

LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, April 28th, 2021

9:00am	Approval of March 24, 2021 Meeting Minutes			
	Inquiries fro	m Land Division Committee Members		
9:15am	E 14 - 21	Margaret Berry 377 Warren St – Municipality of Central Elgin		
9:30am	E 15 - 21	Dave & Barb Wheeler 8847 Iona Rd – Municipality of Dutton Dunwich		
9:40am	E 16 - 21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin		
9:50am	E 17-21	Parezanovic Farms & Peter Parezanoivc Furnival Rd – Municipality of West Elgin		
10:00am	E 18-21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin		
10:10am	E 19-21	Parezanovic Farms & peter Parezanovic Furnival Rd – Municipality of West Elgin		
10:20am	E 20-21	John & Teresa Vanderdeen 11232 Willey Rd – Municipality of Dutton Dunwich		
10:30am	E 21-21	943448 Ontario Inc. (Dawson) 51275 Wilson Line – Township of Malahide		
10:40am	E 22-21	Patricia Zimmer 49408 Glencolin Line – Township of Malahide		
10:50am	E 23-21	Middlemarch Farms Ltd 36309 Fingal Line – Township of Southwold		
11:00am	E 24-21	Middlemarch Farms Ltd 36653 Fingal Line – Township of Southwold		
11:10am	E 25-21	Marion Wallace 48554 Yorke Line – Township of Malahide		
11:20am	E 26-21	Marion Wallace 48670 Yorke Line – Township of Malahide		
11:30am	E 27-21	James Simpson 29420 Thamesview Line – Municipality of Dutton Dunwich		

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



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, April 28th, 2021

11:40am

E 28-21

John Hildebrandt 10612 Culloden Rd – Municipality of Bayham

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 – March 24, 2021

County Administration Building, St. Thomas, Ontario and electronically

Present: John R. "lan" Fleck, Chairman, Dugald Aldred, Rosemary Kennedy, John

Seldon, Dennis O'Grady, Jack Van Kasteren, Nancy Pasato, Acting Secretary-Treasurer/Manager of Planning, and Dawn Wittland-Graham,

Administrative Assistant.

Regrets: John Andrews

Call to Order:

At 9:00am, Chair John R "lan" 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: Jack Van Kasteren Seconded by: Dennis O'Grady

That the minutes of the meeting held February 24, 2021 be adopted.

Recorded Vote	Yes	No		
John Andrews (Southwold)				
John "lan" Fleck - Chair (Dutton/Dunwich)	Yes			
Dennis O'Grady (Central Elgin)	Yes			
Rosemary Kennedy (Malahide)	Yes			
John Seldon (Bayham)	Yes			
Jack Van Kasteren (Avlmer)	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:

Discuss Official Plan Review Bill 88

Committee Comments:

Official Plan Review Discussion – Refer to Stakeholder Discussion Guide as provided to the Land Division Committee

Question #1 What is your mandate when it comes to development in the County of Elgin?

Dennis O'Grady -

- Would be interested in assisting with orderly development
- Wants to see more consistency throughout the County Policies need to be more "County Wide"
- The next 10 years needs to be more guarded against GTA coming in, purchasing and severing without a more invested interest in our communities
- Are all severances good? Not always. Do we make decisions on what actually helps out the local communities?
- Look at studies from other County's to see their processes

Ian Fleck -

- Flag shaped lots too many houses in behind other houses. But not consistent throughout the LMP's. Only severances should be approved if beside.
- Central Elgin has a bedroom community
- Would like more "power" to ensure developers are from this area and not a big company coming in to just buy up and sever land
- Would like to try and keep the interest and working in the community
- Houses should be habitable and in good shape to qualify for a severance
- Maintenance of the roads is not kept up if the houses are gone
- Theft will rise as well

Dugald Aldred -

- Farmland is a great investment according to Toronto corporations
- Need to strengthen the Agricultural component of severances
- Would like a list of all farmland owned to make sure purchasers are actual farmers

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and that they are invested locally

 Because of the condition of not building a residence on the property, this could be detrimental in the future if the farm is sold and the new owner doesn't own any other farms and would like to live on the land

Question #2 What, if any, legislation or policy changes have occurred since the last Official Plan (2013) process related to your service/area?

John Seldon -

Migrant workers relevant in OP

Dennis O'Grady -

- Safeguard Agriculture industries, land and businesses. Everything flows from that
- Strengthen all Zoning By-Laws to protect Agriculture

Jack VanKasteren -

- Current market is cyclical
- Strengthen the severances for Surplus Farm Dwellings should be less available
- Houses on a farm can add security to existing buildings on a farm that the owner doesn't live on
- Before all surplus houses were being severed they were either lived in by family, workers or were rented out that was the affordable housing

Rosemary Kennedy -

• Current owners, as they get older, would like to sell the farm and sever the house so they can still live there without a "life lease"

Dennis O'Grady -

Need an affordable housing strategy – This needs to be address for the people who
actually work in the Agricultural Industry

Question #3 What is your vision for the County of Elgin?

Dennis O'Grady -

 Need to address water and sewer as Elgin continues to grow. Become more centralized – i.e. for the entire County, not just individual Townships

Ian Fleck -

- Some Municipalities (DD) have planned ahead and can mange to allocate the services. But obviously not all have done this
- Every municipality should be charged appropriate costs for water
- Water costs are expected to go up 50% over the next 5 years
- Look at costs for treatment plants
- Can't afford to fund these focus on one settlement area to develop at a time

Dugald Aldred -

Elgin County

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 West Elgin – Initial cost when developing was covered. If you didn't join initially, the cost went up by 50% to join later

Rosemary Kennedy –

Springfield is limited to no water – costs are very high

John Seldon -

- Hard to look at overall service costs realistically and reflect the values
- Compare bottled water to tap

Question #4 What sections of the current Official Plan would you like to discuss?

Rosemary Kennedy -

- Look at Policy in regards to properties that merge on title
- · Wording on the Planning Act should be looked at as well
- If this happens there should be no cost to unmerge

John Seldon -

- Specialty crops can be profitable on smaller lot sizes i.e. asparagus
- What is a viable farm size?
- What is an appropriate minimum size?

Dugald Aldred -

Mennonites can make a good living off of small farms

Question #5 What are your key priorities for the next 5-10 years?

Dennis O'Grady -

- Minor variances and Land Division previously have been combined in other County's. Do we want that? Value as a separate committee?
- Is the Committee properly staffed and are there appropriate resources?
- LDC appointments are coincidental with Council elections. Is that a proper process or should they be staggered every 2 years?

Ian Fleck -

- Need a standard size for all severances County wide to combat big city migrants
- The LDC has gone through hard times and feels Acting Committee Secretary has done a good job. Also feels adding an employee to devote to LDC will help

John Seldon -

 Is there the ability to have meetings held in Lower Municipality Offices instead of always at the County building a few times a year?

Application E 11-21

Algar Farms Ltd 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.

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

Del Walcarius was present electronically

Written submissions were received from the following:

- 1. **Township of Malahide -** 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: Jack Van Kasteren Seconded by: Rosemary Kennedy

That severance application E 11-21 be granted with revised with the following conditions and revised lot conditions.

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

- 1. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
- 2. 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.

- 3. 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.
- 4. 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.
- 5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior the stamping of the deeds.
- 6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 7. 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.

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.

Recorded Vote	Yes	No
John Andrews (Southwold)		
John "lan" 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 12-21:

James Price & Robert Miller 22003 Queen St Municipality of West Elgin Agent: Dan McKillop

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.

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

Dan McKillop was present electronically.

Written submissions were received from the following:

- 1. **Municipality of West Elgin -** Administration recommends that the request for severance be approved, with conditions.
- 2. **Brian Lima, Director Engineering Services** The Engineering Department supports this application, with conditions.
- 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 12-21 be granted subject to the following conditions and conditions on altered size:

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.
- 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;
- 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;
- 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.

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:
 - The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; and
 - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
- 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.

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

Carried

Reasons: Creation of a new residential lot

Application E 13-21:

James Price & Robert Miller 22003 Queen St Municipality of West Elgin Agent: Dan McKillop

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.

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

Dan McKillop was present electronically.

Written submissions were received from the following:

- 1. **Municipality of West Elgin -** Administration recommends that the request for severance be approved, with conditions.
- 2. **Brian Lima, Director Engineering Services** The Engineering Department supports this application, with conditions.
- 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: Rosemary Kennedy

That severance application E 13-21 be granted subject to the following conditions and conditions on altered size:

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;
- That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality;
 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;
- 4. 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;
- 5. 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;
 - 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;
- 6. 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;
- 7. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality;

- 8. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
- 9. 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;
- 10. 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;
- 11. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21; and
- 12. 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.

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:
 - The applicant has been advised that the Ontario Building Code Act i. 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;
 - The applicant has made the necessary inquiries of the Municipality to ii. 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

8.	the owner; and Lot Grading Plan is required for		ted with this shall b	e borne by
Recorded	i Vote	Yes	<u>No</u>	
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John Andrews (Southwold)

John "lan" Fleck - Chair (Dutton/Dunwich) Yes

Dennis O'Grady (Central Elgin) Yes

Rosemary Kennedy (Malahide) Yes

John Seldon (Bayham) Yes

Jack Van Kasteren (Aylmer) Yes

Dugald Aldred (West Elgin) Yes

Carried

Reasons: Creation of a new residential lot

Application E 3-21:

Karl & Carole McLean 10202 Talbotville Gore Line Municipality 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.

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

Matt Campbell was present electronically.
Karl McLean was present on the phone.
Len & Paula McFadden were present electronically.
Trudy Skiendiezl was present electronically.

Written submissions were received from the following:

- 1. **Municipality of Southwold -** Administration does not recommend that the request for severance be approved, with conditions.
- Brian Lima, Director Engineering Services Not a County road.
- 3. **Nancy Pasato, Manager of Planning –** The proposed severance application does not meet the policies of the County Official Plan, and the County of Elgin does not support this application for consent.

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

Moved by: Dennis O'Grady Seconded by: Dugald Aldred

That alternative recommendation for a motion to defer severance application E 10-21 by the Committee:

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

Defeated

Moved by: Jack Van Kasteren

Seconded by: John Seldon

That severance application E 10-21 be refused for the following reasons:

Statement 2020, Policy 1.1.1 c) as there is the potential for negative environmental impacts and public health and safety concerns due to the reduced lot frontage for the severed parcel.

The proposed severance application is not consistent with the County of Elgin Official Plan, Policy E 1.2.3.1, as there is the potential to create a traffic hazard, may restrict the development of the retained lands, and does not meet the provisions of the Township of Southwold's Official Plan and Zoning by-law.

The proposed severance application is not consistent with the Township of Southwold Official Plan, Policy 6.8.2 a), as the size and configuration of the proposed lot is not appropriate for the proposed use having regard to the topography of the land, the siting of the proposed buildings is not appropriate given the relationship to other adjacent buildings, the points of access may cause traffic issues, and the lot does not comply with the Zoning By-law.

The proposed severance application is not consistent with the Township of Southwold Comprehensive Zoning By-law, as the proposed lot is not in keeping with the minimum lot frontage required within the Residential (R1) Zone.

Recorded Vote	Yes	No	
John Andrews (Southwold)			
John "lan" Fleck - Chair (Dutton/Dunwich)	Yes		
Dennis O'Grady (Central Elgin)		No	
Rosemary Kennedy (Malahide)		No	
John Seldon (Bayham)	Yes		
Jack Van Kasteren (Aylmer)	Yes		
Dugald Aldred (West Elgin)	Yes		
Reasons: Creation of a new lot		-	Refused
Adjournment: The Chair adjourned the meeting at 10:50am.			
Moved by: Rosemary Kennedy Seconded by: John Seldon			
Acting Secretary-Treasurer	 Chair		



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 14-21

PLAN 177, PART LOT 43 MUNICIPALITY OF CENTRAL ELGIN MUNICIPAL ADDRESS: 377 WARREN STREET

TAKE NOTICE that an application has been made by **Margaret Berry**, 377 Warren St, Port Stanley, ON N5L 1B5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 377 Warren Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 7.9 metres (25.91 feet) along Warren St by an irregular depth and an area of 1.238 hectares (3.06 acres) proposed for future residential use. The owners are retaining 0.213 hectares (0.53 acres) proposed to remain in residential use. The applicants also propose to create two easements. The first easement, having a width of 3.0 metres (9.84 feet) and a depth of 119m metres (390.4 feet), is proposed to modify an existing gas easement in favour of Enbridge/Union Gas. The second easement, having a width/frontage of 8.0 metres (26.2 feet) on Warren Street by a depth of 17 metres (55.8 feet), is proposed to provide a right of way in favour of Margaret Berry/377 Warren Street.

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 April 28, 2021 AT 9:15AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

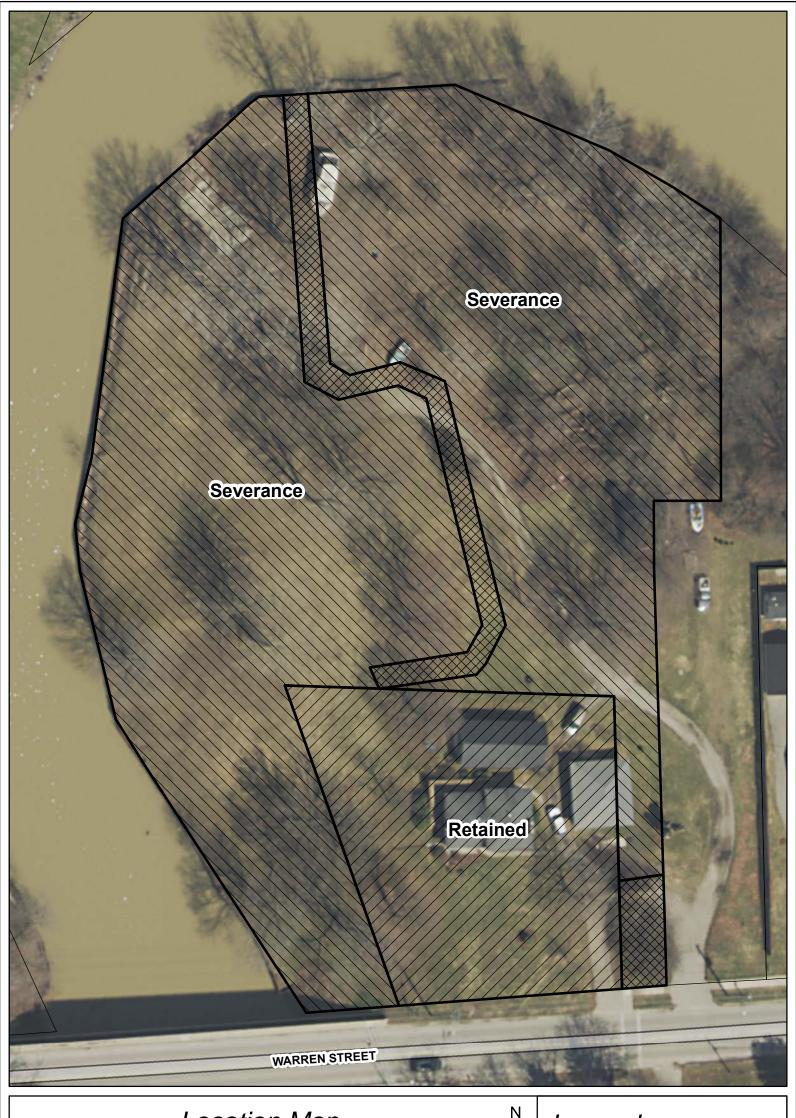
IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT npasato@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

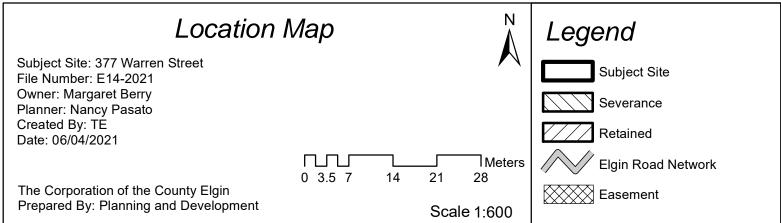
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

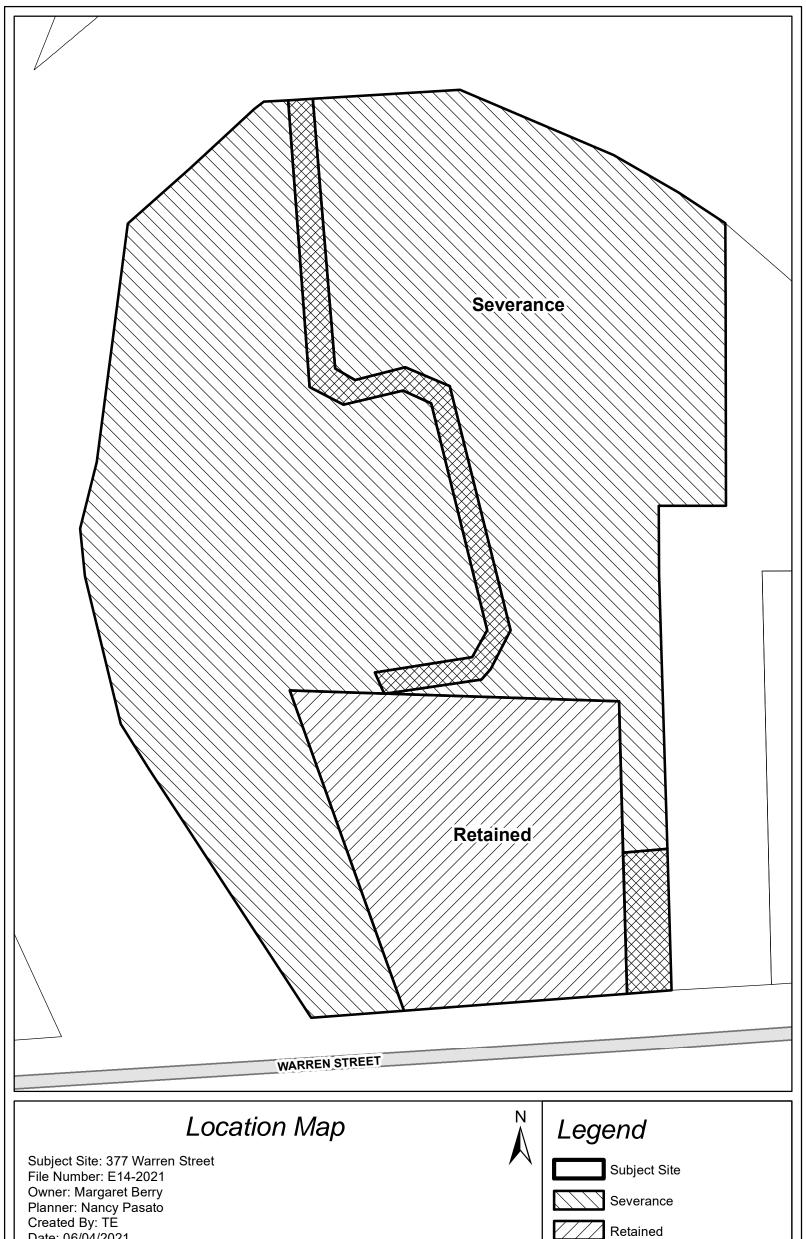
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

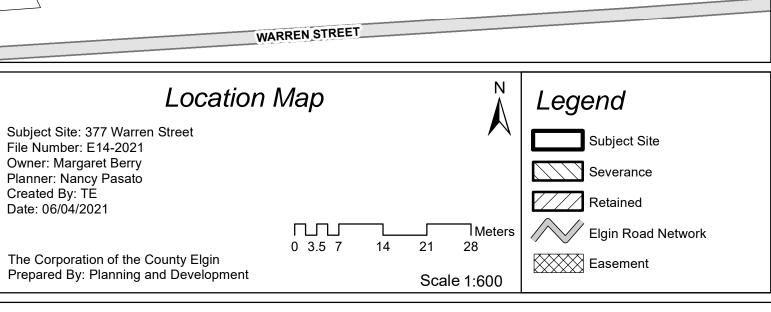
Dated at the Municipality of Central Elgin this 7th day of April, 2021.

Nancy Pasato Acting Secretary-Treasurer Land Division Committee









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

April 26th, 2021

VIA EMAIL

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

Dear Ms. Pasato:

Re:

Application for Consent E14/21 – Margaret Berry – 377 Warren Street

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting dated Monday, April 26^{th,} 2021 and the following resolution was passed:

THAT: Report CEP 14-21 be received as information;

AND THAT: Council has no objections to Consent Application No. E14/21 Margaret Berry, 377 Warren Street subject to the following recommended conditions:

- Approval of a Zoning By-law Amendment to permit a townhouse development on the severed lot and to bring the existing house and accessory buildings on the retained lot into conformity with the Village of Port Stanley Zoning By-law No. 1507, as amended,
- The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands:
- The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
- A copy of the Reference Plan be provided to the Municipality of Central Elgin and;
- a drainage reassessment be done, if necessary, at the owner's expense

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

Yours truly,

Dianne Wilson

Deputy Clerk/Records Management Coordinator

c.c. Margaret Berry, Owner

Matt Campbell, Zelinka Priamo Ltd., Agent S. Craig, Senior Planning Technician, CEPO

Encl.





