



LAND DIVISION COMMITTEE AGENDA

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

- 9:00am Approval of February 24, 2021 Meeting Minutes
- Discussion of OP Review
- Bill 88 – Explanation of Summary of Changes
- Inquiries from Land Division Committee Members
- 10:00am E 11-21 Algar Farms Ltd
 51271 Vienna Line – Township of Malahide
- 10:05am E 12 – 21 James Price & Robert Miller
 22003 Queen St – Municipality of West Elgin
- 10:10am E 13 - 21 James Price & Robert Miller
 22003 Queen St – Municipality of West Elgin
- 10:20am E 3-21 Karl & Carole McLean
 10202 Talbotville Gore Rd – Municipality 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 – February 24, 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 John R “Ian” Fleck called the meeting to order. Due to the Province of Ontario Emergency Declaration for the COVID-19 pandemic, this meeting is being held by video conferencing and in person in an effort to follow the rules of “physical distancing”.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

- None declared

Minutes:

Moved by: Rosemary Kennedy

Seconded by: John Seldon

That the minutes of the meeting held January 27, 2021 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:

Bradt Road –

John Seldon – Who owns property? Could owner object to retaining property? Nancy Pasato responded with the owner having no objections.

Ian Fleck – Previously used to be an aggregate pit, that's why there was already a road.

Dugald Aldred – Now everyone has to change their address.

Dennis O'Grady – Feels that the wording feels as though the lawyer was told what to say.

Bill 88 –

Nancy Pasato to find a summary of changes and to fully explain the changes to particulars, ie: 1X1, once a severance, always a severance and automatic merging.

Dugald Aldred – Son and father had the same name and now their properties are merged even though they were different owners.

Committee Comments:

Dennis O'Grady – Is it worth taking Primer on Planning course?

Rosemary Kennedy – Geared more for a Councillor, not Land Division Committee.

Let Nancy know if anyone finds any courses of interest.

Dennis O'Grady – Is the Spring Conference cancelled? What about the Fall?

John Seldon – Conference in November on Wastewater Treatment – in person at this time.

Nancy Pasato – Currently scheduling interviews for Land Division Secretary, hopefully have an update at March meeting.

Application E 23-20 (Amended Decision)

Dohner Farms Ltd
53233 Nova Scotia Line
Township of Malahide

*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 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.

Moved by: Dennis O’Grady

Seconded by: Dugald Aldred

That the amendment for severance application E 23-20 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 8-21:

Andy & Amber Wadsworth
37352 Fingal Line
Municipality of Southwold
Agent: Mark Coombes

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.

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

Andy Wadsworth was present electronically.

Written submissions were received from the following:

1. **Municipality 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: Rosemary Kennedy

Seconded by: Dennis O’Grady

That severance application E 8-21 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 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 registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

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 9-21:

Andy & Amber Wadsworth
37352 Fingal Line
Municipality of Southwold
Agent: Mark Coombes

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.

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

Andy Wadsworth was present electronically.

Written submissions were received from the following:

1. **Municipality 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: Dennis O’Grady

Seconded by: Jack VanKasteren

That severance application E 9-21 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 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;
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.

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 10-21:

Fife Farms Ltd
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.

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

Brad Fife was present electronically.

Moved by: John Andrews

Seconded by: Dugald Aldred

That severance application E 10-21 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 and retained parcels be rezoned;
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.

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

Adjournment:

The Chair adjourned the meeting at 10:21am.

Moved by: **Rosemary Kennedy**
Seconded by: **John Seldon**

Acting Secretary-Treasurer

Chair

Discussion Questions

1. What is your mandate when it comes to development in the County of Elgin?
2. What, if any, legislation or policy changes have occurred since the last Official Plan (2013) process related to your service/area?
3. What is your vision for the County of Elgin?
4. What sections of the current Official Plan would you like to discuss?
5. What are your key priorities for the next 5-10 years?
6. How can the County of Elgin work with you?

sewers, waste disposal, recyclable collection, public utilities, fire and police protection, parks, schools, and other community facilities;

- d) in areas without full municipal services, the plan can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity*, as the case may be; and
- e) as determined through supporting studies, as may be required under Section F8.3, the plan is designed to reduce or mitigate any negative effect on surrounding land uses, including but not limited to the transportation network, *significant natural heritage features and areas*, and surface and ground water; and
- f) the plan is designed to be integrated with adjacent neighbourhoods and *development*;

E1.2.3 New Lots By Consent

The approval of consents to sever land in Elgin County shall be in conformity with the relevant policies contained in this Plan, policies contained in local Official Plans, and the provisions of the Planning Act. Under no circumstances shall consents be granted for approval that are contrary to the policies of this Plan or the local Official Plan.

E1.2.3.1 General Criteria

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;
- c) will not cause a traffic hazard;

- d) has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;
- e) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;
- f) can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within municipal sewage services and municipal water services;
- g) will not have a *negative impact* on the drainage patterns in the area;
- h) will not restrict the *development* of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for *development* by this Plan;
- i) will not have a *negative impact* on the *significant* features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;
- j) will not have a *negative impact* on the quality and quantity of groundwater available for other uses in the area;
- k) will not have an adverse effect on natural hazard processes such as flooding and erosion;
- l) conform with the local Official Plan; and,
- m) will conform to Section 51 (24) of the Planning Act, as amended.

E1.2.3.2 Boundary Adjustments

A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the

boundary adjustment will not affect the viability of the agricultural parcels affected.

E1.2.3.3 Technical Severances

Consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. Such new lots may be permitted anywhere in the County except on lands within the Agricultural Area designation, provided the approval authority is satisfied that:

- a) the merging of the lots was unintentional and was not merged as a requirement of a previous planning approval;
- b) the new lot is generally of the same shape and size as the lot which once existed as a separate conveyable lot;
- c) the new lot can be serviced with an appropriate water supply and means of sewage disposal provided there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within municipal sewage services and municipal water services;
- d) the new lot fronts on and will be directly accessed by a public road that is maintained year-round by a public authority;
- e) there is no public interest served by maintaining the property as a single conveyable parcel; and,
- f) the new lot will conform to the access policies of the relevant road authority.

E1.2.3.4 Lot Creation on Lands in the Agricultural Area

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to *settlement areas* or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if:

- a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents or,

The 2019 Seminar Fee is \$150.00 for members and \$175.00 for non-members. Details to be made available August 2019.

Future Events

To assist with future planning and budgeting, we are pleased to present the following conference and seminar locations for 2020-2021.

2020 Conference – May 10-13, 2020

Sheraton on the Falls, Niagara Falls, ON
4585 Falls Avenue, Niagara Falls
Room Rate - \$119 City View/ \$149.00 Fallsview plus HST
Transient Accommodation Tax - \$2.00 per room per night
Promotion Fee – 5.9% Complimentary Parking

2020 Seminar – September 24-25, 2020

Holiday Inn Peterborough Waterfront
150 George Street North, Peterborough, ON
Room Rate - \$134 Standard City view / \$169 King River View plus HST
Parking - \$5
Resort Fee – 3%

2021 Conference – June 6-10, 2021

Caesars Windsor
377 Riverside Drive East, Windsor, ON
Room Rate - \$155 plus HST
Municipal Accommodation Tax – 4%
Complimentary valet and self-parking for hotel guests
Complimentary Resort Amenity Fee (\$10.00) and Room Reservation Fee (\$5.00)

Legislation Report

By Susan Votour & Denise Rundle

Bill 88 - *The Planning Amendment Act*, 2019

For many years it has been recognized in the legal industry that certain sections of the *Planning Act* contain provisions that have led to unnecessary and expensive land conveyancing issues. Bill 88 contains proposed changes to the *Planning Act* that would amend these provisions. The proposed Bill 88 is a Private Member's Bill introduced by Mr. Douglas Downey, MPP for Barrie-Springwater-Oro-Medonte. Mr. Downey is certified by the Law Society of Upper Canada as a specialist in real estate law. The following is a brief summary of some of the proposed changes to the *Planning Act* in Bill 88.

- Sections 50(3) and 50(5) of the *Planning Act* (the “*Act*”) set out various exceptions to the requirement for approval to divide land (either through a plan of subdivision or severance). Currently, these exceptions are spread throughout these Sections. Bill 88 proposes to clarify the exceptions and put them into one place.

- The *Act* currently provides that any prior contravention of Section 50 prevents the conveyance of or creation of interest in a parcel of land. This provision causes additional expense in searching title to properties, particularly now that the registration is electronic, since the older records are not readily available. Bill 88 proposes that only contraventions of Section 50 occurring within 20 years of the date of dealing with the parcel will prevent the conveyance or creation of interest.
- Many real estate transactions have failed and/or gone into litigation because of contraventions of the *Act* arising from dealing with the “retained” land in a consent when the owner still owns the “severed” land. The wording of the *Act* is currently unclear on this point and case law supports an interpretation of the *Act* that prevents dealings with retained lands without a further application for consent, which entails additional time and expense to the owner. Bill 88 proposes to resolve this issue by clarifying the wording of the *Act* such that the retained lands can be conveyed as though they had also received consent. Further, the proposed amendments authorize consent authorities to issue certificates of official for both the severed and retained lands.
- The “Once a Consent, Always a Consent” rule, currently in Section 50(12) of the *Act*, was added to the legislation on March 31, 1979 and has been interpreted to only apply to consents given after that date, forcing owners to re-apply for consent if they received a consent prior to that date. Bill 88 proposes to clarify that Section 50(12) retroactively applies to any consent previously granted, regardless of the date.
- In order to keep abutting lands separate under the *Act*, in many cases a husband and wife will take title to one lot as joint tenants and put only either the husband or wife’s name on the adjoining lot. However, if one spouse dies, in many cases this results in an inadvertent merger of the adjoining lots which then requires a consent application in order to re-sever the lots. Bill 88 proposes changes to the *Act* that will prevent this very common (and expensive) problem.
- Currently the *Act* allows an applicant only one year for completion of conditions from the date of provisional approval of a consent to sever land. Depending on the conditions imposed by the Committee, it may be difficult for the conditions to be completed within one year and the *Act* currently does not contain any mechanism to allow an extension of the one-year time period. Many consents have “lapsed” due to this provision, forcing the applicants to reapply (and pay an additional application fee). Bill 88 proposes amendments which would allow the owner to apply for an extension of the one-year time period for an additional one year, provided that the application is made prior to the lapsing of the original one-year period.
- The *Act* does not currently contain any mechanism for “de-registering” a consent, which is sometimes necessary when additional lands are being added to a parcel that had previously received consent, in order to allow the added lands to merge with the consent lands. For many years’ lawyers have been “breaking” consents by having the owner convey a one-foot square of property to the municipality. This entails additional surveying and conveyancing expenses for the owner, and nuisance

for the municipality in tracking these essentially useless land assets. Bill 88 proposes the addition of a procedure to de-register a consent to avoid this entire issue.

- Various other minor technical amendments to the *Act* are proposed under Bill 88 which would assist in interpretation and application.

As Bill 88 is a private member's bill, it will require the support of the public and the support of the House in order to pass. OACA encourages its members to contact their local MPP and encourage them to support the Bill.

The bill is supported by the Law Society of Upper Canada, the Ontario Bar Association, the Federation of Ontario Law Associations, LawPRO (Lawyers' Professional Indemnity Company) and other law associations.

For more information please visit <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-88>

Bill 68 - Modernizing Ontario's Municipal Legislation Act, 2017 - Update

The changes to the *Municipal Conflict of Interest Act* (MCIA) contained in Bill 68 came into effect on March 1, 2019. Key changes include:

- New principles that highlight the importance of:
 - Integrity, independence and accountability in local government decision-making.
 - Certainty in reconciling public duties and pecuniary interests of members
 - Members performing their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny; and,
 - The benefit to municipalities and local boards when members have broad range of knowledge and continue to be active in their communities.
- New subsection 5.1 requires a member to file a written disclosure statement where the member discloses an interest under section 5. The disclosure statement shall be filed with the clerk or secretary and the clerk or secretary is required to maintain a registry of disclosures.
- Changes to the actions that can be taken when there is an alleged contravention and changes to judge's powers in determining appropriate action.
- Hearing proceedings are voidable at the discretion of the municipality if a contravention of the MCIA has occurred.

Volume 6 of OACA's Committee Member Training Video Series reviews the updated MCIA in more detail.



2021 OACA CONFERENCE & AGM – JUNE 8 - 9, 2021

REGISTRATION OPEN!

We are delighted to present to you the 2021 Ontario Association of Committees of Adjustment and Consent Authorities (OACA) [Annual Conference Information Package](#). As a delegate at this year's conference you will have the opportunity to take part in a full day of educational workshops and events and networking opportunities, plus there will be a few fun surprises to make this virtual event extra special! Because we're not meeting in person, we're passing the savings on to you and the ability to watch all 13 live recorded sessions for up to 60 days after the conference which can be used towards education credits to maintain designations, including OACA's ACST Designation. The first 200 delegates to register will also be sent some great conference swag!

Why Register?

- Gain practical knowledge and skills with over 14 hours of professional development
- Great opportunity to interact with our expert speakers and share insight into local issues impacting your role as a Secretary Treasurer, Consent Official, Committee Member or other stakeholder
- Connect and interact with peers and local government professionals
- Get the most out of your education/training budget with reduced rates and access to all sessions 60 days after the event
- Support the Association and its commitment to provide education on the important adjudicative function of Committees of Adjustment & Consent Authorities and related legislation/processes
- As a member, take advantage of discounted pricing and participate in OACA's AGM and have your voice heard!

Registration Fees

Member - \$250.00 ([Not a Member?](#) You have until April 30 to register or renew your membership)

Non - Member - \$375.00

Deadline to Register: June 4, 2021



2021 OACA CONFERENCE & AGM – JUNE 8 - 9, 2021

WORKSHOPS

- ◆ **Consents: Common Applications and Issues, but not Always Straight Forward...**
Alex Ciccone, Associate, Garrod Pickfield LLP
- ◆ **Minister's Zoning Orders: What You Need To Know**
Lee English, Borden Ladner Gervais (BLG)
- ◆ **Land Use Policy Impacts on Land Development in Ontario's Prime Agricultural Areas**
James Nevelands, MHBC
- ◆ **Ask An Expert: Lawyer Edition**
Aaron Platt, Plattner Davies Howe LLP
- ◆ **Privacy and Access Rights and Obligations Under MFIPPA**
Ramesh Samra, Director of Policy and Ayeshita Kapadia, Policy Analyst with the Information & Privacy Commissioner of Ontario
- ◆ **What to Do When the Integrity Commissioner Calls (hint: call first)**
Jeffrey A. Abrams, Co-Principal, Principles Integrity
- ◆ **Legal Non-Conforming Use – the Current State of the Law**
Tory Fleming C.S., Cunningham, Swan, Carly, Little & Bonham LLP
- ◆ **Tips & Techniques for Broadcasting a Public Meeting**
Brad Brown, Independent Video Producer
- ◆ **Understanding Adjudication Through the Lens of the Tribunal**
Jyoti Zaidema, B.A. (Hons.), LL.B., LL.M.
- ◆ **Learning from Complaints: "Lessons from the Ombudsman"**
Laura Pettigrew, General Counsel for the Office of the Ombudsman of Ontario
- ◆ **What Policy or By-law Applies? What To Do When Applications Get Caught in a Transitional Period: Clergy Principle and Other Approaches**
Dennis Wood, Plattner Wood But LLP
- ◆ **Cybersecurity and Covid 19 Issues**
Brent Arnold M.A., Partner, Technology Sub-Group Leader (Com Lit) Gowling WLG
- ◆ **The New Municipal Connect**
Janet Ronzies, Manager, Municipal Products at MPAC



Want to Learn More?

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SPONSORSHIP OPPORTUNITY 2021 OACA CONFERENCE

Last OACA 2019, conference overview (in person event):



200
Attendees



19
Speakers



18
Workshops



84
Municipalities

Interested in becoming a sponsor?



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 11-21

**LOT 23 CONCESSION 2
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 51271 VIENNA LINE**

TAKE NOTICE that an application has been made by **Algar Farms Ltd.** 52892 Vienna Line, Port Burwell ON N0J 1T0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51271 Vienna Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 36.0 metres (118.11 feet) along Vienna Line by a depth of 85.9 metres (281.82 feet) and an area of 0.31 hectares (0.77 acres), containing an existing house and a shed. The owners are retaining 40.16 hectares (99.24 acres) proposed to remain in agricultural use.

