for the proposed severed parcel.

Section 2.1 Natural Heritage Features and Areas and Hazard Lands prohibits buildings, structures, and alteration to lands designated Hazard Lands.

Comment: No buildings and/or structures are within the Hazard Lands overlay. No development is proposed on the proposed retained parcel.

Section 2.2 Natural Heritage Features and Areas states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to the Environmental Impact Study (E.I.S.) demonstrating no negative impacts to the feature and its ecological function.

Comment: No development is proposed because of this severance and therefore, the proposed severance will not have an impact on the significant woodlands and adjacent lands and therefore, as a condition of this severance, I request that Council waive the requirement for an E.I.S.

Conclusion: The proposed severance application conforms to the Township of Southwold Official Plan.

Township of Southwold Comprehensive Zoning By-Law 2011-14

The subject lands are zoned Agricultural 1 (A1) and Special Provision Agricultural 1 (A1-2), with a portion of the lands subject to Natural Lands and Adjacent Lands constraint and a portion of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 1.

The A1 Zone permits agricultural and agricultural related uses. Single detached dwellings are also permitted in the A1 Zone. The regulations for a lot legally used for a single detached dwelling created by consent are subject to reduced lot requirements.

The A1 Zone Subsection 5.2 (g) 'Reduced Lot Requirements' regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 m² (20,000.0 sq. ft.). The maximum lot area permitted is 6,000 m² (1.48 ac.). The minimum lot frontage is 30.0 m (98.0 ft.).

The severed parcel is zoned Special Provision Agricultural 1 (A1-2) Zone which includes an additional permitted use, that being additional dwellings existing on the date of passing of the by-law.

Comment: The proposed severed parcel area of approximately 0.3061 ha (3,061.0 m², 0.76 ac.) and the proposed lot frontage of 53.7 m (176.18 ft.) meet the A1 Zone Subsection 5.2 (g) requirements. The Agricultural 1 (A1) Zone is recommended to be applied to the proposed severed parcel.

The Agricultural 3 (A3) Zone prohibits residential use on the farmland. The A3 Zone is recommended to be applied to the retained parcel save and except for the lands zoned A1-2 (existing dwellings).

Section 3.4 Environmental Protection Zones, Natural Areas and Adjacent Lands states no new buildings or structures are permitted in the Natural Area and Adjacent Lands constraint area without the completion of an Environmental Impact Study, prepared by a qualified environmental consultant that states no negative impacts will occur to the Natural Areas. Since no development is proposed as a result of this severance, I recommend that an E.I.S. is not required.

Section 3.11 Hazard Lands states no permanent buildings or structures with the exception of those designated, used or intended for flood or erosion control purposes shall be erected or used on lands which exhibit a hazardous condition unless a permit has been obtained by the applicable Conservation Authority. No development is proposed in the hazard lands.

SUMMARY/CONCLUSION:

The proposed severance application is consistent with the Provincial Policy Statement and conforms to the County of Elgin Official Plan and the Township of Southwold Official Plan.

RECOMMENDATION:

- 1) THAT Council of the Township of Southwold regarding the proposed severance application file E 5/21 for a surplus farm dwelling hereby waives the requirement for an Environmental Impact Study on the proposed retained parcel.
- 2) THAT the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 5/21 subject to the following conditions:
 - i) That the proposed severed parcel be rezoned;
 - ii) That the proposed retained parcel be rezoned save and except for lands zoned A1-2;
 - iii) That a septic system assessment be conducted on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system;
 - iv) That an assessment on the private water well be conducted on the severed parcel to ensure the drinking water source is safe for human consumption;
 - v) Drainage reapportionment and payment thereof;
 - vi) That a mutual drain agreement be provided;
 - vii) That all financial obligations to the Township of Southwold be paid in full;
 - viii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

Respectfully submitted by:

Heather James, MCIP, RPP, Planner
"Submitted electronically."

Approved by:

Ken Loveland
CAO/Clerk

MUNICIPAL APPRAISAL SHEET

Your assistance is requested by the Elgin County Land Division Committee in answering the questions below. Please complete and attached relevant excerpts from the appropriate Official Plan and Zoning By-Law. Should you have any questions, please call this office.

Submission E 5/21

Applicant 2245885 Ontario Inc.

