



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, February 24th, 2021

- 9:00am Approval of January 27, 2021 Meeting Minutes
- Bradt Road – Response from Municipality of Dutton Dunwich
- County of Elgin 5-Year Official Plan Review
- Bill 88 – Changes to Consent Process
- Inquiries from Land Division Committee Members
- 9:30am E 23-20 Dohner Farms Ltd (Amended Decision)
53233 Nova Scotia Line – Township of Malahide
- 9:35am E 8 - 21 Andy & Amber Wadsworth
37352 Fingal Line – Township of Southwold
- 9:45am E 9 - 21 Andy & Amber Wadsworth
37298 Fingal Line – Township of Southwold
- 9:55am E 10 - 21 Fife Farms Ltd
35491 Stafford Line – Township of Southwold

**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 – January 27, 2021

County Administration Building, St. Thomas, Ontario and electronically

Present: John R. “Ian” Fleck, Chairman, Dugald Aldred, John Andrews, 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”.

Service Delivery Review: presented by Julie Gonyou and Warden Marks

Comments in regards to Service Delivery Review –

Julie Gonyou - Develop a skills matrix to help with selection of new LDC. Work with current LDC on skills and capabilities needed. Possibly survey previous applicants? Find a way for LDC to communicate with local partners. Have local staff attend consultation meetings.

John Seldon - No metric in executive summary. How is it measured how the Committee is doing? Need a way to compile data to know where improvement is needed. Concerns of “elitist” selection and will this restrict the number of people applying?

Dennis O’Grady – How will this involve the committee? Will there be separate meetings?

Ian Fleck – Good report. Current survey condition added is a good point. Would like to work with OMAFRA – 1,000,000 acres gone from farming.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

- None declared

Nominations and Appointing of New Chair:

Nomination: Ian Fleck by John Seldon
Ian Fleck accepted nomination

Moved by: John Seldon
Seconded by: Rosemary Kennedy

Nominations and Appointing of New Vice Chair:

Nomination: Dennis O’Grady by John Andrews
Dennis O’Grady accepted nomination

Moved by: John Andrews
Seconded by: Jack Van Kasteren

Minutes:

Ian Fleck noted there was an error in the minutes for December 16, 2020: On page 4 – the Municipality was incorrect.

Moved by: Dennis O’Grady
Seconded by: Dugald Aldred
That the minutes of the meeting held December 16, 2020 be adopted.

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

Upcoming training opportunities – general consensus is to wait until March or April and hope for in person meetings.

Begin next term with comprehensive orientation and outline education opportunities for all members.

Tech to create an online process that eliminates the need to scan and print. And have draft surveys available at the time of application to eliminate amendments.

Committee Comments:

Reminder in regards to OACA memberships and reimbursement once 2021 has been submitted.

Application E 17-20 (Amended Decision)

Estate of Larry Hull – Mike and Susan Hull
29548 Pioneer Line
Municipality of Dutton Dunwich

*The applicants have amended the application and propose 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.*

Moved by: Dennis O’Grady

Seconded by: John Seldon

That the amendment for severance application E 17-20 be granted.

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

- Carried

Application E 32-20 (Amended Decision)

Falkins Renovations Inc
276 Marsh St
Municipality of Dutton Dunwich

*The applicants have amended the application and propose 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.*

Moved by: Rosemary Kennedy

Seconded by: John Andrews

That the amendment for severance application E 32-20 be granted.

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

- Carried

Application E 1-21:

Antonia Van Leeuwen and Best Line Farms Ltd
54728 and 54744 Best Line
Municipality of Bayham
Agent: David Roe

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.

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. **Municipality of Bayham** - 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 Seldon

Seconded by: John Andrews

That severance application E 1-21 be granted subject to the following conditions:

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.

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.

Recorded Vote

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck – Chair (Dutton/Dunwich)	Yes	

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

- Carried

Reasons: Residence surplus to a farming operation

Application E 2-21:

Springerhill Farms Inc
10060 Somers Road
Municipality of Bayham
Agent: Abe Wall

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.

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

Written submissions were received from the following:

1. **Municipality of Bayham** - 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, provided the severed lands merge on title with the adjacent property at 10260 Somers Road. Staff support this application for consent.

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

Moved by: John Seldon

Seconded by: Rosemary Kennedy

That severance application E 2-21 be granted subject to the following conditions:

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.

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.

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

- **Carried**

Reasons: Technical Severance – addition to existing lot

Application E 3-21:

Karl & Carole McLean
10202 Talbotville Gore Road
Municipality of Southwold

Agent: Matt Campbell

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.

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

Agent, Matt Campbell was present electronically.

Deferral requested by the Township of Southwold due to outstanding concerns raised by staff as well as the public.

Moved by: Dennis O'Grady

Seconded by: Dugald Aldred

That severance application E 3-2 be deferred until a future meeting.

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

- Carried

Reasons: Creation of a new lot

Application E 4-21:

Clarence & Rosalie Kielstra
89 Bodkin St
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.

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

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – 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, provided the severed lands merge on title with the adjacent property. Staff supports this application for consent.

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

Moved by: Dennis O'Grady

Seconded by: Jack Van Kasteren

That severance application E 4-21 be granted subject to the following conditions:

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.

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.

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

- Carried

Reasons: Addition to abutting lot

Application E 5-21:

2245885 Ontario Inc
13524-13662 Routh Rd
Township of Southwold
Agent: Helen Button

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.

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

Written submissions were received from the following:

1. **Township of Southwold** - 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: Dennis O’Grady

That severance application E 5-21 be granted subject to the following conditions:

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,
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.

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.

Recorded Vote

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	

Jack Van Kasteren (Aylmer) Yes

Dugald Aldred (West Elgin) Yes

- Carried

Reasons: Residence surplus to a farming operation

Application E 6-21:

Mark and Rosmarie McCord
56813 Light Line
Municipality of Bayham
Agent: David Roe

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.

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

Written submissions were received from the following:

1. **Municipality of Bayham** - 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, provided it meets the policies of the Municipality of Bayham Official Plan and the provisions of the local Zoning By-law.

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

Moved by: Rosemary Kennedy

Seconded by: Dennis O'Grady

That severance application E 6-21 be granted subject to the following conditions:

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;

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.

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.

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

- Carried

Reasons: Residence surplus to a farming operation

Application E 7-21:

Ian Cameron
55 & 59 Pine St W
Town of Aylmer
Agent: Mark Coombes

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.

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

Written submissions were received from the following:

1. **Town of Aylmer** - Administration recommends that the request for severance, be approved.
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: Jack Van Kasteren

Seconded by: Dugald Aldred

That severance application E 7-21 be granted subject to the following conditions:

No conditions have been requested from the Town of Aylmer.

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.

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

- **Carried**

Reasons: Technical severance

Adjournment:

The Chair adjourned the meeting at 11:22am.

Moved by: Rosemary Kennedy

Seconded by: John Seldon

Acting Secretary-Treasurer

Chair



GUNN & ASSOCIATES

o/b Douglas George Gunn Professional Corporation
Barristers, Solicitors & Notaries Public

Email: amydale@gunn.on.ca
Assistant: Cathy Moore
Email: cathymoore@gunn.on.ca

File No. 81124
Via E-Mail Only

February 5, 2021

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

Attention: Tom Marks, Warden

RE: Bradt Road, Municipality of Dutton Dunwich

I have been retained by the Municipality of Dutton Dunwich to respond paragraph a) in your December 16, 2020 letter to Mayor and Council.

I have conducted a review of the title to the lands referred to as Bradt Road and legally described as Part 1 on Reference Plan 11R-6858 (the "Lands") and have obtained from the Municipality details as to its use and any municipal services that may have been provided to those Lands over the years. It is my opinion that the Lands (known as Bradt Road) are not a municipal road.

Relevant to paragraph b) of your December 16, 2020 letter, I have confirmed with Municipal staff that the Bradt Road road signage was removed in or about late 2019. In order to avoid any future issue related to the status of Bradt Road, the Municipality has asked me to request that all references to Bradt Road be removed from the Elgin Mapping system. The Municipality has already reached out to MPAC to ensure the tax assessment records and roll reflect that Mr. Zettler is the owner of the Lands in question.

Please advise if you require anything further in this regard.

Yours very truly,

Amy C. Dale
Partner

ACD: cm
OCC: Nancy Pasato via email npasato@elgin.ca



Special Meeting of County Council/Public Notice – County of Elgin Official Plan Review

TAKE NOTICE that the Corporation of the County of Elgin will hold a Special Meeting of Council to discuss revisions that may be required to the Elgin County Official Plan. This meeting is required under the provisions of Sections 17 and 26 of the Planning Act, RSO 1990, as amended.

An Official Plan is a legal statutory planning document required by the province that describes the County's land-use strategy. The County of Elgin's Official Plan includes the vision, goals and policy directions of the County, as established by the community, and provides guidance for land use planning decisions in the County; including: locations for settlement areas, agricultural lands, and natural heritage; when and in what order parts of our communities will grow; and protection for agricultural, mineral and environmental resources.

The purpose of an Official Plan 5-Year Review update is to ensure that the community vision/values, directions, policies and actions in the Plan reflect changes and meet the needs of the community for the future, and to review for consistency with the Provincial Policy Statement.

A public meeting will be held to discuss potential revisions to the County of Elgin Official Plan. The County is required to update their Official Plan at least every five years, in accordance with Section 26 of the Planning Act. Your insights and input will help inform and shape the new Plan.

ANY PERSON is invited to attend the special meeting and make oral representation. The special meeting will be held on:

Date: Thursday, February 25, 2021
Time: 7:00 p.m.
Place: This will be a virtual meeting broadcast on the County's Facebook page www.facebook.com/elgincountyadmin

You may provide comments at the public meeting by phone or on-line via WebEx. Only those that register will be permitted to participate during the meeting.

To register, send your request via email no later than 4:30 p.m. on Monday, February 22, 2021.

Phone requests to join the meeting by phone may be made to:

(519) 631-1460 ext.183

Please include your first and last name, phone number, home address with postal code, and any prepared speaking notes.

Tell Us What You Think

We are interested to hear your comments and thoughts. You can provide input in several ways.

1) REVIEWING OFFICIAL PLAN MATERIALS

As the Official Plan Review progresses, documents and materials will be made available on the County's website for review www.elgincounty.ca/officialplanreview.

2) PROVIDE WRITTEN COMMENTS

Written comments about the Official Plan Review may be submitted via email to opreview@elgin.ca

or by mail at:

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

3) COMPLETE THE SURVEY

A survey will be posted on the County of Elgin’s Official Plan Review webpage. This survey will gather your thoughts on community priorities and vision for the County.