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

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

**WEDNESDAY March 24, 2021 AT 10:00AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

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

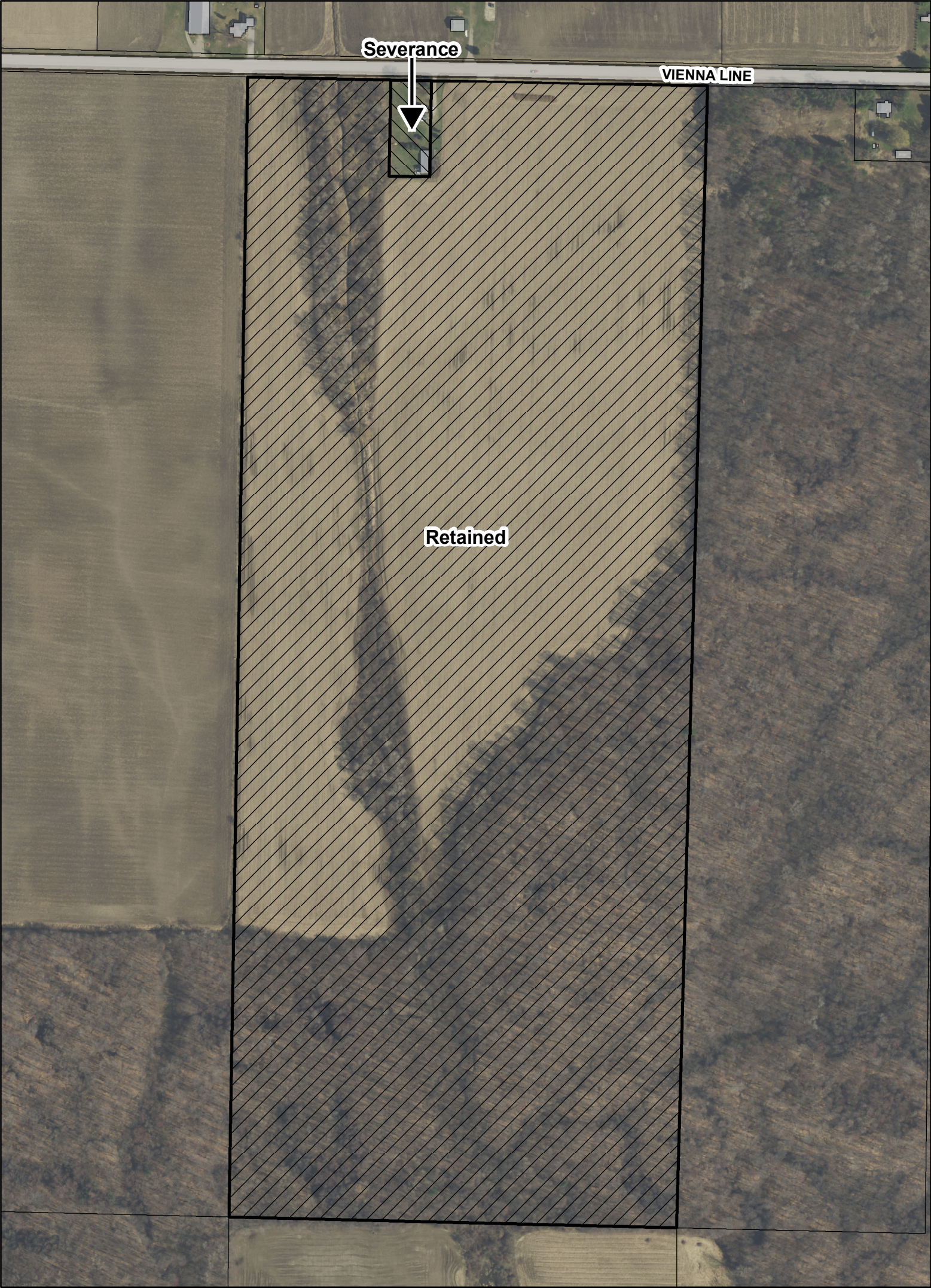
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 1st day of March, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

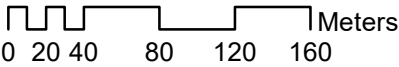
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map






Subject Site: 51271 Vienna Line
File Number: E 11-2021
Owner: Algar Farms Limited
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021

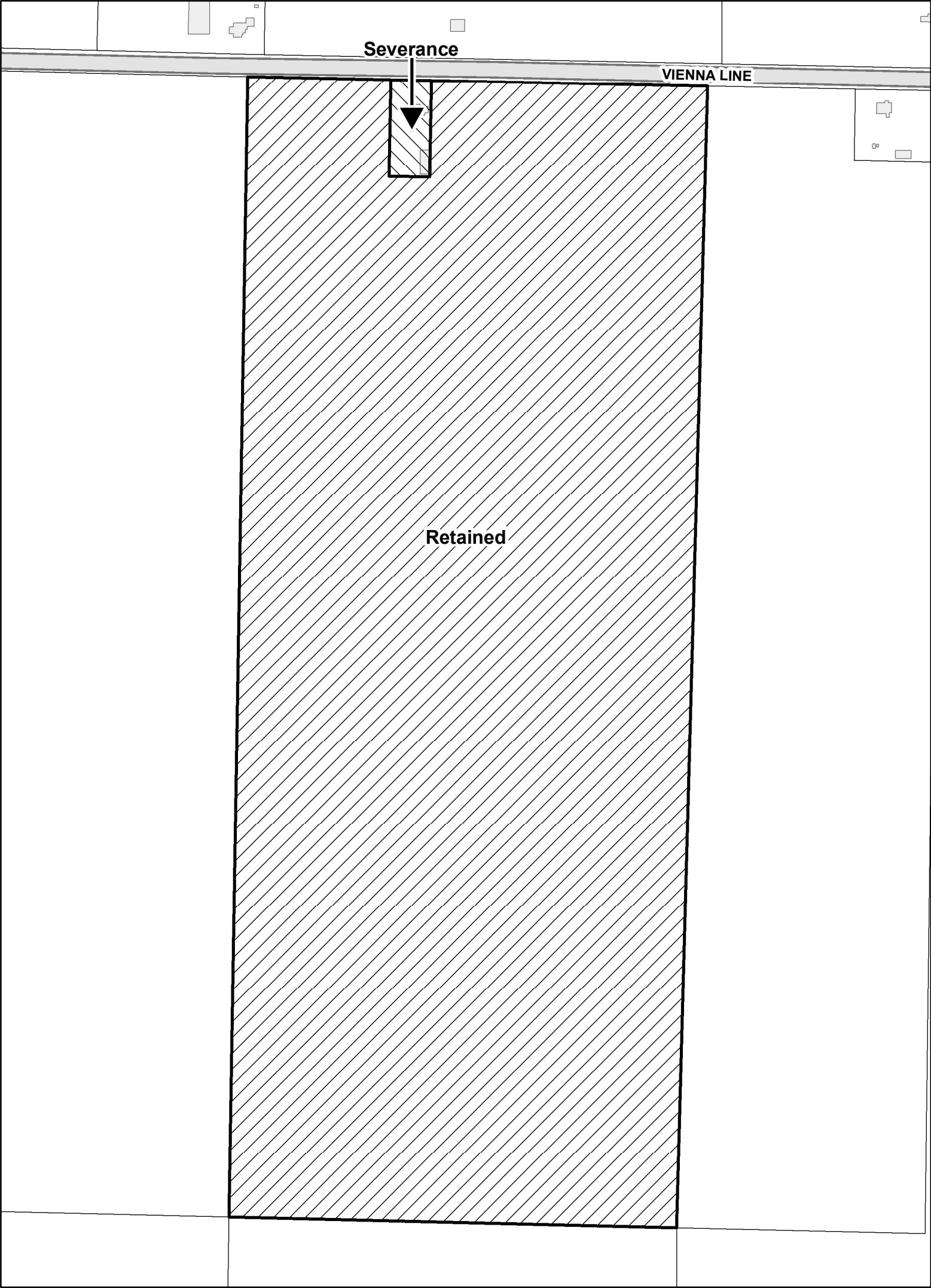
The Corporation of the County Elgin
Prepared By: Planning and Development



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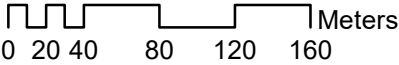
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map






Subject Site: 51271 Vienna Line
File Number: E 11-2021
Owner: Algar Farms Limited
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021

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



Scale 1:4,000

Legend

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



March 5, 2021

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

Dear Committee Members:

RE: Land Severance Application E11/21 – Algar Farms Limited

The Malahide Township Council passed the following Resolutions on March 4, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E11/21, in the name of Algar Farms Limited., relating to the property located at Part Lot 23, Concession 2, Geographic Township of Malahide, subject to the following conditions:

- (i) That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.**
- (ii) 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.**
- (iii) 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.**
- (iv) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.**
- (v) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior the stamping of the deeds.**
- (vi) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.**
- (vii) That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.**

We enclose Municipal Appraisal together with Municipal Report DS-21-13 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

A handwritten signature in cursive script, reading "M. Casavecchia-Somers".

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

Copy - John Seldon
Rosemary Kennedy
Algar Farms Limited



Report to Council

REPORT NO.: DS-21-13
DATE: March 4, 2021
ATTACHMENT: Severance Application
SUBJECT: **Severance Application E11-21**

Recommendation:

THAT Report No. DS-21-13 entitled “Severance Application E11-21” be received;

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

Background:

The purpose of this Report is to provide background information to the Council regarding Severance Application E11-21. Should the Council support the application, this Report will be forwarded to the Land Division Committee together with the imposed conditions and Municipal Appraisal Sheet for their review and consideration.

Comments/Analysis:

The Applicant, Algar Farms Limited, is proposing to create through consent one (1) new surplus farm residence of 3,100 square metres (0.77 acres). The applicant will retain a vacant agricultural parcel of 40.16 hectares (99.24 acres). This consent is proposed at N PT 23, CON 2, geographic Township of Malahide; known municipally as 51271 Vienna Line.

The Malahide Official Plan designation of the subject property is “Agricultural”. Areas of the property contain vegetated areas/woodlots that are designated accordingly, however the proposed severance is not proposed to impact those areas.

The current zoning of the property is “Large Lot Agricultural (A3)”, however as a condition of consent it is recommended that the severed surplus dwelling parcel be rezoned “Small Lot Agricultural (A4)” and the retained farm parcel be rezoned to the

Agricultural (A2) Zone.

These properties (severed and retained) will conform to the size requirements of the Zoning By-law. This area of the Township is serviced by private water and wastewater systems. A number of conditions will be placed on this consent as set out in a proposed resolution.

The Municipal Staff, including the Township Planner, have reviewed the application and find that it will conform to the Township of Malahide's Official Plan and Zoning By-law.

Of note however, the Township Planner advised that the proposed rear (southerly) lot line for the severed dwelling lot should be adjusted such that there is a 7.5 metre (~25 feet) rear yard between the existing accessory structure (shown as "Metal Clad Shed" on the severance sketch) and the newly-established rear lot line so to meet the requirements of Section 5.2.1 (6) of the Zoning By-law. The Township Planner believes this to be a minor adjustment that should not cause concern to the applicant. The rear yard requirement ensures that there is sufficient area for building maintenance and equipment maneuverability around such buildings in the agricultural area.

The Staff recommends that the Council supports this application.


Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

Submitted by:	Reviewed by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Director of Development Services	

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 11/21

Applicant Algar Farms Limited

Location 51271 Vienna Line – Con 2 N PT LOT

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agricultural

Policies: _____

PART 2 - ZONING

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

Comments:

Rezoning Required

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

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

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

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

Yes, please see conditions letter dated March 5, 2021

Dawn Wittland-Graham

From: Tony Difazio <planning@catfishcreek.ca>
Sent: March 4, 2021 11:40 AM
To: Dawn Wittland-Graham
Subject: RE: E 11-21 - Notice of Application

Hi Dawn,

We (CCCA)S have no concerns with the above noted application.

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

Regards,

Tony



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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: March-02-21 10:24 AM
To: Adam Betteridge <ABetteridge@malahide.ca>; Allison Adams <AAdams@malahide.ca>; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; kimberlypierce1@aol.com
Subject: E 11-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file number E 11-21 for the Elgin County Land Division Committee meeting being held on March 24, 2021.

If you wish to provide comments on this application please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, March 16, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,
Dawn Wittland-Graham

*Administrative Assistant
Engineering & Planning Services*



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: March 3, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 11-21

OWNER: Algar Farms Ltd.


PROPERTY: LOT NO. Lot 23 CONCESSION: 2

REG'D PLAN: _____ MUNICIPALITY: Malahide

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: March 16, 2021

Re: **Application E 11-21, Algar Farms Ltd.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51271 Vienna Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 36.0 metres (118.11 feet) along Vienna Line by a depth of 85.9 metres (281.82 feet) and an area of 0.31 hectares (0.77 acres), containing an existing house and a shed. The owners are retaining 40.16 hectares (99.24 acres) proposed to remain in agricultural use.

Planning Act and Provincial Policy Statement

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

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

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

The Applicant has indicated that the retained lands are to be consolidated with other farm lands owned by the applicant, with the principle residence located at 52892 Vienna Line (Malahide). 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 (0.31 hectares (0.77 acres)) will contain one house and one shed, with a private water and septic system.

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

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



County of Elgin Official Plan

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

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 private water and septic system.

The subject lands are designated Agricultural on Schedule ‘A’ Land Use in the Township of Malahide Official Plan. Areas of the property contain vegetated areas/woodlots that are designated accordingly, however the proposed severance is not proposed to impact those areas. The subject lands are zoned Large Lot Agricultural (A3) in the Township of Malahide Zoning By-Law. A zoning by-law amendment is required.

As part of the staff report for Malahide, the Township Planner advised that the proposed rear (southerly) lot line for the severed dwelling lot should be adjusted such that there is a 7.5 metre (~25 feet) rear yard between the existing accessory structure (shown as “Metal Clad Shed” on the severance sketch) and the newly-established rear lot line so to meet the requirements of Section 5.2.1 (6) of the Zoning By-law. The Township Planner believes this to be a minor adjustment that should not cause concern to the applicant. The rear yard requirement ensures that there is sufficient area for building maintenance and equipment maneuverability around such buildings in the agricultural area. County staff support this minor change in lot configuration.

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 a copy of registered deed for the severed parcel once completed.

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

1. The rear lot line for the severed parcel is revised to include a 7.5 m (25 feet) setback from the existing accessory structure;

County of Elgin
450 Sunset Drive
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2. That the proposed severed and retained parcels be rezoned;
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 a livestock facility and two silos located on the proposed retained parcel be removed to the satisfaction of the Township Chief Building Official;
5. Drainage reapportionment and payment thereof;
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.

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CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 12-21

**PLAN 202 PART LOT 30
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 22003 QUEEN ST**

TAKE NOTICE that an application has been made by **James Price & Robert Miller** 22003 Queen St, Rodney ON N0L 2C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22003 Queen St. Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Queen St by a depth of 61.003 metres (200.14 feet) and an area of 0.12 hectares (0.30 acres). The owners are retaining 3.00 hectares (7.41 acres) proposed to remain in residential use.

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

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

**WEDNESDAY March 24, 2021 AT 10:05AM.
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.

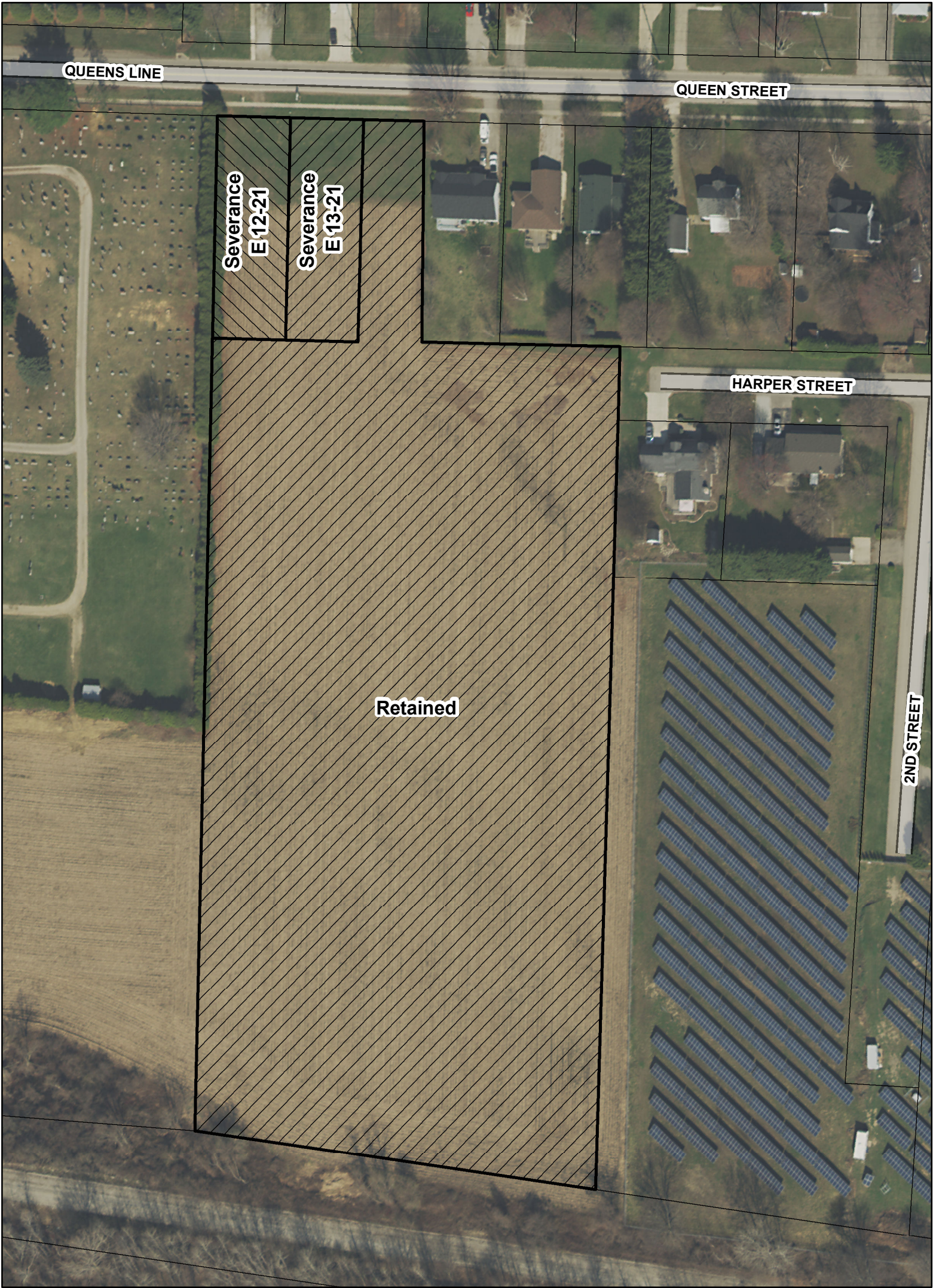
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 1st day of March, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

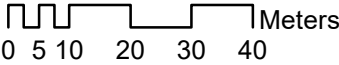
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 22003 Queen Street
File Number: E 12-21 & E 13-21
Owner: James Marcus Price (deceased) Robert Arthur Miller
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021