Location 13524 and 13662 Routh Road Southwold

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 – Southwold Official Plan_____

Policies:
Sections 2.1, 2.2, 5.7.1 and 6.8.6

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 by-law amendment is required for the severed and retained parcels save an except for lands zoned A1-2.

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

OTHER

- | | | |
|---|---------|----------|
| 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. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
 - (b) the dedication of highways ()
 - (c) the dedication of land for highway widening ()
 - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate.

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? |
|---|

No.

January 18, 2021

County of Elgin
450 Sunset Drive
St. Thomas, ON N5R 5X7

Attn: **Nancy Pasato**

Re: **Consent Application No. E-5/21**
13524 – 13662 Routh Road (Ontario Inc)
Lots 8, 9 & 10, Part Lot 11, Plan 41
Part 1, RP 11R 3264
Township of Southwold

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

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

Please be advised that the subject property is located in an area with a Highly Vulnerable Aquifer [HVA] and a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

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

Yours truly



Valerie Towsley
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 5-21

OWNER: 2245885 Ontario Inc

PROPERTY: LOT NO. Lots 8, 9, 10, Part Lot 11 CONCESSION: _____
REG'D PLAN: _____ MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to _____ 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: January 20, 2021

Re: **Application E 5-21, 2245885 Ontario Inc.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 13524-13662 Routh Road, legally described as Lots 8, 9, 10, Part Lot 11, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 53.7 metres (176.18 feet) along Routh Road by a depth of 57 metres (187.01 feet) and an area of 3061 square metres (0.76 acres), containing one house, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 99.8 hectares (246.61 acres) proposed to remain in agricultural use.

Planning Act and Provincial Policy Statement

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

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. 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 10203 and 10401 Westminster Drive (London). 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 (0.76 acres)) will contain one house, private water and septic system.

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

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



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 10203 and 10401 Westminster Drive (London). The severed lands are of a sufficient size to accommodate the single detached dwelling and private water and septic system.

The property is designated as Agricultural in the Township of Southwold Official Plan and Agricultural Special Provision (A1-2) for the severed parcel and Agricultural (A1) for the retained parcel in the Township of Southwold. A zoning by-law amendment will likely be required.

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

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

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

1. That the proposed severed parcel be rezoned;
2. That the proposed retained parcel be rezoned save and except for lands zoned A1-2;
3. That a septic system assessment be conducted on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system;
4. That an assessment on the private water well be conducted on the severed parcel to ensure the drinking water source is safe for human consumption;
5. Drainage reapportionment and payment therefore;
6. That a mutual drain agreement be provided;
7. That all financial obligations to the Township of Southwold be paid in full;
8. That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,

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



9. 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.

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 6-21

LOT 23 CONCESSION 3

MUNICIPALITY OF BAYHAM

MUNICIPAL ADDRESS: 56813 LIGHT LINE

TAKE NOTICE that an application has been made by **Mark and Rosmarie McCord**, 61 Victoria St. PO Box 220, 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 56813 Light Line, legally described as Lot 23 Concession 3, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 69 metres (226.38 feet) along Light Line by an irregular depth of 96.5/75.9 metres (316.60/249.02 feet) and an area of 5989.35 square metres (1.48 acres), containing a dwelling, 2 metal clad garages, garden shed and framed shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 20.04 hectares (49.52 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 January 27, 2021 AT 11:00AM.

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.