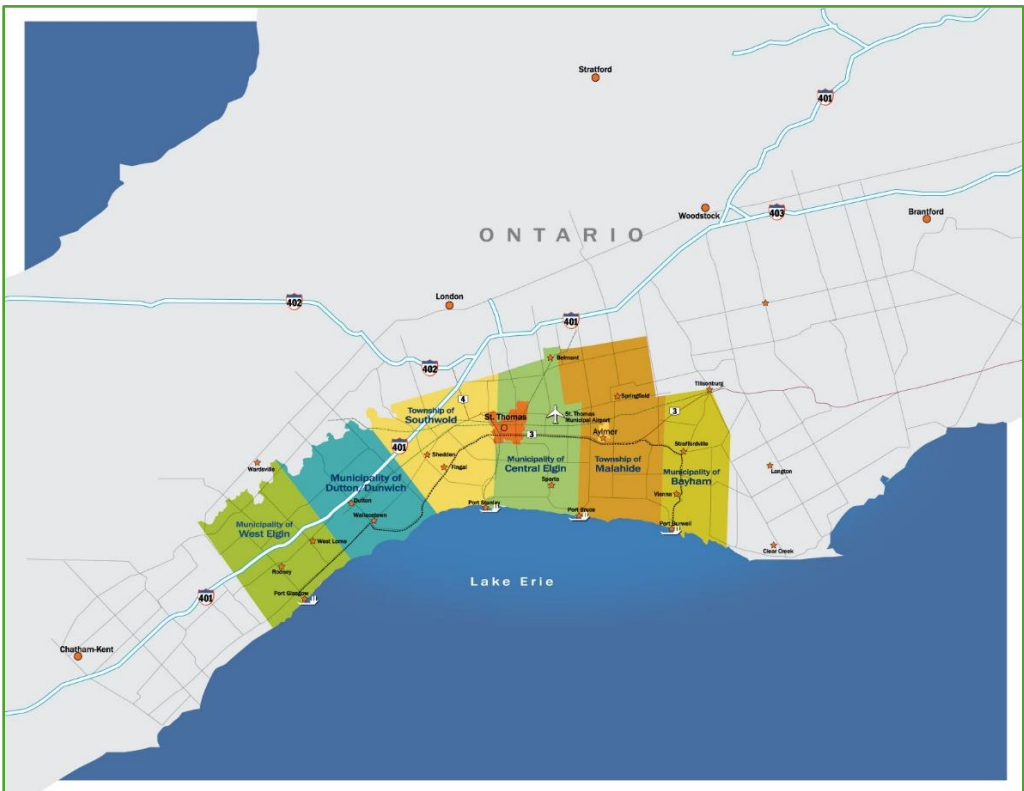
4) PARTICIPATE AT THE PUBLIC MEETING

This is the first meeting before Council regarding the Official Plan Review. There will be additional opportunities for comment throughout the review process. Please see the **Official Plan Review** webpage (www.elgincounty.ca/officialplanreview) for more details and to see where we are at in the process.

To register or for further information:

phone: 519-631-1460 ext.183
email: opreview@elgin.ca
website: www.elgincounty.ca/officialplanreview

If a person or public body would otherwise have an ability to appeal the decision of the County of Elgin to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the County of Elgin before the proposed official plan or official plan amendment is adopted, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to County of Elgin before the proposed official plan or official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.



Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 88

An Act to amend the Planning Act

Mr. D. Downey

Private Member's Bill

1st Reading March 25, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill makes multiple changes to the *Planning Act*. Some of the more significant changes are outlined below.

Subsection 53 (1) of the Act is amended so that in addition to an owner of land or the owner's agent, a chargee of land or the chargee's agent, as well as a purchaser of land or the purchaser's agent, may apply for a consent as defined in subsection 50 (1).

Section 53 is amended to allow an applicant to amend its application for a consent at any time before the council or the Minister gives or refuses to give a consent, subject to any terms the council or the Minister considers appropriate. Section 53 is also amended to allow the cancellation of a consent given under that section.

The Act is also amended to provide that a contravention of section 50 in respect of a parcel of land that is being dealt with does not have, and is deemed never to have had, the effect of preventing the conveyance of the land or the creation of any interest in the land if the contravention occurred more than 20 years before the date of dealing with the parcel.

An Act to amend the Planning Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 (1) Subsection 50 (1.1) of the *Planning Act* is repealed and the following substituted:

Removal of power

(1.1) The Minister may by order, accompanied by a written explanation for it, remove the powers of the council of a municipality under this section and sections 53 and 57 and the order may be in respect of one or more applications for a consent or for a certificate of validation specified in the order or in respect of any or all applications for consents or for certificates of validation made after the order is made.

(2) Subsection 50 (1.2) of the Act is amended by striking out “to give approvals under subsection (18)”.

(3) Subsection 50 (1.3) of the Act is amended by striking out “give approvals under subsection (18)”.

(4) Subsection 50 (1.4) of the Act is amended by striking out “to give approvals under subsection (18)”.

(5) Subsection 50 (1.5) of the Act is amended by striking out “to give approvals under subsection (18)”.

(6) Clause 50 (3) (b) of the Act is repealed and the following substituted:

(b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of any land abutting the land that is being conveyed or otherwise dealt with other than,

(i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,

(ii) land that is within a registered description under the *Condominium Act, 1998*,

(iii) land that was previously conveyed by way of a deed or transfer with a consent given under section 53, or was mortgaged or charged with a consent given under section 53, and the consent did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or transaction,

(iv) the whole of the remaining part of a parcel of land, the other part or parts of which parcel have been conveyed by way of a deed or transfer with a consent given under section 53 and the consent did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or transaction, or

(v) land that was previously owned by, or abutted land previously owned by, joint tenants if title and ownership of the land merged with the ownership of abutting land as a result of the death of one of the joint tenants;

(7) Clause 50 (3) (g) of the Act is amended by adding “or to that person’s successor in title” after “from whom it was acquired”.

(8) Subsection 50 (5) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Part-lot control

(5) If land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey any land other than the whole of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment in respect of such land, or mortgage or charge such land, or enter into an agreement of sale and purchase of such land or enter into any agreement that has the effect of granting the use of or right in such land directly or by entitlement to renewal for a period of 21 years or more unless,

.

(9) Clause 50 (5) (a) of the Act is repealed and the following substituted:

(a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may

be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than,

- (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
- (ii) land that is within a registered description under the *Condominium Act, 1998*,
- (iii) land that was previously conveyed by way of a deed or transfer with a consent given under section 53, or was mortgaged or charged with a consent given under section 53, and the consent did not stipulate that this subsection or subsection (3) applies to any subsequent conveyance or transaction,
- (iv) the whole of the remaining part of a parcel of land, the other part or parts of which parcel have been conveyed by way of a deed or transfer with a consent given under section 53 and the consent did not stipulate that this subsection or subsection (3) applies to any subsequent conveyance or transaction, or
- (v) land that was previously owned by, or abutted land previously owned by, joint tenants if title and ownership of the land merged with the ownership of abutting land as a result of the death of one of the joint tenants;

(10) Clause 50 (5) (g) of the Act is amended by adding “or to that person’s successor in title” after “from whom it was acquired”.

(11) Subsection 50 (6) of the Act is repealed and the following substituted:

Conveyance of remaining part

(6) Despite subsections (3) and (5), if land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a certificate given under subsection 53 (42), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed as long as the certificate has not lapsed under subsection 53 (43).

(12) Subsection 50 (9) of the Act is amended by striking out “the use of or right in a part of a building or structure for any period of years” at the end and substituting “the use of or right in a part of a building or structure, including the use of or right in lands that are ancillary to the use of or right in the building or structure”.

(13) Section 50 of the Act is amended by adding the following subsection:

Same

(12.1) For greater certainty, subsection (12) applies in respect of a consent regardless of whether the consent was given before or after the coming into force of subsection (12).

(14) Subsection 50 (16) of the Act is amended by striking out “mentioned in the mortgage or charge” and substituting “that is then subject to the mortgage or charge”.

(15) Subsection 50 (17) of the Act is repealed and the following substituted:

Saving

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge if the land described in the partial discharge or partial cessation could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section.

(16) Subsection 50 (18) of the Act is repealed and the following substituted:

Foreclosure or exercise of power of sale

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without a consent given under section 53 unless,

- (a) all of the land that is then subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale; or
- (b) all of the land included in the foreclosure or exercise of the power of sale could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section.

(17) Subsection 50 (18.1) of the Act is repealed.

(18) Subsection 50 (19) of the Act is repealed and the following substituted:

Release of interest by joint tenant or tenant in common

(19) If two or more persons are joint tenants or tenants in common of a parcel of land while also together holding the fee in any abutting land and one of those tenants releases or conveys their interest in the parcel of land to one or more of the other tenants, the tenant is deemed, for the purposes of subsections (3) and (5), to convey the land by way of deed or transfer and to retain the fee in the abutting land.

(19) Subsection 50 (22) of the Act is amended by striking out “the conveyance of any interest in the land” in the portion following clause (d) and substituting “the conveyance of or creation of any interest in the land”.

(20) Subsection 50 (23) of the Act is amended by adding “or otherwise determining compliance with this section” after “subclause (22) (c) (ii)”.

2 (1) Subsection 53 (1) of the Act is amended by striking out “An owner of land or the owner’s agent duly authorized in writing may apply” at the beginning and substituting “Any owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, may apply”.

(2) Section 53 of the Act is amended by adding the following subsections:

Amended application

(7.3) An applicant may amend its application at any time before the council or the Minister gives or refuses to give a consent, subject to any terms the council or the Minister considers appropriate.

Notice re amended application

(7.4) If an application is amended under subsection (7.3), the council or the Minister shall ensure that an additional notice of application is given under subsection (5) unless, in the opinion of the council or the Minister, the amendment is sufficiently minor that an additional notice is not necessary.

Provisional consent

(7.5) The council or the Minister may give a provisional consent that includes conditions to be satisfied before a certificate is issued under subsection (42).

.

Extension of time to fulfil conditions

(40.1) The applicant may apply for an extension of the one-year period allowed for fulfilling conditions in the form and manner that the council or the Minister considers appropriate.

Same

(40.2) An application referred to in subsection (40.1) must be made before the one-year period allowed for fulfilling conditions has expired.

Same

(40.3) The one-year period allowed for fulfilling conditions may be extended only once, for a period of up to one year from the date that the extension is granted.

Same

(40.4) The decision of the council or the Minister with respect to an application referred to in subsection (40.1) is not subject to appeal or review.

(3) Subsection 53 (41) of the Act is amended by striking out “fulfilled the conditions, the application for consent” and substituting “fulfilled the conditions, and has not been granted an extension within that period, the application for consent”.

(4) Subsection 53 (42) of the Act is amended by adding “in respect of the land that was the subject of the consent and, if requested by the applicant, in respect of the remaining part of the parcel that was the subject of the consent” after “shall give a certificate to the applicant”.

(5) Section 53 of the Act is amended by adding the following subsections:

Certificate for cancellation of consent

(45) Any owner of land or the owner’s agent duly authorized in writing may apply to the council or to the Minister, as the case may be, for a certificate cancelling a consent.

Provision of certificate

(46) If an application for a certificate cancelling a consent is made in accordance with subsection (45), the council or the Minister shall provide the certificate to the applicant.

Content of certificate

(47) The certificate shall provide that subsection 50 (12) does not apply in respect of the parcel of land that is the subject of the cancelled consent and that either subsection 50 (3) or (5) shall apply to any subsequent conveyance or transaction involving the parcel of land.

Cancellation of consent

(48) Upon the registration of a certificate referred to in subsection (45), subsections 50 (3) and (5) will apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of the cancelled consent.

3 (1) Subsection 57 (6) of the Act is amended by striking out “the prescribed criteria” at the end and substituting “the same criteria that apply to the granting of consents under section 53”.