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

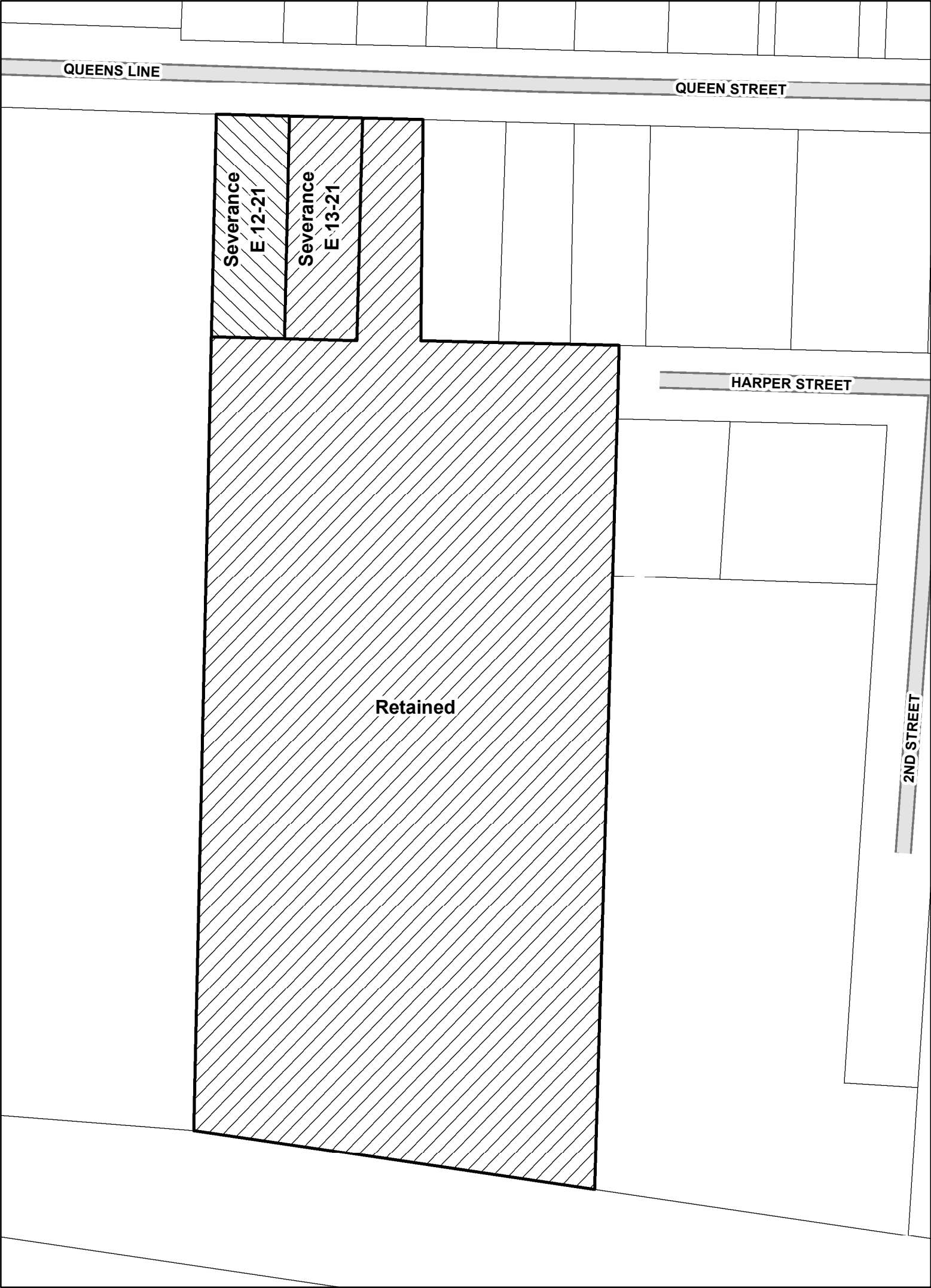


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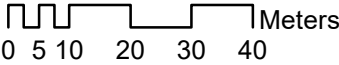
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 22003 Queen Street
File Number: E 12-21 & E 13-21
Owner: James Marcus Price (deceased) Robert Arthur Miller
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021






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



Scale 1:1,237



Legend

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



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

March 15, 2021

At the Regular Meeting of Council on March 11, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 74

Moved: Councillor Tellier

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the severance application, File E 12/21 and E 13/21, 22003 Queens Line; and,

That West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 12/21, provided the following conditions are included:

- a. That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice.
- b. That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

-
- iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
 - x. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21.
 - xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Carried



Jana Nethercott
Clerk



MUNICIPALITY OF
West Elgin

Staff Report

Report To: Council Meeting

From: Heather James, Planner and Bryan Pearce, Planner

Date: 2021-03-11

Subject: Severance Report 22003 Queens Line

Recommendation:

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the severance application, File E 12/21 and E 13/21, 22003 Queens Line; and,

That West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 12/21, provided the following conditions are included:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

And Further that West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 13/21, provided the following:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied

- x. That the conditions of Application E12/21 be fulfilled, in conjunction with Application E13/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Applications E 12/21 and E 13/21, as Elgin County is the planning approval authority for severances.

Two severance applications were submitted to the County of Elgin by Dan McKillop as the Agent on behalf of the Owners James Price and Robert Miller. The purpose of the applications is to facilitate the creation of two new residential lots within the community of Rodney, through applications E 12/21 and E 13/21 respectively.

Background:

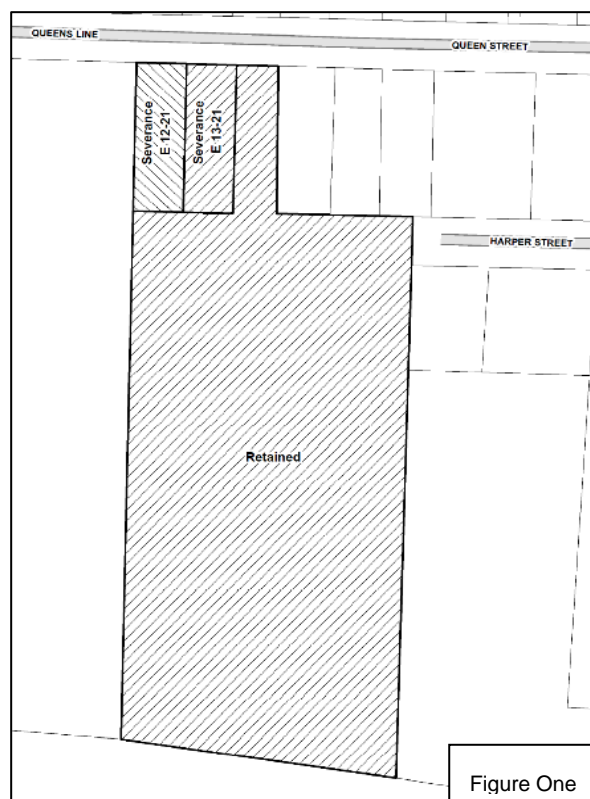
The property owners are requesting the two severances of a parcel of land, legally described as Lot 30, Plan 202 Except 1 and 2 RP11R-1826, Part 1 of RP 11R-5577, and known municipally as 22003 Queen Street, as shown in Figure One.

The subject lands are located along the south side of Queen Street (Elgin County Road 104), approximately 0.5 kilometre west of Furnival Road (Elgin County Road 103) within the community of Rodney.

Residential and Agricultural uses surround the subject lands, as it is on the western urban fringe of the community of Rodney.

The proposed severed parcels have a covered Municipal Drain, known as Voros Drain, runs through the lands.

The proposed severed parcels would be required to connect to the municipal water and municipal sewer services that front the subject lands off Queen Street, since the lands are within the urban area of Rodney.



The detailed dimensions of the proposed severance applications are as follows:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
B12-2021	20.0 m (65.62 ft)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	39.1 m (128.3 ft)	281 m (921 ft)	2.76 ha (6.5 ac)
B13-2021	20.0 m (65.62 ft.)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	19.4 m (63.7 ft)	281 m (921 ft)	2.64 ha (6.2 ac)

This is further depicted in the severance sketches attached this report. Please see Appendix One for E 12/21 and Appendix Two for E 13/21.

Financial Implications:

None.

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning authority is County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS:

This proposal appears to be consistent with the PPS, as the lands are within the settlement area which permit residential development and would be on full municipal services.

CEOP:

The subject lands are designated as Tier 1 Settlement Area, as shown on Schedule 'A' Land Use of the CEOP.

Settlements areas allow for a residential, commercial and employment areas that are further detailed within the local OP. Policies under Section C1.1 state that objective is to maintain and enhance the character and identity of existing residential areas and efficient use of infrastructure, noting that proposed severed parcels are of consistent size and shape of near by residential lots and would be developed on full municipal services.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, being that the proposal would be fully serviced, will not affect drainage patterns in the area, entrance access to the lands can be obtained through Queen Street.

Therefore, this proposal appears to conform to CEOP.

OP:

The subject lands are designated as Residential, as shown on Schedule 'C' Rural Area Land Use & Transportation Plan in the OP.

Residential land use policies under Section 5.2 of the OP allow new development through the infilling and rounding out of existing development. This proposal would extend the built boundary of Rodney urban area, be fully serviced and front on an existing open and maintained municipal road, supportable through the consent process, as further detailed in the consent new lot creation policies under Section 10.4.1 of the OP.

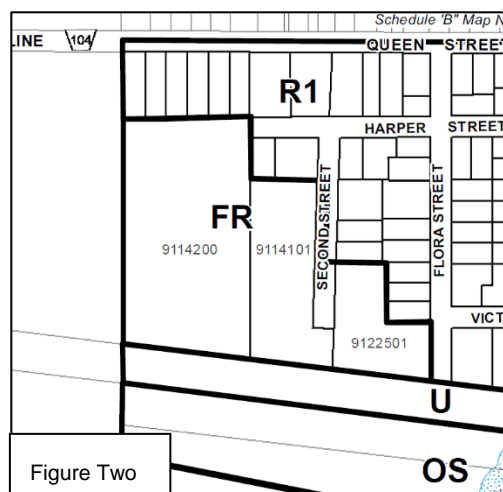
Therefore, this proposal appears to conform to OP.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Residential First Density (R1) and Future Residential (FR) on Schedule B, Map 3 of the ZBL. The proposed severed parcels would be within the Residential First Density (R1) Zone, whereas the retained parcel would be zoned Residential First Density (R1) along Queen Street and Future Residential (FR) for the remainder of the lands, as depicted in Figure Two to the right.

Permitted uses within the Residential First Density (R1) include single detached dwellings and home occupations. The minimum lot area and lot frontage requirements of the Residential First Density (R1) are 600 square metres and 15 metres respectively.

Permitted uses within the Future Residential (FR) include agricultural use except for buildings and structures for the keeping or raising of livestock and forestry use. The minimum lot area and lot frontage requirements of the Future Residential (FR) are as they are on the date the lot was created.



Given the proposed lot area and lot frontage of the retained parcel would be altered with the two proposed lot creations, the retained parcel is required to obtain relief to the ZBL, to recognize it as approximately 2.6 hectares and 20 metres, respectively. This would need to be detailed through the Applicant's Ontario Land Surveyor and would be part of the submission requirements to obtain relief to the ZBL. Planning Staff suggests that this could be achieved through a minor variance application to the Municipality accordingly.

Therefore, it would appear that the proposal would comply with the ZBL, provided relief was obtained for the retained parcel, that can be addressed through a condition of the consent applications.

Interdepartmental Comments

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

Operations and Community Services.

No concerns. Noted that:

- County of Elgin will be reconstructing Queens Line in 2021, including curb and gutter and updates of the Municipal Drain. County of Elgin should obtain comments from County of Elgin Transportation Department in this regard.

Building

No concerns.

Drainage

Noted the following:

- It appears the Voros Drain runs right through the subject lands.
- That will be a major issue for developing the severed parcels.
- The Voros Drain is currently under Engineers Report, as it needs to be upgraded for the reconstruction of Queen Street. Rerouting the drain to accommodate these severances would be necessary and the engineer would have to be notified sooner than later to work out the possibilities and the extra costs involved, and who will pay for these costs, if it is even feasible.

Planning Staff notes that this can be addressed as conditions of approval for realignment and reassessment processes.

Utilities

Noted the following:

- Municipal watermain is available for connection within the Queen Street Road Allowance.
- Municipal sewer is available for connection within the Queen Street Road Allowance.

The Applicant's will be required to install waterline curb stops and sewer laterals (public works) to the property line after the two proposed lots are created and at time of development of the dwelling through the building permit process. Therefore, Administration would require the Applicant to engage a qualified Consultant to provide a quotation of the public works, to be vetted to the satisfaction the Municipality. The Applicant would then apply for Municipal Servicing Connections, paying the connection fees, the associated capital infrastructure charges, and the said quotation, as part of the condition of consent for the proposed future lot. Once the lots are registered, at the time of building permit for the construction of the dwelling, the landowner would be required to install the public works and any fee differences that may have resulted between the timing of lot creation and constructing a dwelling, to the satisfaction of the Municipality, to obtain the serving permits.

Planning Staff notes that this can be addressed as conditions of approval for payment of the costs associated with providing municipal water and sewer connections.

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

Additional Comments:

In order to consider the future development lands of the retained parcel through a future planning processes, Administration recommends that the lot frontage of the retained parcel be increased to 20 metres, thereby reducing the two severed parcels frontage to 19.7 metres each, respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

It is acknowledged through the review process that the land area associated with the retained parcels appears to be inaccurate on the Applications and associated Notice and should be 2.76 hectares (6.5 acres) and 2.64 hectares (6.2 acres) respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

Administration recommends that as a condition of approval of the consents that the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality. To-date, this would be in accordance with the payment in-lieu of parkland fee of five hundred dollars (\$500) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears the conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the review of the ZBL.

Further, Administration recommends that as a condition of approval of the consents that the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcels, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put a curb stop into the front lot line service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

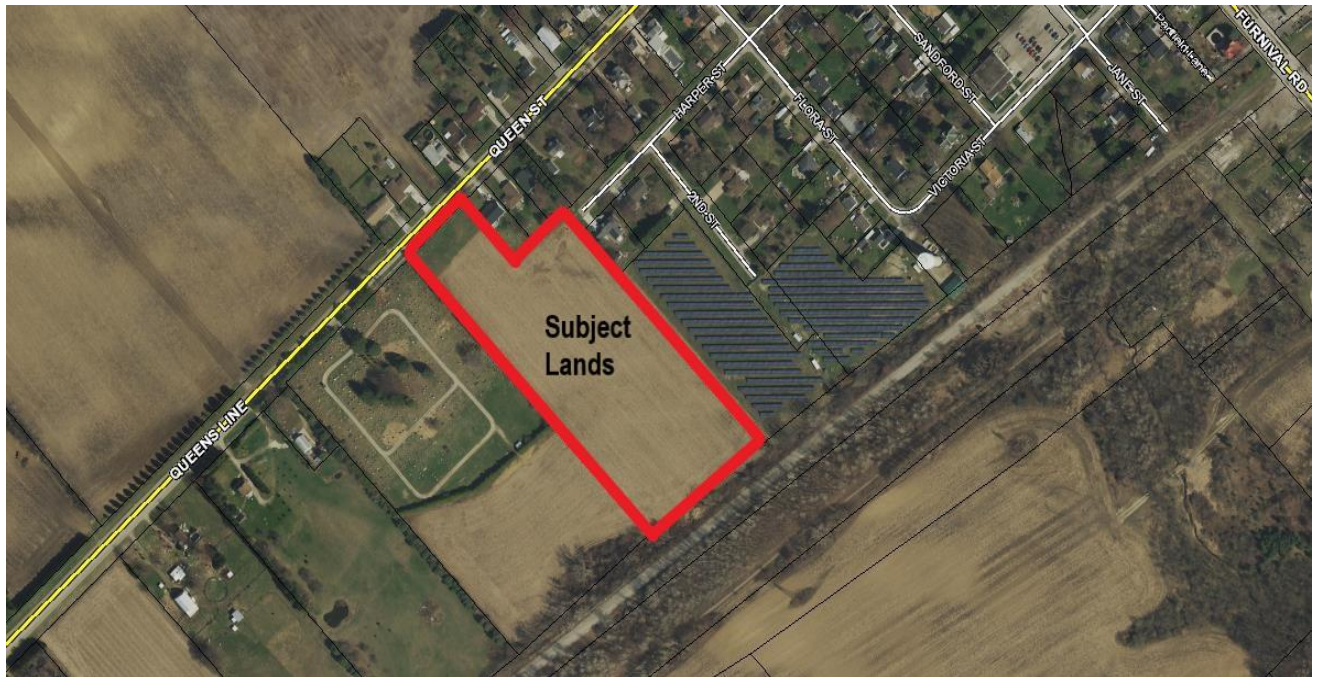
Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put laterals into the front lot line to service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

Further, Administration recommends that as a condition of approval of the consents that prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied. This will require the Applicant to submit to the Municipality a request for clearance letter, providing documentation on how the above noted conditions have been fulfilled, for the Municipality to provide it to the County of Elgin, as approval authority.

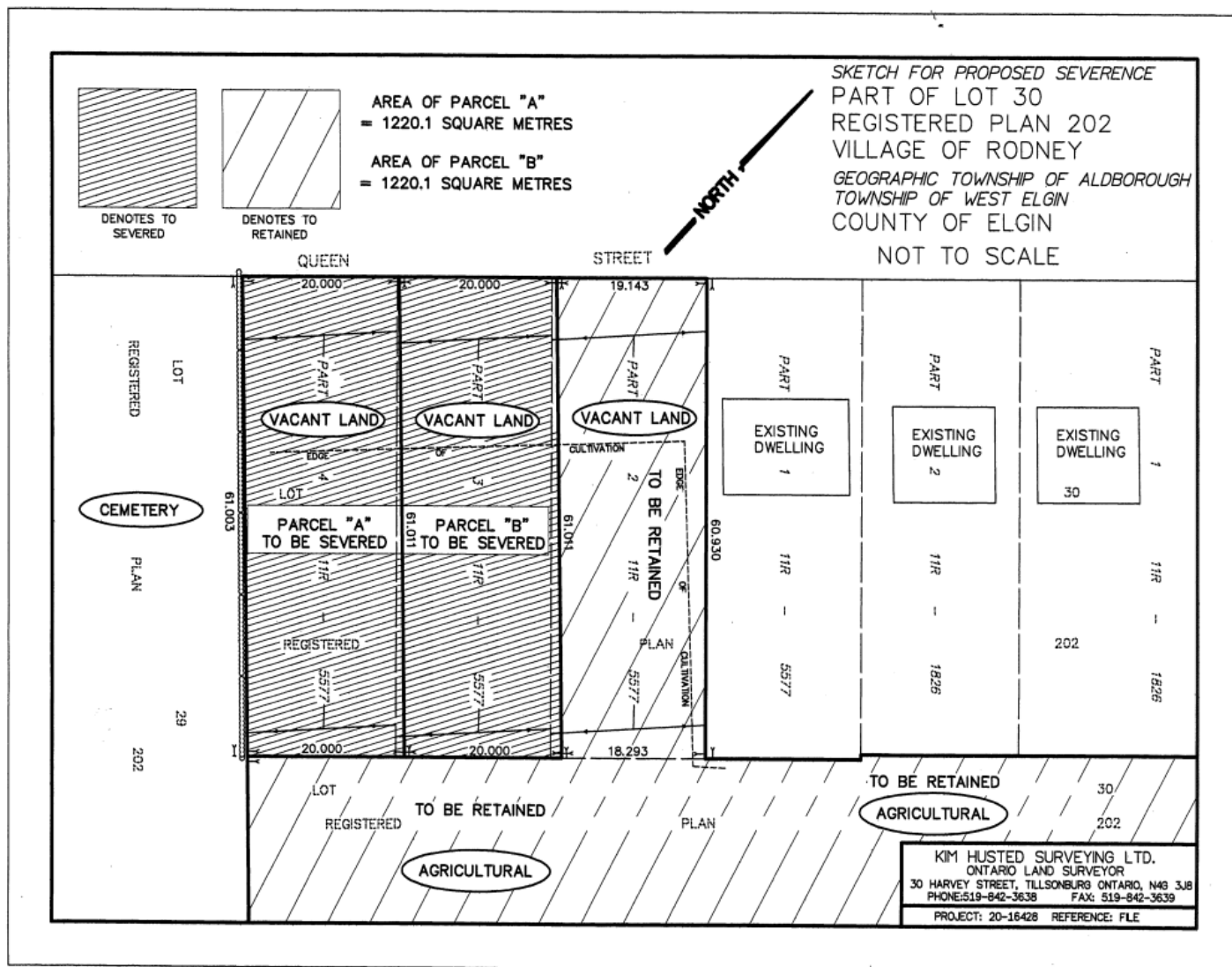
Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for consent (severance) applications E12-2021 and E13-2021, so that are considered and completed in conjunction with one another.