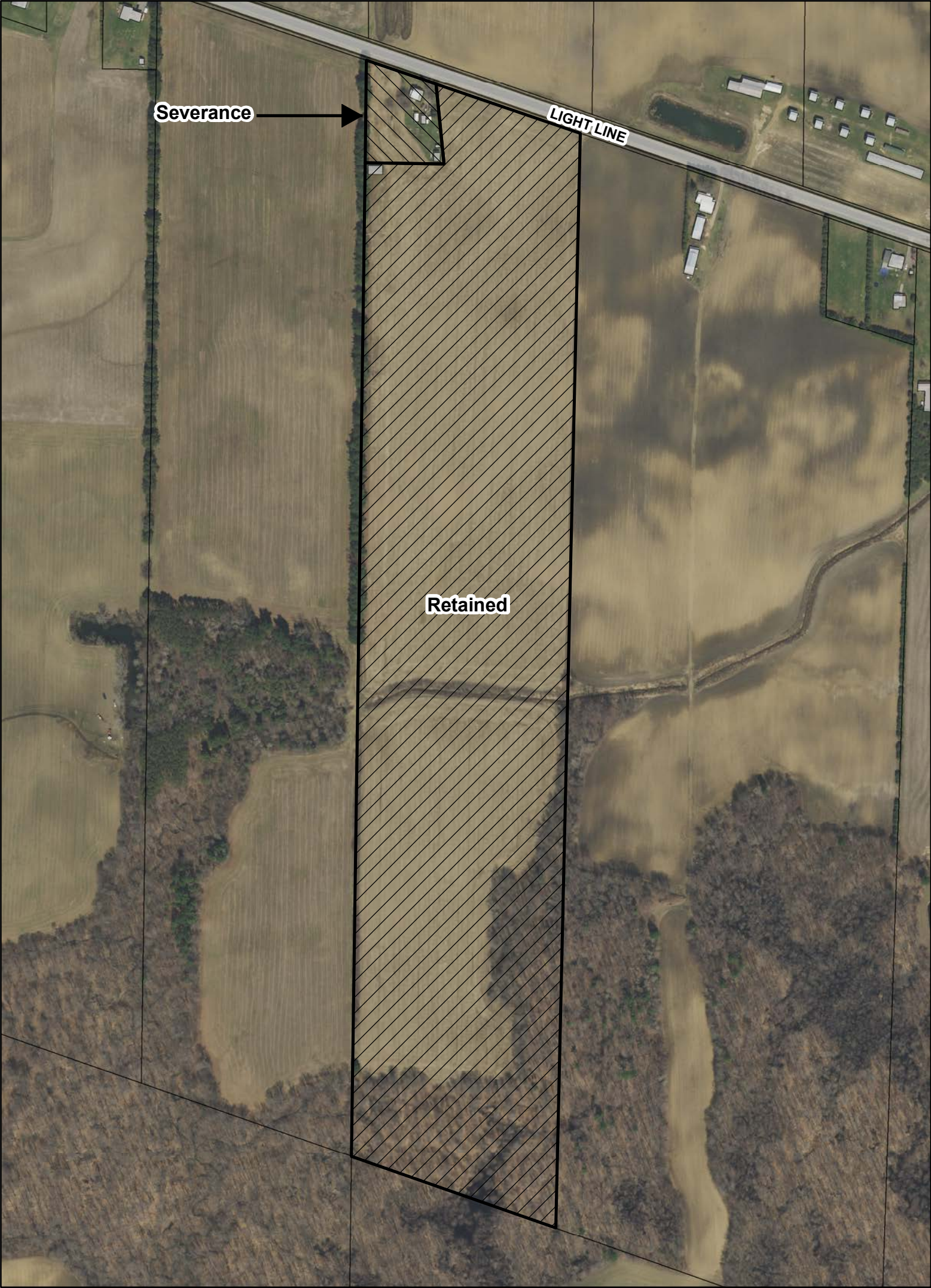
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

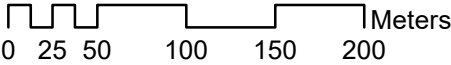
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 56813 Light Line
File Number: E 6-2021
Owner: Mark and Roremarie McCord
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