REPORT

DATE:

April 16, 2021

REPORT:

CEP.14.21

TO:

Mayor Sally Martyn and Council

CEPO FILE: E14/21

PREPARED BY: Steve Craig, Sr. Planning Technician Central Elgin Planning Department

SUBJECT:

Application for a Consent No. E14/21 - Margaret Berry

377 Warren Street

ATTACHMENTS: Location Plan

TO COUNCIL:

April 26, 2021

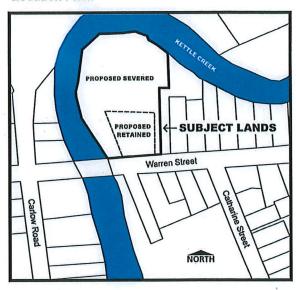
RECOMMENDATION:

THAT: Report CEP.14.21 be received for information;

AND THAT: Should Council pass a resolution in support of consent application E14/21 to the Land Division Committee, staff recommends the following conditions:

- Approval of a Zoning By-law Amendment to permit a townhouse development on the severed lot and to bring the existing house and accessory buildings on the retained lot into conformity with the Village of Port Stanley Zoning By-Law, No. 1507, as amended;
- The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands;
- The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
- a copy of the reference plan be provided to the Municipality of Central Elgin.

Location Plan:



Background:

Consent application E14/21 has been filed for the purpose of creating a vacant building lot for the development of 14 townhouse dwelling units and two easements. Easements are required to permit a shared access between the existing dwelling on the retained lot and the proposed townhouse development and facilitate the realignment of a natural gas pipeline.

Location:

The subject lands are located on the north side of Warren Street, between Carlow Road and Catharine Street. The lands are described as Plan 117, Part Lot 42, Lots 44 to 46, and RP 11R-2779, Part 1, Part 2, geographic Village of Port Stanley, now Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever one vacant lot with frontage of 7.9m on Warren Street and an area of 12,379.9sqm, for the purpose of developing 14 townhouse dwelling units. The applicant is proposing to retain one lot with frontage of 35.6m on Warren Street and an area of 2,129.9sqm, for the purpose of accommodating the existing single detached residential dwelling and two detached accessory buildings.

Central Elgin Planning Office

Report No.: CEP-14-21

Staff Report

1. Official Plan

- The subject lands are located within the "Urban Settlement Area" designation in accordance with Schedule "A" Land Use Plan, and further designated "Residential" in accordance with Schedule "G" Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan. The lands are also within the area identified as "Kettle Creek Flood Way" and "Kettle Creek Flood Fringe" on Schedule "G2" Community of Port Stanley Natural Hazards.
- The "Residential" designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure" (4.2). Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings (4.2.1(a)).
- No development or site alteration shall be permitted within the Kettle Creek Floodway, save and except for the following as approved by the Municipality and the local conservation authority, boat ramps and docks, water oriented recreational uses, parks, flood and erosion control structures, general landscaping, and infrastructure (3.2.3(1)).
- Within the Kettle Creek Flood Fringe the uses permitted shall include all the permitted uses within the underlying land use designation. Prior to the issuance of building permits for permanent structures or buildings, applicants shall submit to Central Elgin and the Kettle Creek Conservation Authority for review and approval, building plans for floodproofing measures prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies. Floodproofing measures shall include adequate means of access/ingress during times of a flooding emergency (3.2.3(2)).

2. Zoning By-Law

- The subject lands are in the Open Space Zone 3 (OS3), Residential Zone 1 (R1) and Industrial Zone 1 (C1) of the Village of Port Stanley Zoning By-law No. 1507, as amended.
- The OS3 zone permits farm use, private, public, and commercial recreational uses and, without limiting the generality of the foregoing, may include a clubhouse, restaurant, marina or similar uses, summer cottages, residential uses which lawfully exist on the day of the passing of this by-law, home occupations and accessory uses.
- The R1 zone permits residential uses, institutional uses lawfully existing on the day of passing of the By Law, home occupations and accessory uses.
- The C1 zone permits industrial-commercial use, office use in connection with an industrial commercial use, industrial-commercial accessory uses and living quarters for a watchman or caretaker and his family whose duties are essential to the maintenance of an industrial-commercial use, and which living quarters shall be permitted only on the same lot or land where such industrial-commercial use is located.

3. County of Elgin Official Plan:

- The subject lands are designated as "settlement area" within the County of Elgin Official Plan. The Village of Port Stanley is categorized as a Tier 1 Settlement Area and is intended to be one of the settlements where new growth is to occur. Section B1 of the County's Official Plan indicates that, in settlement areas in Elgin County, there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space.
- Subsection C1.1.1 sets out specific policy direction and objectives for residential development in settlement areas. These include, "promoting the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification" and "encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development".

Comments:

- The Official Plan policies support the proposed townhouse development, subject to development and site alteration taking place outside of the Kettle Creek Floodway.
- A zoning by-law amendment application has been filed concurrently in support of the proposed townhouse development and to bring the existing house and accessory buildings into conformity with the Village of Port Stanley Zoning By-Law, No. 1507, as amended.
- The proposed easements are required to accommodate shared access between the existing dwelling and the proposed townhouse development and realign an existing natural gas pipeline.
- Through the consultation process supporting studies were required in support of the proposed townhouse development, including a Traffic Impact Assessment (F.R. Berry & Associates), Functional Servicing Brief (Eng Plus Ltd.), Flood Impact Assessment (Ecosystem Recovery Inc.), Phase I and Phase II Environmental Site Assessment (EXP Services), Geotechnical Report (EXP Services), and a Stage 1-2 Archaeological Assessment (Lincoln Environmental Consulting).

- F.R. Berry & Associates confirmed traffic generated by the 14-unit townhouse development would have no significant impact on traffic operation and safety on Warren Street and at the intersections of Warren Street with Colborne Street and Carlow Road (Ref. 2002, February 18, 2020).
- Eng. Plus Ltd. confirmed that the site can be adequately serviced by the existing municipal services available on Warren Street fronting the site (Ref. 20.091, June 24, 2020).
- Ecosystem Recovery Inc. confirmed there will not be a measurable increase in flood elevations in flood events up to and including the Regulatory storm. Flood risk to the adjacent and upstream properties will not be increased and the flood damages will not be increased over existing conditions (Project Number 2040, February 2, 2020).
- Exp. Services Inc. confirmed that based on the findings of the Phase I ESA, no further investigative work (Phase II ESA) is considered necessary at this time (Project Number LON-00017772-EN, December 31, 2020).
- Exp. Services Inc. confirmed that they should be retained for a general review of the final design and specifications to verify that their report has been properly interpreted and implemented (Project Number: LON-00017772-GE, June 25, 2020).
- Lincoln Environmental Consulting confirmed that no archaeological resources were found on the subject property, no further archaeological assessment of the property is required (Stage 1-2 Archaeological Assessment: 377 Warren Street, August 2020).
- Enbridge Gas Inc. confirmed the proposed easement will be acceptable for the purpose of relocating the pipeline and that the entire width of the gas easement shall be kept clear of all other structures and shall not be incorporated into individual lots. Removal and disposal of the abandoned pipeline is required prior to the release of the existing easement (October 7, 2020).
- The applicant also submitted a Planning Justification Report, prepared by Zelinka Priamo LTD, dated February 10, 2021, in support of the proposed development.

Respectfully submitted:

Steve Craig / Sr. Planning Technician

Jim McCoomb, MCIP, RPP Manager of Planning Services Approved for submission:

Acting CAO/Clerk

Member of Conservation Ontario



April 8, 2021

Nancy Pasato
Manager of Planning
Acting Secretary-Treasurer
Land Division Committee
450 Sunset Drive
St.Thomas, ON N5R 5V1
npasato@elgin.ca

DELIVERED BY EMAIL

RE: Notice of Application for Consent E14/21 377 Warren Street, Port Stanley

Dear Ms. Pasato,

Staff of Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to delegated responsibilities for Natural Hazard policies of the Provincial Policy Statement (PPS), and KCCA regulations enacted under Section 28 of the Conservation Authorities Act (O.Reg.181/06).

KCCA understands that the subject application proposes to sever a parcel of land for future residential use.

We offer the following comments:

Natural Hazards:

- 1. The subject lands are susceptible to flooding hazards during a regulatory storm event (ie. Hurricane Hazel Flood Standard). The regulatory flood elevation affecting the reach of Kettle Creek for the subject lands is between 179.3 and 179.5m GSC;
- 2. The subject lands are situated within the former limits of the Village of Port Stanley where based on prior technical studies and approvals, a Two Zone Concept for Floodplain Management is applied. Under the Two Zone concept, the flooding hazard is separated into two zones floodway and flood fringe. The floodway portion of the flooding hazard is where flood depths and velocities are unsafe for development considerations.
- 3. The floodway portion of the flooding hazards in Port Stanley have been determined by Riggs Engineering Ltd. as part of the Kettle Creek Hydraulic Study (updated 2015).
- 4. The proposed severed lands may also be impacted by erosion hazards associated with the valley walls of Kettle Creek along the northern property boundary. An Erosion Hazard Limit for the proposed severed lands has been determined within a Geotechnical Investigation and Slope Stability Assessment prepared by EXP Services Inc., updated December 2020.

Provincial Policy Statement 2020 (PPS)

The following are applicable policies of the PPS in consideration of the proposed consent:

- 5. Policy 3.1.1 b) Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
- 6. Policy 3.1.2 d) Development, which includes lot creation, and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.
- 7. Policy 3.1.6 Where the two-zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.
- 8. Policy 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
 - a. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
 - b. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
 - c. New hazards are not created and existing hazards are not aggravated; and
 - d. No adverse environmental impacts will result.

Conservation Authorities Act

9. The subject lands are entirely affected by regulations of KCCA. Pursuant to Section 28 of the Conservation Authorities Act, permission is required of the Conservation Authority prior to any development within its regulatory jurisdiction. The current regulation for the Kettle Creek watershed is 'Ontario Regulation 181/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses'.

Recommendation(s):

KCCA staff is satisfied that the proposed consent application E14/21 affecting 377 Warren Street, Port Stanley is consistent with the natural hazard policies of the Provincial Policy Statement and that based on our mandate and policies, we have no objection its approval.

We can also confirm that a KCCA permit pursuant to O.Reg.181/06 will be required prior to any future development and/or site alterations upon both the retained and severed lands.

Furthermore, we can also confirm that staff of KCCA have participated in prior pre-consultation meetings with regard to potential future development of the proposed severed lands and have reviewed draft technical studies in support of future development that address the natural hazard concerns associated with the lands as described above.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,

KETTLE CREEK CONSERVATION AUTHORITY

(Digitally signed)

Joseph (Joe) Gordon

Assistant Manager/Supervisor of Planning and Conservation Areas

cc. Kevin McClure, Planner - Central Elgin Planning Office

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 202	21	ELGIN COUNTY ROAD NO.: 21 - 377 Warren Street				
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:							
	TION NO.:	E 14-21					
OWNER:		Margaret Be	rry				
PROPER	ΓY:	LOT NO.	Part Lot 43	CONCESS			
		REG'D PLAN:		MUNICIPA	LITY:	Central Elgin	100
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						×	
of War wideni	ren Street ng if the ri	County Road (2	21) to the County of Elgi of already to that width,	n for the pu	rposes	of road	
2) A one-	foot reser	ve is required a	long the N,	6 r 1 i m n			
٥	, 드_	and/	or W proper	ty line	*********		
3) Draina	ge pipes a	and/or catchbas	in(s) are required	••••••	•••••		
4) A Drai	nage Repo	ort is required u	nder the Drainage Act *	(By Profes	sional E	Engineer)	
5) A curb	and gutte	er is required ald	ong 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					Х		
7) Techn	ical Repor	ts		********	*******	***************************************	
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 Gr	ading Plar	n is required for	the severed lot	************	**********	***************************************	Χ
10) The C	ounty has	no concerns		************	••••		
11) Not o	n County F	Road		•••••	• * * * * * * * * *	•••••	
12) Pleas	e provide	me with a copy	of your action on this a	pplication .	*********		
13) O	ther						
amen	dments mac	de thereto hereafter	f Elgin By-Law No. 92-57, as a , being a by-law to regulate to s to a County road.	amended by E he constructio	By-Law No on or alter	o. 96-45, and any ration of any	

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990, AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021

Application: E 14-21

Owner: Agent:

Margaret Berry Zelinka Priamo Ltd. c/o Matt Campbell

377 Warren Street, Port Stanley, ON 318 Wellington Road, London, ON

N5L 1B5 N6C 4P4

Location: 377 Warren Street, legally described as PLAN 177, PART LOT 43, Municipality of Central Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 7.9 metres (25.91 feet) along Warren St by an irregular depth and an area of 1.238 hectares (3.06 acres) proposed for future residential use. The owners are retaining 0.213 hectares (0.53 acres) proposed to remain in residential use. The applicants also propose to create two easements. The first easement, having a width of 3.0 metres (9.84 feet) and a depth of 119m metres (390.4 feet), is proposed to modify an existing gas easement in favour of Enbridge/Union Gas. The second easement, having a width/frontage of 8.0 metres (26.2 feet) on Warren Street by a depth of 17 metres (55.8 feet), is proposed to provide a right of way in favour of Margaret Berry/377 Warren Street.

County of Elgin Official Plan Plan By-law
Settlement Area Tier 1 Hamlets Industrial (C1)
Open Space (OS3)
Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Kettle Creek Conservation Authority

KCCA staff is satisfied that the proposed consent application E14/21 affecting 377 Warren Street, Port Stanley is consistent with the natural hazard policies of the Provincial Policy Statement and that based on our mandate and policies, has no objection its approval.

Three public comments have been received as of the date of writing this report. Comments received include concerns related to the future residential development of the subject lands and the impact of proposed development -on local wildlife, noise/partying and traffic congestion, especially given the subject site's proximity to an existing seasonal trailer park.



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Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

Policy 3.1.1 (Natural Hazards) outline that development shall generally be directed to areas outside of hazardous lands including those hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Additionally, Policy 3.1.2 states development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard and a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

The proposed severance maintains all of the floodway lands under a single ownership. Additionally, the proposed development associated with the future development of this site will be outside the Kettle Creek floodway and has been evaluated through a Flood Impact Assessment. The report concludes that the development will not adversely affect the flood characteristics of Kettle Creek and is appropriate for the subject lands. Relevant environmental and flood impact studies have been completed and the proposed severance will not create any new adverse impacts to the hazard lands.

The applicants propose to sever vacant land for future residential use and retain the existing residence on the subject site, while maintaining the site's existing natural features. The proposed severance also includes two easements, one of which is to modify an existing Enbridge/Union Gas easement, and the second of which is to provide the retained parcel lands with access to the natural features.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 1 in the Elgin County Official Plan (OP) (Port Stanley).

The County Official Plan establishes a hierarchy of settlement areas based on their scale, function and level of services that exist. Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range



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of uses and opportunities are and can be provided, the County Plan directs the majority of new growth to Tier 1 settlement areas.

Policy E1.2.3.3 permits consents for the purpose of creating an easement or right-of-way. Two easements are proposed: the first to modify an existing gas easement in favour of Enbridge/Union Gas; and the second to provide a right of way in favour of Margaret Berry/377 Warren Street.

Further stated by the applicants, the severed parcel (1.238 hectares/3.06 acres) is proposed for future residential use. The retained parcel (0.213 hectares/0.53acres) is proposed to remain in residential use, containing an existing house with municipal services—.

Local Municipality Official Plan and Zoning By-law

The property is designated as Residential in the Municipality of Central Elgin Official Plan and the zoning is Industrial (C1), Open Space (OS3) and Residential (R1) in the Municipality of Central Elgin Zoning By-law. Additionally, the subject lands are partially located within the Kettle Creek Floodway and the Kettle Creek Flood fringe. As the subject lands are located within hazard lands, reflecting their potential for flooding, (OP Section 3.2) contains several policies which exist to minimize risk to human life and physical property from hazards such as flooding and erosion, and to identify opportunities for limited and controlled development on flood plain lands. The applicant has indicated they will be submitting an application for a zoning by-law amendment to permit future development on the severed lands. The proposed severed and retained lot appear to meet all other provisions and requirements of the Municipality's -Official Plan and Zoning By-law.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

- 1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Warren Street County Road 21 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. 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.
- 3. A Lot Grading Plan is required for the severed lot.
- 4. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 5. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.



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Additionally, it is recommended that conditions from the Municipality of Central Elgin, once received, be included as conditions for consent.

Dawn Wittland-Graham

From: Mark Hall <mhall.ab1@outlook.com>

Sent: April 9, 2021 2:05 PM

To: Nancy Pasato

Subject: 377 Warren St severance application concern

Dear Nancy,

Thank you for your letter and details about the severance application. It is greatly appreciated. I would like to register for the zoom meeting on the 28th.

My formal concern would be what type of residential zoning is proposed? Would it be low density with a building size and height restriction in place? My concern would be that it would be medium or higher density zoning. With the seasonal trailer park already across the creek having a high density and which can be noisy late at night/early morning hours in the summer, adding more density to this area would be a concern for myself and my neighbours. If there was any risk of this potential severed land being zoned medium or high density, I would be in opposition to this severance application. Thank you very much for your consideration.

Kind regards, Mark Hall 37726 Lake Line, Port Stanley

Dawn Wittland-Graham

From: Laura Johnston < ljones08@gmail.com>

Sent: April 10, 2021 12:25 PM

To: Nancy Pasato

Subject: Application No E14-21

Dear Nancy,

Thank you for your letter and details about the severance application. It is greatly appreciated. I would like to register for the zoom meeting on the 28th.

My formal concern would be what type of residential zoning is proposed? Would it be low density with a building size and height restriction in place? I would be okay with single family home. My concern would be that it would be medium or higher density zoning. With the seasonal trailer park already across the creek having a high density and which can be noisy late at night/early morning hours in the summer, adding more density to this area would be a concern for the wildlife, myself and my neighbours. If there was any risk of this potential severed land being zoned for more than a single family residential dwelling (like town houses, medium or high density), then I would be in opposition to this severance application. Thank you very much for your consideration.

Kindest regards, Laura Johnston 3849 Union Rd, Port Stanley

Dawn Wittland-Graham

From: Nancy Pasato

Sent: April 26, 2021 4:28 PM **To:** Gregory Galbraith

Cc: Dawn Wittland-Graham; Aisling Laverty

Subject: RE: 377 WARREN STREET SEVERANCE FROM GREG GALBRAITH 363 WARREN

Thank you for your comments. We will add them to the agenda package for Wednesday's meeting.

We will also send you a link to the Webex meeting for Wednesday.

Hi Dawn - can you please revised the on line agenda package and send the link and meeting invite to Mr.Galbraith. Thanks.

Nancy Pasato

Manager of Planning



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From: Gregory Galbraith < gregory.galbraith@century21.ca>

Sent: April 26, 2021 4:13 PM

To: Nancy Pasato <npasato@ELGIN.ca>

Subject: 377 WARREN STREET SEVERANCE FROM GREG GALBRAITH 363 WARREN

NANCY PASATO

LAND DIVISION COMMITTEE

npasato@elgin.ca

1. I am against the severance and the planned development for the property located at 377 Warren Street. The plan for 14 condominiums on the site would mean the removal of all existing mature trees, and the back filling of the flood plain on the long inside curve of the river. The property was referred to in the past as Berry's Bend Marina. This part of the river narrows, and water during peak runoff from winter and spring, overflows into the low lying flood plain. The high volume of water going around that curve at such a strong velocity makes it the deepest part of the river in the Warren Street area. Last year the curve had a water depth of 15 feet compared to 3-8 feet from the railroad bridge back to Sunset Ave. The water spilling over onto the flood plain at 377 Warren takes some of the pressure off the water levels on the properties up river especially on the south side of the river on

Warren street back up to Sunset Drive. The 20 foot high earth banks erode very quickly. If this property is backfilled and the flood plain is removed, the water levels will rise even higher during peak flows causing me further erosion issues.

This could also cause increased flooding in the trailer park on the north side of the river.

Myself and my neighbors are already losing land as our grass and trees fall into the river. This severance and development will make my erosion matters even worse, and accelerate the erosion of my property as well as my neighbors.