(2) Subsection 57 (7) of the Act is repealed.

4 The Act is amended by adding the following section:

Contravention of s. 50 has no effect after 20 years

57.1 (1) A contravention of section 50 or a predecessor of it in respect of a parcel of land that is being dealt with does not have, and is deemed never to have had, the effect of preventing the conveyance of the land or the creation of any interest in the land if the contravention occurred more than 20 years before the date of dealing with the parcel.

Exception

(2) Subsection (1) does not affect rights acquired by any person from a judgment or order of any court given or made in the course of proceedings commenced on or before the day that is 20 years after the day on which the contravention occurred.

5 Paragraph 26 of subsection 70.1 (1) of the Act is amended by striking out “subsection 50 (18.1) and”.

Commencement

6 This Act comes into force on the day it receives Royal Assent.

Short title

7 The short title of this Act is the *Planning Amendment Act, 2019*.

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:

**LOT 34, CONCESSION 1, TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 53233 NOVA SCOTIA LINE**

of a severance of a portion of the above-mentioned premises as shown on a sketch attached to the application of a lot with frontage of **62 metres (203.41 feet) (revised)** along Nova Scotia Line by a depth of 81 metres (265.75 feet) and an area of 0.50 **hectares (1.23 acres) (revised)** containing one house, carport, garage and mobile home, proposed to create one new lot surplus to the needs of the owner. The owners are retaining **53.11 hectares (131.25 acres) (revised)** proposed to remain in agriculture use.

Consent requested by: Dohner Farm Ltd.

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: February 24, 2022.

1. That the requirements of the Township of Malahide, subject to the following conditions:
 - a. That the applicant be required to initiate and assume, if required, all cost associate with connection to the Municipal Water Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
 - b. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
 - c. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
 - d. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
 - e. That all required land dedications are complete prior to the stamping of the deed.
 - f. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
 - g. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
 - h. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
2. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

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

AMENDED DECISION

Application #E 23-20

February 24, 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)		

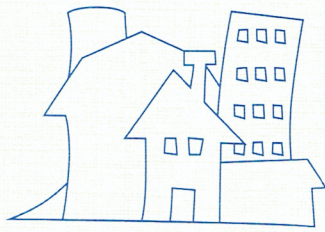
Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an 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 24th day of February 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee



CIVIC PLANNING SOLUTIONS INC.

Urban & Rural Land Use Planning

599 Larch Street,
Delhi, Ontario N4B 3A7

January 29, 2021

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

Dear Ms. Pasato

Subject: Request for Amendment to Decision – E23-20 Dohner Farms Ltd.

Please see the attached sketch prepared by our surveyor for the above severance application. This sketch shows the proposed lot with a frontage of 62m, depth of 81m and an area of 0.50ha (1.23acres). This sketch was circulated with the severance application and was considered by the LDC at their meeting of August 26, 2020. However, the submitted application stated that the proposed the frontage of 72m, depth of 81m and an area of 5832m² (1.44acres). The application should have stated the frontage, depth and area as shown on the sketch. This was an error on my part. Unfortunately, this inconsistency was not noticed through the severance approval process.

We are respectfully requesting that the Elgin Land Division Committee amend their decision on file E 23-20 to indicate a frontage of 62m a depth of 18m and an area of 0.50ha (1.23ac). I believe that the committee has the authority to amend the decision on the basis that the sketch which was attached to the application was considered by the committee and reflects the intent of their original decision.

I have attached a check in the amount of \$300 being the fee for amendments to decisions.

I thank you for your consideration of my request.

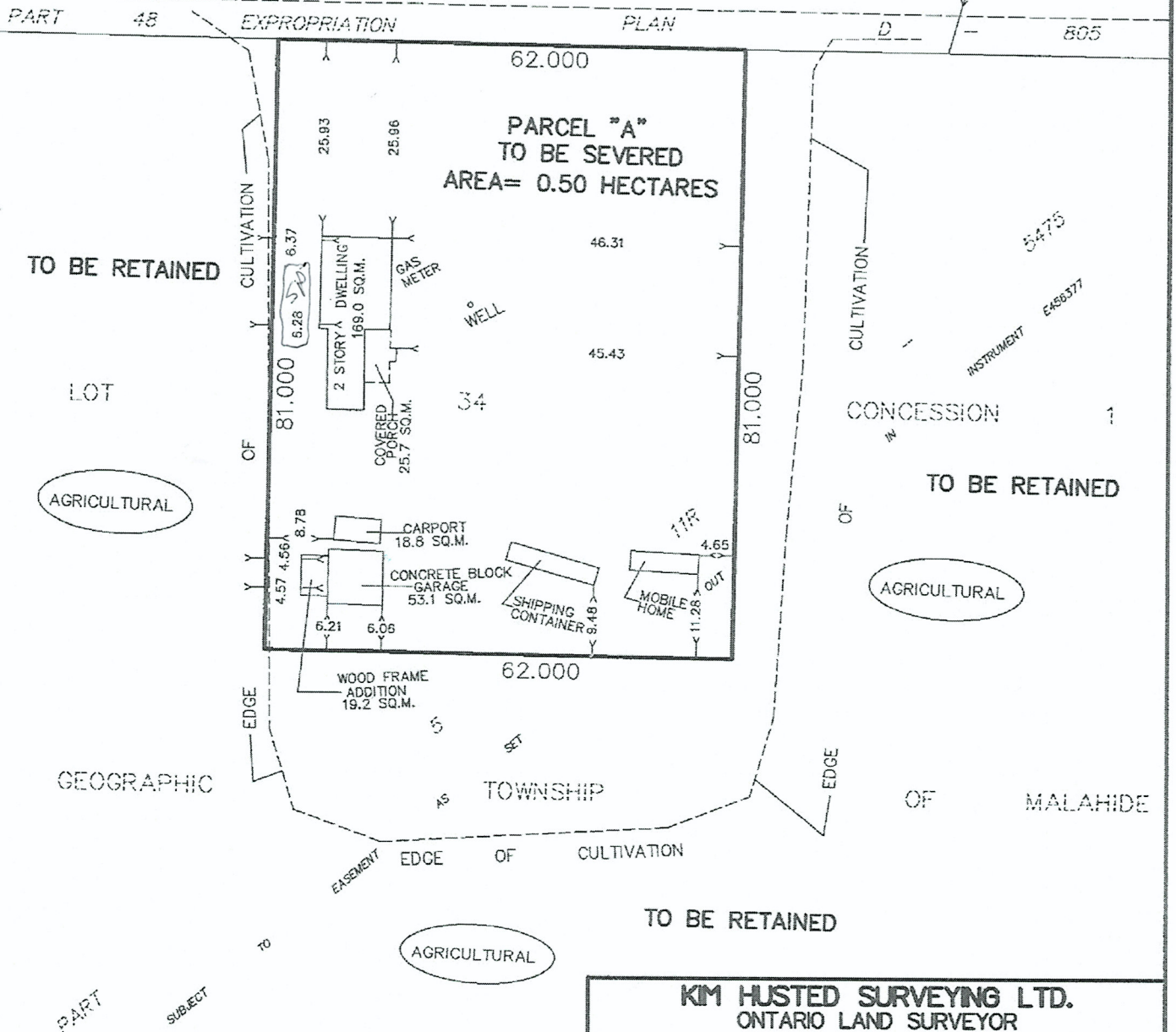
Yours truly,

David Roe MCIP, RPP
Agent for Applicant

PROPOSED SKETCH FOR SEVERENCE
 PART OF LOT 34
 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF MALAHIDE
 MUNICIPALITY OF THE
 TOWNSHIP OF MALAHIDE
 COUNTY OF ELGIN
 KIM HUSTED SURVEYING LTD.
 NOT TO SCALE

NORTH

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2
 NOVA SCOTIA LINE COUNTY ROAD No 42
 (SEE TOWNSHIP OF MALAHIDE BYLAW 99-47) (VARIOUS WIDTHS AS WIDENED)



KIM HUSTED SURVEYING LTD.
 ONTARIO LAND SURVEYOR
 30 HARVEY STREET, TILSONBURG ONTARIO, N4G 3J8
 PHONE: 519-842-3638 FAX: 519-842-3639
 PROJECT: 19-15432 REFERENCE: FILE



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

APPLICATION NO. E 8-21

**PART LOT 28 CON NTR
MUNICIPALITY OF SOUTHWOLD
MUNICIPAL ADDRESS: 37352 FINGAL LINE**

TAKE NOTICE that an application has been made by **Andy & Amber Wadsworth** 39306 Talbot Line, St. Thomas ON N5P 3T2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37352 Fingal Line, Municipality of Southwold

The applicants propose to sever a parcel with a frontage of 58.58 metres (192.2 feet) along Fingal Line by a depth of 71.95 metres /79.36 metres (236.06 feet/260.35 feet) and an area of 0.44 hectares (1.1 acres), containing an existing house. The owners are retaining 18.6 hectares (46.0 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 58.58 metres (192.2 feet) by a depth of 6.1 metres (20 feet) proposed to provide access to hydro lines and poles, in favour of the severed lands.

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 February 24, 2021 AT 9:35AM.
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 3rd day of February, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

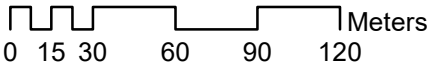
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 37352 Fingal Line
File Number: E 8-2021 & E 9-2021
Owner: Andy & Amber Wadsworth
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