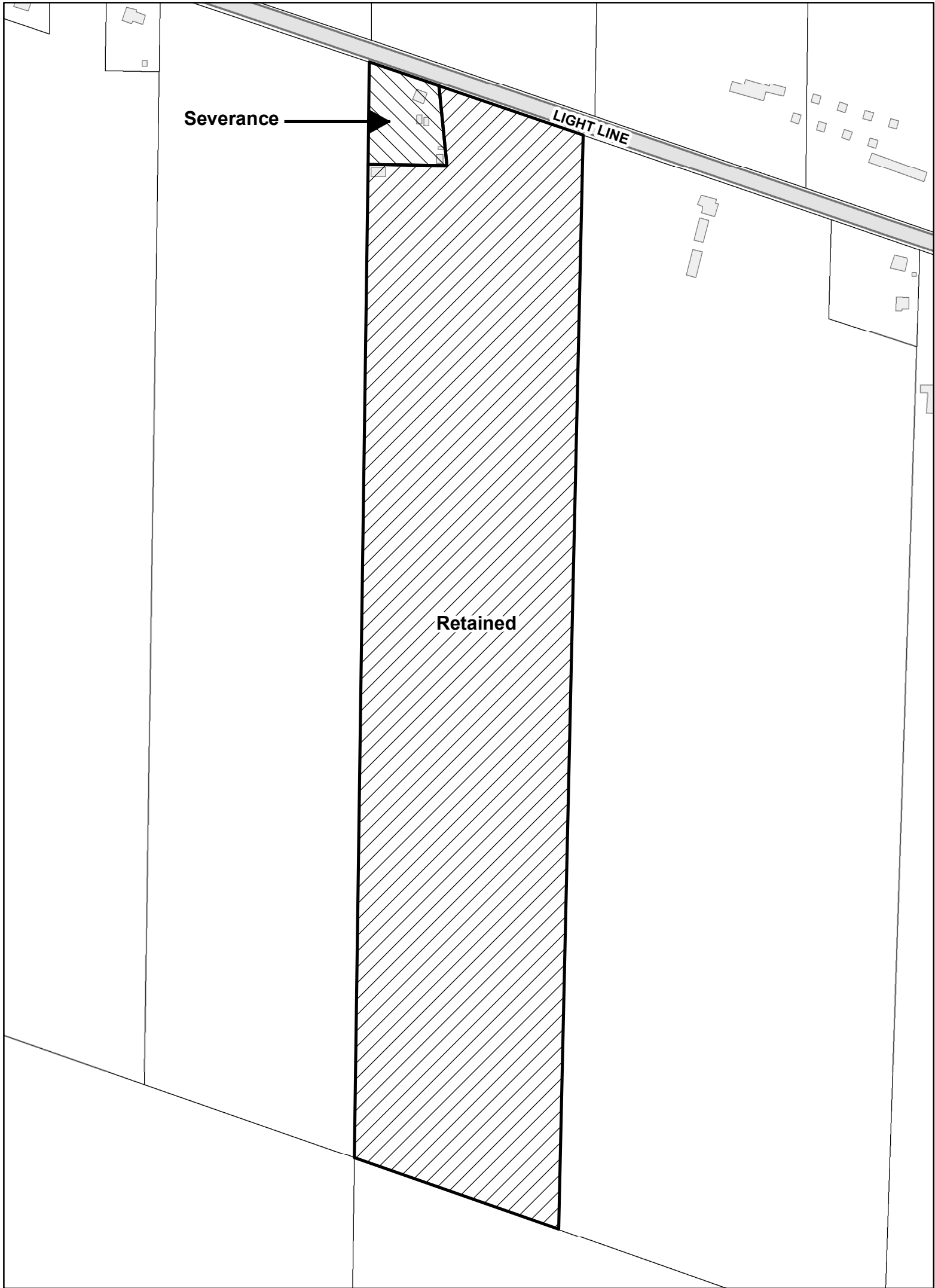
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:4,250

Legend

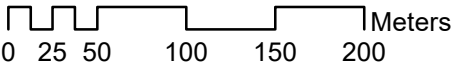
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 56813 Light Line
File Number: E 6-2021
Owner: Mark and Roremarie McCord
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:4,250

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



January 22, 2021

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. E6-21 McCord

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 21, 2021 meeting:

THAT Report DS-06/21 regarding Consent Application E06-21 for Mark and Rosmarie McCord be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E06-21 be granted subject to the following conditions:

- 1. Reconfiguration of the severed lot as per IBI Group Memorandum January 11, 2021 Appendix 'A' to a non-irregular shape and reduced lot size**
- 2. Rezoning of both the severed and retained parcels**
- 3. The Owner undertakes to raise the water well head up to 0.45 m (18 inches) according to applicable Code**
- 4. Due to their structural condition, the Owner demolishes and removes the Shed and Framed Building from the severed parcel and the Barn from the retained, all to the satisfaction of the Chief Building Official of the Municipality of Bayham**
- 5. Planning Report fee payable to the municipality**
- 6. Digital Copy of the final survey provided to the municipality**

Municipal Appraisal Sheet and Staff Report DS-06/21 emailed with 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
Acting Clerk/Planning Coordinator

D09.McCord
Cc: D. Roe (email)

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 06-21

Applicant M & R McCord

Location Bayham – 56813 Light Line

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, Natural Gas Reservoir, Hazard Lands,
Significant Woodlands

Policies: Section 2.1.7.1 severance of Surplus Farm Dwellings _____

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/LPRCA Regulation Limit

Rezoning required for both the severed and retained parcels _____

- | | | |
|--|-----------|--------|
| 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 Resolution attached – Council meeting held January 21, 2021

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 I 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.