I have lost approximately 6 feet of my frontage due to erosion in 4 years. I feel the best use for the property would be one or two single family homes leaving the flood plain intact and leaving many of the mature trees in place. The

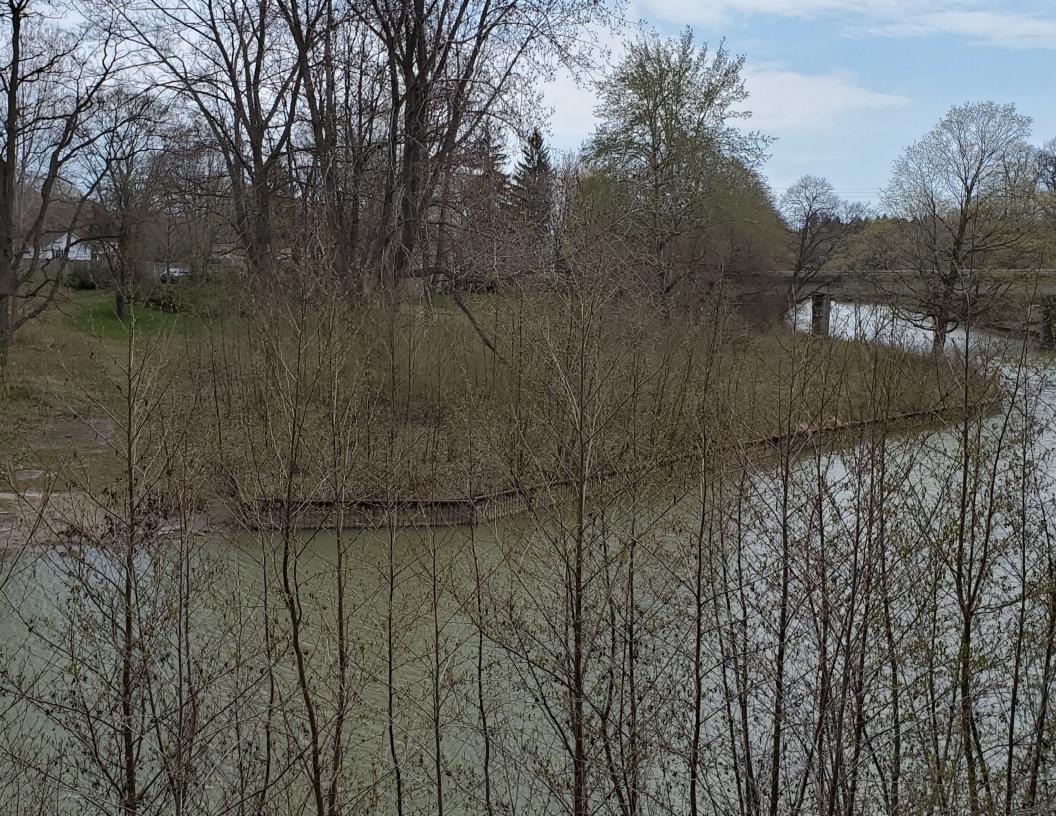
photos also show that most of the Berry property is on low lying flood plain land as well as the erosion of the 20 foot earth banks on the south side of the river.

2. I do not agree with the lot line severance on the proposed Location Map. I believe the rear lot line of the Berry Property should extend to the river. This is would give the Berry family a much more valuable piece of property in the future. See attachment.

Gregory Galbraith 363 Warren Street Port Stanley 519 643 8361











Dawn Wittland-Graham

From: Nancy Pasato

Sent: April 27, 2021 8:14 AM

To: Bern C

Cc: Dawn Wittland-Graham; Aisling Laverty

Subject: RE: FROM BERNARD CAPITANO RE; 377 WARREN STREET SEVERANCE

Thank you for your comments. We will add them to the agenda package for Wednesday's meeting.

We will also send you a link to the Webex meeting for Wednesday.

Hi Dawn - can you please revise the on line agenda package and send the link and meeting invite to Mr. Capitano. Thanks.

Nancy Pasato

Manager of Planning



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f 🗎 in

From: Bern C < lostamigos 20@gmail.com>

Sent: April 26, 2021 6:43 PM

To: Nancy Pasato <npasato@ELGIN.ca>

Subject: FROM BERNARD CAPITANO RE; 377 WARREN STREET SEVERANCE

NANCY PASATO LAND DIVISION COMMITTEE

From Bernard Capitano, 369 Warren Street Port Stanley

The proposed severance and development will put these new condos approximately 30 feet from my house. The removal of the trees would take away my beautiful view and drastically change my living environment. I built this house to relax and enjoy my retirement, in piece and quiet. I never imagined the city would entertain a project with such high density for this lot. Most of the Berry property is currently lowland /flood plain. I believe the best use for the property would be one or two single

family homes with the flood plain intact and leaving many of the mature trees in place.	











Dawn Wittland-Graham

From: Nancy Pasato

Sent: April 26, 2021 4:36 PM **To:** Wilma Van Vaerenbergh

Cc: Dawn Wittland-Graham; Aisling Laverty

Subject: RE: 377 Warren Street severance application

Thank you for your comments. We will add them to the agenda package for Wednesday's meeting.

We will also send you a link to the Webex meeting for Wednesday.

Hi Dawn - can you please revise the on line agenda package and send the link and meeting invite to Ms. Van Vaerenbergh. Thanks.

Nancy Pasato

Manager of Planning



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

f 🖹 in

From: Wilma Van Vaerenbergh <wilmaandpaul@gmail.com>

Sent: April 26, 2021 4:32 PM

To: Nancy Pasato <npasato@ELGIN.ca>

Subject: 377 Warren Street severance application

We live at 3830 Union Road and across the creek from this property. Our main concern is how the floodplain will be affected if that area is backfilled. As it stands now, the excess water has room to move during the spring thaw or with high water. If this area is backfilled our property and seawall could be affected.

--

Wilma and Paul Van Vaerenbergh wilmaandpaul@gmail.com (519) 476-5571



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 15-21

LOT C, CONCESSION 8 MUNICIPALITY OF DUTTON DUNWICH MUNICIPAL ADDRESS: 8847 IONA ROAD

TAKE NOTICE that an application has been made by **Dave & Barb Wheeler** 8847 Iona Rd, Dutton ON N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8847 Iona Rd, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 30.48 metres (100.0 feet) along lona Rd by a depth of 15.01 metres (49.25 feet) and an area of 0.046 hectares (0.11 acres) proposed for future residential use. The owners are retaining 0.33 hectares (0.82 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 April 28, 2021 AT 9:30AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

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

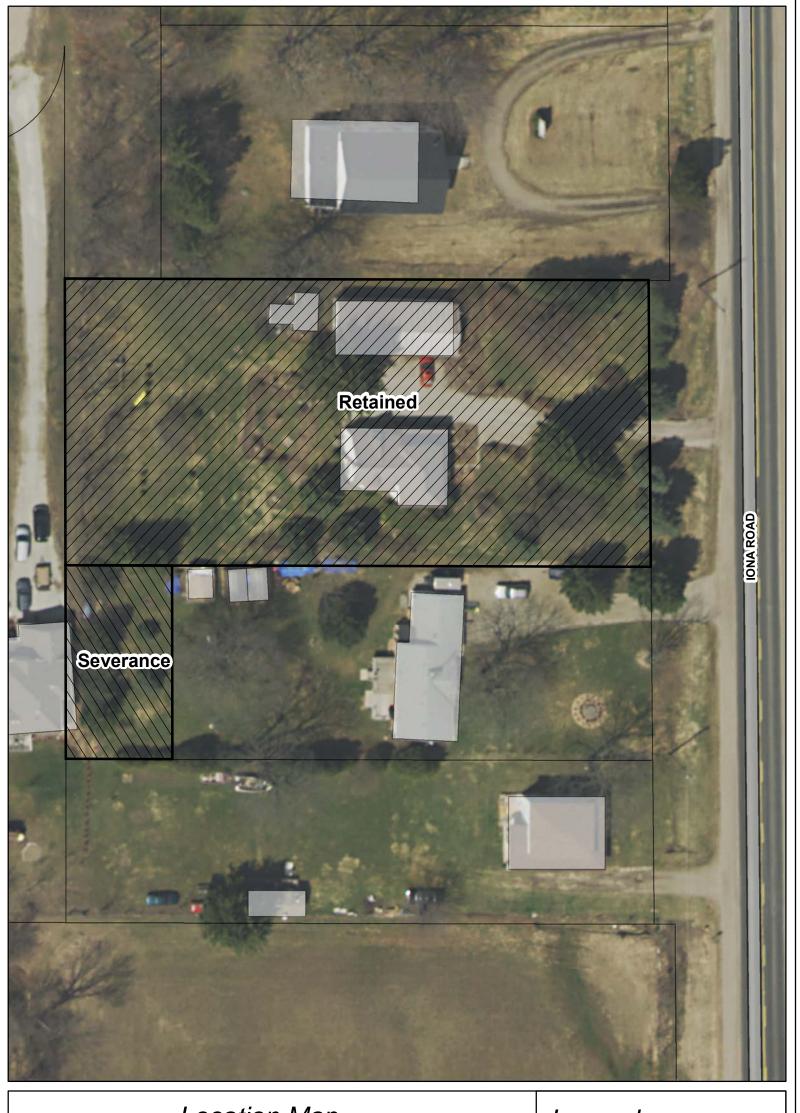
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 7th day of April, 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: 8847 Iona Road File Number: E 15-2021 Owner: Dave & Barb Wheeler

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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



Legend

Subject Site

Severance

Retained

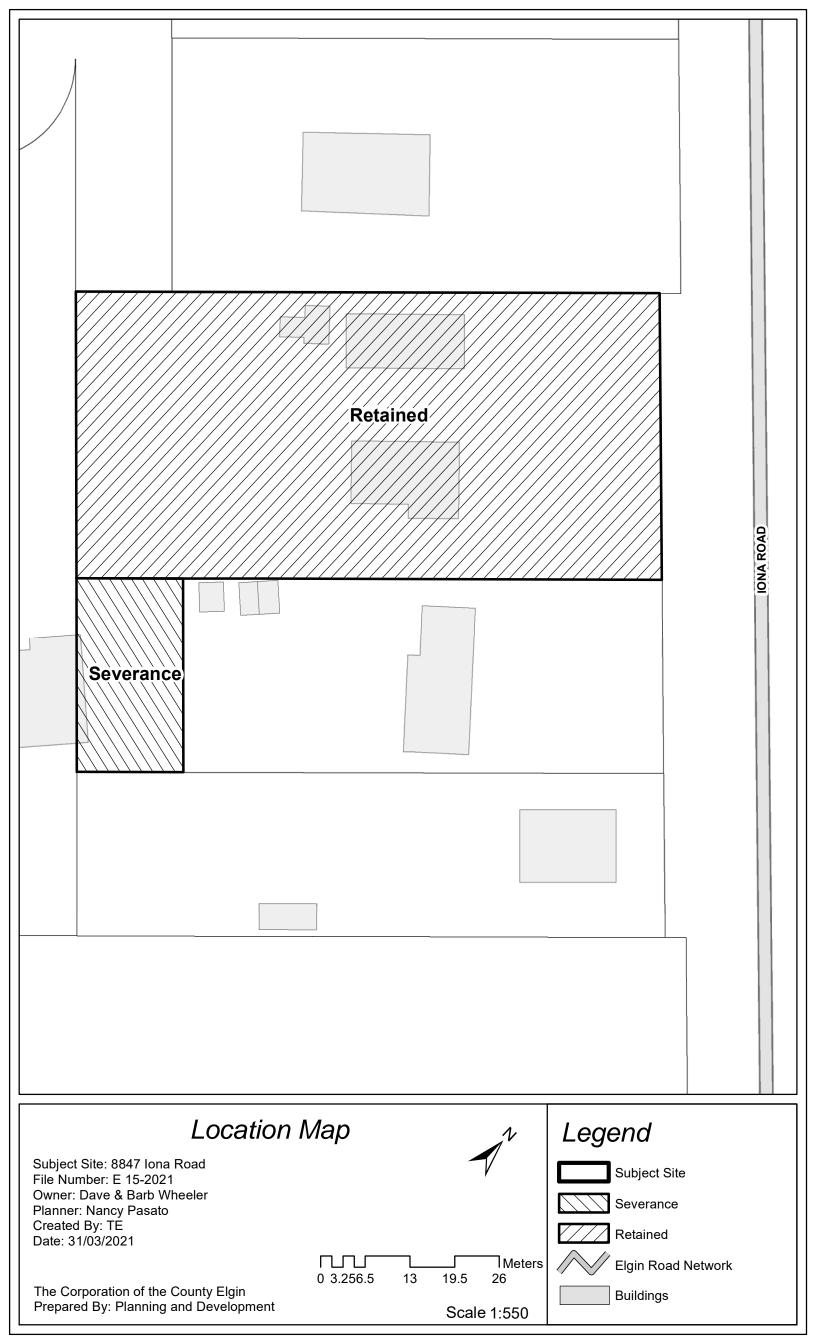
Elgin Road Network

Buildings



☐Meters 0 3.256.5 13 19.5 26

Scale 1:550





TO: Mayor and Members of Council

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

DATE: April 14, 2021

SUBJECT: Application for Severance - 8847 Iona Road (E15/21), Municipality of

Dutton Dunwich – Dave and Barb Wheeler

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends APPROVAL to the Land Division Committee of the County of Elgin for proposed severance application E15/21 for 8847 Iona Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That septic system review has been completed;
- b) That municipal drain re-apportionments have been completed;
- c) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet;
- d) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- e) That taxes are to be paid in full;
- f) That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality;
- g) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality; and
- h) That the lots merge on title.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E15/21) by Dave and Barb Wheeler, the owner of the subject property.

The owners are requesting a lot line adjustment to enlarge an existing residential lot.

The property subject to the severance is legally described as CON 8 PT LOT C RP 11R1758; PARTS 1, 2 & 4 and locally known as 8847 Iona Road, Municipality of Dutton Dunwich (see area in yellow on attached Key Map).

The proposed severed parcel is located at the rear of an irregular shaped property and has an area of 457.50 m2, depth of 15.04 m and width of 30.48 m. The proposed severed parcel is vacant with no services or buildings and is used for residential amenity space (see area in yellow on the attached Sketch).

The proposed severed parcel will be merged with the abutting land to the northeast, which fronts on the southwest side of Iona Road. The parcel is locally known as 8837 Iona Road and is owned by Albert and Paulette Larocque. The parcel is used for residential, has a dwelling and accessory buildings and is serviced with municipal water and private septic system (see area in blue on the attached Sketch).

The proposed retained parcel will have an area of 3,307.40 m2 with a depth of 82.83 m and frontage of 39.93 m on the southeast side of lona Road. The proposed retained land is used for residential, has a dwelling and 1 accessory structure and is serviced with municipal water and private septic system (see area in green on the attached Sketch).

The subject property is within the Iona Settlement Area. Agricultural and residential uses surround the subject lands.

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

Planning Policy Review

Provincial Policy Statement (PPS)

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

The subject property is within an existing settlement area. Section 1.1.3.2 requires settlement areas shall be the focus of growth and development.

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

County of Elgin Official Plan (OP)

The subject lands are designated Settlement Area - Tier 2 on Schedule 'A' Land Use of the County of Elgin Official Plan.

E1.2.3.2 sets out that 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.

Comment: The proposed severed parcel will meet the above noted criteria. No new lot is being created. The proposed severance conforms to the County of Elgin Official Plan.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated Hamlet on Schedule 'A' Land Use Plan in the current and adopted OP.

Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

Comment: The proposed severed parcel will meet the above noted criteria. There is no new lot being created. The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law, the subject lands are zoned Hamlet Residential (HR) on Schedule E – Iona, Map 1 with LTVCA Regulation Limit Overlay.

Permitted uses in the HR zone includes single unit detached dwellings on one lot and accessory structures.

The minimum lot area in the HR zone is 1,000 m2 in size.

Comment: The proposed lot configuration will allow the irregular shaped lot to be in line with the abutting property to the southwest. All regulations in the HR zone can be complied with.

CONCLUSION:

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

The resolution will then be forward to the Land Division Committee of the County of Elgin for consideration.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

Planner

Approved for Submission

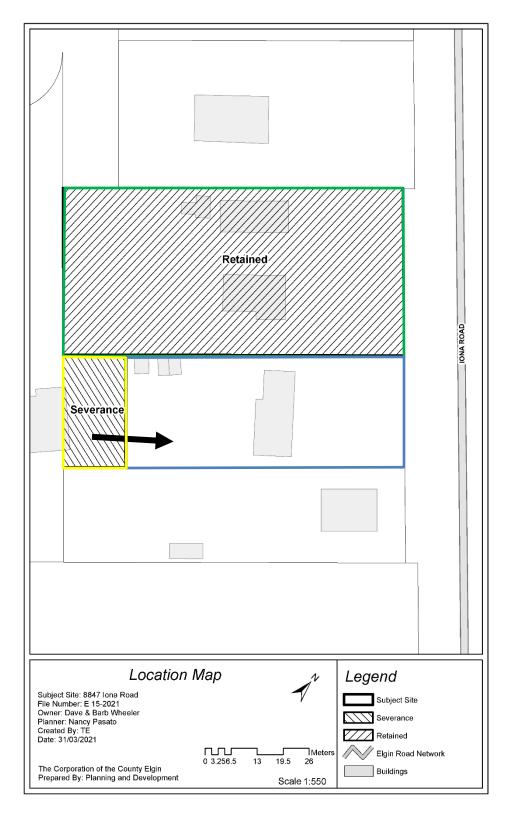
Heather Bouw

CAO/Clerk

KEY MAP



SKETCH



From: <u>Jackie Morgan-Beunen</u>
To: <u>Tracey Pillon-Abbs</u>

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

Date: Monday, March 29, 2021 11:46:15 AM

Attachments: <u>image002.png</u>

HI Tracey.

Application E 15-21 for Iona Rd requires a septic inspection due to severance fee to be paid before I will sign off. I have attended the sites on Iona Rd with the installer.

Both E20-21 and E27-21 I have not attended with the installers. Both septic inspection due to severance fees are outstanding for those as well. I can't sign off on either until I've attended the site with the installers and the fees are paid.

Thank you

Jackie Morgan-Beunen, CBCO Chief Building Official



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



The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Sent: Wednesday, March 24, 2021 1:22 PM

To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-

Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>;

Tracey Pillon-Abbs

From: Brent Clutterbuck

Sent: Wednesday, March 24, 2021 2:20 PM

To: Tracey Pillon-Abbs
Cc: Tara Kretschmer

Subject: E15/21

Mutual agreement drain. They may also need to update a mutual agreement drain in the road ditch in front of their property on Iona Road to reflect the severance if they are a party to it.

I think the agreement drain in front is called the McAlpine Drain. I looked in E-09, L04 and L14 for agreement drains but was unable to find the list there.

Tara can help with locating the agreement drain file if it exists.

Brent Clutterbuck

Drainage Superintendent



199 Currie Road, PO Box 329 Dutton, Ontario NOL 1J0 T 519.762.2204 F 519.762.2278

www.duttondunwich.on.ca twitter @DuttonDunwich

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

Office 519-762-2204 Fax 519-762-2278

Email drainage@duttondunwich.on.ca

If you have any accommodation needs or require communication supports or alternate formats, please let me know

CONFIDENTIALITY NOTICE

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any printing, copying, dissemination, distribution, disclosure or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and delete it from your system. Thank You.

Tracey Pillon-Abbs

From: Dan Lundy

Sent: Wednesday, March 24, 2021 1:29 PM

To: Tracey Pillon-Abbs; Archie Leitch; Brent Clutterbuck; Jackie Morgan-Beunen; Heather

Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer; Tim Hansen

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

No concerns

Sent from my Galaxy

----- Original message -----

From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Date: 2021-03-24 1:22 p.m. (GMT-05:00)

To: Archie Leitch <aleitch@duttondunwich.on.ca>, Brent Clutterbuck <drainage@duttondunwich.on.ca>,

Jackie Morgan-Beunen < JMorgan-Beunen@duttondunwich.on.ca>, Dan Lundy

<DLundy@duttondunwich.on.ca>, Heather Bouw <HeatherBouw@duttondunwich.on.ca>, Murray Wickerson <mwickerson@duttondunwich.on.ca>, Ryan McLeod <rmcleod@duttondunwich.on.ca>, Tara Kretschmer

<TKretschmer@duttondunwich.on.ca>, Tim Hansen <timhansen@duttondunwich.on.ca>

Subject: FW: E 15-21, E 20-21 & E 27-21 Consent Applications

Good Afternoon

Please see attached 3 applications for LDC hearing.

Please let me know by April 6/21 at noon if you have any comments, concerns or required conditions of approval.

Reports going to Council on April 14th. Your comments will be attached to my staff report.

Let me know if you have any questions.

Thanks Tracey

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: Thursday, March 18, 2021 2:20 PM

To: Heather Bouw < HeatherBouw@duttondunwich.on.ca>; Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>; Elgin Farmers < elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; marcus@marcuslennox.com; civicplanningsolutions@nor-del.com

Subject: E 15-21, E 20-21 & E 27-21 Consent Applications

Good afternoon,

Please find attached a copies of consent applications E 15-21, E 20-21 & E 27-21 and the letters to acknowledge receipt. These applications will be scheduled for the April 28, 2021 Land Division Committee meeting.