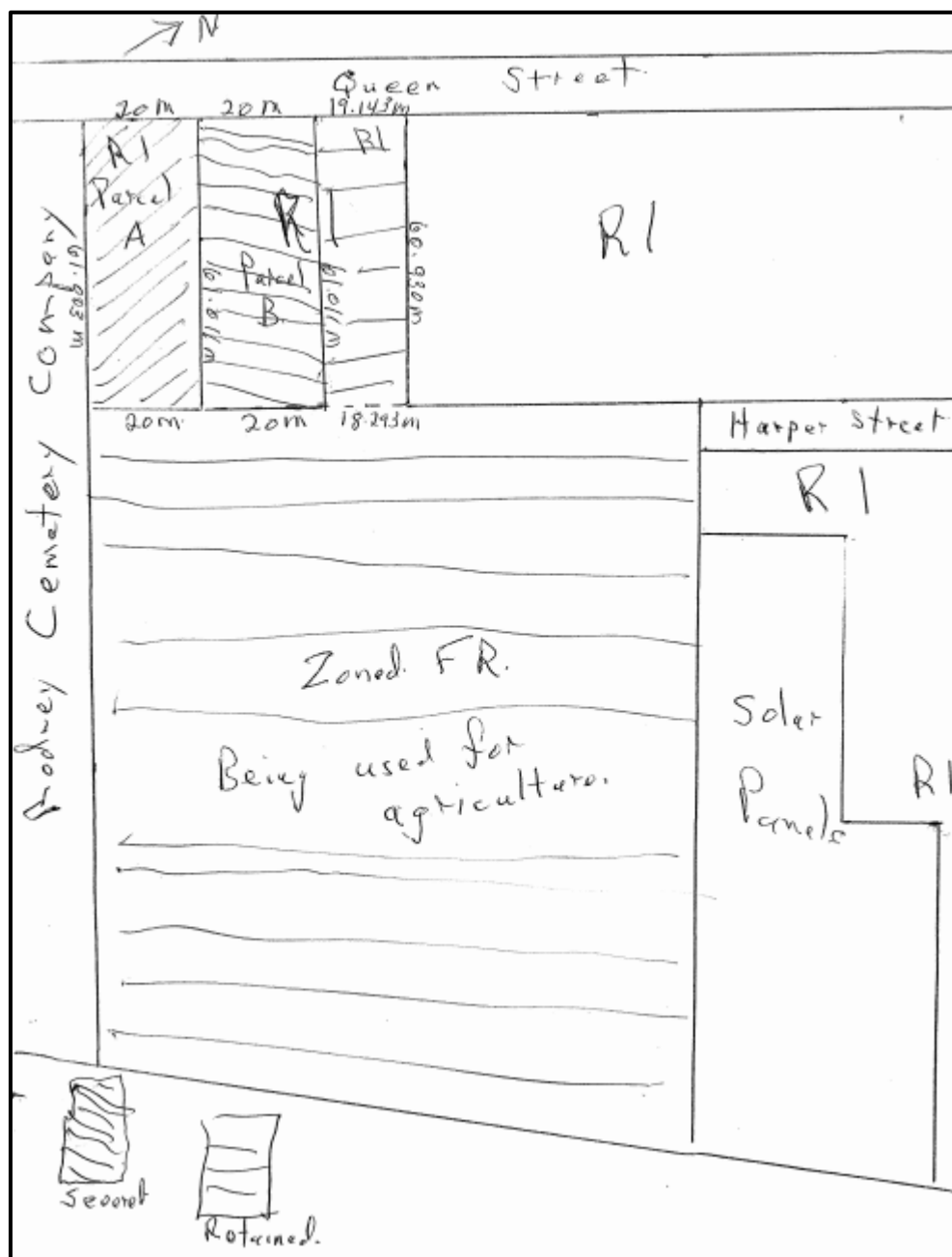
Further, Administration recommends that as a condition of approval of the consents that all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Key Map



Sketches





Report Approval Details

Document Title:	Severance Report 22003 Queens Line - 2021-13-Planning.docx
Attachments:	
Final Approval Date:	Mar 9, 2021

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

Jana Nethercott

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 12/21

Owner: James Price and Robert Miller Agent: Dan McKillop

Location: 22003 Queen Street

PART 1 - OFFICIAL PLAN

- | | | |
|---------------------------------------------|---------------------------------------------|---------------------------------|
| 1. Is there an O.P. in effect? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 2. Does the proposal conform with the O.P.? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |

Land Use Designation: Residential – West Elgin Official Plan

Policies: Section 5.2 and 10.4.1 (West Elgin Official Plan)

PART 2 - ZONING

- | | | |
|-------------------------------------------------------------------|---------------------------------------------|--------------------------------------------|
| 3. Is there a By-Law in effect? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes (<input type="checkbox"/>) | No (<input checked="" type="checkbox"/>) |

Comments:

Relief to the Zoning By-law is required for the retained parcel.

- | | | |
|--------------------------------------------------------------|---------------------------------------------|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
|--------------------------------------------------------------|---------------------------------------------|---------------------------------|

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

- | | | |
|---------------------------------------------------------------------|---------------------------------------------|---------------------------------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 7. If so, is the Municipality prepared to provide those services? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 9. Does Council recommend the application? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |

10. Does the municipality have other concerns that should be considered by the Committee?
All local municipal interests are contained within the attached Planning Staff Report.

March 5, 2021

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

Attn: **Nancy Pasato**

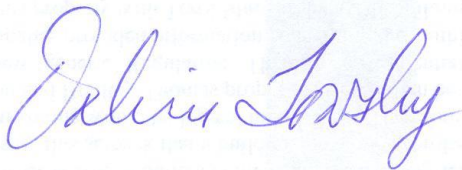
Re: **Consent Application E 12-21**
0 Queen Street (Miller)
Part Lot 30, Plan 202
Part Lot 6, Concession 8
Municipality of West Elgin

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 Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

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

Yours truly



Valerie Towsley
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: March 3, 2021 ELGIN COUNTY ROAD NO.: 104 - 22003 Queen Street

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 12-21 & E13-21

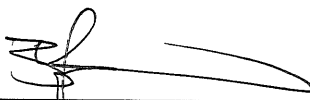
OWNER: James Price & Robert Miller

PROPERTY:	LOT NO.	Lot 30	CONCESSION:	
	REG'D PLAN:	202	MUNICIPALITY:	West Elgin

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

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) Land for road widening is required
<i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 10 m from the centreline of construction of Queens Street County Road (104) 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> | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 3) Drainage pipes and/or catchbasin(s) are required | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 5) A curb and gutter is required along the frontage | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 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..... | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 7) Technical Reports | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 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..... | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 9) Lot Grading Plan is required for the severed lot..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;">X</div> |
| 10) The County has no concerns..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 11) Not on County Road | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 12) Please provide me with a copy of your action on this application | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 13) Other... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: March 16, 2021

Re: **Application E 12-21, James Price & Robert Miller**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22003 Queens Street, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Queen St by a depth of 61.00 metres (200.14 feet) and an area of 0.12 hectares (0.30 acres). The owners are retaining 3.00 hectares (7.41 acres) proposed to remain in residential use.

Planning Act and Provincial Policy Statement

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

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

County of Elgin Official Plan

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

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard. Both the severed and retained lots appear to have adequate frontage as per the local municipalities Zoning By-law, and if not, a zoning by-law amendment or minor variance may be required, and approval of such amendment or variance shall be included as a condition of the approval of the consent.

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



The proposed lot can be serviced with an appropriate municipal water supply and sewer, provided there is confirmation of reserve water system capacity within municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion.

Municipality of West Elgin

The subject lands are designated as Residential, as shown on Schedule 'C' Rural Area Land Use & Transportation Plan in the West Elgin Official Plan, and is zoned Residential First Density (R1) and Future Residential (FR) in the Municipality of West Elgin Zoning By-law. The proposed lots conform to the policies of their plan.

In order to consider the future development of the retained parcel, West Elgin recommends that the lot frontage of the retained parcel be increased to 20 metres, to allow for access to the retained parcel and the development of a local road in the future. This would thereby reduce the two severed parcel frontages to 19.7 metres each, respectively. This can be addressed as a condition of support from the Land Division Committee. Staff agree with this change and recommend it be included as a condition of consent.

As well, West Elgin staff note that through their review process the land area associated with the retained parcels appears to be inaccurate on the application and associated Notice of Application. Staff note that the area for the retained lands should be 2.76 hectares (6.5 acres) for E 12-21, and 2.64 hectares (6.2 acres) for E 13-21. Staff have reviewed and will include this change as a condition of the draft approval.

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;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
3. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
 - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;

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- ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; and
 - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
- 4. That the Municipality confirms that there is sufficient reserve water and sewage treatment capacity for the proposed lot;
 - 5. The owner dedicate lands along the frontage of the severed and retained lots/parcels up to 10 m from the centreline of construction of Queens Street County Road (104) 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;
 - 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. 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; and
 - 8. Lot Grading Plan is required for the severed lot.

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

- 1. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage, and the retained parcel be increased to 20m of lot frontage;
- 2. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice;
- 3. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 4. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality;
- 5. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality;
- 6. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality;
- 7. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality;

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8. That the Voros Municipal Drain be improved pursuant to the Drainage Act, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
9. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality;
10. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
11. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
12. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied;
13. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21; and
14. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 13-21

**PLAN 202 PART LOT 30
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 22003 QUEEN ST**

TAKE NOTICE that an application has been made by **James Price & Robert Miller** 22003 Queen St, Rodney ON N0L 2C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22003 Queen St. Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Queen St by a depth of 61.003 metres (200.14 feet) and an area of 0.12 hectares (0.30 acres). The owners are retaining 2.88 hectares (7.12 acres) proposed to remain in residential use.

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

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

**WEDNESDAY March 24, 2021 AT 10:10AM.
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.

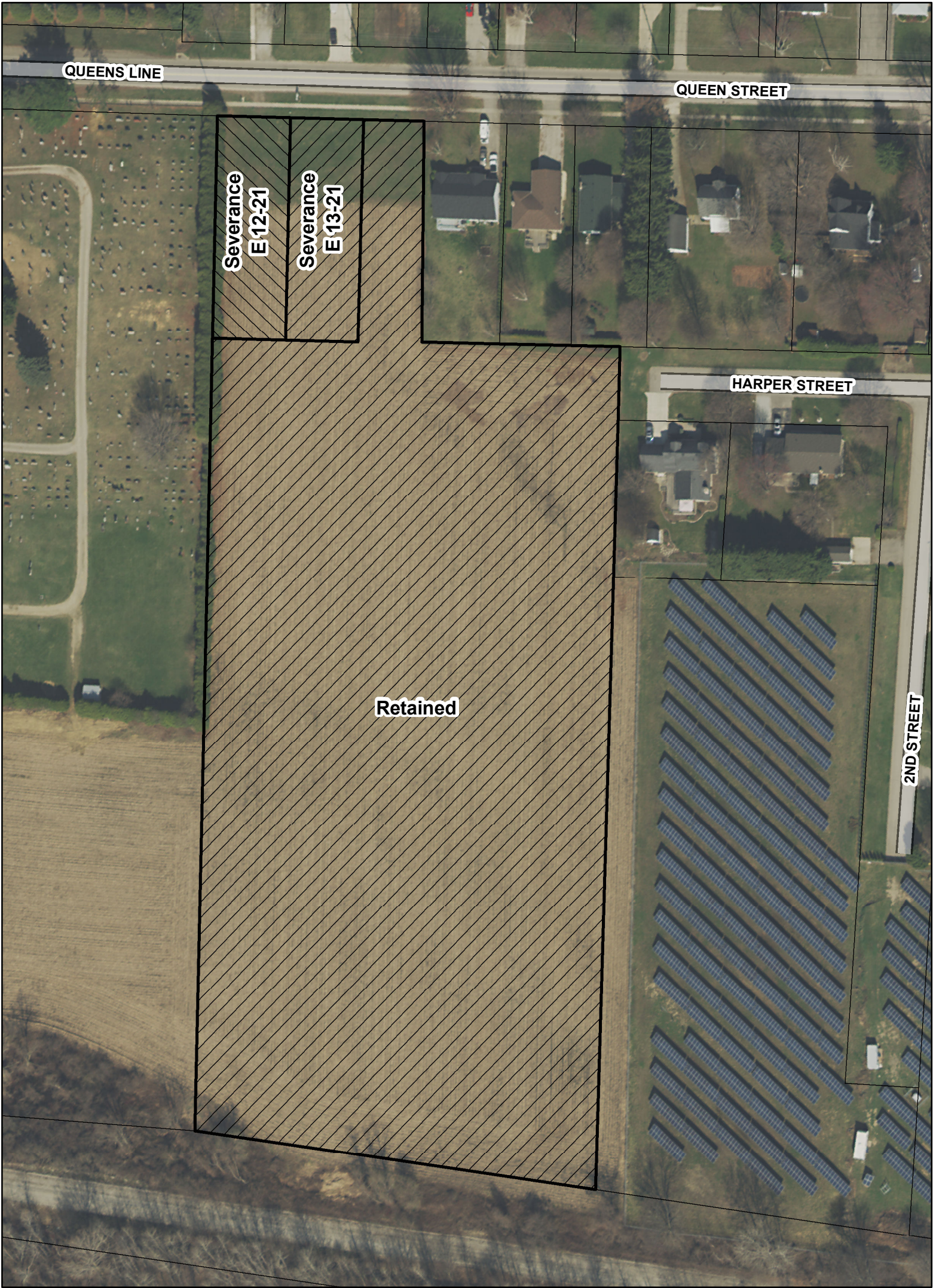
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 1st day of March, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

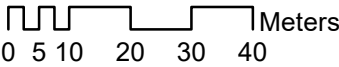
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 22003 Queen Street
File Number: E 12-21 & E 13-21
Owner: James Marcus Price (deceased) Robert Arthur Miller
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021






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

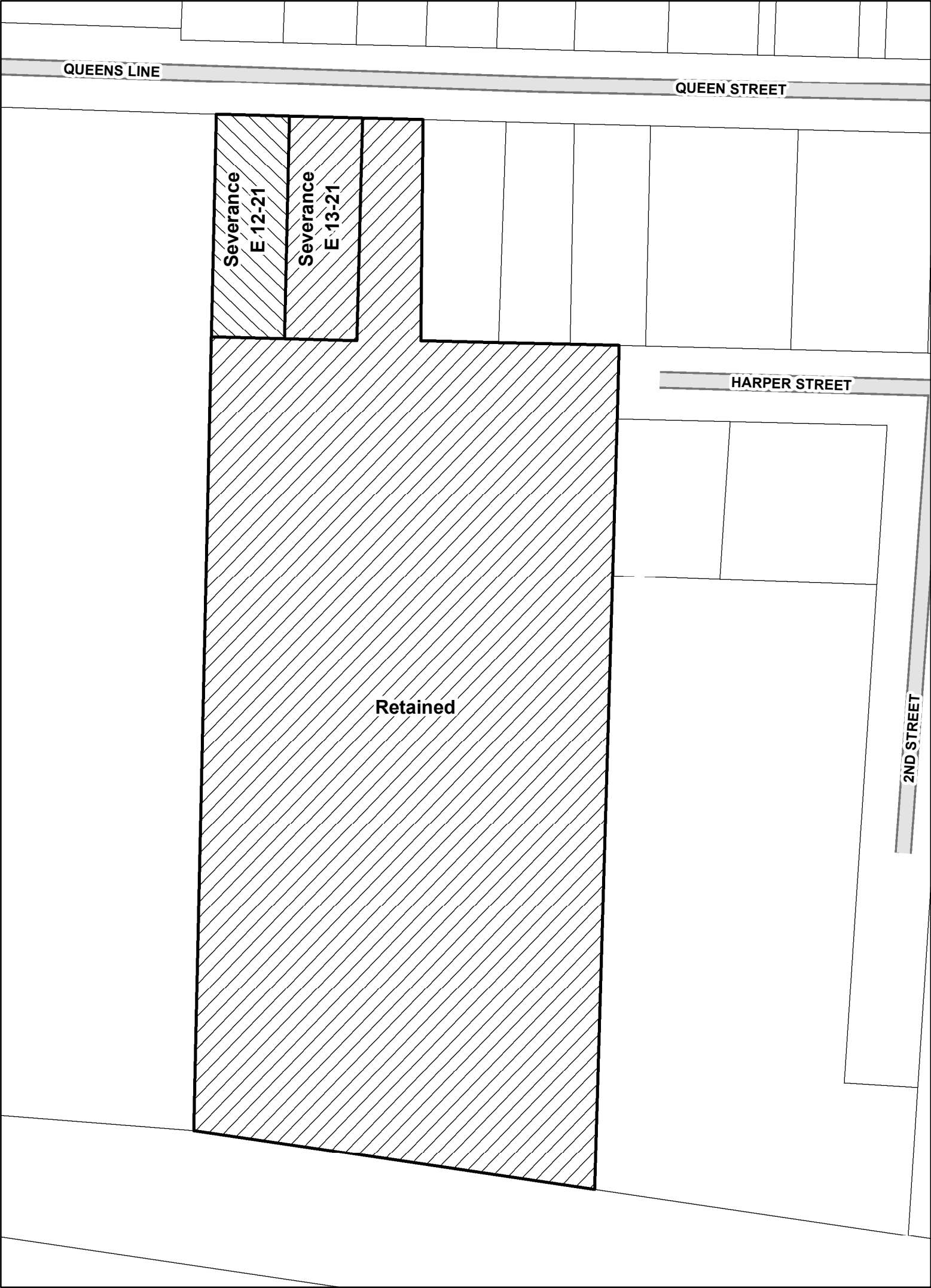


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Legend

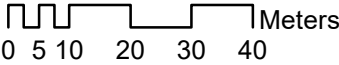
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 22003 Queen Street
File Number: E 12-21 & E 13-21
Owner: James Marcus Price (deceased) Robert Arthur Miller
Planner: Nancy Pasato
Created By: TE
Date: 11/02/2021






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



Scale 1:1,237



Legend

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



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

March 15, 2021

At the Regular Meeting of Council on March 11, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 75

Moved: Councillor Tellier

Seconded: Councillor Cammaert


That West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 13/21, provided the following:

- a. That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice.
- b. That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the

retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.

- vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E12/21 be fulfilled, in conjunction with Application E13/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Carried



Jana Nethercott
Clerk



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Heather James, Planner and Bryan Pearce, Planner

Date: 2021-03-11

Subject: Severance Report 22003 Queens Line

Recommendation:

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the severance application, File E 12/21 and E 13/21, 22003 Queens Line; and,

That West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 12/21, provided the following conditions are included:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

And Further that West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 13/21, provided the following:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied

- x. That the conditions of Application E12/21 be fulfilled, in conjunction with Application E13/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Applications E 12/21 and E 13/21, as Elgin County is the planning approval authority for severances.

Two severance applications were submitted to the County of Elgin by Dan McKillop as the Agent on behalf of the Owners James Price and Robert Miller. The purpose of the applications is to facilitate the creation of two new residential lots within the community of Rodney, through applications E 12/21 and E 13/21 respectively.

Background:

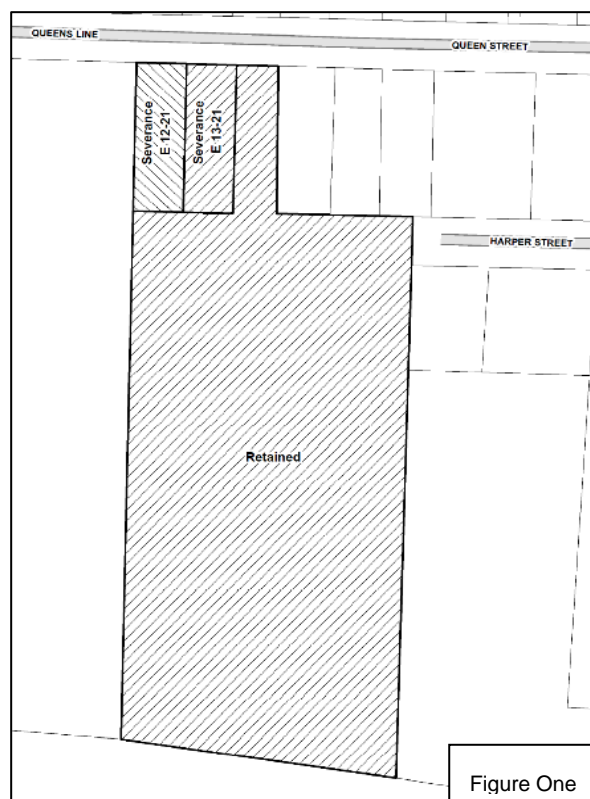
The property owners are requesting the two severances of a parcel of land, legally described as Lot 30, Plan 202 Except 1 and 2 RP11R-1826, Part 1 of RP 11R-5577, and known municipally as 22003 Queen Street, as shown in Figure One.

The subject lands are located along the south side of Queen Street (Elgin County Road 104), approximately 0.5 kilometre west of Furnival Road (Elgin County Road 103) within the community of Rodney.

Residential and Agricultural uses surround the subject lands, as it is on the western urban fringe of the community of Rodney.

The proposed severed parcels have a covered Municipal Drain, known as Voros Drain, runs through the lands.

The proposed severed parcels would be required to connect to the municipal water and municipal sewer services that front the subject lands off Queen Street, since the lands are within the urban area of Rodney.



The detailed dimensions of the proposed severance applications are as follows:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
B12-2021	20.0 m (65.62 ft)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	39.1 m (128.3 ft)	281 m (921 ft)	2.76 ha (6.5 ac)
B13-2021	20.0 m (65.62 ft.)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	19.4 m (63.7 ft)	281 m (921 ft)	2.64 ha (6.2 ac)

This is further depicted in the severance sketches attached this report. Please see Appendix One for E 12/21 and Appendix Two for E 13/21.

Financial Implications:

None.

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning authority is County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS:

This proposal appears to be consistent with the PPS, as the lands are within the settlement area which permit residential development and would be on full municipal services.

CEOP:

The subject lands are designated as Tier 1 Settlement Area, as shown on Schedule 'A' Land Use of the CEOP.

Settlements areas allow for a residential, commercial and employment areas that are further detailed within the local OP. Policies under Section C1.1 state that objective is to maintain and enhance the character and identity of existing residential areas and efficient use of infrastructure, noting that proposed severed parcels are of consistent size and shape of near by residential lots and would be developed on full municipal services.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, being that the proposal would be fully serviced, will not affect drainage patterns in the area, entrance access to the lands can be obtained through Queen Street.

Therefore, this proposal appears to conform to CEOP.

OP:

The subject lands are designated as Residential, as shown on Schedule 'C' Rural Area Land Use & Transportation Plan in the OP.

Residential land use policies under Section 5.2 of the OP allow new development through the infilling and rounding out of existing development. This proposal would extend the built boundary of Rodney urban area, be fully serviced and front on an existing open and maintained municipal road, supportable through the consent process, as further detailed in the consent new lot creation policies under Section 10.4.1 of the OP.

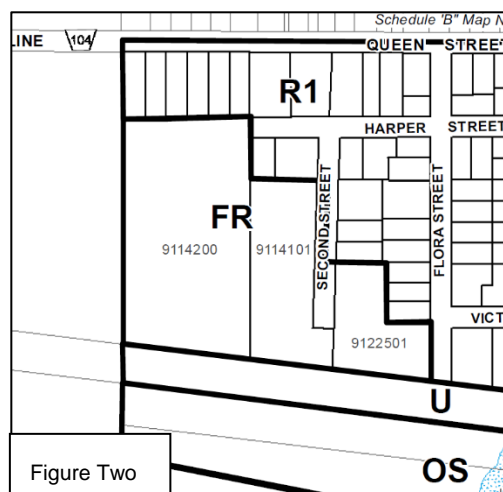
Therefore, this proposal appears to conform to OP.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Residential First Density (R1) and Future Residential (FR) on Schedule B, Map 3 of the ZBL. The proposed severed parcels would be within the Residential First Density (R1) Zone, whereas the retained parcel would be zoned Residential First Density (R1) along Queen Street and Future Residential (FR) for the remainder of the lands, as depicted in Figure Two to the right.

Permitted uses within the Residential First Density (R1) include single detached dwellings and home occupations. The minimum lot area and lot frontage requirements of the Residential First Density (R1) are 600 square metres and 15 metres respectively.

Permitted used within the Future Residential (FR) include agricultural use except for buildings and structures for the keeping or raising of livestock and forestry use. The minimum lot area and lot frontage requirements of the Future Residential (FR) are as they are on the date the lot was created.



Given the proposed lot area and lot frontage of the retained parcel would be altered with the two proposed lot creations, the retained parcel is required to obtain relief to the ZBL, to recognize it as approximately 2.6 hectares and 20 metres, respectively. This would need to be detailed through the Applicant's Ontario Land Surveyor and would be part of the submission requirements to obtain relief to the ZBL. Planning Staff suggests that this could be achieved through a minor variance application to the Municipality accordingly.

Therefore, it would appear that the proposal would comply with the ZBL, provided relief was obtained for the retained parcel, that can be addressed through a condition of the consent applications.

Interdepartmental Comments

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

Operations and Community Services.

No concerns. Noted that:

- County of Elgin will be reconstructing Queens Line in 2021, including curb and gutter and updates of the Municipal Drain. County of Elgin should obtain comments from County of Elgin Transportation Department in this regard.

Building

No concerns.

Drainage

Noted the following:

- It appears the Voros Drain runs right through the subject lands.
- That will be a major issue for developing the severed parcels.
- The Voros Drain is currently under Engineers Report, as it needs to be upgraded for the reconstruction of Queen Street. Rerouting the drain to accommodate these severances would be necessary and the engineer would have to be notified sooner than later to work out the possibilities and the extra costs involved, and who will pay for these costs, if it is even feasible.

Planning Staff notes that this can be addressed as conditions of approval for realignment and reassessment processes.

Utilities

Noted the following:

- Municipal watermain is available for connection within the Queen Street Road Allowance.
- Municipal sewer is available for connection within the Queen Street Road Allowance.

The Applicant's will be required to install waterline curb stops and sewer laterals (public works) to the property line after the two proposed lots are created and at time of development of the dwelling through the building permit process. Therefore, Administration would require the Applicant to engage a qualified Consultant to provide a quotation of the public works, to be vetted to the satisfaction the Municipality. The Applicant would then apply for Municipal Servicing Connections, paying the connection fees, the associated capital infrastructure charges, and the said quotation, as part of the condition of consent for the proposed future lot. Once the lots are registered, at the time of building permit for the construction of the dwelling, the landowner would be required to install the public works and any fee differences that may have resulted between the timing of lot creation and constructing a dwelling, to the satisfaction of the Municipality, to obtain the serving permits.

Planning Staff notes that this can be addressed as conditions of approval for payment of the costs associated with providing municipal water and sewer connections.

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

Additional Comments:

In order to consider the future development lands of the retained parcel through a future planning processes, Administration recommends that the lot frontage of the retained parcel be increased to 20 metres, thereby reducing the two severed parcels frontage to 19.7 metres each, respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

It is acknowledged through the review process that the land area associated with the retained parcels appears to be inaccurate on the Applications and associated Notice and should be 2.76 hectares (6.5 acres) and 2.64 hectares (6.2 acres) respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

Administration recommends that as a condition of approval of the consents that the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality. To-date, this would be in accordance with the payment in-lieu of parkland fee of five hundred dollars (\$500) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears the conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the review of the ZBL.

Further, Administration recommends that as a condition of approval of the consents that the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcels, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put a curb stop into the front lot line service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

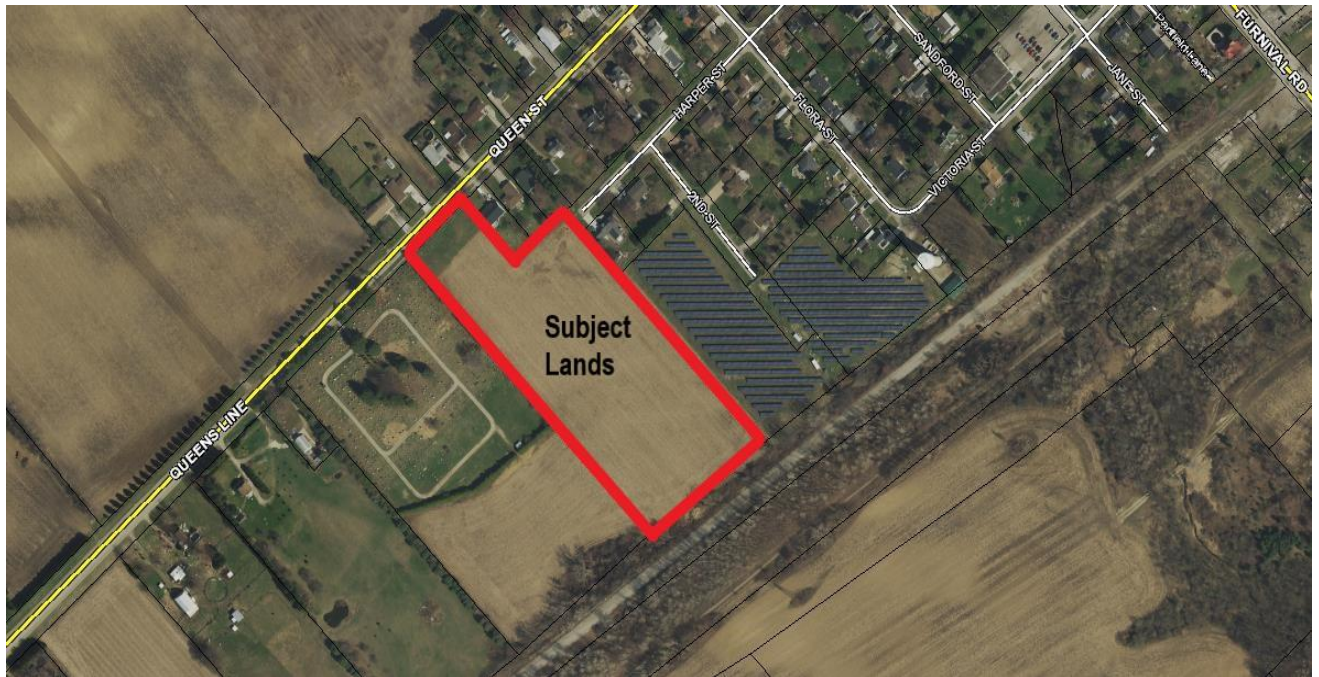
Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put laterals into the front lot line to service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

Further, Administration recommends that as a condition of approval of the consents that prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied. This will require the Applicant to submit to the Municipality a request for clearance letter, providing documentation on how the above noted conditions have been fulfilled, for the Municipality to provide it to the County of Elgin, as approval authority.

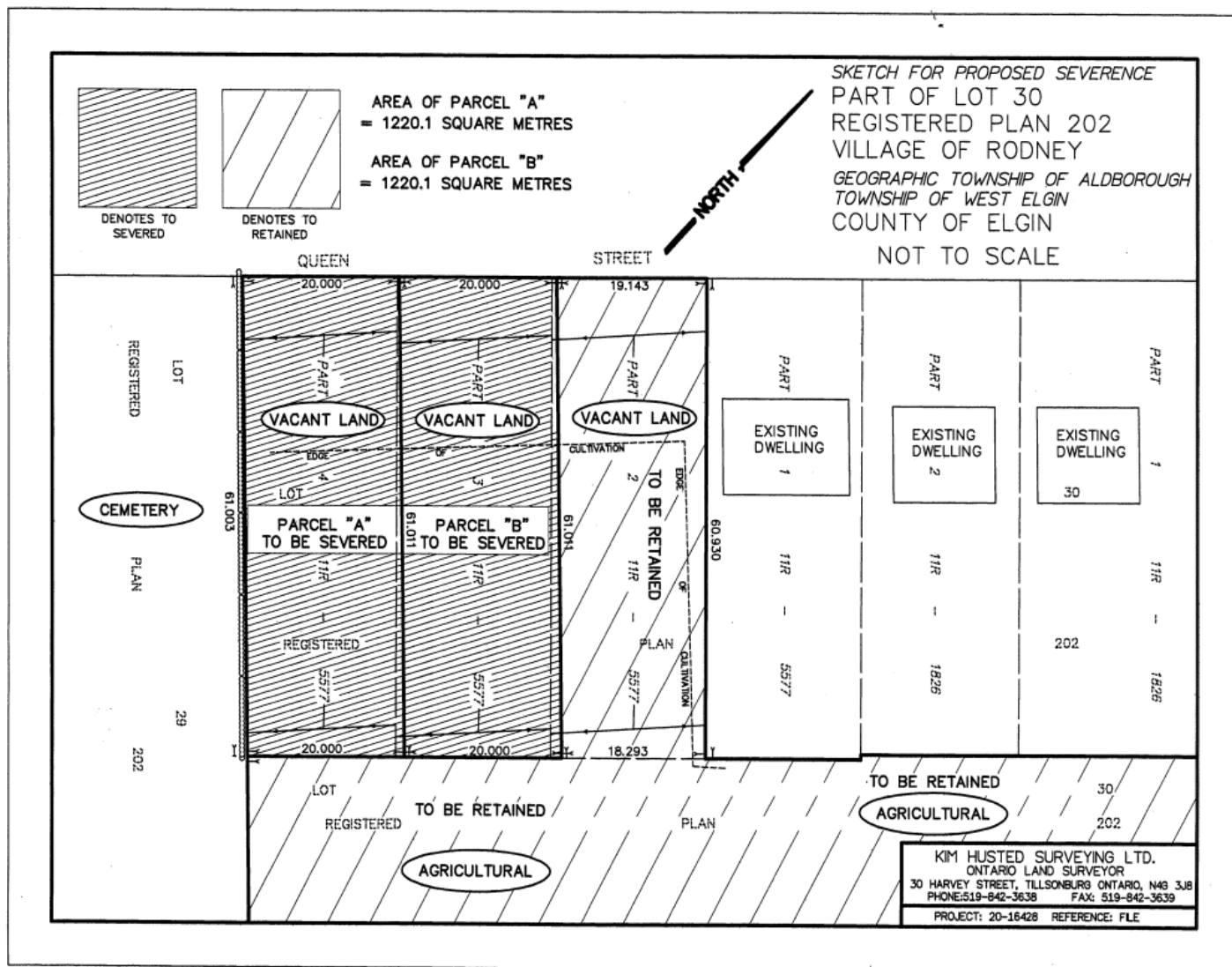
Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for consent (severance) applications E12-2021 and E13-2021, so that are considered and completed in conjunction with one another.