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Residential (RR) Zone except for the following purposes:

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

7.11.1 The establishment of new livestock uses, livestock-related buildings and structures, and mushroom farms shall not be permitted.

7.11.2 No accessory buildings or structures shall be located within 3 metres of a side or

rear lot line.

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 **Exceptions - Rural Residential (RR) Zone**

7.13.1

7.13.1.1 **Defined Area**

RR-1 as shown on Schedule "A", Map 11 to this By-law.

7.13.1.2 **Permitted Uses**

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 **Maximum Lot Area**

8,500 m²

7.13.1.4 **Minimum Lot Frontage**

85.0 metres

7.13.1.5 **Minimum Floor Area**

55.0 m²

7.13.2

7.13.2.1 **Defined Area**

RR-2 as shown on Schedule "A", Map 5 to this By-law.

7.13.2.2 **Permitted Uses**

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 **Permitted Buildings and Structures**

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 **Defined Area**

RR-3 as shown on Schedule "A", Map 2 to this By-law.

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

The Agricultural (A2) Zone is intended to apply to parcels designated "Agriculture" in the Official Plan, where new dwellings are prohibited as a result of a severance of a surplus farm dwelling.

6.2 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

Residential dwellings not existing on the date of passing of this by-law

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: 150.0 metres or the Minimum Distance

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 6.7 to 6.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated.
- b) Not to be located within 200 metres of any opened public right-of-way.

6.12 Exceptions – Special Agricultural (A2) Zone

6.12.1

6.12.1.1 Defined Area

A2-1 as shown on Schedule "A", Map 14 to this by-law

6.12.1.2 Permitted Uses

Electrical substation and related appurtenances;

Z475-2004

All other uses permitted in Section 6.1 of this By-law."

6.12.1.3 Holding (-h) Symbol

The Holding (h) Symbol will be removed after a site plan agreement is registered on title.

6.12.2

6.12.2.1 Defined Area

A2-2 as shown on Schedule "A", Map No. 4 to this By-law

Z511-2005

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

6.12.3.1 Defined Area

A2-3 as shown on Schedule "A", Map No. 4 and 5 to this By-law

6.12.3.2 Permitted Uses

Z519-2006

An existing assembly hall in addition to all other uses permitted in the A2 Zone

6.12.4

6.12.4.1 Defined Area

A2-4 as shown on Schedule "A", Map No. 14 to this By-law

6.12.4.2 Additional Permitted Uses

Z528-2006

A fenced compound area for the storage of licensed recreational vehicles, boats, and travel trailers



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	January 11, 2021
From	Paul Riley, CPT	Project No	3404-794
cc	William Pol, MCIP, RPP		
Subject	Mark and Rosemarie McCord - 56813 Light Line - Application for Consent E06/21		

1. We have completed our review of Consent Application E06-21 submitted by Mark and Rosemarie McCord for lands located at 56813 Light Line, south side, east of Toll Gate Road. The applicant is requesting a Consent to sever 0.6 ha (1.48 ac) of land and to retain 20 ha (49 ac) of land. The intent of this Consent is to sever a surplus farm dwelling on the subject lands. The proposed subject lands are designated 'Agriculture', 'Natural Heritage' and 'Natural Gas Reservoir' on Schedule 'A1' Land Use; and 'Hazard Lands' and 'Significant Woodlands' on Schedule 'A2' Constraints, of the Municipality of Bayham Official Plan. The subject lands are zoned Agricultural (A1) and LPRCA Regulation Limit on Schedule 'A' Map No. 12 of Zoning By-law Z456-2003.
2. The proposed retained parcel will have lot frontage of 148.5 m (478 ft) and lot depth of 1,032 m (3,385 ft) and is currently occupied by agricultural uses and woodlands. The proposed severed parcel will have lot frontage of 69 m (226 ft) and lot depth of 96.5 m (316 ft) and is occupied by a single detached dwelling and four accessory buildings, two metal sheds/garages, a shed and a framed building. Woodlands are located on the south and southeast portion of the subject lands and there is a drain/ditch crossing the parcel centrally east/west, with neither feature in proximity or impacting the severance lands. Surrounding land uses are agricultural.
3. The applicants have provided supporting servicing information as part of the complete application. The septic system was inspected by Gilles Therrien Septic Tank Pumping and their report provided confirmation it is in good working order. The water well was inspected by Dave Oatman Pumps and Pressure Systems and their report provided confirmation it is in good working order. Furthermore, the Dave Oatman report indicates that the well head should be brought up 0.45 m (18 inches) to meet code, which will be a condition of the Consent.
4. The preferred use of the severed lands is for agriculture which would be accomplished by demolishing the aging dwelling and reverting the lands back to agricultural production; or to retain the dwelling as a rental property or supplementary farm dwelling for farm labour accommodations until such time as the dwelling is unusable.