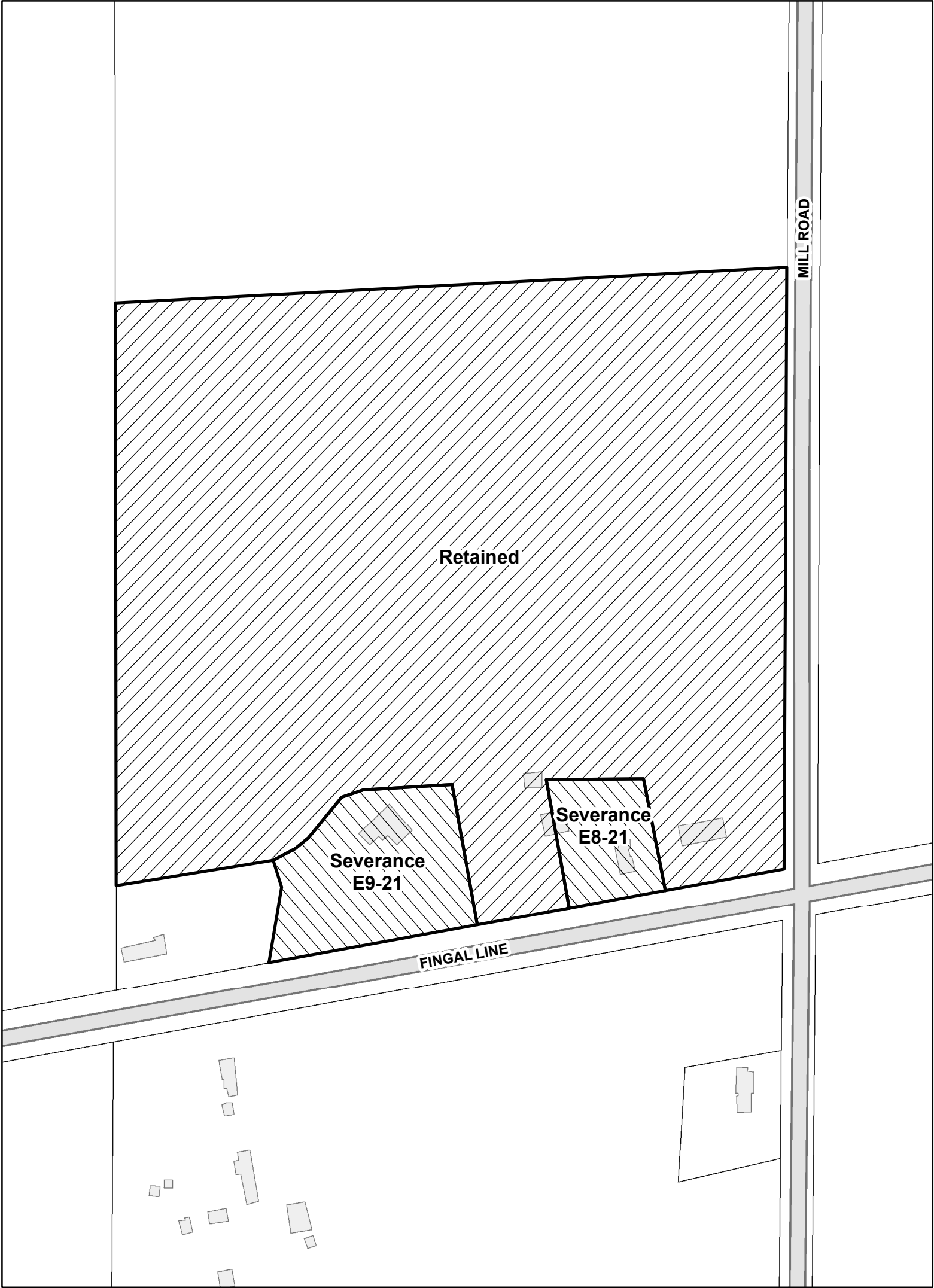
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:2,750

Legend

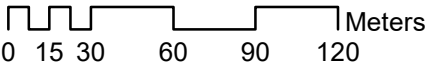
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map

Subject Site: 37352 Fingal Line
File Number: E 8-2021 & E 9-2021
Owner: Andy & Amber Wadsworth
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

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



Scale 1:2,750

Legend

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

Township of Southwold

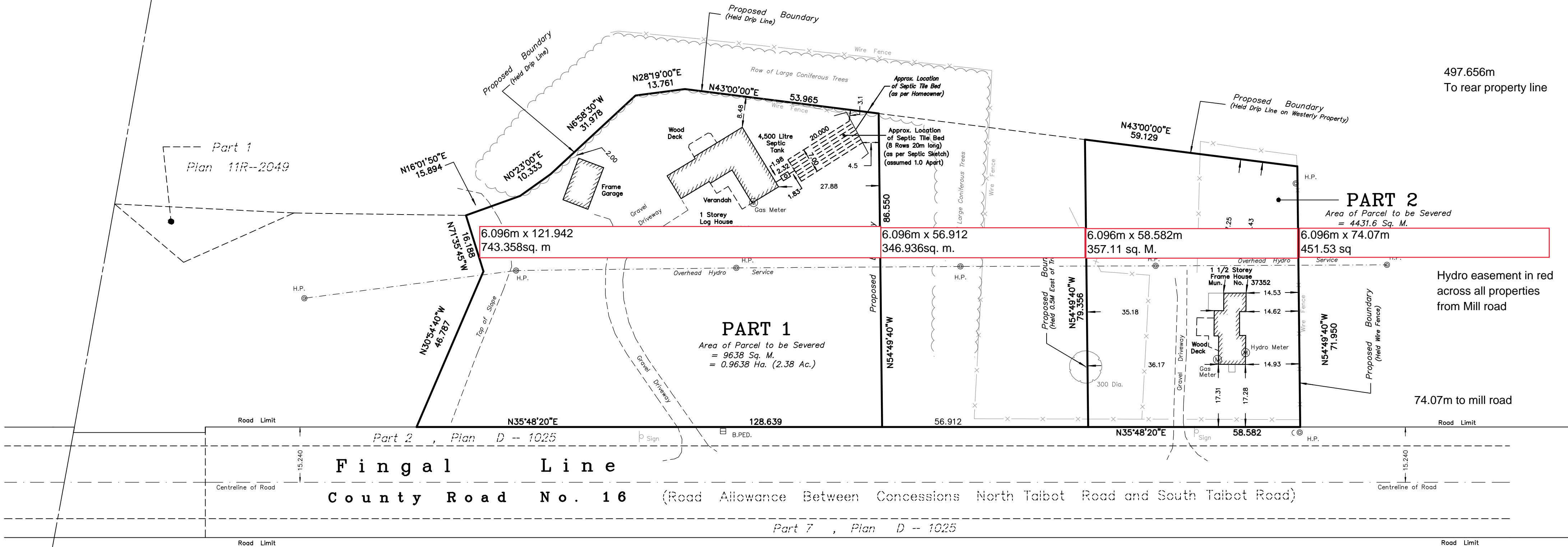
(Geographic Township of Southwold)

SKETCH FOR CONSENT APPLICATION

37298 FINGAL LINE, TOWNSHIP OF SOUTHWOLD
37352 FINGAL LINE, TOWNSHIP OF SOUTHWOLD
SCALE 1:750
2020
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

Lot 28
Concession North Talbot Road

Area of Parcel to be Retained
= 18.6 Ha. (46 Ac.)
(Not Verified by Field Survey)



NOTES AND LEGEND

- BOUNDARY DIMENSIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN DERIVED FROM SURVEY BY AGM DATED OCTOBER 28, 2020. AGM FILE: SO-NTR-28-1, PLAN 11R-2049 AND PLAN D-1025
- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS PART OF LOT 28, CONCESSION NTR, GEOGRAPHIC TOWNSHIP OF SOUTHWOLD, TOWNSHIP OF SOUTHWOLD.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

HP DENOTES HYDRO POLE
HM DENOTES HYDRO METER
BPED DENOTES BELL PEDESTAL
NTR DENOTES NORTH OF THE TALBOT ROAD

Lot 28
Concession South Talbot Road

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.825



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 28, 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 8/21 Andy and Amber Wadsworth

Please be advised that Council, at its regular meeting of Monday, January 25, 2021 passed the following resolution:

2021-030 Con App E 8/21 Andy and Amber Wadsworth

- 1) **THAT** the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 8/21 subject to the following conditions:
 - i) That the proposed retained parcel be rezoned;
 - ii) That a new septic system be installed for the dwelling on the proposed severed parcel;
 - iii) That the municipal water connection has been installed for the proposed severed parcel, the dwelling has been connected to the municipal water service and payment therefore;
 - iv) Drainage reapportionment and payment thereof;
 - v) That a mutual drain agreement be provided;
 - vi) That all financial obligations to the Township of Southwold be paid in full;
 - vii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

CARRIED

Thank you.

Yours truly,

A handwritten signature in black ink that reads "Heather James". The signature is written in a cursive, flowing style with a large initial 'H' and a long, sweeping tail on the 's'.

Heather James
Planner



TOWNSHIP OF SOUTHWOLD

PLANNING REPORT

Application: Proposed Severance

Report No.: PLA 2021-04

File No: E 8/21

Date: January 25, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Heather James, MCIP, RPP, Planner

SUBJECT: Proposed Severance Application by Andy and Amber Wadsworth 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 Part of Lot 28, Concession NTR and known municipally as 37352 Fingal Line. They are located on the north side of Fingal Line. The approximate 20.02 ha (49.48 ac.) farm parcel has two (2) habitable residences, one detached garage and two tarp barns. The residence on the proposed severed parcel is currently serviced with a private water well (which is shared with another residence on the retained parcel) 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 and non-farm residential. This application is also associated with severance file no. E 9/21, which will result in the severance of a surplus farm dwelling, located on the retained parcel at 37298 Fingal Line.

Figure 1: Location of Subject Lands



BACKGROUND INFORMATION:

Figure 2: Proposed Severed Parcel Sketch, Submitted by Owners

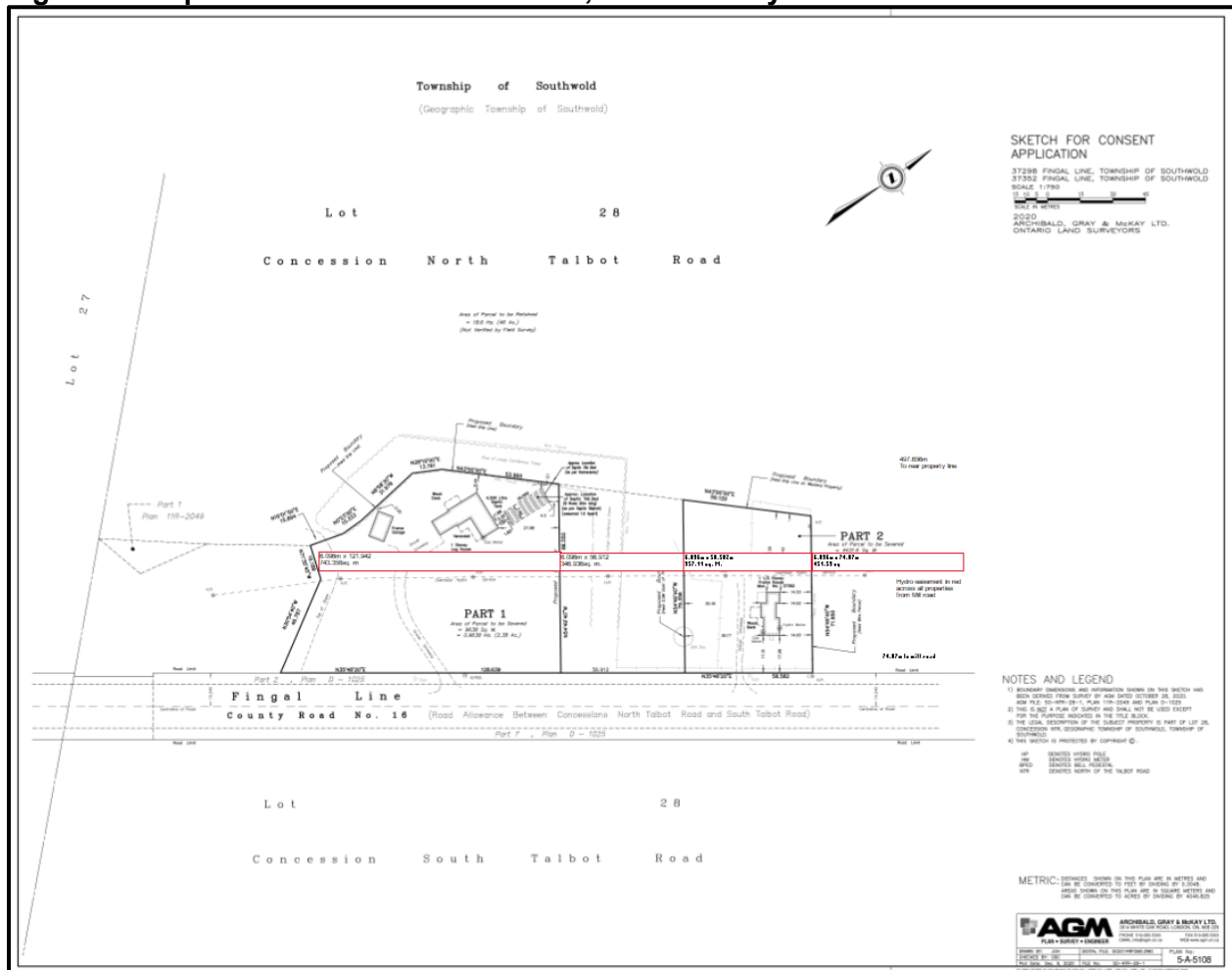


Figure 2 shows the proposal to sever 0.4432 ha (1.1 ac.) parcel with a depth of 79.356 m (260.35 ft.) along the west lot line and a depth of 71.95 m (236.06 ft.) along the east lot line and a frontage of 58.58 m (192.2 ft.) with a habitable residence with private water well (located on the retained parcel) and private septic system. A connection to the municipal water service and a new septic system are required for the severed parcel and will be included as conditions of the severance. Figure 2 also shows a proposed easement with an area of 357.11 m² (3,843.9 ft.²), a width of 6.096 m (20.0 ft.) and a length of 58.58 m (192.2 ft.) and contains a private aerial hydro line that originates from the retained parcel. The severed parcel is identified on Figure 2 as Part 2.