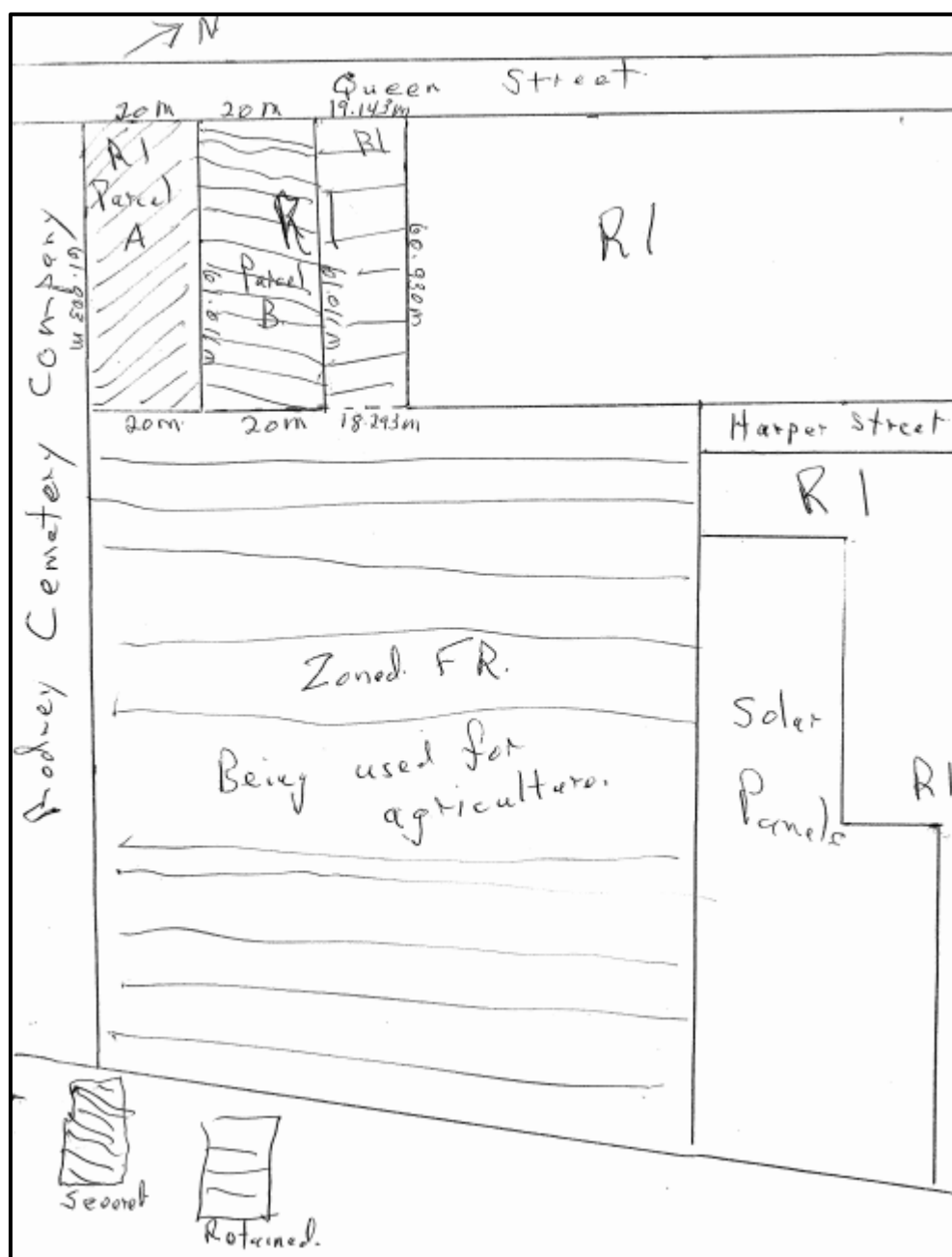
Further, Administration recommends that as a condition of approval of the consents that all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Key Map



Sketches





Report Approval Details

Document Title:	Severance Report 22003 Queens Line - 2021-13-Planning.docx
Attachments:	
Final Approval Date:	Mar 9, 2021

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

Jana Nethercott

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 13/21

Owner: James Price and Robert Miller Agent: Dan McKillop

Location: 22003 Queen Street

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Residential – West Elgin Official Plan

Policies: Section 5.2 and 10.4.1 (West Elgin Official Plan)

PART 2 - ZONING

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

Comments:

Relief to the Zoning By-law is required for the retained parcel.

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

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

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

10. Does the municipality have other concerns that should be considered by the Committee?
All local municipal interests are contained within the attached Planning Staff Report.

March 5, 2021

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

Attn: **Nancy Pasato**

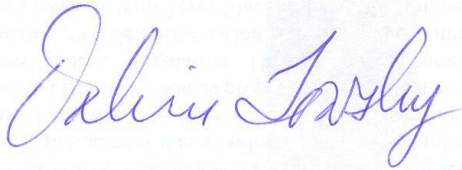
Re: **Consent Application E 13-21**
0 Queen Street (Miller)
Part Lot 30, Plan 202
Part Lot 6, Concession 8
Municipality of West Elgin

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 Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

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

Yours truly



Valerie Towsley
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: March 3, 2021 ELGIN COUNTY ROAD NO.: 104 - 22003 Queen Street

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 12-21 & E13-21

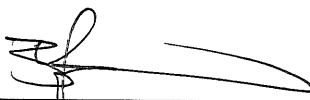
OWNER: James Price & Robert Miller

PROPERTY:	LOT NO.	Lot 30	CONCESSION:	
	REG'D PLAN:	202	MUNICIPALITY:	West Elgin

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

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) Land for road widening is required
<i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 10 m from the centreline of construction of Queens Street County Road (104) 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> | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 3) Drainage pipes and/or catchbasin(s) are required | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 5) A curb and gutter is required along the frontage | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 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..... | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 7) Technical Reports | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 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..... | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;">X</div> |
| 9) Lot Grading Plan is required for the severed lot..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;">X</div> |
| 10) The County has no concerns..... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 11) Not on County Road | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 12) Please provide me with a copy of your action on this application | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |
| 13) Other... | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> |

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: March 16, 2021

Re: **Application E 13-21, James Price & Robert Miller**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22003 Queens Street, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Queen St by a depth of 61.003 metres (200.14 feet) and an area of 0.12 hectares (0.30 acres). The owners are retaining 2.88 hectares (7.12 acres) proposed to remain in residential use.

Planning Act and Provincial Policy Statement

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

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

County of Elgin Official Plan

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

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard. Both the severed and retained lots appear to have adequate frontage as per the local municipalities Zoning By-law, and if not, a zoning by-law amendment or minor variance may be required, and approval of such amendment or variance shall be included as a condition of the approval of the consent.

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



The proposed lot can be serviced with an appropriate municipal water supply and sewer, provided there is confirmation of reserve water system capacity within municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion.

Municipality of West Elgin

The subject lands are designated as Residential, as shown on Schedule 'C' Rural Area Land Use & Transportation Plan in the West Elgin Official Plan, and is zoned Residential First Density (R1) and Future Residential (FR) in the Municipality of West Elgin Zoning By-law. The proposed lots conform to the policies of their plan.

In order to consider the future development of the retained parcel, West Elgin recommends that the lot frontage of the retained parcel be increased to 20 metres, to allow for access to the retained parcel and the development of a local road in the future. This would thereby reduce the two severed parcel frontages to 19.7 metres each, respectively. This can be addressed as a condition of support from the Land Division Committee. Staff agree with this change and recommend it be included as a condition of consent.

As well, West Elgin staff note that through their review process the land area associated with the retained parcels appears to be inaccurate on the application and associated Notice of Application. Staff note that the area for the retained lands should be 2.76 hectares (6.5 acres) for E 12-21, and 2.64 hectares (6.2 acres) for E 13-21. Staff have reviewed and will include this change as a condition of the draft approval.

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;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
3. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
 - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;

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- ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; and
 - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
- 4. That the Municipality confirms that there is sufficient reserve water and sewage treatment capacity for the proposed lot;
 - 5. The owner dedicate lands along the frontage of the severed and retained lots/parcels up to 10 m from the centreline of construction of Queens Street County Road (104) 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;
 - 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. 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; and
 - 8. Lot Grading Plan is required for the severed lot.

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

- 1. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage, and the retained parcel be increased to 20m of lot frontage;
- 2. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice;
- 3. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 4. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality;
- 5. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality;
- 6. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality;
- 7. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality;

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8. That the Voros Municipal Drain be improved pursuant to the Drainage Act, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
9. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality;
10. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
11. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
12. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied;
13. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21; and
14. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

APPLICATION NO. E 3-21

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

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

The applicants propose to sever an irregular parcel with a frontage of 5.5 metres (18.04 feet) along Talbotville Gore Road by a depth of 43.92 metres (144.09 feet) (north lot line), and an area of 2277 square metres (0.56 acres), proposed to create one new lot. The owners are retaining 1768 square metres (0.44 acres) proposed to remain in residential use.

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

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

WEDNESDAY March 24, 2021 AT 10:20AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

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

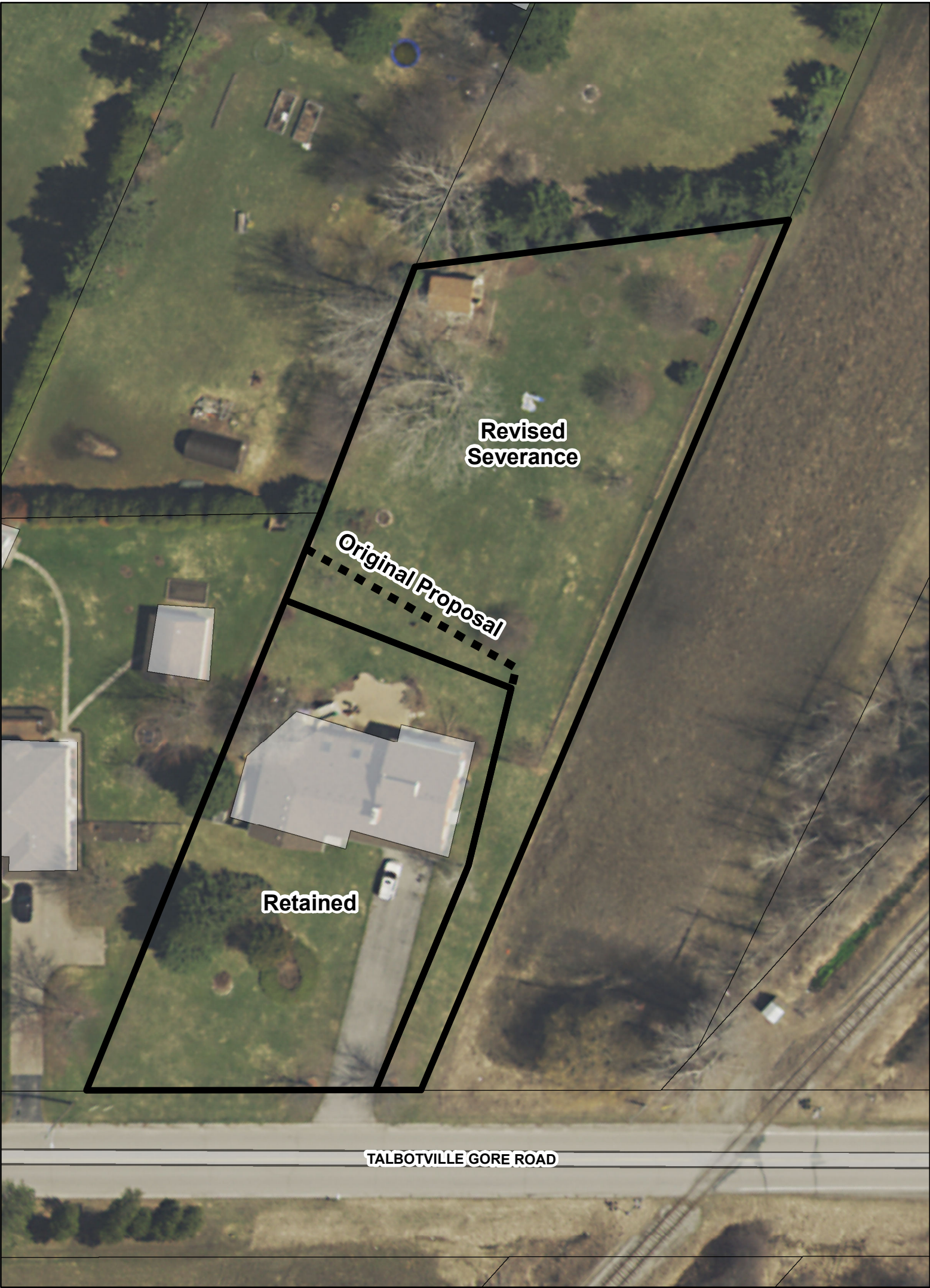
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 4th day of March, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

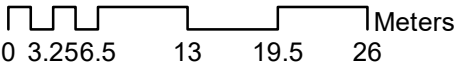
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map


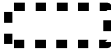


Subject Site: 10202 Talbotville Gore Road
File Number: E 3-2021
Owner: Karl Mclean & Carole Mclean
Planner: Nancy Pasato
Created By: TE
Date: 21/12/2020

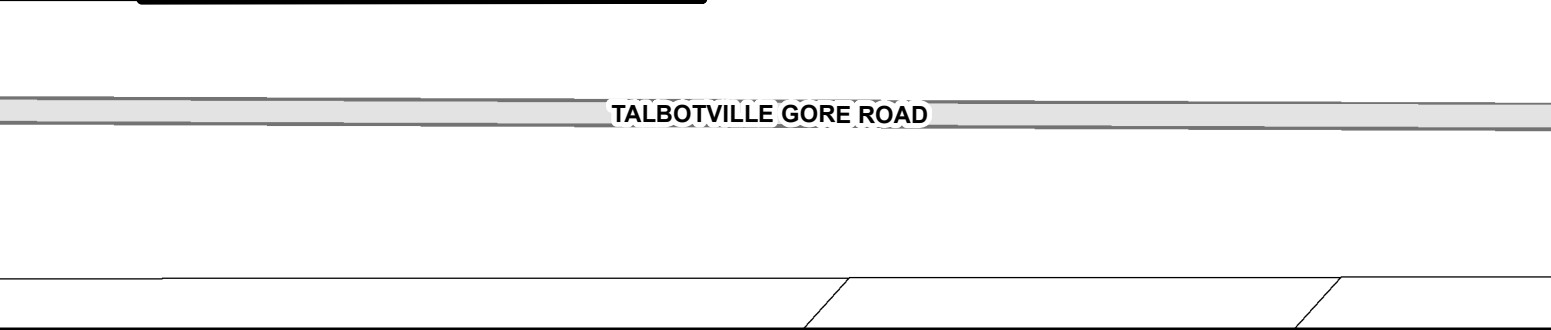
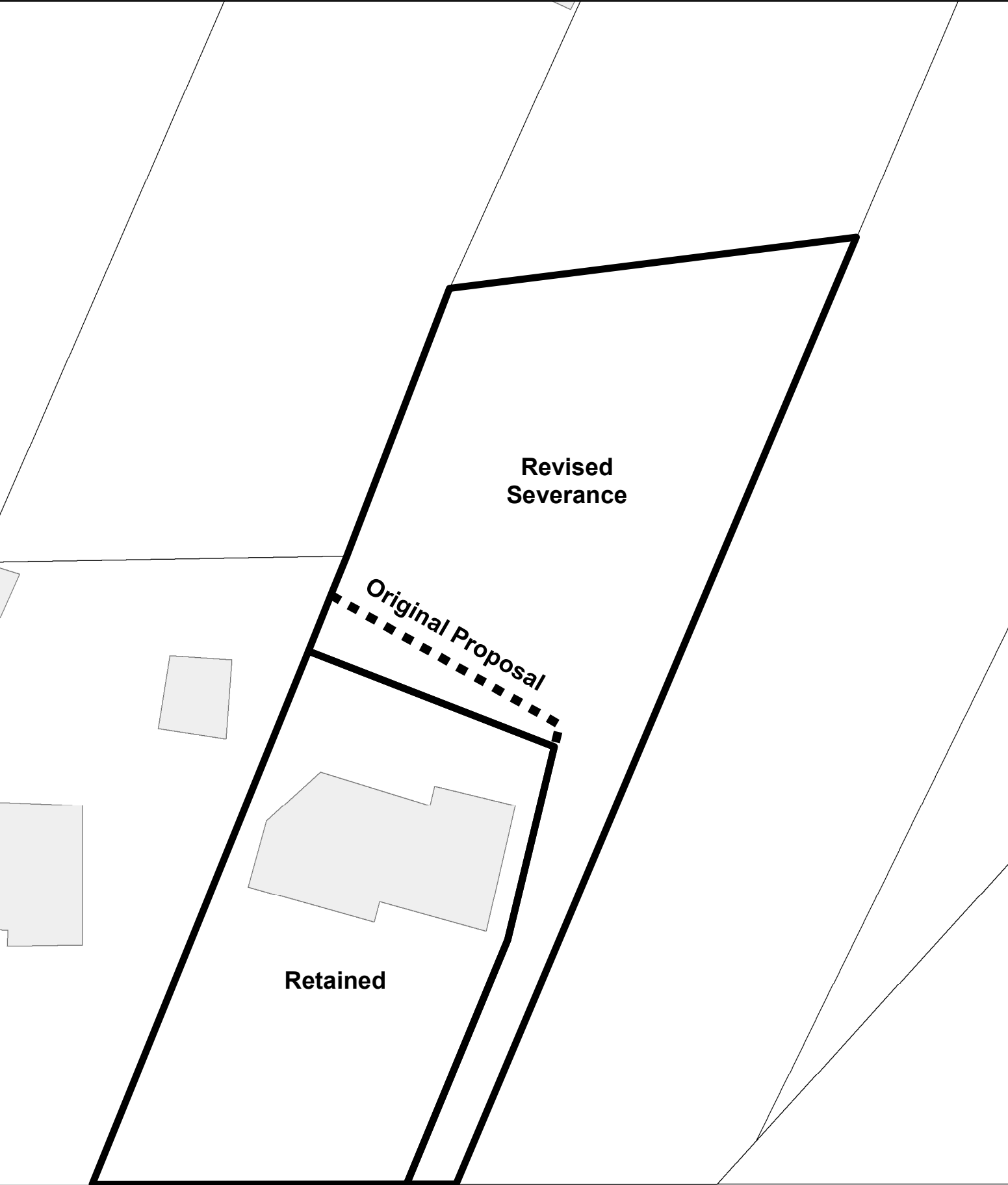
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:548

Legend

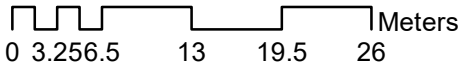
-  Proposed Revised Severance
-  Original Proposal
-  Elgin Road Network
-  Buildings



Location Map

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


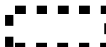


The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:548



Legend

-  Proposed Revised Severance
-  Original Proposal
-  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

March 10, 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 3/21

Karl and Carole McLean

Please be advised that Council, at its regular meeting of Monday, March 8, 2021 passed the following resolution:

2021-075

Con App E 3/21

Karl and Carole McLean

- 1) THAT the Council of the Township of Southwold recommend refusal to the County of Elgin Land Division Committee of the proposed severance application file E 3/21.