COUNCIL RESOLUTION



Wednesday, April 14, 2021

Moved by:Co	rneil	
Seconded by:D		
the Land Division Com	nmittee of the Cou 8847 Iona Road,	Dutton Dunwich recommends approval to unty of Elgin for proposed severance Municipality of Dutton Dunwich, provided
c) That a mutual of been provided to the distribution of the control of the contr	drain re-apportion drainage agreement of provide a legal and copies and one wided to the Municito be paid in full; Dunwich planning the Municipality; or provides an une parcel once the top the municipality; and	nments have been completed; ent (under Section 2 of the Drainage Act) has drainage outlet; e (1) digital copy of the registered survey
Recorded Vote P. Corneil A. Drouillard K. Loveland M. Hentz	<u>Yeas Nays</u> _xxxx	CARRIED: Bob Mayor DEFEATED:
B. Purcell - Mayor	_x	Mayor

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 15 21		
Applicant Dave and Barb Wheeler		
Location 8847 Iona Road		
OFFICIAL PLAN		
I. Is there an O.P. in effect?	Yes (X)	No ()
2. Does the proposal conform with the O.P.?	Yes (X)	No ()
Land Use Designation: <u>Hamlet on Schedule 'A' Land Use Plan.</u>		
Policies: Section 8.6.4 permits a severance for the purposes of coboundaries or to convey additional lands to an adjacent lot.	orrecting or adjus	ting lot
<u>ZONING</u>		
3. Is there a By-Law in effect?	Yes (X)	No()
4. Does the proposal conform with all requirements of the By-Law?	Yes (X)	No ()
Comments: The proposed lot configuration will allow the irregular shaped lot to be property to the southwest. All regulations in the HR zone can be comp		outting
5. If not, is the Municipality prepared to amend the By-Law?	N/A Yes ()	No ()
<u>OTHER</u>		
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 (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to in	mpose conditions	for:
 (a) the conveyance of 5% land to the municipality for park purposes of the dedication of highways () (c) the dedication of land for highway widening () (d) entering into an agreement with the municipality dealing with matter necessary. () 		
Does the Municipality wish the Committee to impose conditions relating indicate.	ng to the above? Yes(X)	Please No()
9. Does Council recommend the application?	Yes (TBD)	No ()
10. Does the municipality have other concerns that should be consider	ered by the Comn	nittee?
Resolution to be forwarded (Council meeting scheduled April 14, 2021)		



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E-15/21 8847 Iona Road (Wheeler) Part of Lot C, Concession 8 Part 1, 2 & 4, RP 11R 1758

Municipality of Dutton Dunwich

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

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 20, 2	021	ELGIN COUNTY ROAD I	NO.: 8847 I	ona Road	
RE:		DIVISION COMMITTEE			
APPLICATION NO.:					
OWNER:	Dave & Bark		ONOFOOION:	0	
PROPERTY:	LOT NO. REG'D PLAN:		ONCESSION: UNICIPALITY:	8 Dutton Dunwich	
	NEG DI LAN.		ONICH ALITT.	Button Bunwich	
following comment 1) Land for road wi [Section 51 (25) of the severed are Co	s to make: idening is requi of the Planning nd retained lots ounty Road () t y is not already	n on the above premises haved	ate lands along centreline of c e purposes of	the frontage construction of road widening	
2) A one-foot reser	ve is required a	long the N,			
S, E	and/	or W property li	ine		
3) Drainage pipes a	and/or catchbas	in(s) are required			
4) A Drainage Repo	ort is required u	nder the Drainage Act * (B	y Professional	Engineer)	
5) A curb and gutte	er is required al	ong the frontage			
connection is unav	ailable, to the s	let for the severed lot is rec atisfaction of the County Er to the County road allowan	ngineer. All co	sts to be borne	
7) Technical Repor	ts				
		permit be obtained from Elociated with this shall be bo	•		
9) Lot Grading Plan	n is required for	the severed lot			
10) The County has	no concerns				
11) Not on County F	Road				Χ
12) Please provide	me with a copy	of your action on this appl	ication		
13) Other					
amendments mad	de thereto hereafte	of Elgin By-Law No. 92-57, as ame r, being a by-law to regulate the c rs to a County road.			

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



County of Elgin

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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021

Application: E 15-21

Owner: Agent:

Dave & Barb Wheeler Marcus Lennox

8847 Iona Rd, Dutton ON 598 Paul Mall Street, London, ON

NOL 1P0 N5Y 2Z9

Location: 8847 Iona Rd –legally described as CON 8 PT LOT C RP 11R1758; PARTS 1, 2 & 4, Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever and convey a parcel with a frontage of 30.48 metres (100.0 feet) along Iona Rd, a depth of 15.01 metres (49.25 feet) and an area of 0.046 hectares (0.11 acres) proposed for residential use. The owners are retaining 0.33 hectares (0.82 acres) with an existing residential use.

County of Elgin Official
PlanLocal Municipality Official
PlanLocal Municipality Zoning
By-lawSettlement Area Tier 2HamletsHamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – That Council of the Municipality of Dutton Dunwich recommends APPROVAL to the Land Division Committee of the County of Elgin for proposed severance application E15/21 for 8847 Iona Road, Municipality of Dutton Dunwich, provided the conditions listed in this report are included.

Lower Thames Valley Conservation Authority - the abovementioned application has been reviewed by this office and staff have no objections to this proposal.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities.



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

Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The Applicant has indicated the severed portion of the lands will be conveyed to the adjacent property at 8837 Iona Road, ultimately allowing the parcel at 8837 Iona Road to match up depth-wise with the surrounding parcels. The retained parcel of the lands will be used for the existing residential purpose.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 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). The County OP contains policy related to development of second tier settlements areas within B2.5. This section outlines that limited development is permitted within this designation, given the absence of full municipal servicing. However, infilling and rounding out of existing development is permitted provided the proposed development is within the reserve sewage system capacity and reserve water system capacity; and site conditions are suitable for long-term provision of such services.

As stated by the Applicant, the severed lands are proposed to be retained and conveyed to the adjacent property at 8837 Iona Road and the retained parcel will be maintained as the existing residential use. The two lots created will facilitate in creating a more uniform urban fabric and currently, no changes to the land uses or servicing requirements are proposed.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlet on Schedule 'A' Land Use Plan in Dutton Dunwich Official Plan. Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law, the subject lands are zoned Hamlet Residential (HR) on Schedule E – Iona, Map 1 with LTVCA Regulation Limit Overlay. The proposed lot configuration will allow the irregular shaped lot to be in line with the abutting property to the southwest. All regulations in the HR zone can be complied with.



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

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

- A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
- 2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
- 3. That the severed lands are deeded in the same name and interest as the abutting lot at 8837 Iona Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

Additionally, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

- 1. That septic system review has been completed;
- 2. That municipal drain re-apportionments have been completed;
- 3. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet;
- 4. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- That taxes are to be paid in full;
- 6. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality:
- That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality; and
- 8. That the lots merge on title.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 16-21

PART LOT 6, CONCESSION 7 MUNICIPALITY OF WEST ELGIN MUNICIPAL ADDRESS: FURNIVAL ROAD

TAKE NOTICE that an application has been made by **Parezanovic Farms Inc.** 25468 Talbot Line, West Lorne ON NOL 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 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 April 28, 2021 AT 9:40AM.
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 7th day of April, 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: Furnival Road

File Number: E16-2021,E17-2021,E18-2021,E19-2021 Owner: Parezanovic Farms Inc. and Peter Parezanovic

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

60

120

Scale 1:3,363

Legend

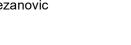
Subject Site

Severance

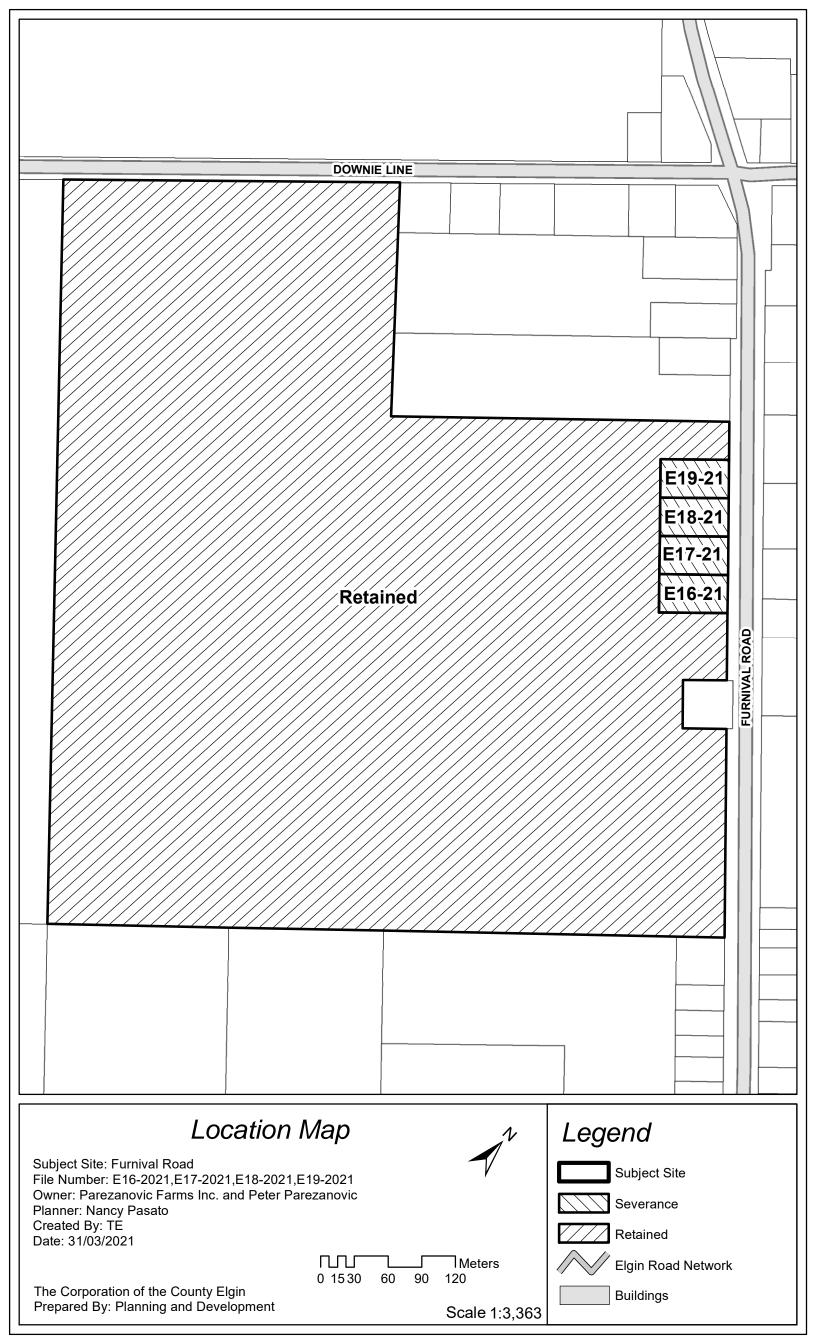
Retained

Elgin Road Network

Buildings



¹Meters 0 1530 90





April 9, 2021

At the Regular Meeting of Council on April 8, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 108

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, subject to the Lower-Tier Municipal conditions in Appendix Three of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of the staff report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

Carried

Sincerely,

Jana Nethercott

Clerk

P: 519.785.0560 ext 222

F: 519.785.0644

E: clerk@westelgin.net www.westelgin.net



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-04-08

Subject: Severance Applications E16-21 to E19-21 – Comments to County of Elgin

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, , subject to the Lower-Tier Municipal conditions in Appendix Three of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

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 E16-21, E17-21, E18-21 and E19-21, as Elgin County is the planning approval authority for severances.

Four severance applications were submitted to the County of Elgin by Gary Merritt, Solicitor, as the Agent on behalf of the Owners, Parezanovic Farms Inc. The purpose of the applications is to facilitate the creation of four new residential lots within the rural residential area, just north of the community of Rodney, through applications E16-21 to E19-21 respectively.

Background:

The property owners are requesting the four severances of a parcel of land, legal described as North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; south of Downie Line and west of Furnival Road, as shown in Figure One on the next page.

Residential and Agricultural uses surround the subject lands, since it just north of the settlement area of Rodney, as further depicted in Figure One below.

The subject lands have a covered Municipal Drain, known as McKenzie Drain and South Branch of the McKenzie Drain. It is noted that the proposed severed parcel for E17-21 would be impacted from the Municipal Drain and is further detailed later in this report.

The proposed severed parcels would be required to connect to the municipal water that front the subject lands off of Furnival Road; and provide for private on-site septic system at time of development of a dwelling.



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

Application	ication Severed Parce			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E16-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.81 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.97ac)
E17-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.61 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.46 ac)
E18-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.40 ha
	(112 ft)	(200 ft)	(0.51 ac)			(89.95 ac)
E19-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.20 ha
	(112 ft)	(200 ft)	(0.51 ac)	_		(89.44 ac)

This is further depicted in the key map and severance sketches attached to this report, as Appendix One.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Tariff of Fees By-law, as amended time to time.

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 the 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 rural residential area which permit residential development on partial services.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

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 will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

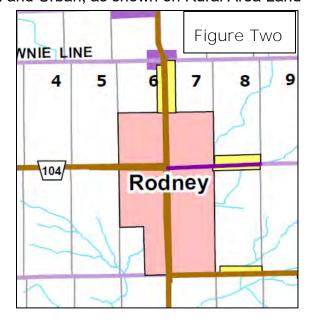
Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land

Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP

The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.



Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and

Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

Permitted uses within the General Agricultural (A1) Zone include:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation



- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling

- secondary farm occupation
- wildlife preserve

The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

Permitted uses within the Residential First Density Holding (R1-H) include home occupation and single unit dwelling. The minimum lot area and interior lot frontage requirements of the Residential First Density Holding (R1-H) Zone are 600 square metres and 15 metres respectively.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.

The proposed retained parcel would need to relief the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban residential lands of Rodney.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained, that can be addressed through a condition of the consent applications.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

Drainage Department noted the following:

- The South Branch of the McKenzie Drain transverses the subject lands; and
- Development of the severed parcel for E17-21 (Part 10 on the sketch on Appendix One) would be severely impacted due to municipal drain setback requirements.

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

Utilities:

Utilities Department noted the following:

- Municipal watermain is available for connection on the west side of Furnival Road Allowance.
- Municipal sewer is not fronting onto the severed parcels, as the sewers are in Rodney.

The Applicant will be required to install waterline curb stops to the property after the four 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 of the Municipality. The Applicant would then apply for Municipal Water Connections, paying the following water connection fees, associated capital infrastructure charges and the said quotation, as part of the conditions of consents for the proposed four lots. Once the lots are registered, at the time of building permit for the construction of the dwelling, the lan:downer 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 servicing permits.

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

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

Additional Comments:

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 to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred 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 (\$750) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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 South Branch of the McKenzie 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. This is further detailed above in the Drainage Department comments.

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 have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, 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. This is detailed above in the Utilities Department comments.

Further, Administration recommends that as a condition of approval of the consents that prior the final approval of the County, the County is advised in writing by the Municipality how the abovenoted 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for the consent (severance) applications E16-21 to E19-21, so that they 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*.

Summary:

Therefore, it is Planning Staff's opinion that the proposed four lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the four consents be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning applications.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Municipality of West Elgin

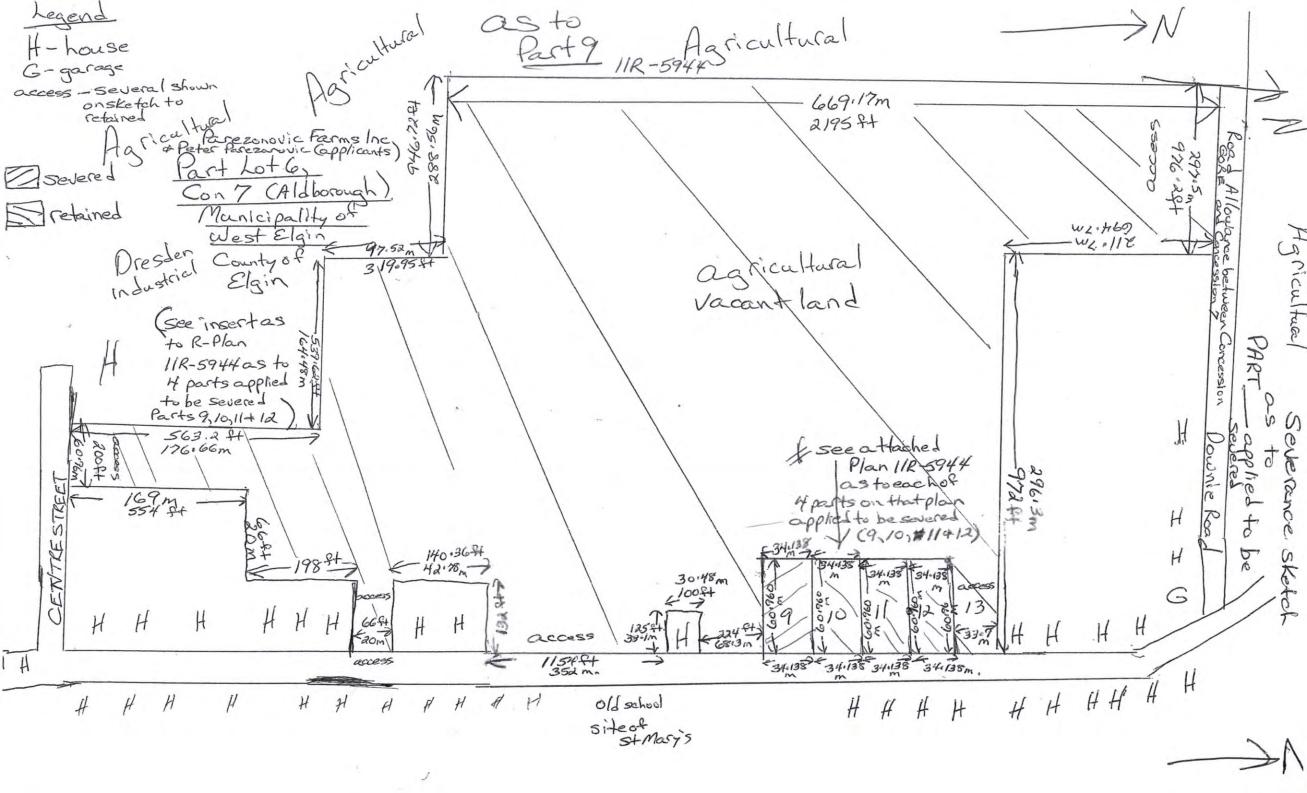
Appendices:

- 1. Appendix One: Key Map and Severance (Consent) Sketch E16-21 to E19-21
- 2. Appendix Two: Severance Application E16-21 Conditions
- 3. Appendix Three: Severance Application E17-21 Conditions
- 4. Appendix Four: Severance Application E18-21 Conditions
- 5. Appendix Five: Severance Application E19-21 Conditions

Staff Report: Severance Applications E16-21 to E19-21 – Comments to the County of Elgin

Appendix One: Key Map and Severance (Consent) Sketch – E16-21 to E19-21





MSERTasto

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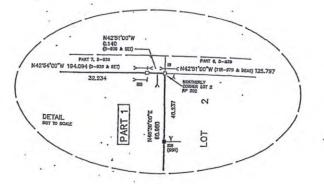
ROAD ALLOWANCE

14.135 >+< (230, 4 (24.5) >+< (32.372 >+-34.138 >+< 34.138 >+< 34.138 >+< 32,372 >+< 32,372 >+< 32,372 >+< 32,372 >+< 32,234 34.138 >+< PART 6. (0930 & MEAS) (D039 & NEAS) PART 13 < 12 33.869 → 32.856 >+< 34.138 >+< 34.138 >+< 34.138 >+< 32.372 >+< >+< 32.372 N42'54'00"W INST. No. 123393 REMAINDER OF B 139201 (QUIT CLAIM) N42'54'00"W 0

REMAINDER & 139201 (QUIT CLAIM)

TO WNSHIP ALDBOROUGH "

Severed Part 9 17



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

PLAN 11R- 5944 RECEIVED AND DEPOSITED

uby E. Cimewell

PARTS 1 - 13, BOTH INCLUSIVE, ARE PART OF LOT 6, CONCESSION 7, INST. No. 123393 & 139201 CUIT CLAIM.

PLAN OF SURVEY

LOT 6, CONCESSION 7

TOWNSHIP OF ALDBOROUGH COUNTY OF ELGIN SCALE 1:1000

TERRY P.DIETZ ONTARIO LAND SURVEYOR

LEGEND:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE WESTERLY LIMIT OF RURNIYAL ROAD, SHOWN ON PLAN 1939 AS HAVING A BEARING OF N4294"DO"V.

DENOTES SURVEY MONUMENT SET DENOTES SURVEY MONUMENT FOUND DENOTES STANDARD IRON BAR DENOTES IRON BAR DENOTES ROUND IRON BAR DENOTES CUT CROSS DENOTES ORIGIN UNKNOWN DENOTES WITNESS DENOTES MEASURED DENOTES CALCULATED
DENOTES CALLON . DIETZ, O.L.S.

SURVEYOR'S CERTIFICATE:

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

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

Callon Dietz

Staff Report: Severance Report E16-21 to E19-21 – Comments to the County of Elgin

Appendix Two: Severance Application E16-21 Conditions

Severance Application E16-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.
- 12. 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*.