Figure 3 shows the proposed retained parcel will have an area of 18.61 ha (46.0 ac.) with an irregular depth of 497.656 m (1,632.73 ft.) and 357.012 m (1,171.3 ft.) and a frontage of 130.982 m (429.73 ft.), with one habitable residence, a detached garage, two tarp barns, and a private water well and private septic system.

Figure 3: Proposed Retained Parcel Sketch, Submitted by Owners



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

In Appendix 'C' to the Elgin County Application for Consent, the farm owners have declared the residence is surplus to the needs of their farming operation. Their main farming operation is in the Township of Southwold.

STAFF COMMENTS:

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

Drainage Superintendent

'Reapportionment of the Casey and the Bowlby Fletcher Drains are required. A mutual agreement drain is also required.'

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

All other comments submitted by Township staff indicated they had no concerns with the proposed severance application provided the standard conditions for this type of severance are applied.

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.

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.

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 because 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 new connection to the municipal water service and a new septic system are required to provide servicing for the parcel and have been included as conditions of severance. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

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 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: Due to the findings of the septic study, the septic on the severed parcel is not in good working condition and needs to be replaced. The private water well is located on the retained parcel. A new connection to the municipal water service and a new septic system are required to provide servicing for the parcel and have been included as conditions of severance.

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.

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 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 6.

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.).

Comment: The proposed severed parcel area of approximately 0.4432 ha (4,432.0 m², 1.1 ac.) and the proposed lot frontage of 58.58 m (192.19 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.

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 the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 8/21 subject to the following conditions:
 - i) That the proposed retained parcel be rezoned;
 - ii) That a new septic system be installed on the proposed severed parcel;
 - iii) That the municipal water connection has been installed for the severed parcel, the dwelling has been connected to the municipal water service and payment therefore;
 - iv) Drainage reapportionment and payment thereof;
 - v) That a mutual drain agreement be provided;
 - vi) That all financial obligations to the Township of Southwold be paid in full;
 - vii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

Respectfully submitted by:

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

Approved by:

Ken Loveland
CAO/Clerk

February 10, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E 8-21**
37352 Fingal Line (Wadsworth)
Part of Lot 28, Concession NTR
Township of Southwold

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

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

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: February 4, 2021 ELGIN COUNTY ROAD NO.: 16 – 37352 Fingal Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 8-21

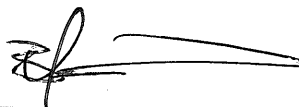
OWNER: Andy & Amber Wadsworth

PROPERTY: LOT NO. Part Lot 28 CONCESSION: NTR
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: February 17, 2021

Re: **Application E 8-21, Andy & Amber Wadsworth**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, sever lands municipally known as 37352 Fingal Line, Municipality of Southwold.

The applicants propose to sever a parcel with a frontage of 58.58 metres (192.2 feet) along Fingal Line by a depth of 71.95 metres /79.36 metres (236.06 feet/260.35 feet) and an area of 0.44 hectares (1.1 acres), containing an existing house. The owners are retaining 18.6 hectares (46.0 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 58.58 metres (192.2 feet) by a depth of 6.1 metres (20 feet) proposed to provide access to hydro lines and poles, in favour of the severed lands.

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 39306 Talbot Line (Southwold). 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 (0.44 hectares (1.1 acres)), will contain one house, with a new municipal water connection and new 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. The severed lands are of a sufficient size to accommodate the single detached dwelling and new septic system.

Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. The easement is necessary to ensure access to existing hydro infrastructure for the severed lands.

The property is designated Agricultural on Schedule 'A' Land Use in the Township of Southwold Official Plan. The Hazard Lands on Schedule 'B-1' overlay apply to a portion of the proposed retained parcel. The subject lands are zoned Agricultural 1 (A1) and a portion of the lands are subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law. A zoning by-law amendment is 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 retained parcel be rezoned;
2. That a new septic system be installed for the dwelling on the proposed severed parcel;
3. That the municipal water connection has been installed for the proposed severed parcel, the dwelling has been connected to the municipal water service and payment therefore;
4. Drainage reapportionment and payment thereof;
5. That a mutual drain agreement be provided;
6. That all financial obligations to the Township of Southwold be paid in full;
7. That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
8. That the solicitor provides an undertaking that a copy of the

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



registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

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CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 9-21

**PART LOT 28 CON NTR
MUNICIPALITY OF SOUTHWOLD
MUNICIPAL ADDRESS: 37298 FINGAL LINE**

TAKE NOTICE that an application has been made by **Andy & Amber Wadsworth** 39306 Talbot Line, St. Thomas ON N5P 3T2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37298 Fingal Line, Municipality of Southwold

The applicants propose to sever a parcel with a frontage of 128.64 metres (422.04 feet) along Fingal Line by a depth of 86.55 metres (283.96 feet) and an area of 0.96 hectares (2.38 acres), containing an existing house and a detached garage. The owners are retaining 18.6 hectares (46 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 121.94 metres (400.07 feet) by a depth of 6.1 metres (20 feet) proposed to provide access to hydro lines and poles, in favour of the severed lands.

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 February 24, 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 3rd day of February, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

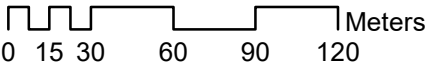
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 37352 Fingal Line
File Number: E 8-2021 & E 9-2021
Owner: Andy & Amber Wadsworth
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

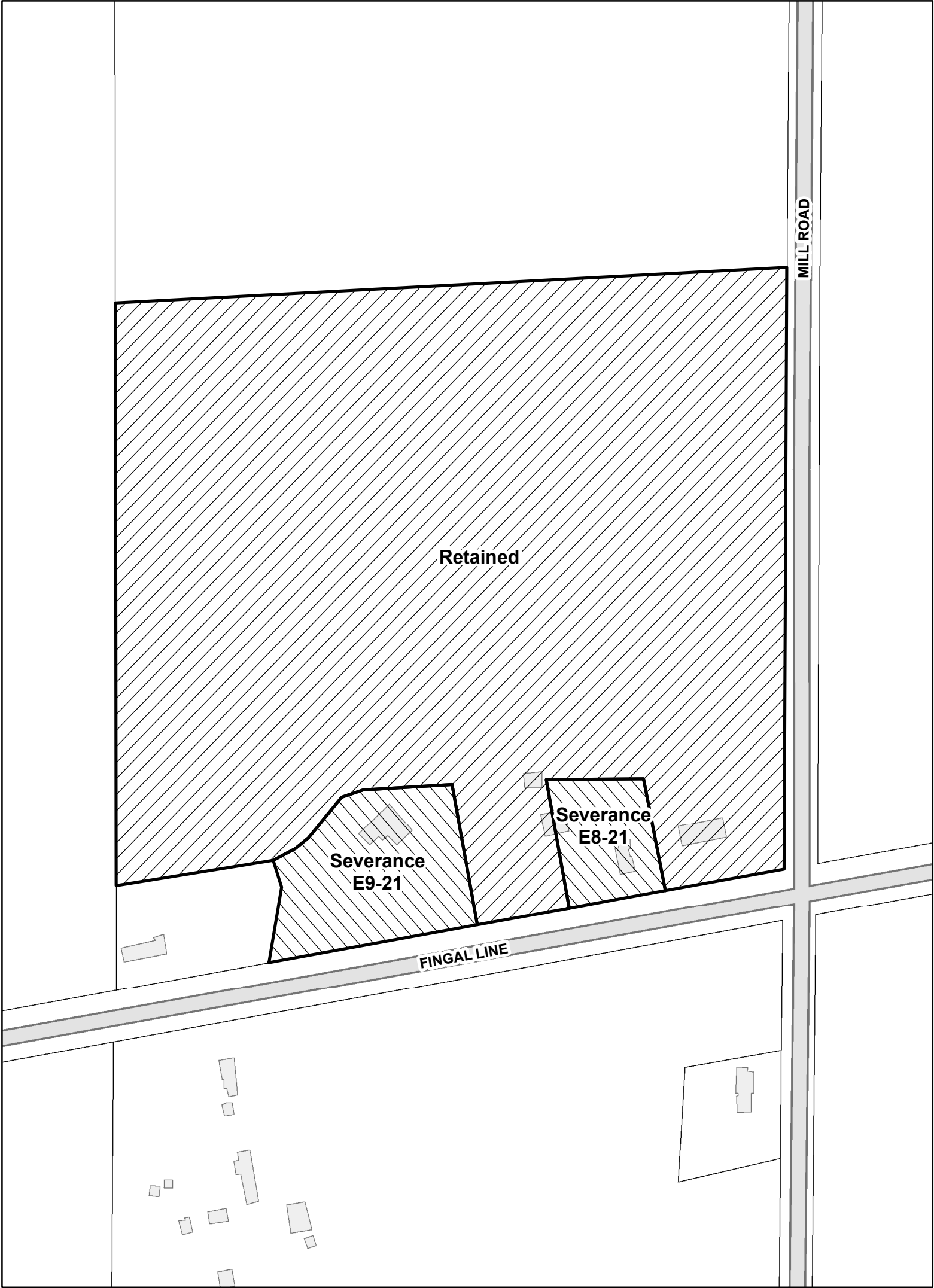
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:2,750

Legend

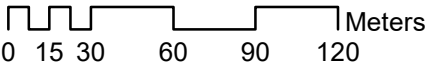
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map

Subject Site: 37352 Fingal Line
File Number: E 8-2021 & E 9-2021
Owner: Andy & Amber Wadsworth
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

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



Scale 1:2,750

Legend

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

Township of Southwold

(Geographic Township of Southwold)

SKETCH FOR CONSENT APPLICATION

37298 FINGAL LINE, TOWNSHIP OF SOUTHWOLD
37352 FINGAL LINE, TOWNSHIP OF SOUTHWOLD
SCALE 1:750
2020
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

Lot 28
Concession North Talbot Road

Area of Parcel to be Retained
= 18.6 Ha. (46 Ac.)
(Not Verified by Field Survey)

497.656m
To rear property line

PART 2

Area of Parcel to be Severed
= 4431.6 Sq. M.
6.096m x 74.07m
451.53 sq

Hydro easement in red
across all properties
from Mill road

74.07m to mill road

PART 1

Area of Parcel to be Severed
= 96.38 Sq. M.
= 0.9638 Ha. (2.38 Ac.)