Municipality of Bayham – January 11, 2021

5. The Municipality of Bayham Official Plan Section 2.1.7.1 permits the severance of surplus farm dwellings at time of acquisition of new farm parcels to the farm operation provided: no land use conflicts are created with adjacent uses; no other dwellings had been severed previously from the original farm parcel; and, the dwelling has existed for at least ten (10) years prior to the date of the Consent application. Based on: the existing nature of the dwelling, it is not anticipated that the proposed Consent will produce land use conflicts with any nearby land uses, including agricultural operations; the lot configuration no previous surplus dwelling severances were severed; and the dwelling was built in the 1930s. A minimum of one (1) existing dwelling must be retained by the farm operation and the applicant indicates such dwelling is located at 78 Victoria Street, Port Burwell. The proposed consent is consistent to the Municipality of Bayham Official Plan.
6. The severed parcel must be rezoned to a Rural Residential (RR) zone consistent to the resultant residential use and Official Plan Section 2.1.7.2 for surplus farm dwellings. The proposed lot configuration can accommodate the setback and lot configuration regulations in the RR zone.

The retained lands must be rezoned to a site-specific Special Agricultural (A2) zone to prohibit new dwellings as per Official Plan Section 2.1.7.4. The proposed lot area meets the minimum lot area of 20.0 ha required in the A2 zone. The proposed 145.8 m (478 ft) lot frontage is less than the required minimum of 150 m (492 ft) in the A2 zone, therefore, site-specific zoning recognizing the reduced lot frontage is required. The proposed reduced lot frontage does not impact the ongoing agricultural uses of the retained lands.
7. The Municipal Building Official attended the subject lands on Friday January 8, 2021 to assess the condition of accessory buildings and barn on the lands. The two metal sheds to the rear of the dwelling were adequate to be retained for residential accessory uses, however, the two accessory buildings shown on the proposed southeast corner of the severed lands and the barn were deemed in very poor condition. The applicant shall demolish and remove the two accessory buildings and barn, to the satisfaction of the Chief Building Official, as a condition of consent.
8. The proposed lot configuration is irregular in shape and larger than necessary for the provision of private water and sewer services as required in Official Plan Section 2.1.7.2 a), in accordance to the PPS. The lot configuration is irregular in shape to accommodate the currently used area outside the edge of cultivation and the two accessory buildings in disrepair. The existing edge of cultivation shown on the sketch does not prevent such lands outside the edge of cultivation from being brought back into agricultural production. We recommend that the lot configuration be revised to have the lot lines perpendicular and parallel to the westerly property line, generally as per Appendix 'A' recommended lot configuration sketch.

Municipality of Bayham – January 11, 2021

9. Based on the above review of Consent Application E06/21, we have no objection to the proposed Consent to sever a portion of land from 56813 Light Line as a surplus farm dwelling provided that the lot is reconfigured to a non-irregular easterly and southerly property line as per the "Appendix 'A' lot configuration recommendation. The following conditions for Consent approval are recommended:
- a) That the owner revises the lot configuration as per Appendix 'A'.
 - b) That the owner rezone the severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone.
 - c) That the owner rezones the retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) Zone to prohibit new dwellings;
 - d) That the owner undertakes to raise the water well head up 0.45 m (18 inches) according to applicable Code;
 - e) That the owner demolishes and removes the two accessory buildings and barn which are in very poor condition to the satisfaction of the Chief Building Official of the Municipality.
 - f) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