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 E16-21 to E19-21								
Owner: Parezanovic Farms Inc Agent: Gary Merritt								
Location: North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; West Elgin								
PART 1 - OFFICIAL PLAN								
I. Is there an O.P. in effect?	Yes (x)	No ()						
2. Does the proposal conform with the O.P.?	Yes (x)	No ()						
Land Use Designation: Residential – West Elgin Official Plan								
Policies: Section 6.2 and 10.4.1 and 10.4.2 (West Elgin Official P	lan)							
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 4 severed and retained parcels.								
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 West Elgin Planning Staff Report.								

Revised 01/09/20



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 16/21

O Furnival Road (Parezanovic Farms Inc.)

Part Lot 6, Concession 7

Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COUNTY ROAD NO.: 103 – Furnival Road			Furnival Road	***************************************	
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:								
APPLIC	ATION NO.:	E 16-21, E	17-21, E 18-21, & E	19-21				
OWNER			ic Farms Inc.					
PROPERTY:		LOT NO.	6	CONCES	ESSION: 7			
		REG'D PLAN:		MUNICIPA	ALITY:	West Elgin		
The notice of the above application on the above premises has been received and I have the following comments to make: 1) Land for road widening is required								
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels 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 on	e-foot reser	ve is required	along the N	9				
S	, E	and	l/or W	property line		*********		
				d				
4) A Dra	ainage Repo	ort is required	under the Drainaoุ	ge Act * (By Profe	ssional	Engineer)		
5) A cu	rb and gutte	er is required a	long 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							Х	
7) Tech	nical Repor	ts		••••••	•••••	***************************************		
8) That the seve	, if necessa ered parcel.	ry, an entrance All costs asse	e permit be obtain ociated with this s	ed from Elgin Cou shall be borne by t	inty for the	the entrance to	Х	
9) Lot (Grading Pla	n is required fo	or the severed lot.	•••••	**********	***************************************	Χ	
10) The	County has	no concerns.	••••		**********			
11) Not	on County I	Road						
12) Ple	ase provide	me with a cop	y of your action o	n this application	**********			
13)	Other							
am	endments mad	de thereto hereaft	of Elgin By-Law No. s er, being a by-law to r ess to a County road.	92-57, as amended by egulate the construct	By-Law N ion or alte	lo. 96-45, and any eration of any		

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 16-21

Owner:

Parezanovic Farms Inc. & Peter Parezanovic
25468 Talbot Line

West Lorne ON N0L 2P0

Agent:
Gary Merritt
213 Main Street
Glencoe ON N0L 1M0

Location: Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalGeneral Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin - that West Elgin Council recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions as listed in this report.

Lower Thames Valley Conservation Authority - the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities. However, Policy 1.1.4.4 states the growth and development may be directed to rural lands in accordance with policy



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1.1.5 (Rural Lands in Municipalities). Policy 1.1.5.2 outlines the creation of lots for residential development, where locally appropriate, is permitted. Additionally, development that is compatible with the landscape and can be sustained by rural service levels should be promoted. Any proposed development shall be appropriate for the infrastructure which is planned or currently available.

The Applicant has indicated the severed portion of the lands will be created for future residential use. The retained parcel of the lands will be used for the existing agricultural purpose. Due to the proposed severed lots proximity to, and location between, a rural residential area and an urban centre, the proposed severed lot is a locally appropriate use of land that will utilize existing infrastructure.

County of Elgin Official Plan

The subject site is designated Agricultural Area in 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) and typically does not permit the creation of new lots in the designations. However, the same policy outlines that new lots may be permitted if the local Official Plan supports their creation (which is applicable in West Elgin). Additionally, the proposed severed lot will make use of the existing services and be serviced by the publicly owned and operated piped water, and a privately owned and operated individual septic tank.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the West Elgin Official Plan. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP. The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger style lots due to partial services. The proposed severed lots front onto Furnival Road, an open and maintained County Road and comply with Minimum Distance Separation Formula (MDS I), as there are no livestock facilities within the immediate surrounding area.

Lot creation polices under Section 10.4.1 of the OP, allow for severance applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Additionally, Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned General Agricultural (A1) and Residential First Density Holding (R1-H). The proposed lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone.

The proposed retained parcel would need relief from the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban



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residential lands of Rodney. Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

- 1. 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;
- 2. 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; and
- 3. A lot grading plan is required for the severed lot.
- 4. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 5. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.



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- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.
- 12. 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*.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 17-21

PART LOT 6, CONCESSION 7 MUNICIPALITY OF WEST ELGIN MUNICIPAL ADDRESS: FURNIVAL ROAD

TAKE NOTICE that an application has been made by **Parezanovic Farms Inc.** 25468 Talbot Line, West Lorne ON NOL 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.62 hectares (90.5 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 April 28, 2021 AT 9:50AM.
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 7th day of April, 2021.

Nancy Pasato Acting Secretary-Treasurer Land Division Committee

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



Location Map

Subject Site: Furnival Road

File Number: E16-2021,E17-2021,E18-2021,E19-2021 Owner: Parezanovic Farms Inc. and Peter Parezanovic

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

60

120

Scale 1:3,363

Legend

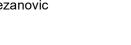
Subject Site

Severance

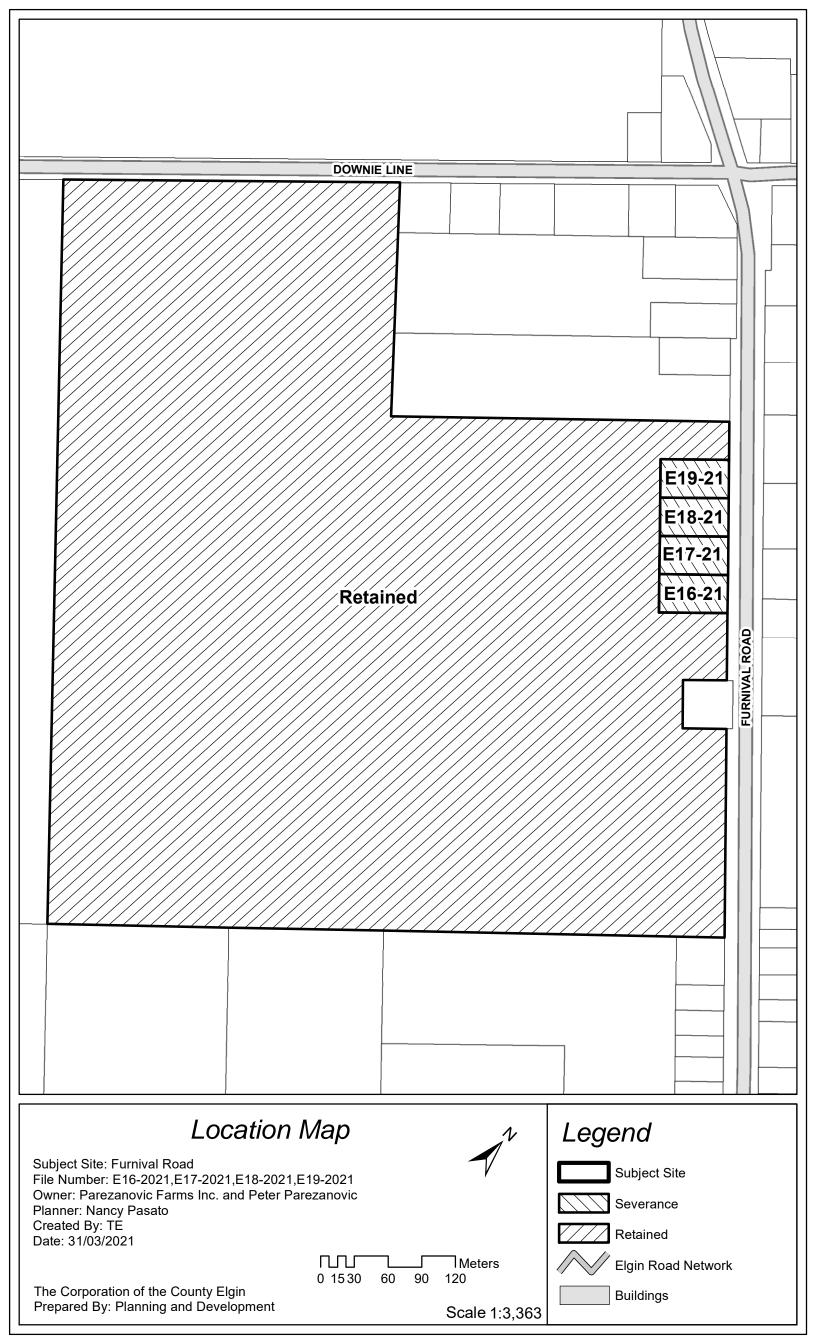
Retained

Elgin Road Network

Buildings



¹Meters 0 1530 90





April 9, 2021

At the Regular Meeting of Council on April 8, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 108

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, subject to the Lower-Tier Municipal conditions in Appendix Three of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of the staff report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

Carried

Sincerely,

Jana Nethercott

Clerk

P: 519.785.0560 ext 222

F: 519.785.0644

E: clerk@westelgin.net www.westelgin.net



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-04-08

Subject: Severance Applications E16-21 to E19-21 – Comments to County of Elgin

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, , subject to the Lower-Tier Municipal conditions in Appendix Three of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

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 E16-21, E17-21, E18-21 and E19-21, as Elgin County is the planning approval authority for severances.

Four severance applications were submitted to the County of Elgin by Gary Merritt, Solicitor, as the Agent on behalf of the Owners, Parezanovic Farms Inc. The purpose of the applications is to facilitate the creation of four new residential lots within the rural residential area, just north of the community of Rodney, through applications E16-21 to E19-21 respectively.

Background:

The property owners are requesting the four severances of a parcel of land, legal described as North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; south of Downie Line and west of Furnival Road, as shown in Figure One on the next page.

Residential and Agricultural uses surround the subject lands, since it just north of the settlement area of Rodney, as further depicted in Figure One below.

The subject lands have a covered Municipal Drain, known as McKenzie Drain and South Branch of the McKenzie Drain. It is noted that the proposed severed parcel for E17-21 would be impacted from the Municipal Drain and is further detailed later in this report.

The proposed severed parcels would be required to connect to the municipal water that front the subject lands off of Furnival Road; and provide for private on-site septic system at time of development of a dwelling.



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

Application	Severed Parcel			Retained Parcel			
	Frontage	Depth	Area	Frontage	Depth	Area	
E16-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.81 ha	
	(112 ft)	(200 ft)	(0.51 ac)			(90.97ac)	
E17-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.61 ha	
	(112 ft)	(200 ft)	(0.51 ac)			(90.46 ac)	
E18-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.40 ha	
	(112 ft)	(200 ft)	(0.51 ac)			(89.95 ac)	
E19-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.20 ha	
	(112 ft)	(200 ft)	(0.51 ac)	_		(89.44 ac)	

This is further depicted in the key map and severance sketches attached to this report, as Appendix One.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Tariff of Fees By-law, as amended time to time.

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 the 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 rural residential area which permit residential development on partial services.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

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 will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

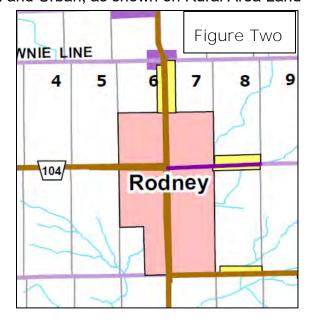
Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land

Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP

The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.



Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and

Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

Permitted uses within the General Agricultural (A1) Zone include:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation



- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling

- secondary farm occupation
- wildlife preserve

The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

Permitted uses within the Residential First Density Holding (R1-H) include home occupation and single unit dwelling. The minimum lot area and interior lot frontage requirements of the Residential First Density Holding (R1-H) Zone are 600 square metres and 15 metres respectively.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.

The proposed retained parcel would need to relief the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban residential lands of Rodney.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained, that can be addressed through a condition of the consent applications.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

Drainage Department noted the following:

- The South Branch of the McKenzie Drain transverses the subject lands; and
- Development of the severed parcel for E17-21 (Part 10 on the sketch on Appendix One) would be severely impacted due to municipal drain setback requirements.

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

Utilities:

Utilities Department noted the following:

- Municipal watermain is available for connection on the west side of Furnival Road Allowance.
- Municipal sewer is not fronting onto the severed parcels, as the sewers are in Rodney.

The Applicant will be required to install waterline curb stops to the property after the four 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 of the Municipality. The Applicant would then apply for Municipal Water Connections, paying the following water connection fees, associated capital infrastructure charges and the said quotation, as part of the conditions of consents for the proposed four lots. Once the lots are registered, at the time of building permit for the construction of the dwelling, the lan:downer 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 servicing permits.

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

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

Additional Comments:

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 to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred 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 (\$750) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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 South Branch of the McKenzie 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. This is further detailed above in the Drainage Department comments.

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 have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, 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. This is detailed above in the Utilities Department comments.

Further, Administration recommends that as a condition of approval of the consents that prior the final approval of the County, the County is advised in writing by the Municipality how the abovenoted 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for the consent (severance) applications E16-21 to E19-21, so that they 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*.

Summary:

Therefore, it is Planning Staff's opinion that the proposed four lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the four consents be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning applications.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Municipality of West Elgin

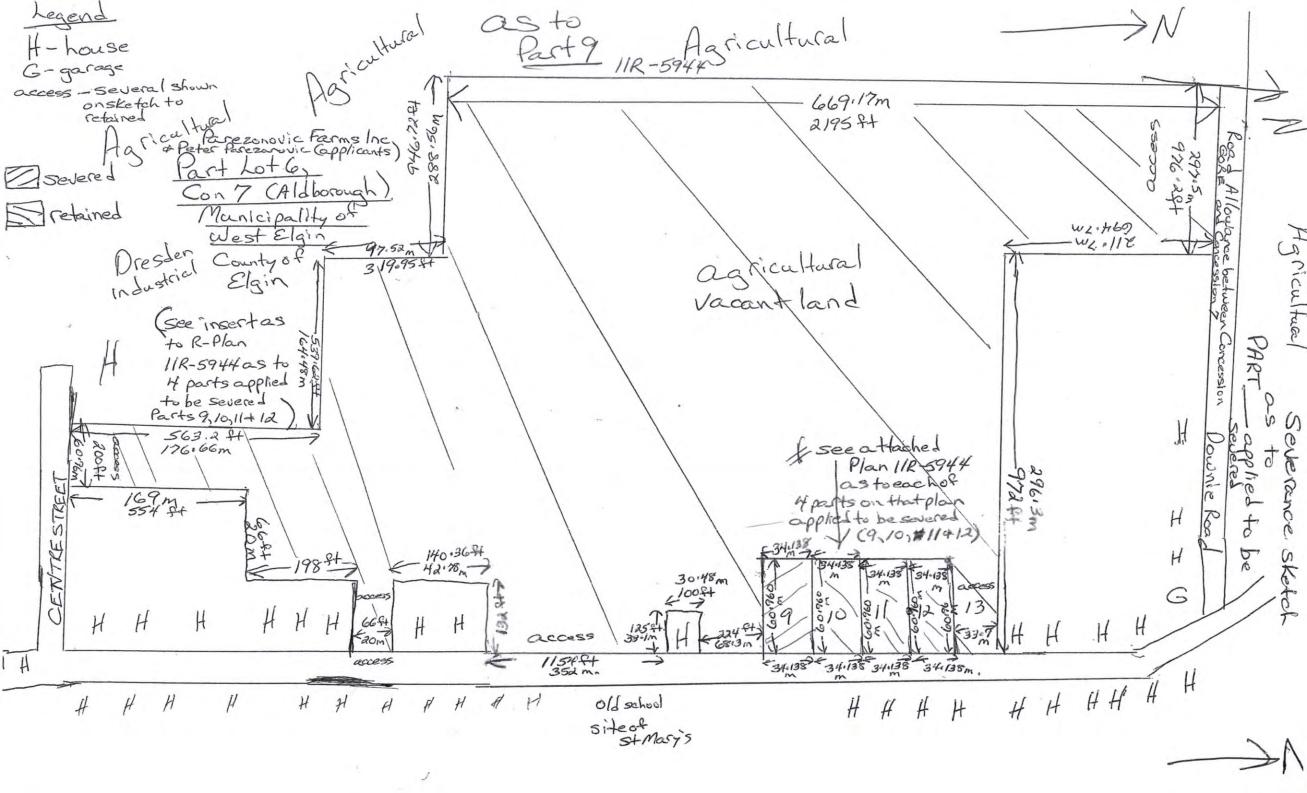
Appendices:

- 1. Appendix One: Key Map and Severance (Consent) Sketch E16-21 to E19-21
- 2. Appendix Two: Severance Application E16-21 Conditions
- 3. Appendix Three: Severance Application E17-21 Conditions
- 4. Appendix Four: Severance Application E18-21 Conditions
- 5. Appendix Five: Severance Application E19-21 Conditions

Staff Report: Severance Applications E16-21 to E19-21 – Comments to the County of Elgin

Appendix One: Key Map and Severance (Consent) Sketch – E16-21 to E19-21



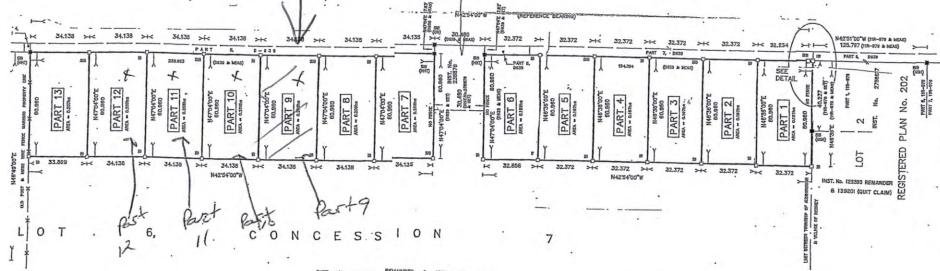


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ROAD ALLOWANCE

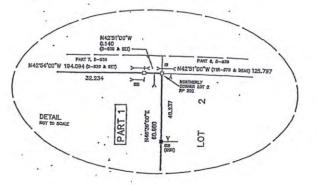
FURNI-V AL



REMAINDER & 139201 (QUIT CLAIM)

TO WNSHIP ALDBOROUGH "

Severed Part 9 17



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

PLAN 11R- 5944 RECEIVED AND DEPOSITED

uby E. Cimewell

PARTS 1 - 13, BOTH INCLUSIVE, ARE PART OF LOT 6, CONCESSION 7, INST. No. 123393 & 139201 CUIT CLAIM.

PLAN OF SURVEY

LOT 6, CONCESSION 7

TOWNSHIP OF ALDBOROUGH COUNTY OF ELGIN SCALE 1:1000

TERRY P.DIETZ ONTARIO LAND SURVEYOR

LEGEND:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE WESTERLY LIMIT OF RURNIYAL ROAD, SHOWN ON PLAN 1939 AS HAVING A BEARING OF N4294"DO"V.

DENOTES SURVEY MONUMENT SET DENOTES SURVEY MONUMENT FOUND DENOTES STANDARD IRON BAR DENOTES IRON BAR DENOTES ROUND IRON BAR DENOTES CUT CROSS DENOTES ORIGIN UNKNOWN DENOTES WITNESS DENOTES MEASURED DENOTES CALCULATED
DENOTES CALLON . DIETZ, O.L.S.

SURVEYOR'S CERTIFICATE:

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

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

Callon Dietz

Staff Report: Severance Report E16-21 to E19-21 – Comments to the County of Elgin

Appendix Three: Severance Application E17-21 Conditions

Severance Application E17-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E17-21.
- 12. 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*.

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 E16-21 to E19-21								
Owner: Parezanovic Farms Inc Agent: Gary Merritt								
Location: North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; West Elgin								
PART 1 - OFFICIAL PLAN								
I. Is there an O.P. in effect?	Yes (x)	No ()						
2. Does the proposal conform with the O.P.?	Yes (x)	No ()						
Land Use Designation: Residential – West Elgin Official Plan								
Policies: Section 6.2 and 10.4.1 and 10.4.2 (West Elgin Official P	lan)							
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 4 severed and retained parcels.								
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 West Elgin Planning Staff Report.								

Revised 01/09/20



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 17/21

O Furnival Road (Parezanovic Farms Inc.)