THAT should the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 3/21 the following conditions are to be applied:

- i) That a Minor Variance is in force and effect for the proposed severed parcel;
- ii) That the municipal water and municipal sewer connections have been installed for the proposed severed parcel and payment therefore;
- iii) That the municipal sewer connection has been installed for the proposed retained parcel and payment therefore;
- iv) That a Road Occupancy Permit has been applied for and approved by the Township Public Works Superintendent for the proposed severed parcel;
- v) That a privacy fence or natural landscaped buffer with a minimum height of 1.83 m (6.0 ft.) maintained at all times, be installed along the rear lot line of the proposed retained parcel to the satisfaction of the Chief Building Official;
- vi) That the private hydro service that originates from the proposed retained parcel be removed from the proposed severed parcel and a new private hydro service be installed for the proposed severed parcel, to the satisfaction of the Chief Building

- Official;
- vii) That prior to the issuance of a building permit for a new single detached dwelling to be attached to the existing accessory structure on the proposed severed parcel, a structural review by an Ontario professional structural engineer of the accessory structure is required and must meet Ontario Building Code requirements prior to attachment, to the satisfaction of the Chief Building Official.
 - viii) That drainage re-apportionment is required, and payment therefore;
 - ix) That a mutual drain agreement be provided;
 - x) That contribution to parkland reserve fee be paid for the creation of a new residential parcel;
 - xi) That all financial obligations to the Township of Southwold be paid in full;
 - xii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
 - xiii) 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 2021-01

File No: E 3/21

Date: March 8, 2021

TO: Mayor and Council of the Township of Southwold

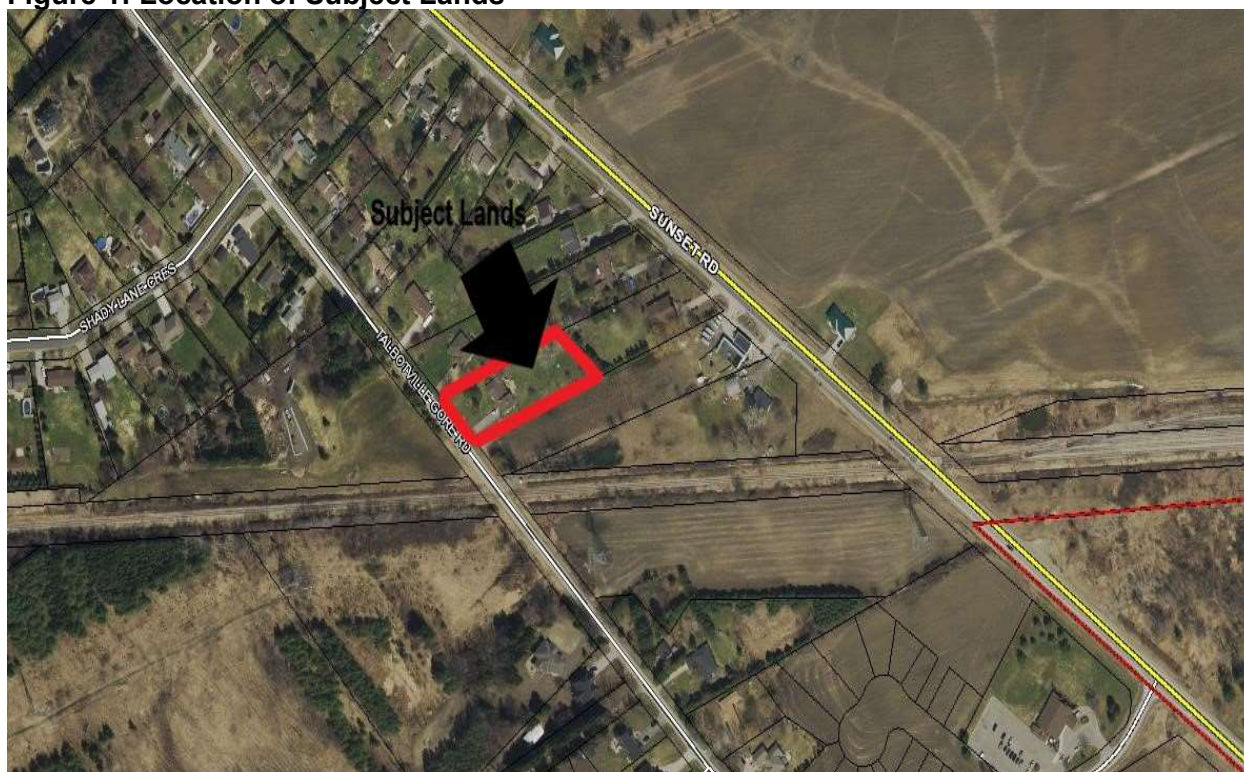
FROM: Heather James, MCIP, RPP, Planner

SUBJECT: Proposed Severance Application by Karl and Carole Mclean c/o Zelinka Priamo Ltd. (Matt Campbell), to permit the severance of a residential infill lot.

REASONS FOR AND NATURE OF THE APPLICATION:

The subject lands, shown on Figure 1, are legally described as West Part of Lot C, Concession East of the North Branch of Talbot Road (being Part 4 on RP 11R-3685) and known municipally as 10202 Talbotville Gore Road. They are located on the east side of Talbotville Gore Road. The approximate 4,046.0 m² (43,550.78 ft.²) residential parcel has a habitable residence and two sheds. The predominant land use in the area is residential and agricultural (cash crop). The South Talbotville Drain runs through the subject lands. A planning justification report was submitted by Zelinka Priamo Ltd. c/o Matt Campbell for this application.

Figure 1: Location of Subject Lands

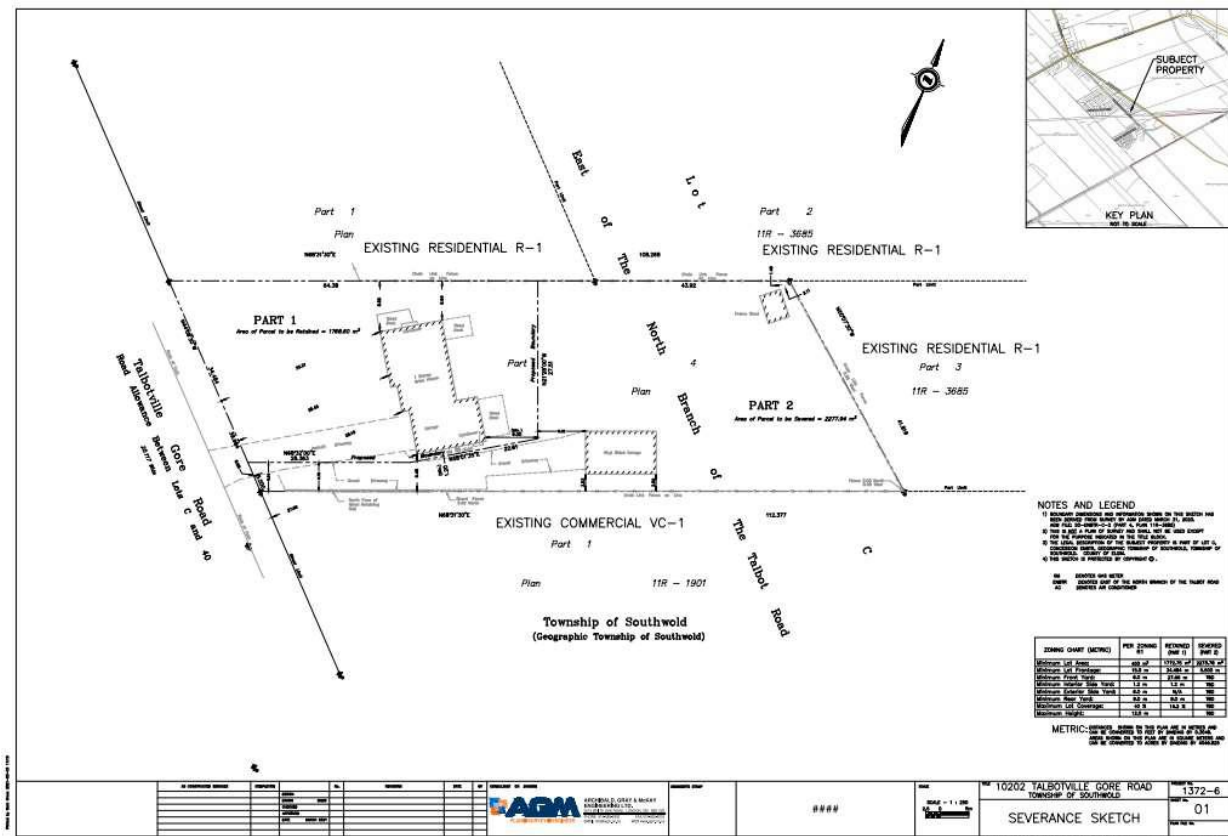


BACKGROUND INFORMATION:

Figure 2 shows the proposal to sever (Part 2) a 2,277.94 m² (24,519.54 ft.²) parcel with an irregular depth and frontage of 5.5 m (18.0446 ft.) with a proposed residence and attached shed and one detached shed. The proposed severed parcel will be serviced with municipal water and municipal sewer service should the application be approved.

Figure 2 also shows the proposed retained parcel will have an area of 1,768.6 m² (19,037.05 ft.²) with an irregular depth and frontage of 34.484 m (113.14 ft.), with a habitable residence with municipal water and a private septic system. The proposed retained parcel will be serviced by municipal sewer service (septic system to be removed) should the application be approved.

Figure 2: Proposed Severed Parcel Sketch, Submitted by Agent



A driveway is proposed to provide access to Talbotville Gore Road for the proposed severed parcel. An existing driveway provides access to Talbotville Gore Road for the proposed retained parcel.

STAFF COMMENTS:

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

Drainage Superintendent

'Drain reapportionment and mutual agreement drain are required.'

Comment: Drainage reapportionment and mutual agreement drain would be included as conditions of severance should this application be approved.

Public Works Superintendent

'Roads Department have no concerns.'

CAO/Clerk (Ken Loveland)

'Although this application is supported by a planning report [prepared by Matt Campbell] I feel that I must express my concerns regarding this application. It is my opinion that this proposed severance is not in the best interest of the long-term development of Talbotville. It creates a new residential lot that is basically in the rear yard of the applicants' current residence. It has a very small frontage, basically a lane way into the property. It is my understanding that the existing garage is going to become part of the new residence so that it is not located in the front yard of the property. I am concerned that the access to this property for firefighting purposes is very limited. There will be very little room for snow removal as well.'

Chief Building Official

'I do have some concerns in regards to this severance:

- 1. The accessory structure would be in the front yard and I believe that is a dangerous precedent to set;*
- 2. The hydro to the accessory structure is coming from the existing house and would need to be removed;*
- 3. I feel the irregular shaped lot with the accessory structure where it is located would be very difficult for emergency services;*
- 4. The current asphalt laneway is being supported by a retaining wall and if not installed properly could cause drainage issues;*
- 5. I have heard there is a possibility that the existing accessory structure would be attached to a new house build. Although this would remedy the zoning requirements, the existing structure is a pole barn style building and this would require a professional engineer of Ontario to review the structure and provide details on the build; and,*
- 6. Not sure it is good practice to have a front yard facing the rear yard of another property.'*

Comment: It has been confirmed that it is the owners' intention to attach the existing accessory structure to the proposed single detached dwelling on the proposed severed parcel.

Should this application be approved, the following conditions from the Building Department are recommended: 1) That the private hydro service that originates from the proposed retained parcel be removed from the proposed severed parcel and a new private hydro service be installed for the proposed severed parcel, to the satisfaction of the Chief Building Official; and, 2) Prior to the issuance of a building permit for a new single detached dwelling to be attached to the existing accessory structure on the proposed severed parcel, a structural review by an Ontario professional structural engineer of the accessory structure is required and must meet Ontario Building Code requirements prior to attachment, to the satisfaction of the Chief Building Official.

Fire Chief

The Township's Fire Chief has previously submitted comments on the severance application. The comments stated the Fire Chief was of the opinion that the reduced lot frontage for the severed parcel would provide sufficient access for emergency vehicles.

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

Under Section 3(5) of the *Planning Act*, the Township “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS). In particular, Section 1.1.1 c) Healthy, Liveable and Safe Communities, 1.1.3 Settlement Areas and Section 1.6.6 Sewage, Water and Stormwater policies were evaluated.

Comment: The subject lands are within the Talbotville Settlement Area and are designated Residential in the Township of Southwold Official Plan. Residential lot creation within the settlement area is permitted. In particular, intensification and redevelopment within settlement areas with existing municipal water and municipal sewage services should be promoted, where feasible. Section 1.1.1 c) states healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Concerns have been raised by Township staff that there is potential for negative environmental impacts and public health and safety concerns due to the reduced lot frontage for the severed parcel. Unfortunately, it does not appear there are any solutions to mitigate this as the frontage for the severed parcel cannot be increased due to the location of the existing dwelling on the retained parcel.

Conclusion: The proposed severance application is not consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Tier Two Settlement Area on Schedule ‘A’ Land Use in the County of Elgin Official Plan. Settlement areas and severance policies were reviewed.

Comment: Residential use is permitted in Tier Two Settlement Areas. Section B2.5 Hierarchy of Settlement Areas permits infilling and rounding out of existing settlement areas provided that the proposed development is within the reserve water system capacity and site conditions are suitable for the long-term provision of such services. Section C1.1.1 a) Settlement Areas – Residential Areas states it is the objective of the Official Plan is to maintain and enhance the character and identify of existing residential areas.

Section E1.2.3.1 General Criteria contains the conditions of approval for severed and/or retained lots. There is the potential to create a traffic hazard for the severed and retained parcels due to the reduced lot frontage of 5.5 m (18.0446 ft.) for the severed parcel which will include a driveway and services (water, sewer and hydro). It is unknown how snow storage for the driveway will be addressed. The lot frontage for the severed parcel is greatly undersized in comparison to the requirement for lot frontage of 15.0 m (49.0 ft.) in the Residential 1 (R1) Zone of the Zoning By-law. Lastly, there is the potential for a negative impact on the drainage patterns in the area due to an additional lot being created in the neighbourhood that does not meet the minimum frontage requirements.

As the access for the severed parcel will be from Talbotville Gore Road, a Township road, a Road Occupancy Permit will be required from the Township and would be a condition of severance should the application be approved.

Conclusion: The proposed severance application does not conform to the County of Elgin Official Plan.

Township of Southwold Official Plan

The subject lands are designated Residential, as shown on Schedule 'A-1' Talbotville Settlement Area in the Township of Southwold Official Plan. In particular, Section 4.3.1 Residential and Section 6.8.2 Consent Guidelines policies were reviewed.

Comment: Single detached dwellings are permitted in Section 4.3.1 Residential. The proposed lot creation will create infilling in a residential area. Section 4.3.1 f) Greenfield, Infill, Intensification and Redevelopment states redevelopment of lands to create higher residential densities or to remove obsolete uses will be encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development. Unfortunately, the reduced lot frontage and the location of the severed parcel (to be located behind the dwelling on the retained parcel) would not be compatible with the existing physical character and pattern of surrounding development. There are no irregular shaped lots similar to the proposed severed parcel on Talbotville Gore Road or on Sunset Road, which is a neighbouring road.

Cash in lieu of parkland for residential lot creation and the requirement for a privacy fence between the rear yard of the retained parcel and the side yard (area in front of where the dwelling would be) of the severed parcel would be included as conditions of severance should the application be approved.

Conclusion: The proposed severance application does not conform to the Township of Southwold Official Plan.

Township of Southwold Comprehensive Zoning By-Law 2011-14

The subject lands are zoned Residential 1 (R1) in the Township of Southwold Comprehensive Zoning By-law, as shown on Schedule 'A' Map 12. A single detached dwelling with accessory buildings is permitted in the R1 Zone. The minimum lot area in the R1 Zone with full services is 450.0 m² (4,844.0 ft.²) and the minimum lot frontage is 15.0 m (49.0 ft.).

Comment: The retained parcel complies with all Residential 1 (R1) Zone provisions, as it will be serviced with municipal water and municipal sewer service should the application be approved. The severed parcel does not meet the minimum lot frontage due to the location of the existing dwelling on the retained parcel. As well, accessory buildings are not permitted as the primary use of a property and therefore, relief from the Zoning By-law through a minor variance application is required. Should the severance application be approved, a minor variance application is required.

SUMMARY/CONCLUSION:

The proposed severance application is not consistent with the Provincial Policy Statement and does not conform 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 refusal to the County of Elgin Land Division Committee of the proposed severance application file E 3/21.
- 2) THAT should the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 3/21 the following conditions are to be applied:
 - i) That a Minor Variance is in force and effect for the proposed severed parcel;

- ii) That the municipal water and municipal sewer connections have been installed for the proposed severed parcel and payment therefore;
- iii) That the municipal sewer connection has been installed for the proposed retained parcel and payment therefore;
- iv) That a Road Occupancy Permit has been applied for and approved by the Township Public Works Superintendent for the proposed severed parcel;
- v) That a privacy fence or natural landscaped buffer with a minimum height of 1.83 m (6.0 ft.) maintained at all times, be installed along the rear lot line of the proposed retained parcel to the satisfaction of the Chief Building Official;
- vi) That the private hydro service that originates from the proposed retained parcel be removed from the proposed severed parcel and a new private hydro service be installed for the proposed severed parcel, to the satisfaction of the Chief Building Official;
- vii) That prior to the issuance of a building permit for a new single detached dwelling to be attached to the existing accessory structure on the proposed severed parcel, a structural review by an Ontario professional structural engineer of the accessory structure is required and must meet Ontario Building Code requirements prior to attachment, to the satisfaction of the Chief Building Official.
- viii) That drainage re-apportionment is required, and payment therefore;
- ix) That a mutual drain agreement be provided;
- x) That contribution to parkland reserve fee be paid for the creation of a new residential parcel;
- xi) That all financial obligations to the Township of Southwold be paid in full;
- xii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- xiii) 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:

Lisa Higgs
CAO/Clerk

MUNICIPAL APPRAISAL SHEET

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

Submission E 3/21

Owners: Karl and Carole McLean Agent: Matt Campbell, Senior Planner, Zelinka Priamo

Location: 10202 Talbotville Gore Road, Township of Southwold

OFFICIAL PLAN

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

Yes (x)

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

Yes ()

No (x)

Land Use Designation: Residential – Southwold Official Plan

Policies:
Sections 4.3.1

ZONING

3. Is there a By-Law in effect?

Yes (x)

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

Yes ()

No (x)

Comments:

Minor Variance is required for the severed parcel.

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

Yes ()

No (x)

Township doesn't support the severance application.