OWANCE BETWEEN CONCESSIONS

22

LOT

0.99

1 1/2 STOREY DWELLING

41.73

APPROXIMATE LOCATION OF SEPTIC BED

DRIVE

10.63

10.72

13.69

GRAVEL

POUR

12.65

EDGE

OF

CULTIVATED

FIELD

2.02

4.27

FRAMED BUILDING

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

15m mini

m

23

TO

KIM

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 6-21

OWNER: Mark and Rosmarie McCord

PROPERTY: LOT NO. Lot 23 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: January 20, 2021

Re: **Application E 6-21, Mark and Rosmarie McCord**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56813 Light Line, legally described as Lot 23 Concession 3, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 69 metres (226.38 feet) along Light Line by an irregular depth of 96.5/75.9 metres (316.60/249.02 feet) and an area of 5989.35 square metres (1.48 acres), containing a dwelling, 2 metal clad garages, garden shed and framed shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 20.04 hectares (49.52 acres) proposed to remain in agricultural use.

Planning Act and Provincial Policy Statement

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

The consent has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). Policy 2.3.4. 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 61 Victoria Street. 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 (0.60 ha (1.48 acres)) will contain a dwelling, 2 metal clad garages, garden shed and framed shed, with a private well and septic system.

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 61 Victoria Street. The severed lands are of a sufficient size to accommodate the single detached dwelling and private services. Staff had originally indicated that part of the cultivated lands should be removed from the proposed lot, however, the applicant has provided an explanation on the size of lot and location of the septic and well system, which then requires setbacks from the lot line, and limits the ability of the balance of those lands to be farmed.

The property is designated as Agricultural in the Municipality of Bayham Official Plan and the zoning is Agricultural (A1) in the Municipality of Bayham By-law Zoning By-law. A zoning by-law amendment will be required.

The County supports this application for consent, provided it meets the policies of the Municipality of Bayham Official Plan and the provisions of the local Zoning By-law.

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

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

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

1. Reconfiguration of the severed lot as per IBI Group Memorandum January 11, 2021 Appendix 'A' to a non-irregular shape and reduced lot size;
2. Rezoning of both the severed and retained parcels;
3. The Owner undertakes to raise the water well head up to 0.45 m (18 inches) according to applicable Code;

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



4. Due to their structural condition, the Owner demolishes and removes the shed and framed building from the severed parcel and the barn from the retained, all to the satisfaction of the Chief Building Official of the Municipality of Bayham;
5. Planning Report fee payable to the municipality; and
6. 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



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 7-21

PART LOTS 12 & 13

TOWN OF AYLMER

MUNICIPAL ADDRESS: 55 & 59 PINE STREET WEST

TAKE NOTICE that an application has been made by **Ian Cameron**, 59 Pine St West, Aylmer ON N5H 1P1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55 & 59 Pine Street W, legally described as Part Lots 12 & 13, Town of Aylmer.

The applicants propose to sever a parcel with a frontage of 14.409 metres (47.27 feet) along Pine Street West by a depth of 41.837 metres (137.26 feet) and an area of 592.06 square metres (0.15 acres), containing an existing dwelling and garage. The owners are retaining 1082.115 square metres (0.27 acres) proposed to remain in residential use.

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

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

WEDNESDAY January 27, 2021 AT 11:15AM.

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 4th day of January, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

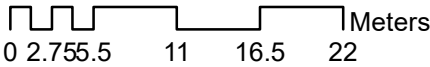
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 55 and 59 Pine Street West
File Number: E 7-2021
Owner: Ian James Cameron
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:500

Legend

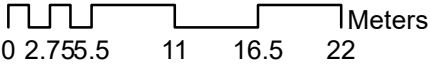
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map






Subject Site: 55 and 59 Pine Street West
File Number: E 7-2021
Owner: Ian James Cameron
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

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



Scale 1:500

Legend

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

Town of Aylmer

Report CORP 04-21



Report Title:	55-59 Pine Street West – Consent Application
Submitted for:	January 18, 2021
Report Author:	Kale Brown, Director of Corporate Services
<input type="checkbox"/> Receive for Information	<input checked="" type="checkbox"/> Recommendation

Recommendation:

That Report CORP 04-21 entitled 55-59 Pine Street West – Consent Application be received for information; and,

That Council supports County of Elgin consent application E7/21 and directs staff to complete and forward the Municipal Appraisal Sheet to Land Division Committee noting the Town of Aylmer has no additional conditions for the proposed Land Division application as presented.