NOTES AND LEGEND

- BOUNDARY DIMENSIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN DERIVED FROM SURVEY BY AGM DATED OCTOBER 28, 2020. AGM FILE: SO-NTR-28-1, PLAN 11R-2049 AND PLAN D-1025
- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS PART OF LOT 28, CONCESSION NTR, GEOGRAPHIC TOWNSHIP OF SOUTHWOLD, TOWNSHIP OF SOUTHWOLD.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

HP DENOTES HYDRO POLE
HM DENOTES HYDRO METER
BPED DENOTES BELL PEDESTAL
NTR DENOTES NORTH OF THE TALBOT ROAD

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.825

AGM ARCHIBALD, GRAY & MCKAY LTD.
3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PLAN • SURVEY • ENGINEER
PHONE 519-685-5300 FAX 519-685-5303
EMAIL info@agm.on.ca WEB www.agm.on.ca

DRAWN BY: JGH DIGITAL FILE: SO2014RP2MS.DWG PLAN No:
CHECKED BY: DDC
Plot Date: Dec. 9, 2020 FILE No: SO-NTR-28-1 5-A-5108

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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 28, 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 9/21 Andy and Amber Wadsworth

Please be advised that Council, at its regular meeting of Monday, January 25, 2021 passed the following resolution:

2021-031 Con App E 9/21 Andy and Amber Wadsworth

- 1) **THAT** the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 9/21 subject to the following conditions:
- i) That the proposed severed and retained parcels be rezoned;
 - ii) That the municipal water connection has been installed for the proposed severed parcel, the dwelling has been connected to the municipal water service and payment therefore;
 - 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) Drainage reapportionment and payment thereof;
 - v) That all financial obligations to the Township of Southwold be paid in full;
 - vi) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - vii) 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 with a large initial 'H' and a long, sweeping tail on the 's'.

Heather James
Planner



TOWNSHIP OF SOUTHWOLD

PLANNING REPORT

Application: Proposed Severance

Report No.: PLA 2021-05

File No: E 9/21

Date: January 25, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Heather James, MCIP, RPP, Planner

SUBJECT: Proposed Severance Application by Andy and Amber Wadsworth 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 Part of Lot 28, Concession NTR and known municipally as 37298 Fingal Line. They are located on the north west corner of Fingal Line and Mill Road. The approximate 20.02 ha (49.48 ac.) farm parcel has two (2) habitable residences, one detached garage and two tarp barns. The residence on the proposed severed parcel is currently serviced with a private water well (which services the two residences) 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 and non-farm residential. This application is also associated with severance file no. E 8/21, which will result in the severance of a surplus farm dwelling, located on the retained parcel at 37352 Fingal Line.

Figure 1: Location of Subject Lands



BACKGROUND INFORMATION:

Figure 2: Proposed Severed Parcel Sketch, Submitted by Owners

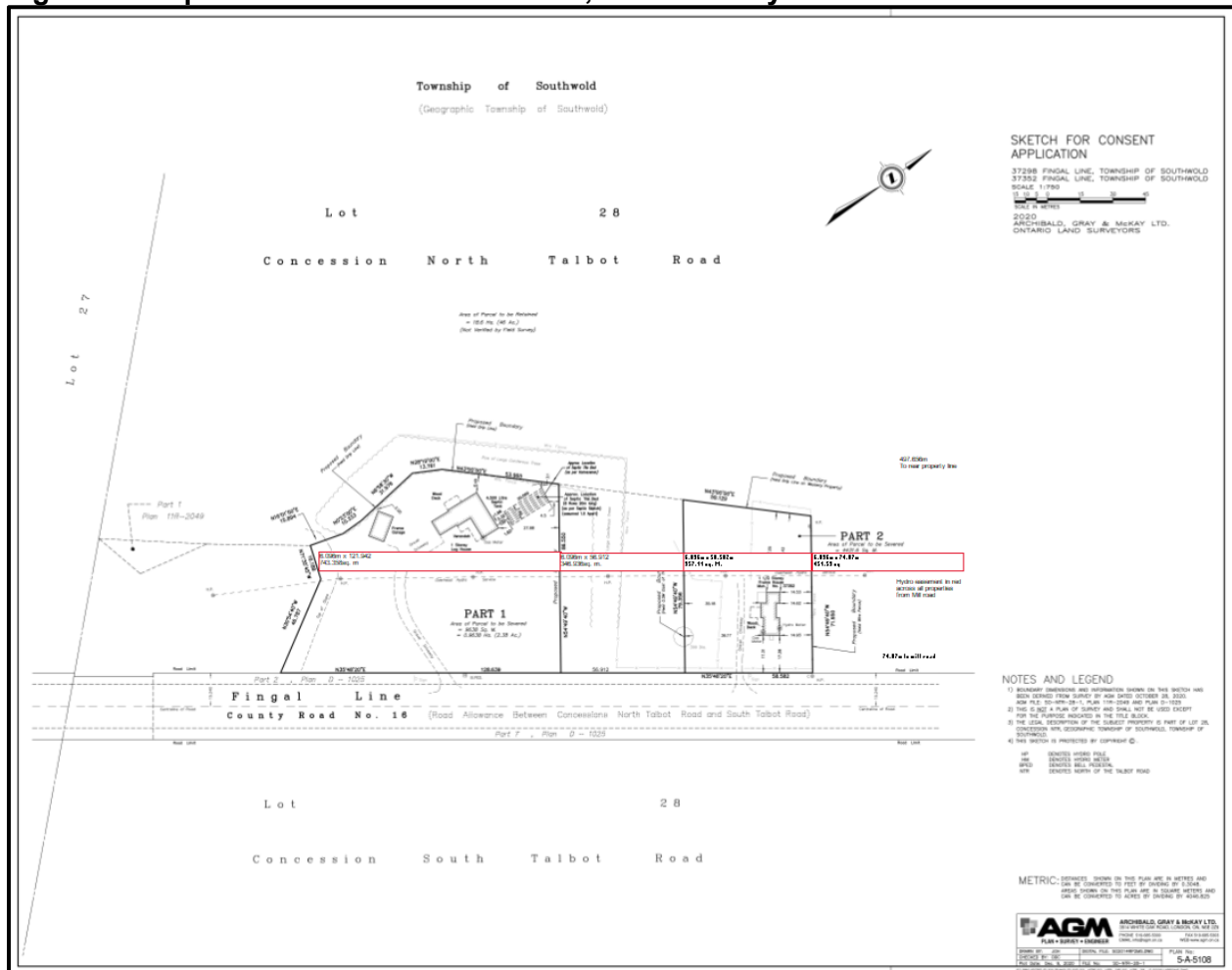


Figure 2 shows the proposal to sever 0.9638 ha (2.38 ac.) parcel with a depth of 86.55 m (283.96 ft.) and a frontage of 128.64 m (422.0 ft.) with a habitable residence and detached garage with private water well (located on the retained parcel) and private septic system. A connection to the municipal water service is required for the severed parcel and will be included as a condition of the severance. Figure 2 also shows a proposed easement with an area of 743.36 m² (8,001.46 ft.²), a width of 6.096 m (20.0 ft.) and a length of 121.94 m (400.07 ft.) and contains a private aerial hydro line that originates from the retained parcel. The severed parcel is identified on Figure 2 as Part 1.

Figure 3 shows the proposed retained parcel will have an area of 18.61 ha (46.0 ac.) with an irregular depth of 497.656 m (1,632.73 ft.) and 357.012 m (1,171.3 ft.) and a frontage of 130.982 m (429.73 ft.), with two tarp barns, and a private water well.

Figure 3: Proposed Retained Parcel Sketch, Submitted by Owners



An existing driveway provides access to Fingal Line for the proposed severed parcel. An existing driveway provides access to Mill Road for the proposed retained parcel.

In Appendix 'C' to the Elgin County Application for Consent, the farm owners have declared the residence is surplus to the needs of their farming operation. Their main farming operation is in the Township of Southwold.

STAFF COMMENTS:

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

Drainage Superintendent

'Reapportionment of the Casey and the Bowlby Futcher Drains are required. No mutual agreement drain needed as this property is adjacent to the bank of the Casey Drain.'

Comment: Drainage reapportionment 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 provided the standard conditions for this type of severance are applied.

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.

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.

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 because 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 new connection to the municipal water service and a new septic system are required to provide servicing for the parcel and have been included as conditions of severance. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

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 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: The septic system on the severed parcel is in good working condition. The private water well is located on the retained parcel. A new connection to the municipal water service has been included as a condition of severance.

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.

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 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 6.

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.).

Comment: The proposed severed parcel area of approximately 0.9638 ha (9,638.0 m², 2.38 ac.) is larger than the maximum lot area permitted; however, it is still appropriate for the use of the lands and servicing. The proposed lot frontage of 58.58 m (192.19 ft.) meets the A1 Zone

Subsection 5.2 (g) requirements. A Special Provision Agricultural 1 (A1-xx) 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.

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 the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 9/21 subject to the following conditions:
 - i) That the proposed severed and retained parcels be rezoned;
 - ii) That the municipal water connection has been installed for the severed parcel, the dwelling has been connected to the municipal water service and payment therefore;
 - 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) Drainage reapportionment and payment thereof;
 - v) That all financial obligations to the Township of Southwold be paid in full;
 - vi) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - vi) 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

February 10, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E 9-21**
37298 Fingal Line (Wadsworth)
Part of Lot 28, Concession NTR
Township of Southwold

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

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

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: February 4, 2021 ELGIN COUNTY ROAD NO.: 16 – 37298 Fingal Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 9-21

OWNER: Andy & Amber Wadsworth

PROPERTY: LOT NO. Part Lot 28 CONCESSION: NTR
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: February 17, 2021

Re: **Application E 9-21, Andy & Amber Wadsworth**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37298 Fingal Line, Municipality of Southwold.

The applicants propose to sever a parcel with a frontage of 128.64 metres (422.04 feet) along Fingal Line by a depth of 86.55 metres (283.96 feet) and an area of 0.96 hectares (2.38 acres), containing an existing house and a detached garage. The owners are retaining 18.6 hectares (46 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 121.94 metres (400.07 feet) by a depth of 6.1 metres (20 feet) proposed to provide access to hydro lines and poles, in favour of the severed lands.

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 39306 Talbot Line (Southwold). 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 (0.96 hectares (2.38 acres)) are substantially larger in size and will contain one single detached dwelling, with a new municipal water connection and new septic system. The ability of the parcel to be reduced is limited due to the setback of the existing home from Fingal Line.

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. The proposed severed lands (0.96 hectares (2.38 acres)) are substantially larger in size and will contain one single detached dwelling, with a new municipal water connection and new septic system. The ability of the parcel to be reduced is limited due to the setback of the existing home from Fingal Line.

Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. The easement is necessary to ensure access to existing hydro infrastructure for the severed lands.

The property is designated Agricultural on Schedule 'A' Land Use in the Township of Southwold Official Plan. The Hazard Lands on Schedule 'B-1' overlay apply to a portion of the proposed retained parcel. The subject lands are zoned Agricultural 1 (A1) and a portion of the lands are subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law. A zoning by-law amendment is 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 and retained parcels be rezoned;
2. That the municipal water connection has been installed for the proposed severed parcel, the dwelling has been connected to the municipal water service and payment therefore;

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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. Drainage reapportionment and payment thereof;
5. That all financial obligations to the Township of Southwold be paid in full;
6. That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
7. 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.

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CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 10-21

LOT 8 CON 5

MUNICIPALITY OF SOUTHWOLD

MUNICIPAL ADDRESS: 35491 STAFFORD LINE

TAKE NOTICE that an application has been made by **Fife Farms Ltd.** 37846 Talbot Line, Shedden, ON N0L 2E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35491 Stafford Line, Municipality of Southwold

The applicants propose to sever a parcel with a frontage of 61.0 metres (200.13 feet) along Stafford Line by a depth of 126.5 metres (415.04 feet) and an area of 0.77 hectares (1.9 acres), containing an existing house and a detached garage. The owners are retaining 32.4 hectares (80.06 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 7.5 metres (24.61 feet) by a length of 30 metres (98.43 feet) proposed to provide access to water lines, in favour of the severed lands.

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 February 24, 2021 AT 9:55AM.
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 3rd day of February, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

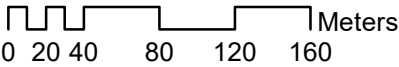
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 35491 Stafford Line
File Number: E 10-2021
Owner: Fefe Farms Ltd.
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

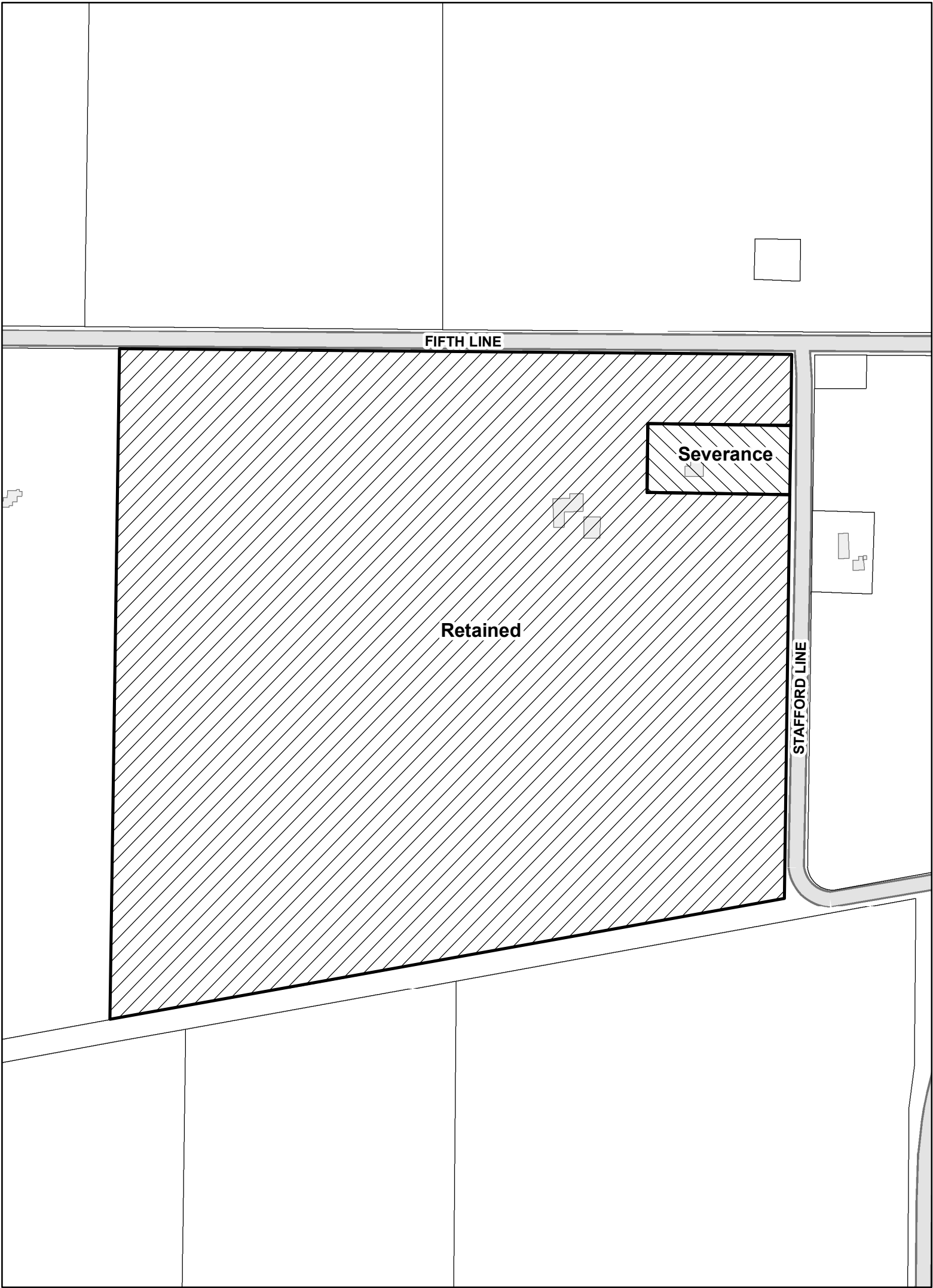
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:4,000

Legend

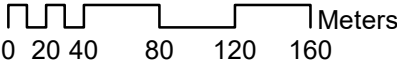
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 35491 Stafford Line
File Number: E 10-2021
Owner: Fefe Farms Ltd.
Planner: Nancy Pasato
Created By: TE
Date: 03/02/2021

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



Scale 1:4,000

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 28, 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 10/21

Fife Farms Ltd.

Please be advised that Council, at its regular meeting of Monday, January 25, 2021 passed the following resolution:

2021-032

Con App E 10/21

Fife Farms Ltd.

- 1) **THAT** the Council of the Township of Southwold regarding the proposed severance application file E 10/21 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 10/21 subject to the following conditions:
 - i) That the proposed severed and retained parcels be rezoned;
 - ii) 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;
 - iii) That a livestock facility and two silos located on the proposed retained parcel be removed to the satisfaction of the Township Chief Building Official;
 - iv) Drainage reapportionment and payment thereof;
 - v) That a mutual drain agreement be provided;

- vi) That all financial obligations to the Township of Southwold be paid in full;
- vii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

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 2021-06

File No: E 10/21

Date: January 25, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Heather James, MCIP, RPP, Planner

SUBJECT: Proposed Severance Application by Fife Farms Ltd. 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 Lot 8, Concession 5 and known municipally as 35491 Stafford Line. They are located on the west side of Stafford Line and the south side of Fifth Line. The approximate 33.17 ha (81.97 ac.) farm parcel has a habitable residence, detached garage, livestock barn (to be removed), two (2) silos (to be removed) and shed. The residence on the proposed severed parcel is currently serviced with municipal water service 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 and non-farm residential. An unopened road allowance borders the south lot line, the Molnar Municipal Drain runs through the property and a wooded area is located along the southern portion of the lands.

Figure 1: Location of Subject Lands



BACKGROUND INFORMATION:

Figure 2: Proposed Severed Parcel Sketch, Submitted by Owner

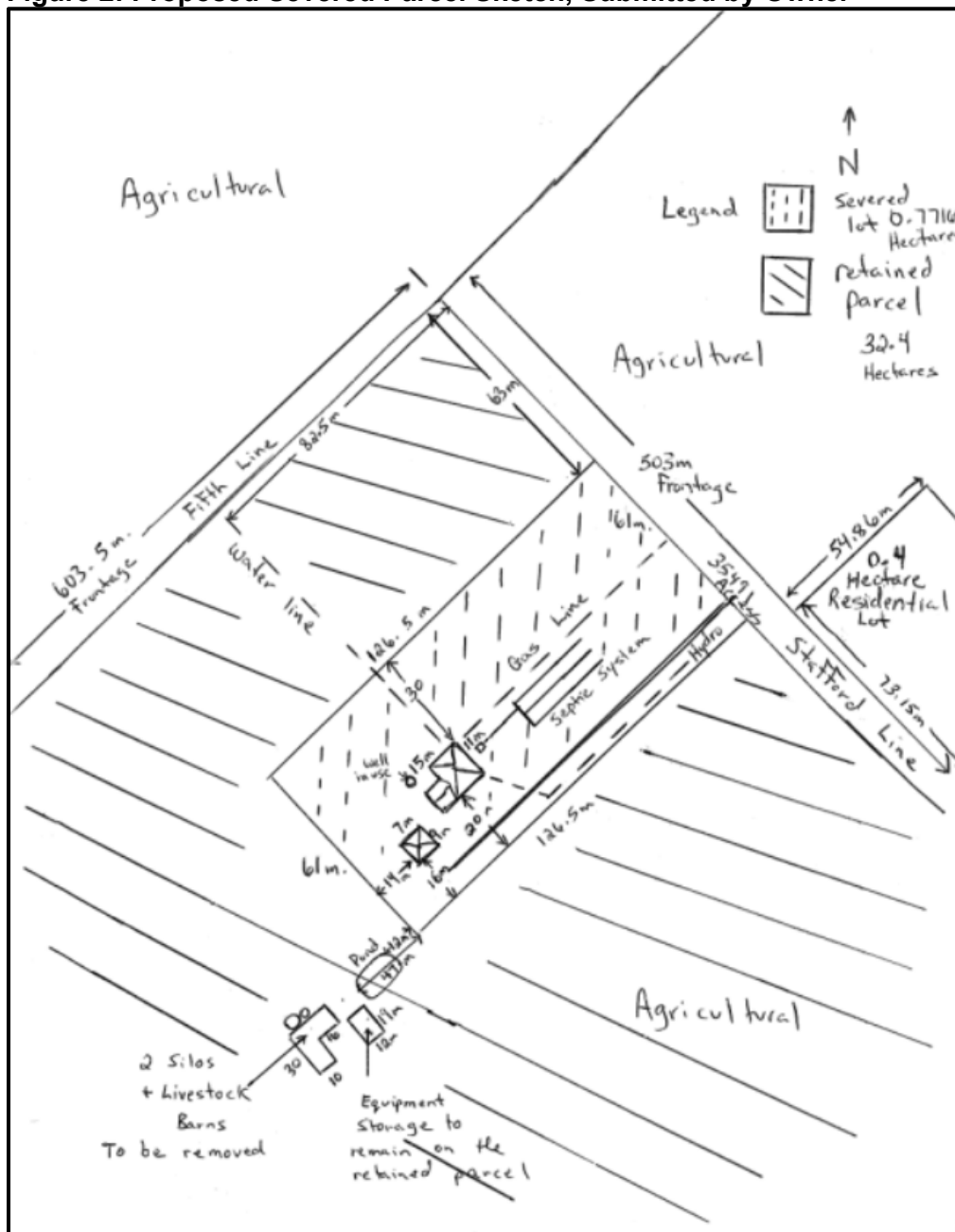
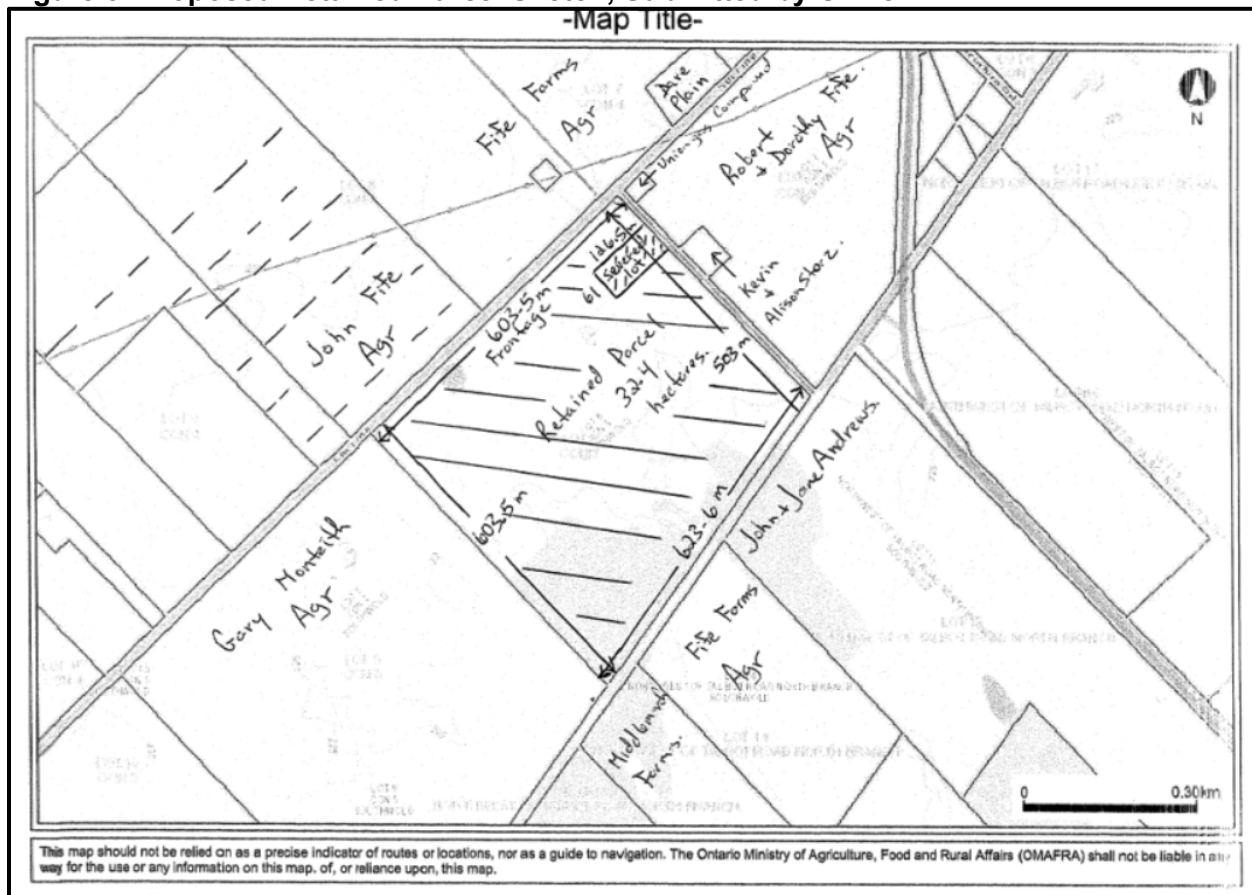


Figure 2 shows the proposal to sever 0.77165 ha (1.91 ac.) parcel with a depth of 126.5 m (415.03 ft.) and frontage of 61.0 m (200.13 ft.) with a habitable residence and detached garage with municipal water service and private septic system. Figure 2 also shows a water line that originates from Fifth Line and crosses over the proposed retained parcel before it reaches the proposed severed parcel. The water line requires an easement which will have a width of 7.5 m (24.61 ft.) and a length of 63.0 m (206.69 ft.) which currently provides municipal water service for the proposed severed parcel.

Figures 2 and 3 shows the proposed retained parcel will have an area of 32.4 ha (80.06 ac.) with an irregular depth of 503.0 m (1,650.26 ft.) and frontage of 603.5 m (1,979.99 ft.) along Fifth Line, with a livestock barn (to be removed), two (2) silos (to be removed) and a shed with no services.

Figure 3: Proposed Retained Parcel Sketch, Submitted by Owner



An existing driveway provides access to Stafford Line for the proposed severed parcel. An existing driveway provides access for the proposed retained parcel.

Appendix 'C' to the Elgin County Application for Consent states the farm owner has declared the residence will be surplus to the needs of their farming operation. Their main base of farming operation is located in the Township of Southwold.

STAFF COMMENTS:

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

Drainage Superintendent

'Reapportionment of the Molnar Drain is required. A mutual drain agreement may not be required if Branch A of the Molnar Drain crosses through the severed parcel. If it doesn't then a mutual agreement drain is required.'

According to the plan and profile for the Molnar Drain Branch A from 1974 the drain is close enough to the pond shown in the severance application that 150 feet of concrete sewer pipe with rubber gaskets was used when they went by the pond and under the laneway to hopefully preserve and not drain the pond.'

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

All other comments submitted by Township staff indicated they had no concerns with the proposed severance application provided the standard conditions for this type of severance are applied.

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 owner. 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.

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 owner's farming operations. The proposed severed parcel meets the MDS I setback. The residence is connected to the municipal water service and the septic report that was submitted with the application states the septic system is in good working condition. 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 owner's 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) 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 2.

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.).

Comment: The proposed severed parcel area of approximately 0.77165 ha (7,716.5 m², 1.91 ac.) is slightly larger the maximum lot area permitted; however, it is still appropriate for the use and servicing of the lands. The proposed lot frontage of 61.0 m (200.13 ft.) meets the A1 Zone Subsection 5.2 (g) requirements. A Special Provision Agricultural 1 (A1-xx) 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 proposed retained parcel.

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 10/21 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 10/21 subject to the following conditions:
 - i) That the proposed severed and retained parcels be rezoned;
 - ii) 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;
 - iii) That a livestock facility and two silos located on the proposed retained parcel be removed to the satisfaction of the Township Chief Building Official;
 - iv) Drainage reapportionment and payment thereof;
 - v) That a mutual drain agreement be provided;
 - vi) That all financial obligations to the Township of Southwold be paid in full;
 - vii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

Respectfully submitted by:

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

Approved by:

Ken Loveland
CAO/Clerk

From: [Nancy Pasato](#)
To: [Dawn Wittland-Graham](#)
Subject: FW: Easement for severance E10-21 Fife Farms Ltd.
Date: January 22, 2021 12:10:13 PM

For the file.

Nancy Pasato
Manager of Planning

450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext.126
www.elgincounty.ca

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

From: Brad <rbfife@hotmail.com>
Sent: January 22, 2021 12:10 PM
To: Heather James <planning@westelgin.net>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: Re: Easement for severance E10-21 Fife Farms Ltd.

7.5 metres sounds good to me.
Thank you Heather.

Sent from my iPhone

> On Jan 22, 2021, at 10:28 AM, Heather James <planning@westelgin.net> wrote:
>
> Hello Nancy and Brad,
>
> I have heard from Ken Loveland and he is of the opinion that 7.5 metres is sufficient width for the water line easement.
>
>
>
> Heather James, MES (Pl.), MCIP, RPP
> Planner
> Township of Southwold
> 35663 Fingal Line
> Fingal, Ontario, N0L 1K0
> Phone: (519) 769-2010 / Fax: (519) 769-2837
> Email: hjames@westelgin.net
>
>
> -----Original Message-----
> From: Nancy Pasato <npasato@ELGIN.ca>
> Sent: January 22, 2021 9:53 AM
> To: Heather James <planning@westelgin.net>
> Subject: FW: Easement for severance E10-21 Fife Farms Ltd.
>
> FYI
>
> Nancy Pasato

> Manager of Planning

>

> 450 Sunset Drive

> St. Thomas, ON. N5R 5V1

> (519) 631-1460 ext.126

> www.elgincounty.ca

>

>

> -----Original Message-----

> From: Brad <rbfife@hotmail.com>

> Sent: January 22, 2021 9:53 AM

> To: Nancy Pasato <npasato@ELGIN.ca>

> Subject: Easement for severance E10-21 Fife Farms Ltd.

>

> Hi Nancy. The easement I was referring to on the severance application is in the location of the waterline that is marked on the map that crosses the retained parcel North of the severed parcel. If there is a standard width for an easement in this situation I am fine with that. I have asked Ken Loveland if he would prefer a specific dimension. I will let you know when I hear from him.

> Thanks for now.

>

> Sent from my iPhone

February 10, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E 10-21**
35491 Stafford Line (Fife Farms Ltd.)
Part of Lot 8, Concession 5
Township of Southwold

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

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

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: February 4, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 10-21

OWNER: Fife Farms Ltd.


PROPERTY: LOT NO. Lot 8 CONCESSION: 5

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: February 17, 2021

Re: **Application E 10-21, Fife Farms Ltd.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35491 Stafford Line, Municipality of Southwold.

The applicants propose to sever a parcel with a frontage of 61.0 metres (200.13 feet) along Stafford Line by a depth of 126.5 metres (415.04 feet) and an area of 0.77 hectares (1.9 acres), containing an existing house and a detached garage. The owners are retaining 32.4 hectares (80.06 acres) proposed to remain in agricultural use. The applicants also propose to create an easement having a width of 7.5 metres (24.61 feet) by a length of 30 metres (98.43 feet) proposed to provide access to water lines, in favour of the severed lands.

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 38060 Talbot Line (Southwold). 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 (0.77 hectares (1.9 acres)), are substantially larger in size and will contain one single detached dwelling and detached garage, with an existing municipal water connection and septic system. The ability of the parcel to be reduced is limited due to the setback of the existing home from Stafford Line.

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

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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. A portion of the retained lands is within the “Woodlands” overlay on Appendix 1 – Natural Heritage of the County Official Plan. There is no development proposed near this feature

As detailed previously, the Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicants. The proposed severed lands (0.77 hectares (1.9 acres)) are substantially larger in size and will contain one single detached dwelling and detached garage, with an existing municipal water connection and septic system. The ability of the parcel to be reduced is limited due to the setback of the existing home from Stafford Line.

Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. The easement is necessary to ensure access to an existing water line from Fifth Line for the severed lands.

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. The subject lands are zoned Agricultural 1 (A1) 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. A zoning by-law amendment is 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 and retained parcels be rezoned;

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2. 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;
3. That a livestock facility and two silos located on the proposed retained parcel be removed to the satisfaction of the Township Chief Building Official;
4. Drainage reapportionment and payment thereof;
5. That a mutual drain agreement be provided;
6. That all financial obligations to the Township of Southwold be paid in full;
7. That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
8. 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.

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