OTHER

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

Yes ()

No (x)

Township doesn't support the severance application.
7. If so, is the Municipality prepared to provide those services?

Yes ()

No (x)

Township doesn't support the severance application.
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

(a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()

(b) the dedication of highways ()

(c) the dedication of land for highway widening ()

(d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

Yes ()

No (x)

Township doesn't support the severance application.

9. Does Council recommend the application?

Yes ()

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

Refer to Township Staff Report No PLA 2021-01, that went to March 8, 2021 Council

COUNTY OF ELGIN ROAD SYSTEM

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 3-21

OWNER: Karl & Carole Mclean


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

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



To: Elgin County Land Division Committee

From: Nancy Pasato, Manager of Planning

Date: March 16, 2021

Re: **REVISED Application E 3-21, Karl & Carole Mclean**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10202 Talbotville Gore Road, Township of Southwold.

The applicants propose to sever an irregular parcel with a frontage of 5.5 metres (18.04 feet) along Talbotville Gore Road by a depth of 43.92 metres (144.09 feet) (north lot line), and an area of 2277 square metres (0.56 acres), proposed to create one new lot. The owners are retaining 1768 square metres (0.44 acres) proposed to remain in residential use.

Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision 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"). Overall, the development is located within a settlement area (Talbotville Gore), and there are no known natural hazards or human-made hazards associated with this consent application.

The PPS, policy 1.1.1, healthy, liveable and safe communities are sustained by:

- avoiding development and land use patterns which may cause environmental or public health and safety concerns (c).

As per the Township comments, concerns from Southwold staff have been raised that there is potential for negative environmental impacts and public health and safety concerns due to the reduced lot frontage for the severed parcel. It creates a parcel with limited frontage onto the public street, could potentially have an impact on emergency services, and creates a unique relationship with adjacent properties (a home in the rear yard of several adjacent properties could create privacy concerns). While it is the goal of the PPS to encourage appropriate development, it appears this pattern of development is not appropriate for the area.

The proposed severance application is not 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 lands are designated Tier 2 Settlement Area (Talbotville) on Schedule 'A' Land Use in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development is permitted in these settlement areas. However, the Applicant has indicated that the severed lot will be serviced by municipal water and sewer.

The approval of consents to sever land in Elgin County shall be in conformity with the relevant policies contained in this Plan, policies contained in local Official Plans, and the provisions of the Planning Act. Under no circumstances shall consents be granted for approval that are contrary to the policies of this Plan or the local Official Plan (E1.2.3).

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road. However, as the comments from the Township of Southwold provide, there is the potential to create a traffic hazard for the severed and retained parcels due to the reduced lot frontage of 5.5 m (18.0446 ft.) for the severed parcel which will include a driveway and services (water, sewer and hydro) that will be located directly adjacent to an existing driveway for the applicant. In fact a portion of the applicant's driveway will need to be moved as a result of this proposed lot. The severed lot does not have adequate frontage as per the requirements of the Township Zoning By-law. The lot frontage for the severed parcel is greatly undersized in comparison to the requirement for lot frontage (15.0 m (49.0 ft.)) within the Residential 1 (R1) Zone of the Zoning Bylaw. This change is not considered minor.

The proposed lot can be serviced with an appropriate municipal water supply and sewer, provided there is confirmation of reserve water system capacity within municipal water services from the local municipality. As stated in the comments from Southwold, there is the potential for a negative impact on the drainage patterns in the area due to an additional lot being created in the neighbourhood that does not meet the minimum frontage requirements. The proposed consent appears to restrict the development of the retained lands, particularly as it relates to the provision of access, as the current driveway for the lot will be affected and will need to be moved. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion.

Based on the above, the proposed severance application does not conform to the County of Elgin Official Plan.

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Township of Southwold Official Plan and Zoning By-law

The subject lands are designated Residential, as shown on Schedule 'A-1' Talbotville Settlement Area in the Township of Southwold Official Plan. As per policy Section 4.3.1 Residential, single detached dwellings are permitted. The proposed lot creation will create infilling in a residential area and the policies of Section 4.3.1 f) Greenfield, Infill, Intensification and Redevelopment apply. Redevelopment of lands to create higher residential densities or to remove obsolete uses will be encouraged if such redevelopment is compatible with the existing physical character and pattern of surrounding development. The reduced lot frontage and the location of the severed parcel (to be located behind the dwelling on the retained parcel) is not be compatible with the existing physical character and pattern of surrounding development. There are no irregular shaped lots similar to the proposed severed parcel on Talbotville Gore Road or on Sunset Road.

As per the Zoning By-law for the Township of Southwold, the subject lands are zoned Residential 1 (R1). A single detached dwelling with accessory buildings is permitted in the R1 Zone. The minimum lot area in the R1 Zone with full services is 450.0 m² (4,844.0 ft.²) and the minimum lot frontage is 15.0 m (49.0 ft.). Although the retained parcel complies with the provisions of the Zone, the severed parcel does not meet the minimum lot frontage due to the location of the existing dwelling on the retained parcel. An existing accessory building will be located in the front yard for the site, and this may require some form of zoning relief. Overall, this application does not meet the policies of the Southwold Official Plan and the provisions of the Zoning By-law.

The proposed severance application is not consistent with the Provincial Policy Statement and does not conform to the County of Elgin Official Plan and the Township of Southwold Official Plan. The proposed severance application does not conform to the Township of Southwold Official Plan.

It is recommended that the Land Division Committee refuse this application.

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Zelinka Priamo Ltd.

LAND USE PLANNERS

March 22, 2021

sent via email

Ms. Nancy Pasato, Manager of Planning
County of Elgin
450 Sunset Drive
St. Thomas, ON
N5R 5V1
npasato@elgin.ca

Dear Ms. Pasato,

**Re: Response to Township and County Staff Reports
Karl Mclean and Carole Mclean
10202 Talbotville Gore Road
London, ON**
Our File: AGM/SWL/20-01
County File: E3-21

We are the planning consultants working on behalf of AGM Surveying, Karl and Carole Mclean, and Shore Contracting for the Consent to Sever application (file no. E3-21) for the lands known municipally as 10202 Talbotville Gore Road (the "subject lands") in the Township of Southwold.

We have reviewed the Township of Southwold Planning Report (PLA 2021-01) and County of Elgin Planning Report (March 16, 2021) which provides commentary and opinion on the proposed consent. We disagree with the both of the reports' claims regarding inconsistency with the 2020 Provincial Policy Statement, the Elgin County Official Plan, and Southwold Official Plan. We provide a response to those positions below. As both of the reports are similar and contain generally the same information, these responses are intended to address both reports.

2020 Provincial Policy Statement (PPS)

The staff reports focus on Section 1.1.1.c) of the PPS which provides that *"Healthy, livable and safe communities are sustained by: c) avoiding development and land use patterns which may cause environmental or public health and safety concerns."*

Staff make reference to the *"potential for negative environmental impacts and public health and safety concerns due to the reduced lot frontage"*. It is unclear as to what specific impacts staff are referring to. Generally, environmental impacts and public safety issues are significant concerns involving hazards such as flooding, detrimental impacts on natural heritage features and ecology, traffic, noxious emissions, or excessive noise and vibrations. None of these concerns are present on the subject lands.

More specifically, there are no environmental impacts or health concerns that would arise out of the proposed consent for several reasons:

- There are no environmental features (e.g. natural heritage, flood hazards) identified on the subject lands;
- While a municipal drain bisects the rear of the property, a drain re-appointment (i.e. re-location) is proposed as a condition of consent approval. Drain re-appointments are not complex, nor do they result in any significant environmental impacts;
- A grading and drainage plan would be required in support of the development of the lands, demonstrating adequate drainage to the satisfaction of the Township. Such a plan would be provided at a later date based on a specific development;
- Fire services has confirmed that the proposed lot is serviceable and the proposed frontages for both lots provide sufficient access for emergency vehicles. Importantly, this confirmation contradicts other speculative commentary from other departments on the issue;
- There is ample room for snow storage, on the sides of the driveway and interior to the severed lands.

Importantly, the PPS encourages appropriate intensification and redevelopment. It is our opinion, as expressed in the initial application submission, that the proposed severance is appropriate for the subject lands and context of the area, and is a compatible form of intensification.

We reaffirm our position that the proposed Consent to Sever application is consistent with the 2020 PPS.

Elgin County Official Plan

Staff concerns in regards to compliance with the Elgin County Official Plan relate to Section E1.2.3.1, and specifically the following concerns. We provide responses to each concern underneath.

1. The proposed severance *“has the potential to create a traffic hazard”*

The proposed consent would result in two driveways in close proximity. This is a common occurrence in both rural and urban residential properties. It is unclear what specific traffic hazard staff are referring to in this instance, but it is our view that no significant change to safety would occur as a result of the additional driveway. There are no impacts to sightlines to or from Talbotville Gore Road. In the unlikely event that vehicles are using each of the driveways at the same time, drivers will be highly visible to each other to navigate movements into or out of the parcels as necessary. We note that the Southwold Roads Department have stated they have no concerns with the proposal.

Furthermore, a Traffic Impact Report was not requested by either Municipal or County staff.

2. *“It is unknown how snow storage for the driveway will be addressed”*

The driveway for the proposed lot is to be approximately 5.5m wide. A typical single-lane driveway is approximately 3m wide, leaving 1.25m on each side of the driveway for a

modest amount of snow storage. Should additionally snow storage capacity be required, snow may be plowed to the area to the northwest of the future dwelling.

It is acknowledged that a small portion of the existing driveway may be required to be re-located. Such work is not considered material to the merits of the application.

3. Potential negative impacts on drainage patterns in the area.

It is unclear what potential negative impacts staff may be referring to. As part of any site development, it is expected that a lot grading and drainage plan be submitted to the municipality demonstrating adequate drainage flows. In absence of any specific drainage concerns, we defer to civil engineers to provide grading and drainage plans through the site development process, which in this case would be through a building permit, or as a condition of severance. Prejudicing the proposed consent on the speculation that there may be drainage impacts, in absence of requesting any additional information or specifying any anticipated impacts, is inappropriate.

The staff comment expressing concern with the non-compliance of the proposed frontage is addressed through the Minor Variance application that has already been submitted to the Municipality.

Generally, the County Official Plan promotes appropriate intensification within settlement areas. It is our opinion that the proposed severance is appropriate and is consistent with the Elgin County Official Plan.

Township of Southwold Official Plan

The Southwold Official Plan provides that the redevelopment of lands to create higher residential densities will be encouraged if it is compatible with the existing physical character and pattern of surrounding development (Section 4.3.1.f). Staff contend that the proposed future relationship between the retained and severed lands is not compatible. No specific analysis as to how staff arrived at this opinion is provided.

We disagree with the opinion presented by staff.

The specific uses on the two lots, being single detached dwellings, are inherently compatible. The physical relationship of the dwellings, being the front of the proposed dwelling facing the rear yard of the retained, is also compatible. The proposed relationship will be a known condition to any occupants of the lands and it will be up to them to determine if it is a property they will choose to reside on. Additionally, views to and from the dwellings and outdoor living areas can be effectively screened by fencing and landscaping, if needed. For example, use of cedar hedging and/or a board fence could effectively eliminate all direct view between properties.

While the proposed building relationship is unique in the immediate area, it is not unique in Talbotville as there are similar building orientations on lands north of Talbot Line.

It is important to note that “compatible” does not mean “the same as” the rest of the area. Rather, compatible refers to a positive and sustainable land use relationship over the long term. There are many instances of compatible developments and lot patterns that significantly differ from the generally established lot pattern. Again, it is our opinion that this proposed relationship is appropriate and compatible.

While we recognize that the proposed lot arrangement is not standard, it is important to note that there is no policy in either the Elgin County Official Plan or Southwold Official Plan that speaks to this arrangement. In other words, there is no applicable policy that would prevent this type of lot creation. Rather, the only applicable policies to guide the shape and relationship of lot creation speak to compatibility, which we have addressed above.

As demonstrated above, it is our opinion that the proposed Consent to Sever application is consistent with the 2020 PPS, the Elgin County Official Plan, the Southwold Official Plan, and is an appropriate lot configuration for the subject lands.

We encourage the Elgin County Land Division Committee to consider the above when making its decision on this application.

Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.

A handwritten signature in black ink, appearing to read 'M. Campbell', with a stylized flourish at the end.

Matt Campbell, BA, CPT
Senior Planner

cc. Dan Wade, AGM
Steve Shore, Shore Contracting
Dawn Wittland-Graham, Elgin County

From: Mark Stevens (10117 Sunset Rd)
To: Nancy Pasato
Subject: Application # E-3-21 Severance (Mclean)
Date: Feb 4/2021

Dear Nancy,

Im writing to voice my opposition to the proposal to sever the lot at 10202 Talbotville Gore Rd.

This application was filed by Karl, and Carole Mclean, and is referred to as file # E-3-21.

These are my concerns:

- **Privacy** Any dwelling built on the proposed newly severed lot would invariably create an invasion of privacy upon at least 4 surrounding neighbours. This visual intrusion would provide views into the windows of abutting homes, overviews of gardens, and other outside private family areas.
- **Aesthetic** New development should be compatible with, and should respect the established physical character of the neighbourhood. A newly built house crammed into Karl and Carole's backyard would be incongruent with the established built form and character of the neighbourhood and its concept of large private lots. It will erode the aesthetic of the streetscape.
- **Property Value** Such an eyesore is certain to decrease the property value of the surrounding houses. We, the neighbours, purchased in this neighbourhood to enjoy the qualities of spaciousness and privacy. We pay substantial annual property taxes for the enjoyment of these qualities, and are entitled to protection from a reduction in zoning standards.

Conclusion In conclusion, there was a severance completed last year at 10207 Sunset rd, after which, a new house was built upon the severed lot which is now 10312 Talbotville Gore Rd.

We (the neighbours) didn't raise any concerns regarding that severance because it made sense spatially and geographically. One house faces Sunset Rd and the other faces Talbotville Gore Rd.

In contrast, this newly proposed severance application makes no sense whatsoever! Who would want a house built in their backyard, to the dissatisfaction and detriment to their neighbours?

We all have large lots in this neighbourhood. Shall we all sever our lots and build houses in our backyards?

Is this in keeping with the vision for Southwold Township? I would certainly hope not.

Please consider my formal opposition to this severance application.

Thank you,
Mark Stevens
519-657-5858

From Peter & Doris Greengrass

10091 Sunset Rd.
St. Thomas, ON
519-495-9893

To: Nancy Pasato
Re: File # E 3-21

March 15, 2021

Dear Nancy,

We are writing today in regards to the land severance application (file E 3-21) at 10202 Talbotville Gore Rd. We would like to voice our opposition to this severance for the following reasons.

- **Drainage** - There is a low area at the south side of the lot that collects water on a regular basis. This area was a pond at one time before houses were built in the area and gets very boggy during the winter thaw and spring rainy season. Any additional grading for a new lot may result in a flood condition that would negatively affect our septic bed and perhaps cause seasonal flooding.
- **Privacy and Aesthetics** - having a house (likely 2 story due to the size and shape of lot) right behind us will ruin our privacy. It will also ruin the character of the area that currently consists of larger country lots with privacy, and make it like every other city neighbourhood. We chose to move here from such a neighbourhood 3 years ago for the nice large lot and current privacy.
- **Property Values** – If the severance is allowed to go forward, we, and other neighbours, feel it will negatively impact our property values. We think the owners plan is to sever the lot, build a house on it, sell it and then sell the remaining house and move from the area leaving this neighborhood completely behind to cash in on the current real estate market. This should not be allowed as it will ruin the quality of the surrounding area. We pay substantial property taxes to keep the quality and privacy that we currently enjoy.

In addition to our opposition of this application, we are a bit confused with the absence of the 20 X 40 structure that was erected a couple years ago, not being on the key map provided as part of the proposal. It seems this garage/out building would hinder the access to the lot by city and emergency personnel. Our specific questions are - is this structure part of the retained portion, severed lot, or is it being removed? Can this be clarified by council please?

In conclusion, for the reasons listed above, we are opposed to the application for severance (file E 3-21) and hope council will be also.

Warm Regards,

Peter and Doris Greengrass
10091 Sunset Rd

The revised severance that Karl is proposing doesn't change our previous objections to it. The revised severance again doesn't show the 25'X40' garage that is on the property. Another issue that hasn't been mentioned before is the drain line from Karl's sump that runs from the back of his house to the municipal drain at the back of his property. He probably plans to put his drain water into the sewer line. These are our main objections....

----fire truck access and or emergency vehicle access would be a major problem

----invades privacy of 3 neighbors....us majorly

----decreases property values of neighboring homes

----violates the neighborhood concept of large private lots

---The application submitted was noncurrent and intended to deceive the committee as pictures did not reveal a 25 by 40-foot shop built on the proposed access route

----the existing driveway and the new proposed driveway will have to be a shared driveway

----Would set a dangerous precedence as to lot severances

----AESTHETICALLY UGLY

All in all, we are very upset by this proposal.

Len McFadden and Paula Fraser 519-637-0492

10216 Talbotville Gore Rd, N5P3T2

Re: Application # E 3-21 Severance (Mclean)

Dear Nancy Pasato,

I am writing this letter in **opposition** to the proposal of;

APPLICATION NO. E 3-21

PART LOT C, CONCESSION ENBTR W

TOWNSHIP OF SOUTHWOLD

MUNICIPAL ADDRESS: 10202 TALBOTVILLE GORE ROAD

A summary of most of my concerns are as follows:

1) It completely destroys the integrity (original concept) of all surrounding backyards by placing a house overlooking them all.

2) The proposal creates privacy concerns to not only my own backyard but to at least 3 others.

-creating direct views (especially if two storey) into what is now considered a tranquil private greenspace.

3) It has taken over 50 years to create the greenspace that myself and my neighbours cherish. We do not want to live in a subdivision.

4) The lots were conceived so that everyone would have space and privacy.

5) Nowhere between hwy 4 and Gore Road is there a house "in the middle of every one's backyard".

-This will be an eyesore to the established aesthetics of our lots.

5) I'm very concerned with the planning/building in regards to drainage ie: septic and sump wells. As it is now, the water table is very high in our backyards and I will need professional assessment/assurance that any houses built (if somehow approved) will not negatively affect my backyard in anyway.

In conclusion I'm at a total loss why someone would want to take a beautiful piece of property (rural setting) and basically treat it as if it were a subdivision. Also, I'm VERY concerned with what kind of precedent this will create for future owners in our area.

Trudy Skiendziel

519-633-0018