Background and Analysis:

Staff is in receipt of a consent application submitted to Land Division at the County of Elgin by Mark Coombes as agent for the owner Ian James Cameron pertaining to lands known municipally as 55-59 Pine Street West in the Town of Aylmer.

As a result of a death and inheritance of the property at 55 and 59 Pine Street West merged on title automatically. The applicant is therefore proposing to sever the recently merged property to reinstate the previous lot division which existed prior to the two parcels merging. This application for consent is therefore required on a legal / technical basis rather than to create an additional development lot.

The applicants propose to sever the 55 Pine Street West parcel with a frontage of 14.4 metres by a depth of 41.44 metres with a total area of 592.06 square metres. The severed parcel contains an existing detached dwelling and a detached garage. The retained parcel with a frontage of 25.789 metres along Pine Street West contains an existing detached dwelling and a detached garage. Both parcels are proposed to remain as existing in the current residential use.

The subject property is currently zoned Residential Type 2 (R2) allowing for a range of uses including the existing detached dwelling. The severed parcel as proposed will not comply with the minimum front yard required in the R2 zone however, both parcels are not proposing any changes to the existing buildings on site and previously existed as proposed prior to the merging of the lots. Therefore,

based on the legal and technical rationale for the consent application, the existing buildings could be considered legal non-conforming with respect to the zoning requirement.

The current Official Plan designation is Low Density Residential, which accommodates the R2 zoning uses. The proposed consent is considered in conformity with the relevant policies of the Official Plan.

Accordingly, staff are recommending that Land Division application E7/21 be supported with no required conditions.

Respectfully submitted,

Kale Brown
Director of Corporate Services

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: Notice of Application - E 7-21
Date: January 11, 2021 9:23:10 AM

Hi Dawn,

We (CCCA) have no concerns with the above noted consent application at 55 & 59 Pine Street, in Aylmer.

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: January-06-21 3:39 PM
To: jbrick@town.aylmer.on.ca; jreynaert@town.aylmer.on.ca; kbrown@town.aylmer.on.ca; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; markc@bowsherandbowsheer.ca
Subject: Notice of Application - E 7-21

Good afternoon,

Please find attached the Notice of Application for file number E 7-21 for the Elgin County Land Division Committee meeting being held on January 27, 2021.

If you wish to provide comments on this application please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, January 19, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,

Dawn Wittland-Graham
Administrative Assistant
Engineering & Planning Services



450 Sunset Drive
St. Thomas ON N5R 5V1
(519)631-1460 Ext 183
dwittlandgraham@elgin.ca

Notice: A number of Elgin County services are unavailable at this time due to the evolving health situation (COVID-19). Please visit www.elgincounty.ca for daily updates.

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 7, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 7-21

OWNER: Ian Cameron


PROPERTY: LOT NO. Part Lots 12 & 13 CONCESSION:

REG'D PLAN: MUNICIPALITY: Aylmer

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: January 20, 2021

Re: **Application E 7-21 Ian Cameron**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55 & 59 Pine Street W, legally described as Part Lots 12 & 13, Town of Aylmer.

The applicants propose to sever a parcel with a frontage of 14.409 metres (47.27 feet) along Pine Street West by a depth of 41.837 metres (137.26 feet) and an area of 592.06 square metres (0.15 acres), containing an existing dwelling and garage. The owners are retaining 1082.115 square metres (0.27 acres) proposed to remain in residential use.

Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision 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 (Aylmer), 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 1 Settlement Area (Aylmer) in the Elgin County Official Plan (OP), where full municipal services are available and new development is encouraged. The Applicant has indicated that the severed lot will be serviced by municipal water and sewer.

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

The lands are designated as Low Density Residential in the Town of Aylmer Official Plan, and zoned Residential Type 2 (R2) in the Town of Aylmer 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 proposed lots both contain single detached dwellings. The parcels have merged on title and require a consent in order to separate. The application conforms with the local Official Plan.

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

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

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

No conditions have been requested from the Town of Aylmer.

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