Part Lot 6, Concession 7

Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COUNTY ROAD NO.: 103 – Furnival Road			Furnival Road	***************************************	
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:								
APPLIC	ATION NO.:	E 16-21, E	17-21, E 18-21, & E	19-21				
OWNER			ic Farms Inc.					
PROPERTY:		LOT NO.	6	CONCES	ESSION: 7			
		REG'D PLAN:		MUNICIPA	ALITY:	West Elgin		
The notice of the above application on the above premises has been received and I have the following comments to make: 1) Land for road widening is required								
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels 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 on	e-foot reser	ve is required	along the N	,				
S	, E	and	l/or W	property line		*********		
				d				
4) A Dra	ainage Repo	ort is required	under the Drainaoุ	ge Act * (By Profe	ssional	Engineer)		
5) A cu	rb and gutte	er is required a	long 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							Х	
7) Tech	nical Repor	ts		••••••	•••••	***************************************		
8) That the seve	, if necessa ered parcel.	ry, an entrance All costs asse	e permit be obtain ociated with this s	ed from Elgin Cou shall be borne by t	inty for the	the entrance to	Х	
9) Lot (Grading Pla	n is required fo	or the severed lot.	•••••	**********	***************************************	Χ	
10) The	County has	no concerns.	••••		**********			
11) Not	on County I	Road						
12) Ple	ase provide	me with a cop	y of your action o	n this application	**********			
13)	Other							
am	endments mad	de thereto hereaft	of Elgin By-Law No. s er, being a by-law to r ess to a County road.	92-57, as amended by egulate the construct	By-Law N ion or alte	lo. 96-45, and any eration of any		

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 17-21

Owner:

Parezanovic Farms Inc. & Peter Parezanovic
25468 Talbot Line

West Lorne ON N0L 2P0

Agent:
Gary Merritt
213 Main Street
Glencoe ON N0L 1M0

Location: Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalGeneral Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin - that West Elgin Council recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, subject to the Lower-Tier Municipal conditions as listed in this report.

Lower Thames Valley Conservation Authority - the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities. However, Policy 1.1.4.4 states the growth and development may be directed to rural lands in accordance with policy



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1.1.5 (Rural Lands in Municipalities). Policy 1.1.5.2 outlines the creation of lots for residential development, where locally appropriate, is permitted. Additionally, development that is compatible with the landscape and can be sustained by rural service levels should be promoted. Any proposed development shall be appropriate for the infrastructure which is planned or currently available.

The Applicant has indicated the severed portion of the lands will be created for future residential use. The retained parcel of the lands will be used for the existing agricultural purpose. Due to the proposed severed lots proximity to, and location between, a rural residential area and an urban centre, the proposed severed lot is a locally appropriate use of land that will utilize existing infrastructure.

County of Elgin Official Plan

The subject site is designated Agricultural Area in 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) and typically does not permit the creation of new lots in the designations. However, the same policy outlines that new lots may be permitted if the local Official Plan supports their creation (which is applicable in West Elgin). Additionally, the proposed severed lot will make use of the existing services and be serviced by the publicly owned and operated piped water, and a privately owned and operated individual septic tank.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP. The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger style lots due to partial services. The proposed severed lots front onto Furnival Road, an open and maintained County Road and comply with Minimum Distance Separation Formula (MDS I), as there are no livestock facilities within the immediate surrounding area.

Lot creation polices under Section 10.4.1 of the OP, allow for severance applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Additionally, Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned General Agricultural (A1) and Residential First Density Holding (R1-H). The proposed lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone.

The proposed retained parcel would need relief from the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban



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residential lands of Rodney. Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained. RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

- 1. 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;
- 2. 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; and
- 3. A lot grading plan is required for the severed lot.
- 4. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 5. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a



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- privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E17-21.
- 12. 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.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 18-21

PART LOT 6, CONCESSION 7 MUNICIPALITY OF WEST ELGIN MUNICIPAL ADDRESS: FURNIVAL ROAD

TAKE NOTICE that an application has been made by **Parezanovic Farms Inc.** 25468 Talbot Line, West Lorne ON NOL 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.42 hectares (90.0 acres) proposed to remain in vacant land 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 April 28, 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 7th day of April, 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: Furnival Road

File Number: E16-2021,E17-2021,E18-2021,E19-2021 Owner: Parezanovic Farms Inc. and Peter Parezanovic

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

60

120

Scale 1:3,363

Legend

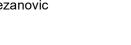
Subject Site

Severance

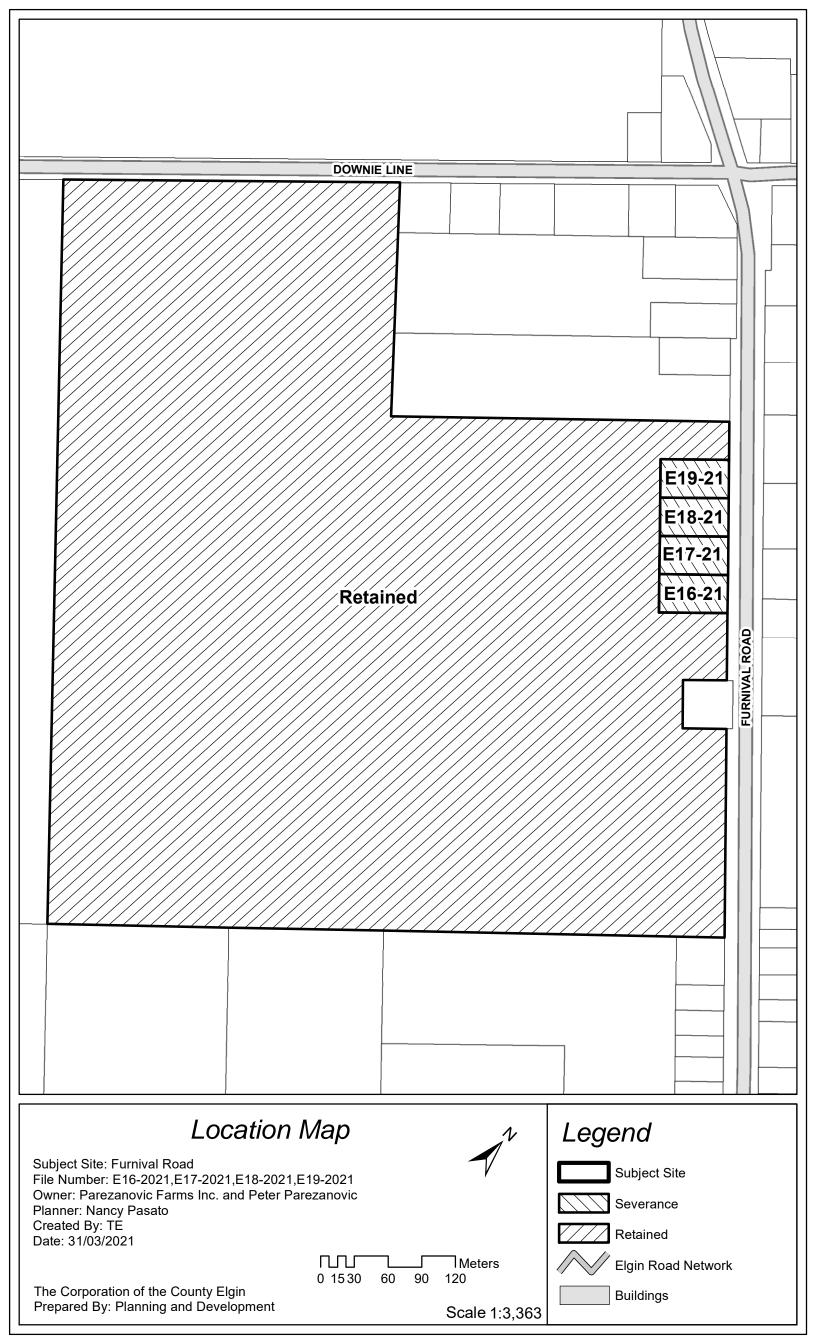
Retained

Elgin Road Network

Buildings



¹Meters 0 1530 90





April 9, 2021

At the Regular Meeting of Council on April 8, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 108

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, subject to the Lower-Tier Municipal conditions in Appendix Three of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of the staff report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

Carried

Sincerely,

Jana Nethercott

Clerk

P: 519.785.0560 ext 222

F: 519.785.0644

E: clerk@westelgin.net www.westelgin.net



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-04-08

Subject: Severance Applications E16-21 to E19-21 – Comments to County of Elgin

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, , subject to the Lower-Tier Municipal conditions in Appendix Three of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

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 E16-21, E17-21, E18-21 and E19-21, as Elgin County is the planning approval authority for severances.

Four severance applications were submitted to the County of Elgin by Gary Merritt, Solicitor, as the Agent on behalf of the Owners, Parezanovic Farms Inc. The purpose of the applications is to facilitate the creation of four new residential lots within the rural residential area, just north of the community of Rodney, through applications E16-21 to E19-21 respectively.

Background:

The property owners are requesting the four severances of a parcel of land, legal described as North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; south of Downie Line and west of Furnival Road, as shown in Figure One on the next page.

Residential and Agricultural uses surround the subject lands, since it just north of the settlement area of Rodney, as further depicted in Figure One below.

The subject lands have a covered Municipal Drain, known as McKenzie Drain and South Branch of the McKenzie Drain. It is noted that the proposed severed parcel for E17-21 would be impacted from the Municipal Drain and is further detailed later in this report.

The proposed severed parcels would be required to connect to the municipal water that front the subject lands off of Furnival Road; and provide for private on-site septic system at time of development of a dwelling.



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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E16-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.81 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.97ac)
E17-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.61 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.46 ac)
E18-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.40 ha
	(112 ft)	(200 ft)	(0.51 ac)			(89.95 ac)
E19-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.20 ha
	(112 ft)	(200 ft)	(0.51 ac)	_		(89.44 ac)

This is further depicted in the key map and severance sketches attached to this report, as Appendix One.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Tariff of Fees By-law, as amended time to time.

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 the 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 rural residential area which permit residential development on partial services.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

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 will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

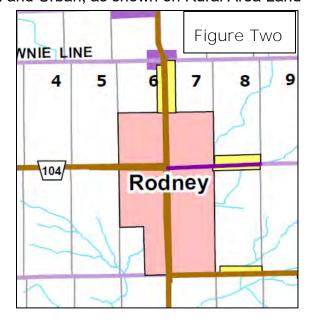
Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land

Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP

The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.



Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and

Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

Permitted uses within the General Agricultural (A1) Zone include:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation



- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling

- secondary farm occupation
- wildlife preserve

The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

Permitted uses within the Residential First Density Holding (R1-H) include home occupation and single unit dwelling. The minimum lot area and interior lot frontage requirements of the Residential First Density Holding (R1-H) Zone are 600 square metres and 15 metres respectively.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.

The proposed retained parcel would need to relief the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban residential lands of Rodney.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained, that can be addressed through a condition of the consent applications.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

Drainage Department noted the following:

- The South Branch of the McKenzie Drain transverses the subject lands; and
- Development of the severed parcel for E17-21 (Part 10 on the sketch on Appendix One) would be severely impacted due to municipal drain setback requirements.

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

Utilities:

Utilities Department noted the following:

- Municipal watermain is available for connection on the west side of Furnival Road Allowance.
- Municipal sewer is not fronting onto the severed parcels, as the sewers are in Rodney.

The Applicant will be required to install waterline curb stops to the property after the four 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 of the Municipality. The Applicant would then apply for Municipal Water Connections, paying the following water connection fees, associated capital infrastructure charges and the said quotation, as part of the conditions of consents for the proposed four lots. Once the lots are registered, at the time of building permit for the construction of the dwelling, the lan:downer 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 servicing permits.

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

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

Additional Comments:

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 to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred 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 (\$750) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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 South Branch of the McKenzie 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. This is further detailed above in the Drainage Department comments.

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 have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, 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. This is detailed above in the Utilities Department comments.

Further, Administration recommends that as a condition of approval of the consents that prior the final approval of the County, the County is advised in writing by the Municipality how the abovenoted 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for the consent (severance) applications E16-21 to E19-21, so that they 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*.

Summary:

Therefore, it is Planning Staff's opinion that the proposed four lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the four consents be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning applications.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Municipality of West Elgin

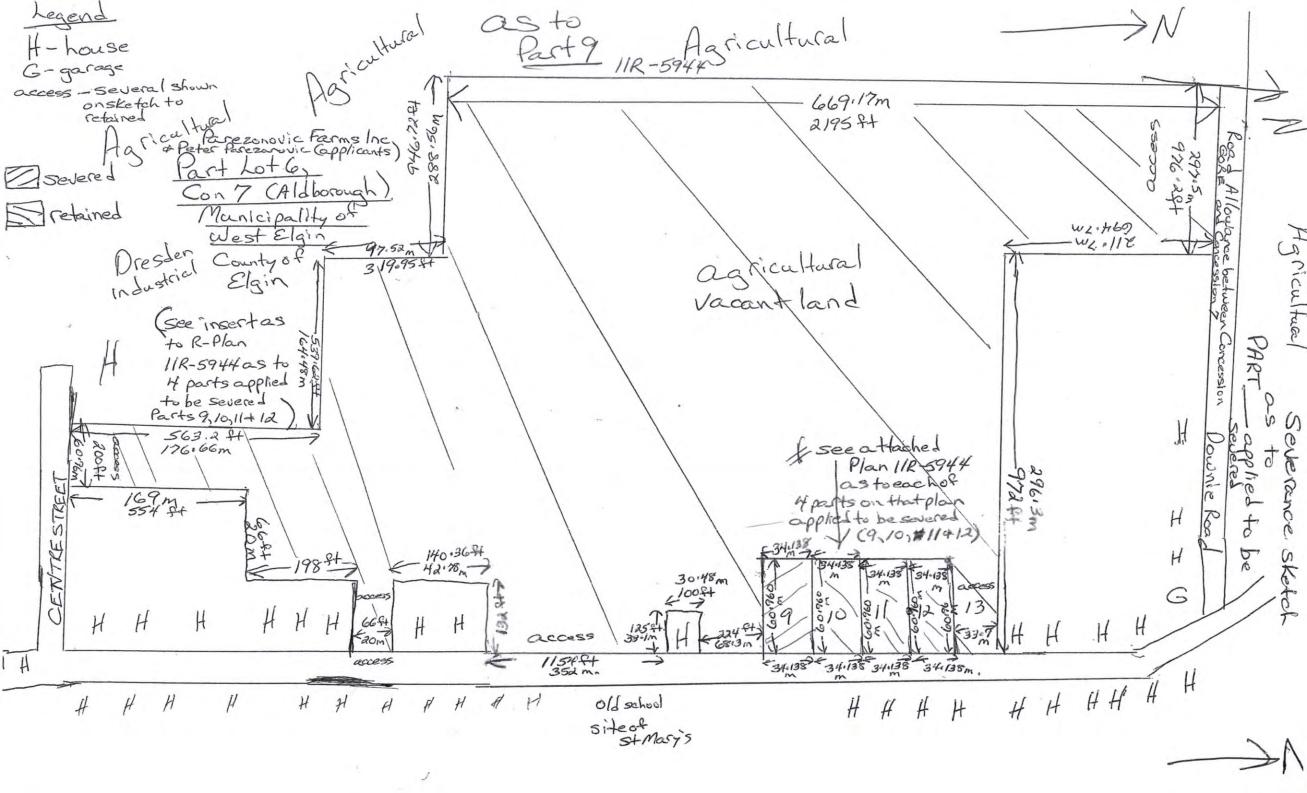
Appendices:

- 1. Appendix One: Key Map and Severance (Consent) Sketch E16-21 to E19-21
- 2. Appendix Two: Severance Application E16-21 Conditions
- 3. Appendix Three: Severance Application E17-21 Conditions
- 4. Appendix Four: Severance Application E18-21 Conditions
- 5. Appendix Five: Severance Application E19-21 Conditions

Staff Report: Severance Applications E16-21 to E19-21 – Comments to the County of Elgin

Appendix One: Key Map and Severance (Consent) Sketch – E16-21 to E19-21



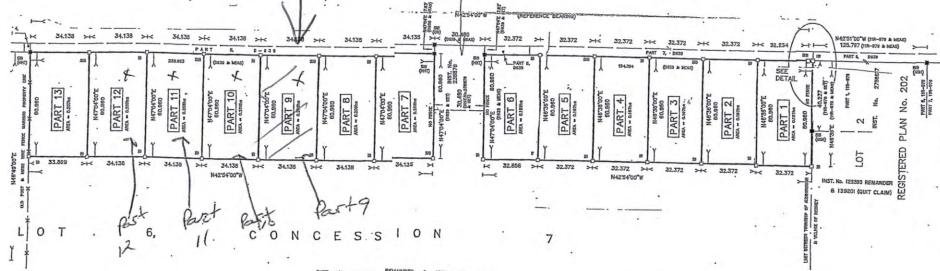


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ROAD ALLOWANCE

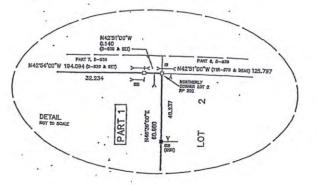
FURNI-V AL



REMAINDER & 139201 (QUIT CLAIM)

TO WNSHIP ALDBOROUGH "

Severed Part 9 17



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

PLAN 11R- 5944 RECEIVED AND DEPOSITED

uby E. Cimewell

PARTS 1 - 13, BOTH INCLUSIVE, ARE PART OF LOT 6, CONCESSION 7, INST. No. 123393 & 139201 CUIT CLAIM.

PLAN OF SURVEY

LOT 6, CONCESSION 7

TOWNSHIP OF ALDBOROUGH COUNTY OF ELGIN SCALE 1:1000

TERRY P.DIETZ ONTARIO LAND SURVEYOR

LEGEND:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE WESTERLY LIMIT OF RURNIYAL ROAD, SHOWN ON PLAN 1939 AS HAVING A BEARING OF N4294"DO"V.

DENOTES SURVEY MONUMENT SET DENOTES SURVEY MONUMENT FOUND DENOTES STANDARD IRON BAR DENOTES IRON BAR DENOTES ROUND IRON BAR DENOTES CUT CROSS DENOTES ORIGIN UNKNOWN DENOTES WITNESS DENOTES MEASURED DENOTES CALCULATED
DENOTES CALLON . DIETZ, O.L.S.

SURVEYOR'S CERTIFICATE:

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

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

Callon Dietz

Staff Report: Severance Report E16-21 to E19-21 – Comments to the County of Elgin

Appendix Four: Severance Application E18-21 Conditions

Severance Application E18-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E17-21 and E19-21 be fulfilled, in conjunction with Application E18-21.
- 12. 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*.

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 E16-21 to E19-21		
Owner: Parezanovic Farms Inc Agent: Gary Merritt		_
Location: North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 20.	2; West Elgin	
PART 1 - OFFICIAL PLAN		
I. Is there an O.P. in effect?	Yes (x)	No ()
2. Does the proposal conform with the O.P.?	Yes (x)	No ()
Land Use Designation: Residential – West Elgin Official Plan		
Policies: Section 6.2 and 10.4.1 and 10.4.2 (West Elgin Official P	lan)	
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 4 severed and retained	parceis.	
5. If not, is the Municipality prepared to amend the By-Law?	Yes (x)	No ()
PART 3 – COUNCIL RECOMMENDATION – please complete below a Treasurer of the Land Division Committee and attached any comment 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 consider All local municipal interests are contained within the West Elgin Plann	-	ittee?

Revised 01/09/20



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 18/21

O Furnival Road (Parezanovic Farms Inc.)

Part Lot 6, Concession 7

Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COUN	TY ROAD NO.:	_103 – I	Furnival Road	***************************************
TO: TH RE:	E COUNTY	OF ELGIN LAN	ID DIVISION COM	MITTEE			
APPLIC	ATION NO.:	E 16-21, E	17-21, E 18-21, & E	19-21			
OWNER			ic Farms Inc.				
PROPE	RTY:	LOT NO.	6	CONCES		7	
		REG'D PLAN:		MUNICIPA	ALITY:	West Elgin	
followin 1) Land	g comment I for road wi	s to make: idening is requ	ired	remises has been	• • • • • • • • • • • • • • • • • • • •	***************************************	
of the	e severed al Co right of wa	nd retained lot. ounty Road()	s/parcels up to it to the County of y to that width, to	m from the centrel Elgin for the purpo the satisfaction o	line of co	onstruction of road widening	
2) A on	e-foot reser	ve is required	along the N	,			
S	, E	and	l/or W	property line		*********	
				d			
4) A Dra	ainage Repo	ort is required	under the Drainaoุ	ge Act * (By Profe	ssional	Engineer)	
5) A cu	rb and gutte	er is required a	long the frontage	***************************************	*********	***************************************	
connect	tion is unav	ailable, to the s	satisfaction of the	ed lot is required - County Engineer ad allowance is p	. All cos	sts to be borne	Х
7) Tech	nical Repor	ts		••••••	•••••	***************************************	
8) That the seve	, if necessa ered parcel.	ry, an entrance All costs asse	e permit be obtain ociated with this s	ed from Elgin Cou shall be borne by t	inty for the	the entrance to	Х
9) Lot (Grading Pla	n is required fo	or the severed lot.	•••••	**********	***************************************	Χ
10) The	County has	no concerns.	••••				
11) Not	on County I	Road					
12) Ple	ase provide	me with a cop	y of your action o	n this application	**********		
13)	Other						
am	endments mad	de thereto hereaft	of Elgin By-Law No. s er, being a by-law to r ess to a County road.	92-57, as amended by egulate the construct	By-Law N ion or alte	lo. 96-45, and any eration of any	

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 18-21

Owner:

Parezanovic Farms Inc. & Peter Parezanovic
25468 Talbot Line

West Lorne ON N0L 2P0

Agent:
Gary Merritt
213 Main Street
Glencoe ON N0L 1M0

Location: Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalGeneral Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin - that West Elgin Council recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions as listed in this report.

Lower Thames Valley Conservation Authority - the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities. However, Policy 1.1.4.4 states the growth and development may be directed to rural lands in accordance with policy



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1.1.5 (Rural Lands in Municipalities). Policy 1.1.5.2 outlines the creation of lots for residential development, where locally appropriate, is permitted. Additionally, development that is compatible with the landscape and can be sustained by rural service levels should be promoted. Any proposed development shall be appropriate for the infrastructure which is planned or currently available.

The Applicant has indicated the severed portion of the lands will be created for future residential use. The retained parcel of the lands will be used for the existing agricultural purpose. Due to the proposed severed lots proximity to, and location between, a rural residential area and an urban centre, the proposed severed lot is a locally appropriate use of land that will utilize existing infrastructure.

County of Elgin Official Plan

The subject site is designated Agricultural Area in 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) and typically does not permit the creation of new lots in the designations. However, the same policy outlines that new lots may be permitted if the local Official Plan supports their creation (which is applicable in West Elgin). Additionally, the proposed severed lot will make use of the existing services and be serviced by the publicly owned and operated piped water, and a privately owned and operated individual septic tank.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP. The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger style lots due to partial services. The proposed severed lots front onto Furnival Road, an open and maintained County Road and comply with Minimum Distance Separation Formula (MDS I), as there are no livestock facilities within the immediate surrounding area.

Lot creation polices under Section 10.4.1 of the OP, allow for severance applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Additionally, Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned General Agricultural (A1) and Residential First Density Holding (R1-H). The proposed lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone.

The proposed retained parcel would need relief from the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban



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residential lands of Rodney. Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

- 1. 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;
- 2. 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; and
- 3. A lot grading plan is required for the severed lot.
- 4. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 5. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.



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- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E17-21 and E19-21 be fulfilled, in conjunction with Application E18-21.
- 12. 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*.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 19-21

PART LOT 6, CONCESSION 7 MUNICIPALITY OF WEST ELGIN MUNICIPAL ADDRESS: FURNIVAL ROAD

TAKE NOTICE that an application has been made by **Parezanovic Farms Inc.** 25468 Talbot Line, West Lorne ON NOL 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.21 hectares (89.5 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 April 28, 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 7th day of April, 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: Furnival Road

File Number: E16-2021,E17-2021,E18-2021,E19-2021 Owner: Parezanovic Farms Inc. and Peter Parezanovic

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

60

120

Scale 1:3,363

Legend

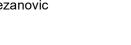
Subject Site

Severance

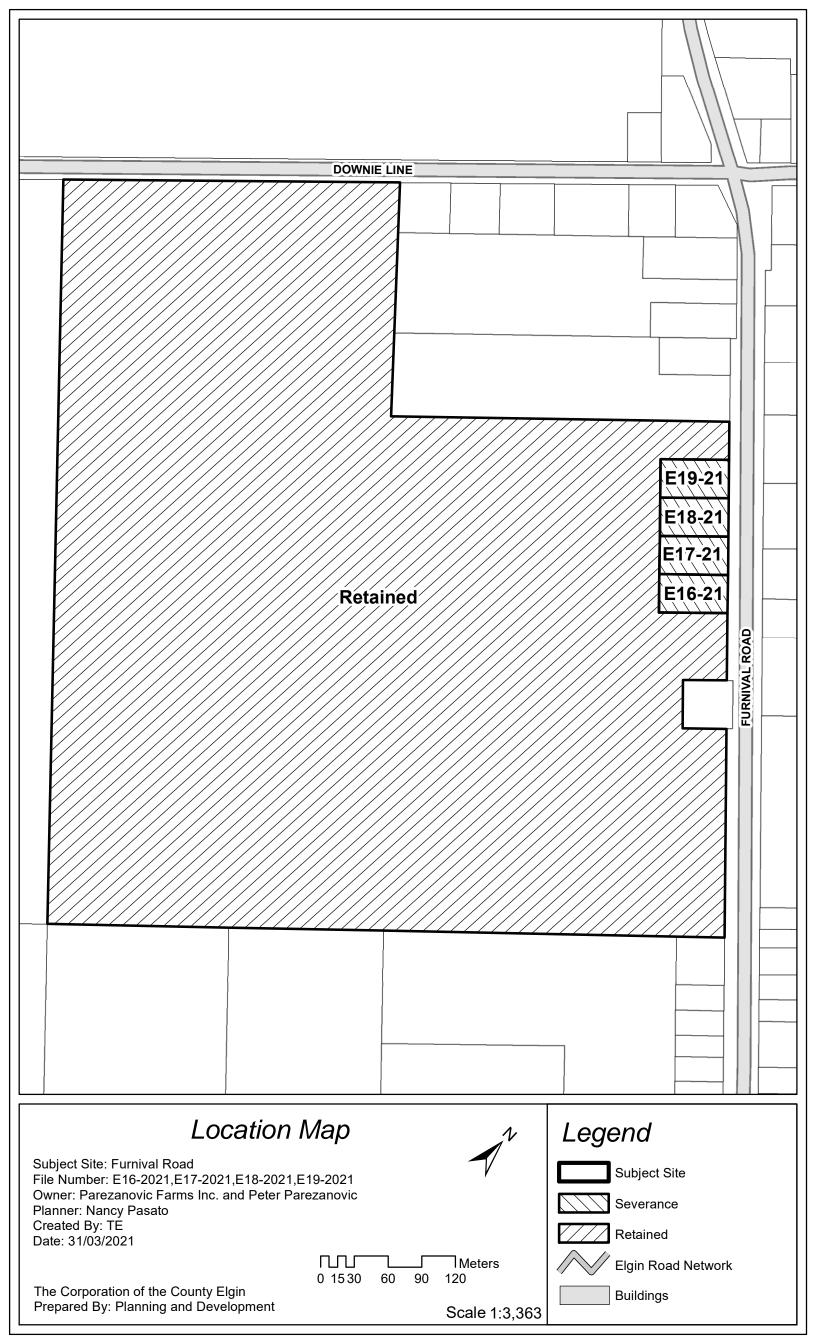
Retained

Elgin Road Network

Buildings



¹Meters 0 1530 90





April 9, 2021

At the Regular Meeting of Council on April 8, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 108

Moved: Councillor Cammaert

Seconded: Deputy Mayor Leatham

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, subject to the Lower-Tier Municipal conditions in Appendix Three of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of the staff report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of the staff report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

Carried

Sincerely,

Jana Nethercott

Clerk

P: 519.785.0560 ext 222

F: 519.785.0644

E: clerk@westelgin.net www.westelgin.net



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-04-08

Subject: Severance Applications E16-21 to E19-21 – Comments to County of Elgin

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, , subject to the Lower-Tier Municipal conditions in Appendix Three of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

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 E16-21, E17-21, E18-21 and E19-21, as Elgin County is the planning approval authority for severances.

Four severance applications were submitted to the County of Elgin by Gary Merritt, Solicitor, as the Agent on behalf of the Owners, Parezanovic Farms Inc. The purpose of the applications is to facilitate the creation of four new residential lots within the rural residential area, just north of the community of Rodney, through applications E16-21 to E19-21 respectively.

Background:

The property owners are requesting the four severances of a parcel of land, legal described as North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; south of Downie Line and west of Furnival Road, as shown in Figure One on the next page.

Residential and Agricultural uses surround the subject lands, since it just north of the settlement area of Rodney, as further depicted in Figure One below.

The subject lands have a covered Municipal Drain, known as McKenzie Drain and South Branch of the McKenzie Drain. It is noted that the proposed severed parcel for E17-21 would be impacted from the Municipal Drain and is further detailed later in this report.

The proposed severed parcels would be required to connect to the municipal water that front the subject lands off of Furnival Road; and provide for private on-site septic system at time of development of a dwelling.



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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E16-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.81 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.97ac)
E17-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.61 ha
	(112 ft)	(200 ft)	(0.51 ac)			(90.46 ac)
E18-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.40 ha
	(112 ft)	(200 ft)	(0.51 ac)			(89.95 ac)
E19-21	34.138 m	60.96m	2081.05 sqm	Irregular	Irregular	36.20 ha
	(112 ft)	(200 ft)	(0.51 ac)	_		(89.44 ac)

This is further depicted in the key map and severance sketches attached to this report, as Appendix One.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Tariff of Fees By-law, as amended time to time.

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 the 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 rural residential area which permit residential development on partial services.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

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 will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

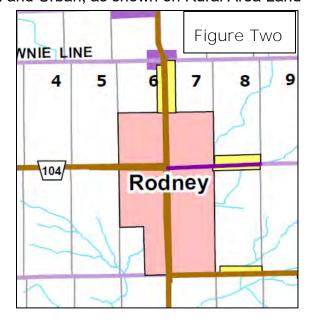
Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land

Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP

The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.



Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and

Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

Permitted uses within the General Agricultural (A1) Zone include:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation



- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling

- secondary farm occupation
- wildlife preserve

The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

Permitted uses within the Residential First Density Holding (R1-H) include home occupation and single unit dwelling. The minimum lot area and interior lot frontage requirements of the Residential First Density Holding (R1-H) Zone are 600 square metres and 15 metres respectively.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.

The proposed retained parcel would need to relief the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban residential lands of Rodney.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained, that can be addressed through a condition of the consent applications.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

Drainage Department noted the following:

- The South Branch of the McKenzie Drain transverses the subject lands; and
- Development of the severed parcel for E17-21 (Part 10 on the sketch on Appendix One) would be severely impacted due to municipal drain setback requirements.

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

Utilities:

Utilities Department noted the following:

- Municipal watermain is available for connection on the west side of Furnival Road Allowance.
- Municipal sewer is not fronting onto the severed parcels, as the sewers are in Rodney.

The Applicant will be required to install waterline curb stops to the property after the four 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 of the Municipality. The Applicant would then apply for Municipal Water Connections, paying the following water connection fees, associated capital infrastructure charges and the said quotation, as part of the conditions of consents for the proposed four lots. Once the lots are registered, at the time of building permit for the construction of the dwelling, the lan:downer 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 servicing permits.

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

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

Additional Comments:

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 to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred 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 (\$750) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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 South Branch of the McKenzie 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. This is further detailed above in the Drainage Department comments.

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 have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, 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. This is detailed above in the Utilities Department comments.

Further, Administration recommends that as a condition of approval of the consents that prior the final approval of the County, the County is advised in writing by the Municipality how the abovenoted 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for the consent (severance) applications E16-21 to E19-21, so that they 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*.

Summary:

Therefore, it is Planning Staff's opinion that the proposed four lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the four consents be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning applications.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Municipality of West Elgin

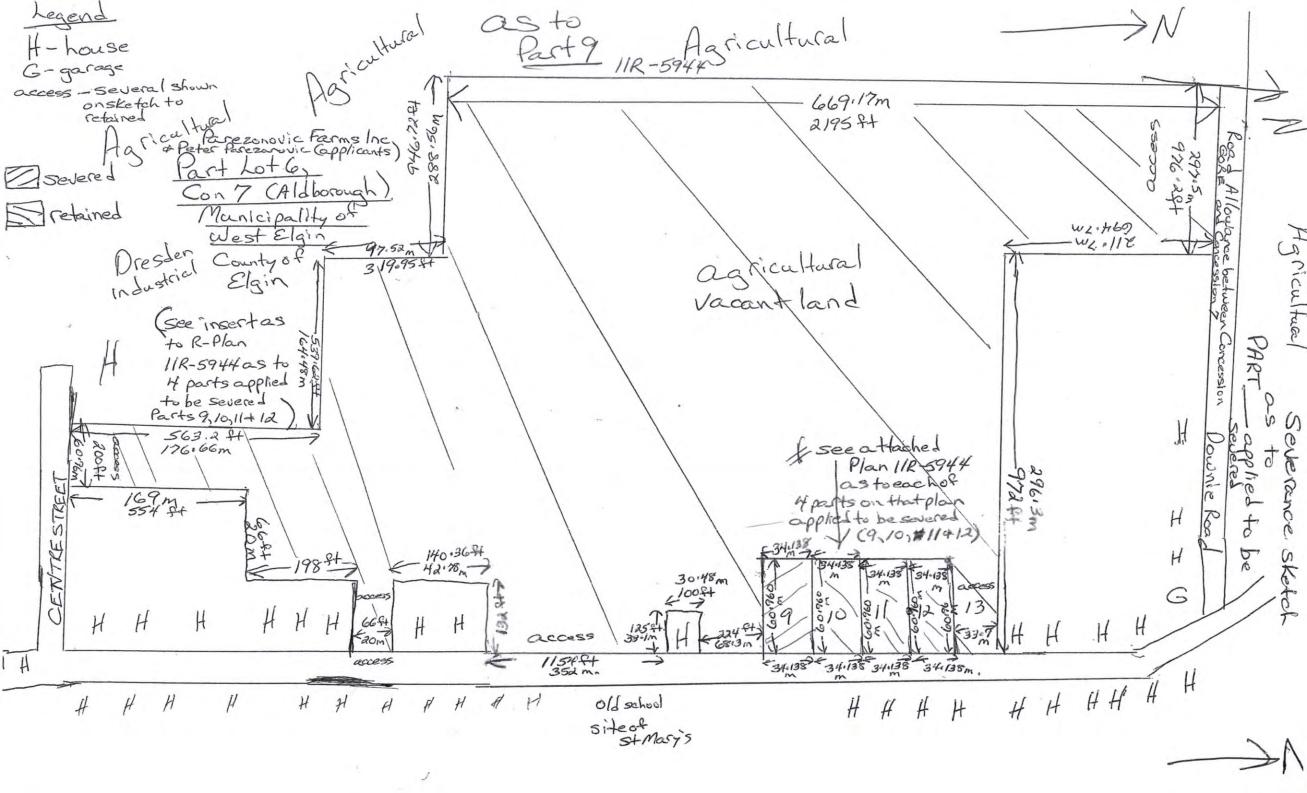
Appendices:

- 1. Appendix One: Key Map and Severance (Consent) Sketch E16-21 to E19-21
- 2. Appendix Two: Severance Application E16-21 Conditions
- 3. Appendix Three: Severance Application E17-21 Conditions
- 4. Appendix Four: Severance Application E18-21 Conditions
- 5. Appendix Five: Severance Application E19-21 Conditions

Staff Report: Severance Applications E16-21 to E19-21 – Comments to the County of Elgin

Appendix One: Key Map and Severance (Consent) Sketch – E16-21 to E19-21





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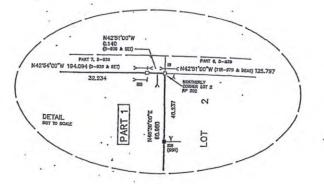
ROAD ALLOWANCE

14.135 >+< (230, 4 (24.5) >+< (32.372 >+-34.138 >+< 34.138 >+< 34.138 >+< 32,372 >+< 32,372 >+< 32,372 >+< 32,372 >+< 32,234 34.138 >+< PART 6. (0930 & MEAS) (D039 & NEAS) PART 13 < 12 33.869 → 32.856 >+< 34.138 >+< 34.138 >+< 34.138 >+< 32.372 >+< >+< 32.372 N42'54'00"W INST. No. 123393 REMAINDER OF B 139201 (QUIT CLAIM) N42'54'00"W 0

REMAINDER & 139201 (QUIT CLAIM)

TO WNSHIP ALDBOROUGH "

Severed Part 9 17



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

PLAN 11R- 5944 RECEIVED AND DEPOSITED

uby E. Cimewell

PARTS 1 - 13, BOTH INCLUSIVE, ARE PART OF LOT 6, CONCESSION 7, INST. No. 123393 & 139201 CUIT CLAIM.

PLAN OF SURVEY

LOT 6, CONCESSION 7

TOWNSHIP OF ALDBOROUGH COUNTY OF ELGIN SCALE 1:1000

TERRY P.DIETZ ONTARIO LAND SURVEYOR

LEGEND:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE WESTERLY LIMIT OF RURNIYAL ROAD, SHOWN ON PLAN 1939 AS HAVING A BEARING OF N4294"DO"V.

DENOTES SURVEY MONUMENT SET DENOTES SURVEY MONUMENT FOUND DENOTES STANDARD IRON BAR DENOTES IRON BAR DENOTES ROUND IRON BAR DENOTES CUT CROSS DENOTES ORIGIN UNKNOWN DENOTES WITNESS DENOTES MEASURED DENOTES CALCULATED
DENOTES CALLON . DIETZ, O.L.S.

SURVEYOR'S CERTIFICATE:

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

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

Callon Dietz

Staff Report: Severance Report E16-21 to E19-21 – Comments to the County of Elgin

Appendix Five: Severance Application E19-21 Conditions

Severance Application E19-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E17-21 and E18-21 be fulfilled, in conjunction with Application E19-21.
- 12. 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*.

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 E16-21 to E19-21					
Owner: Parezanovic Farms Inc Agent: Gary Merritt					
Location: North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 20.	2; West Elgin				
PART 1 - OFFICIAL PLAN					
I. Is there an O.P. in effect?	Yes (x)	No ()			
2. Does the proposal conform with the O.P.?	Yes (x)	No ()			
Land Use Designation: Residential – West Elgin Official Plan					
Policies: Section 6.2 and 10.4.1 and 10.4.2 (West Elgin Official P	lan)				
					
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 4 severed and retained	parcels.				
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 West Elgin Planning Staff Report.					

Revised 01/09/20



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 19/21

O Furnival Road (Parezanovic Farms Inc.)

Part Lot 6, Concession 7

Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COUN	TY ROAD NO.:	_103 – I	Furnival Road	***************************************
TO: TH RE:	E COUNTY	OF ELGIN LAN	ID DIVISION COM	MITTEE			
APPLIC	ATION NO.:	E 16-21, E	17-21, E 18-21, & E	19-21			
OWNER			ic Farms Inc.				
PROPE	RTY:	LOT NO.	6	CONCES		7	
		REG'D PLAN:		MUNICIPA	ALITY:	West Elgin	
followin 1) Land	g comment I for road wi	s to make: idening is requ	ired	remises has been		***************************************	
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels 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 on	e-foot reser	ve is required	along the N	9			
S	, E	and	l/or W	property line		*********	
				d			
4) A Dra	ainage Repo	ort is required	under the Drainaç	je Act * (By Profe	ssional	Engineer)	
5) A cu	rb and gutte	er is required a	long the frontage	***************************************	*********	***************************************	
connect	tion is unav	ailable, to the s	satisfaction of the	ed lot is required - County Engineer ad allowance is p	. All cos	sts to be borne	Х
7) Tech	nical Repor	ts		••••••	•••••	***************************************	
8) That the seve	, if necessa ered parcel.	ry, an entrance All costs asse	e permit be obtain ociated with this s	ed from Elgin Cou shall be borne by t	inty for the	the entrance to	Х
9) Lot (Grading Pla	n is required fo	or the severed lot.	••••	**********	***************************************	Χ
10) The	County has	no concerns.	••••		***********		
11) Not	on County I	Road					
12) Ple	ase provide	me with a cop	y of your action o	n this application	**********		
13)	Other						
am	endments mad	de thereto hereaft	of Elgin By-Law No. s er, being a by-law to r ess to a County road.	92-57, as amended by egulate the construct	By-Law N ion or alte	lo. 96-45, and any eration of any	

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 **Application: E 19-21**

Owner:

Parezanovic Farms Inc. & Peter Parezanovic

25468 Talbot Line

West Lorne ON N0L 2P0

Agent:

Gary Merritt

213 Main Street

Glencoe ON N0L 1M0

Location: Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalGeneral Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin - that West Elgin Council recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions as listed in this report.

Lower Thames Valley Conservation Authority - the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities. However, Policy 1.1.4.4 states the growth and development may be directed to rural lands in accordance with policy



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1.1.5 (Rural Lands in Municipalities). Policy 1.1.5.2 outlines the creation of lots for residential development, where locally appropriate, is permitted. Additionally, development that is compatible with the landscape and can be sustained by rural service levels should be promoted. Any proposed development shall be appropriate for the infrastructure which is planned or currently available.

The Applicant has indicated the severed portion of the lands will be created for future residential use. The retained parcel of the lands will be used for the existing agricultural purpose. Due to the proposed severed lots proximity to, and location between, a rural residential area and an urban centre, the proposed severed lot is a locally appropriate use of land that will utilize existing infrastructure.

County of Elgin Official Plan

The subject site is designated Agricultural Area in 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) and typically does not permit the creation of new lots in the designations. However, the same policy outlines that new lots may be permitted if the local Official Plan supports their creation (which is applicable in West Elgin). Additionally, the proposed severed lot will make use of the existing services and be serviced by the publicly owned and operated piped water, and a privately owned and operated individual septic tank.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP. The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger style lots due to partial services. The proposed severed lots front onto Furnival Road, an open and maintained County Road and comply with Minimum Distance Separation Formula (MDS I), as there are no livestock facilities within the immediate surrounding area.

Lot creation polices under Section 10.4.1 of the OP, allow for severance applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Additionally, Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned General Agricultural (A1) and Residential First Density Holding (R1-H). The proposed lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone.

The proposed retained parcel would need relief from the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban



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residential lands of Rodney. Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

- 1. 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;
- 2. 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; and
- 3. A lot grading plan is required for the severed lot.
- 4. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 5. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be Included as conditions for consent:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 2. 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.
- That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. 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.
- 5. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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.
- 6. That the South Branch of the McKenzie 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.
- 7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.



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- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- 10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 11. That the conditions of Applications E16-21, E17-21 and E18-21 be fulfilled, in conjunction with Application E19-21.
- 12. 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*.

E 19-21

Gordon Frost 12611 FURNIVAL ROAD

- When it rains my property is flooded out
- Make sure this new property doesn't affect my drainage further/no flooding of my property based on drain changes



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 20-21

LOT 19, CONCESSION 5 MUNICIPALITY OF DUTTON DUNWICH MUNICIPAL ADDRESS: 11232 WILLEY ROAD

TAKE NOTICE that an application has been made by **John & Teresa Vanderdeen** 9677 Carter Rd, Aylmer ON N5H 2R1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11232 Willey Rd, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 70.2 metres (230.31 feet) along Willey Rd by a depth of 114.049 metres (374.18 feet) and an area of 0.84 hectares (2.07 acres) containing one residence surplus to the needs of the owners. The owners are retaining 36.6 hectares (90.44 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 April 28, 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.

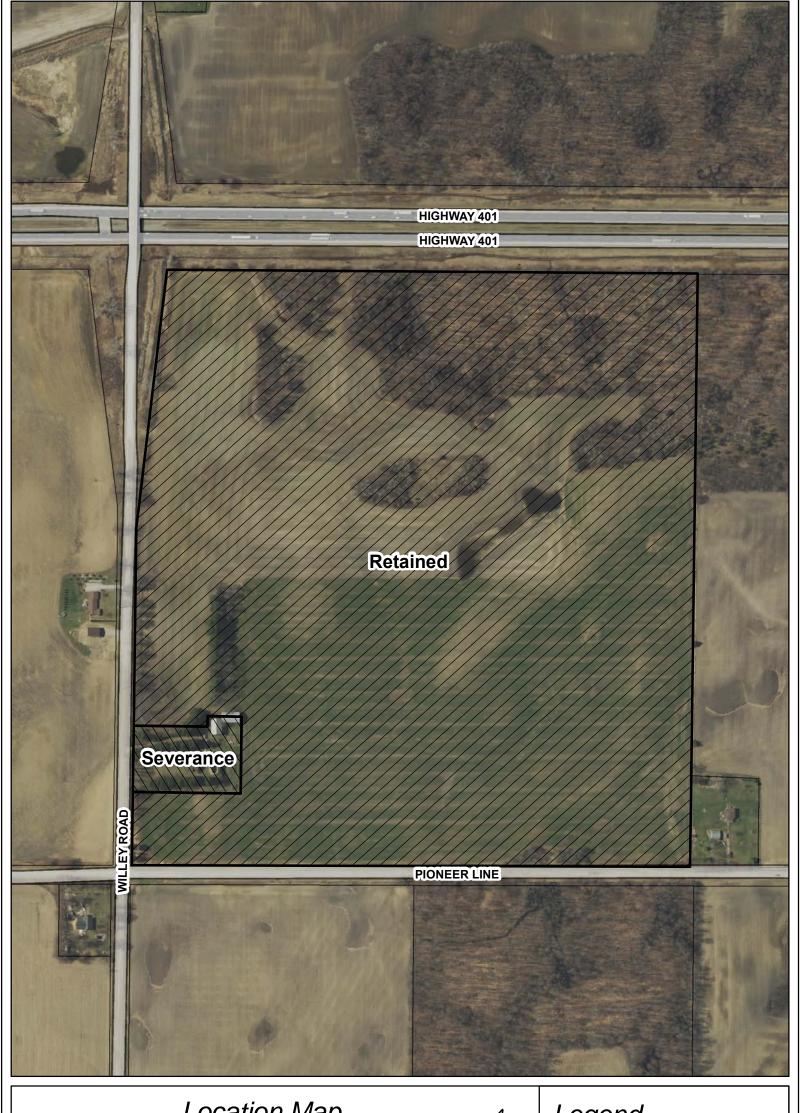
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 7th day of April, 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

0 20 40

80

120

Subject Site: 11232 Willey Road

File Number: E20-2021

Owner: John and Teresa Vanderdeen

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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



⁷Meters

Scale 1:4,000

160

Legend



Subject Site



Severance



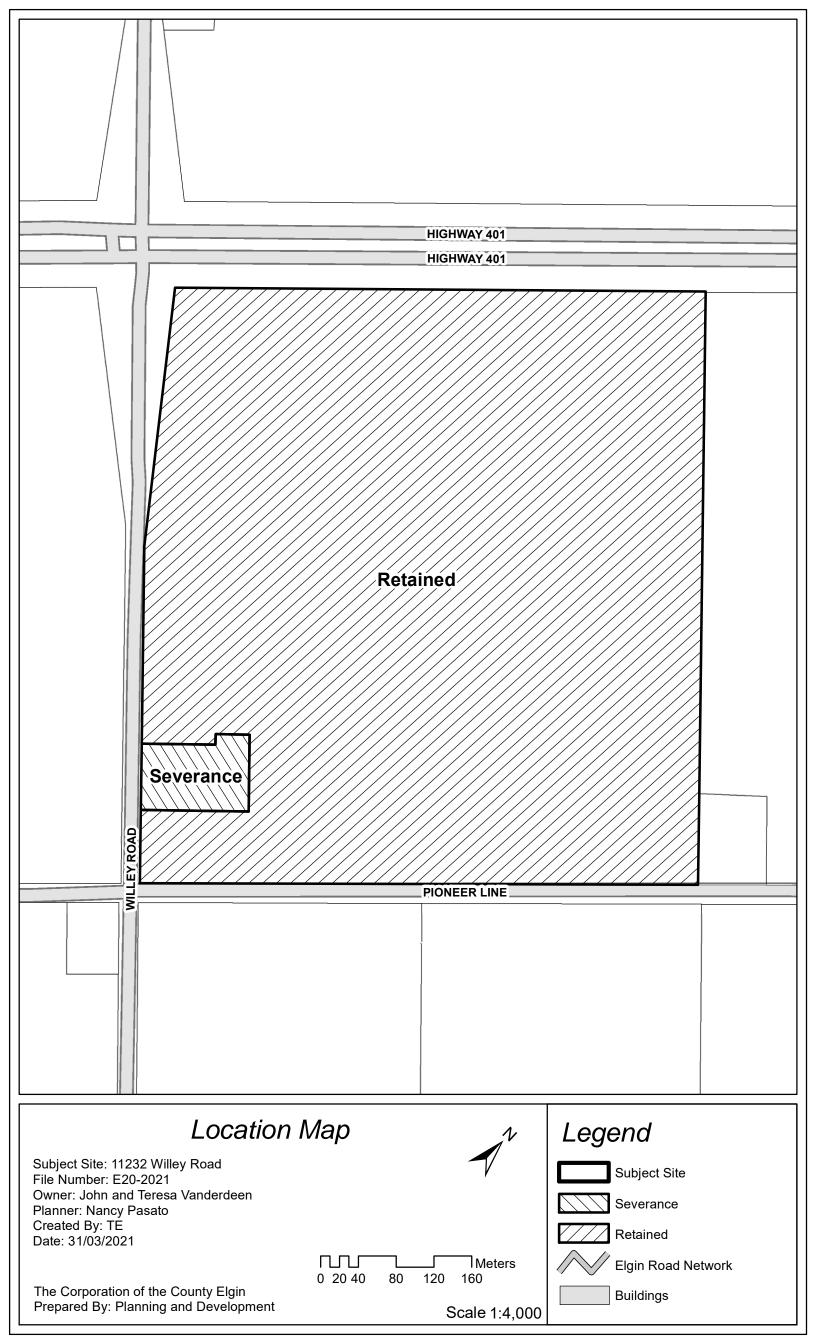
Retained

Buildings





Elgin Road Network





TO: Mayor and Members of Council

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

DATE: April 14, 2021

SUBJECT: Application for Severance - 11232 Willey Road (E20/21), Municipality of

Dutton Dunwich – John and Teresa Vanderdeen

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E21/21 for 11232 Willey Road, Municipality of Dutton Dunwich, provided the following conditions are included:

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

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E20/21) by John and Teresa Vanderdeen, the owners of the subject property.

The owners are requesting the severance of a surplus farm dwelling from a parcel of land.

The subject parcel is legally described as CON 5 N OF A S PT LOT 19, and locally known as 11232 Willey Road, Municipality of Dutton Dunwich (see area in yellow on the attached Key Map).

The proposed severed parcel will have an area of 8,402 m2, depth of 114.049 m and frontage of 70.2 m along the east side of Willey Road. Access to the subject property will be from the municipal road. The proposed severed parcel is used for residential purposes, has 1 dwelling and 5 accessory buildings serviced by municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 36.6 ha, a depth of 593 m along the south side of Hwy 401 and north side of Pioneer Line and frontage of 560 m along the east side of Willey Road. Access to the subject property will be from the municipal road. The proposed retained parcel is vacant, used for agricultural purposes with no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands. There are several drains that run through the property and a woodlot located at the northeast corner of the property.

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

Planning Policy Review

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan (OP)

The subject lands are designated 'Agricultural Area' on Schedule 'A' Land Use of the County of Elgin Official Plan with a portion subject to 'Natural Heritage Features and Areas' on Appendix #1 and 'Aggregate Resources Area' on Schedule 'C'.

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

Section C4.1b) sets out that the objective is to protect known deposits of aggregate resources and areas of potential mineral aggregate resources for potential future extraction.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact to the natural heritage features.

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

The proposed lot will not impact the woodlands area and an Environmental Impact Statement should not be required. The proposed lot is within the Aggregate Resources Area, however no new development is proposed.

The proposed severance conforms to the intent of the County of Elgin OP.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted OP with a portion subject to Hazardous Lands on Schedule 'B' - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule 'C" – Natural Resources in the current and adopted OP.

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

a) The dwelling has been in existence for a minimum of ten years;

Records indicate that the dwelling has been in existence for greater than ten years. It should be noted that this requirement has been reduced to five years in the adopted OP.

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

 The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) The retained agricultural lands must meet the Special Agricultural (A2) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;

 The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area; There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred. The owners have indicated the retained parcel will result in farm consolidation and will be operated with other farm parcels as one farming operation.
- Section 2.1.17 states additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of the change in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units. The proposed retained parcel will be rezoned to A2 which prohibits residential uses.

Section 2.1.18 states a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation within the Municipality of Dutton

Dunwich or in an adjacent municipality. The owners have confirmed this in writing in their severance application.

Section 2.2 sets out that the goal is to protect areas with mineral aggregate resource potential.

Section 4 sets out that development and/or site alteration is not permitted in the Hazardous Lands without advice/approval from Lower Thames Valley Conservation Authority (LTVCA).

Comments: The above noted land division criteria can be complied with. The proposed lot will not impact the woodlands area and an Environmental Impact Statement should not be required. The proposed lot is within the Aggregate Resources Area, however no new development is proposed. The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Agricultural (A1) Zone on Map 7 with a portion subject to LTVCA Regulation Limits.

As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to prohibit all residential uses.

Comments: The proposed severance application shall comply with the permitted uses and regulations set out in the ZBL.

CONCLUSION:

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

The resolution will then be forward to the Land Division Committee of the County of Elgin for consideration.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

Planner

Approved for Submission

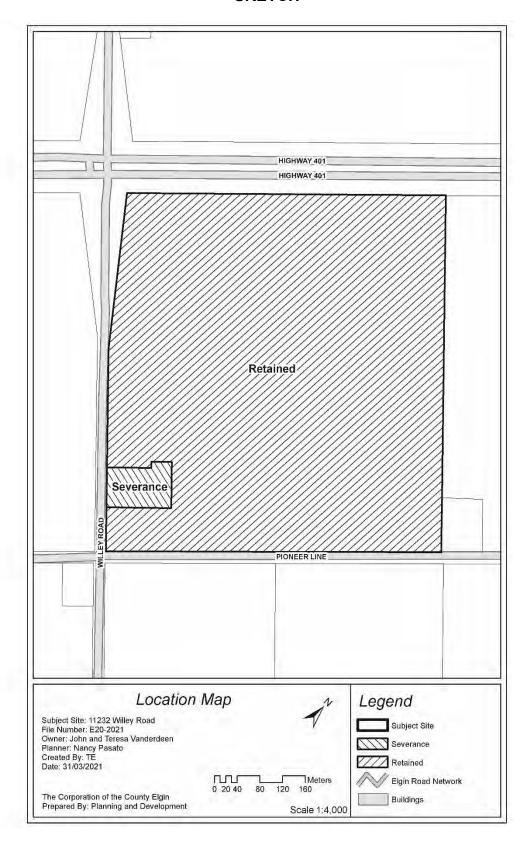
Heather Bouw

CAO/Clerk

KEY MAP



SKETCH



From: <u>Jackie Morgan-Beunen</u>
To: <u>Tracey Pillon-Abbs</u>

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

Date: Monday, March 29, 2021 11:46:15 AM

Attachments: <u>image002.png</u>

HI Tracey.

Application E 15-21 for Iona Rd requires a septic inspection due to severance fee to be paid before I will sign off. I have attended the sites on Iona Rd with the installer.

Both E20-21 and E27-21 I have not attended with the installers. Both septic inspection due to severance fees are outstanding for those as well. I can't sign off on either until I've attended the site with the installers and the fees are paid.

Thank you

Jackie Morgan-Beunen, CBCO Chief Building Official



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



The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Sent: Wednesday, March 24, 2021 1:22 PM

To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-

Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>;

Tracey Pillon-Abbs

From: Brent Clutterbuck

Sent: Wednesday, March 24, 2021 3:14 PM

To: Tracey Pillon-Abbs

Subject: E20/21

Reapportion multiple municipal drains

1)Eustice Drain (3 different by-laws?)

2)Neil Hansen Drain

3)McFarlane-Salmon Drain

4)Clark Drain

5)Clarke Eustice Drain

6) Hansen-McWilliams and Eustice Drain

Mutual agreement drain(s) may be needed to deal with surface water from the rear and side of the proposed lot

Brent Clutterbuck

Drainage Superintendent



199 Currie Road, PO Box 329 Dutton, Ontario NOL 1J0 T 519.762.2204 F 519.762.2278

www.duttondunwich.on.ca twitter @DuttonDunwich

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

Office 519-762-2204 Fax 519-762-2278

Email drainage@duttondunwich.on.ca

If you have any accommodation needs or require communication supports or alternate formats, please let me know

CONFIDENTIALITY NOTICE

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Tracey Pillon-Abbs

From: Dan Lundy

Sent: Wednesday, March 24, 2021 1:29 PM

To: Tracey Pillon-Abbs; Archie Leitch; Brent Clutterbuck; Jackie Morgan-Beunen; Heather

Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer; Tim Hansen

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

No concerns

Sent from my Galaxy

----- Original message -----

From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Date: 2021-03-24 1:22 p.m. (GMT-05:00)

To: Archie Leitch <aleitch@duttondunwich.on.ca>, Brent Clutterbuck <drainage@duttondunwich.on.ca>,

Jackie Morgan-Beunen < JMorgan-Beunen@duttondunwich.on.ca>, Dan Lundy

<DLundy@duttondunwich.on.ca>, Heather Bouw <HeatherBouw@duttondunwich.on.ca>, Murray Wickerson <mwickerson@duttondunwich.on.ca>, Ryan McLeod <rmcleod@duttondunwich.on.ca>, Tara Kretschmer

<TKretschmer@duttondunwich.on.ca>, Tim Hansen <timhansen@duttondunwich.on.ca>

Subject: FW: E 15-21, E 20-21 & E 27-21 Consent Applications

Good Afternoon

Please see attached 3 applications for LDC hearing.

Please let me know by April 6/21 at noon if you have any comments, concerns or required conditions of approval.

Reports going to Council on April 14th. Your comments will be attached to my staff report.

Let me know if you have any questions.

Thanks Tracey

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: Thursday, March 18, 2021 2:20 PM

To: Heather Bouw < HeatherBouw@duttondunwich.on.ca>; Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>; Elgin Farmers < elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; marcus@marcuslennox.com; civicplanningsolutions@nor-del.com

Subject: E 15-21, E 20-21 & E 27-21 Consent Applications

Good afternoon,

Please find attached a copies of consent applications E 15-21, E 20-21 & E 27-21 and the letters to acknowledge receipt. These applications will be scheduled for the April 28, 2021 Land Division Committee meeting.



B. Purcell - Mayor _x__ _

COUNCIL RESOLUTION

		>
Res:	2021.07.	22

Mayor

Wednesday, April 14, 2021

THAT the Council of the Municipality of Dutton Dunwich requests that the County

Moved by: ____Corneil_____

Seconded by: ___Loveland_____

of Elgin table Application E 20/21 for 11232 Willey Road at this time.

Recorded Vote	<u>Yeas</u> <u>Nays</u>	CARRIED:
P. Corneil	_x	All 100/1/1 30 b
A. Drouillard	_X	Mayor
K. Loveland	_X	DEFEATED:
M. Hentz	_X	



COUNCIL RESOLUTION



Wednesday, April 14, 2021

Moved by:	no mover	 	
Seconded by:	no seconder		

THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E 20/21 for 11232 Willey Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed parcel and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to the Municipality;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality
- i) That the newly adopted Official Plan be approved before stamping of the deed can occur
- j) That the Chief Building Official inspect the barns and determine whether they should remain or be demolished.

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

Of ITATALD.	
	Mayor
DEFEATED:	//
	111
[M]	/// ,
AM SIII	1 306
	Mayor
141	Mayor

CARRIED.



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 20/20

11232 Willey Road (Vanderdeen)

Part Lot 19, Concession 5

Municipality of Dutton Dunwich

Please be advised that the above mentioned application has been reviewed by this office and we 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 subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern is the Eustice Drain and erosion.

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

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COUNTY ROAD NO.:	
TO: TI	HE COUNTY	OF ELGIN LAND	D DIVISION COMMITTEE	
	CATION NO.:	E 20-21		
OWNER:		John & Tere	esa Vanderdeen	
PROPI	ERTY:	LOT NO.	19 CONCESSION: 5	
		REG'D PLAN:		WF-
following 1) Land [Se of the o	ing comment nd for road wi <u>ction 51 (25)</u> he severed an Co ne right of wa	s to make: idening is requin <u>of the Planning</u> nd retained lots ounty Road () t	ired	
		-		
			along the N,	
s_	, E	and/	/or W property line	
			sin(s) are required	
4) A D	rainage Repo	ort is required u	under the Drainage Act * (By Professional Engineer)	
5) A c	urb and gutte	er is required alo	long the frontage	
conne	ction is unav	ailable, to the sa	Itlet for the severed lot is required - If an existing satisfaction of the County Engineer. All costs to be borne to the County road allowance is prohibited	
7) Tec	hnical Repor	ts		
8) Tha	at, if necessa vered parcel.	ry, an entrance All costs asso	permit be obtained from Elgin County for the entrance to ociated with this shall be borne by the owner	
9) Lot	Grading Pla	n is required for	r the severed lot	
10) Th	e County has	no concerns		
11) No	t on County I	Road		Х
12) PI	ease provide	me with a copy	y of your action on this application	
13)	Other			
Note: T	hese lands are s	subject to County o	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



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 20-21

Owner: Agent:

John & Teresa Vanderdeen9677 Carter Rd, Aylmer ON N5H 2R1
David Roe, Civic Planning Solutions Inc
599 Larch Street, Delhi, ON N4B 3A7

Location: 11232 Willey Rd, legally described as CON 5 N OF A S PT LOT 19, Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 70.2 metres (230.31 feet) along Willey Rd by a depth of 114.049 metres (374.18 feet) and an area of 0.84 hectares (2.07 acres) containing one residence surplus to the needs of the owners. The owners are retaining 36.6 hectares (90.44 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreasAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich - That the Council of the Municipality of Dutton Dunwich requests that the County of Elgin table Application E 20/21 for 11232 Willey Road at this time.

Lower Thames Valley Conservation Authority - the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent 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:



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

- 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 will maintain their current agricultural use. 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 (0.84 hectares/2.07 acres) will contain an existing dwelling, 3 sheds and 2 small barns, with a private well and septic system. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size. The proposed severed lot, containing the surplus residence, has a proposed area of 0.84ha/2.07 acres which typically would be considered larger than necessary to accommodate the residence and associated servicing. However, planning staff has reviewed the application and surrounding context, and is of the opinion that due to the existing hedgerow to the north and south of the site and the placement of accessory buildings in relation to the farmland, the proposed severance is not taking away from existing farmland and in keeping with the existing residence and yard, and is consistent with the Elgin County OP.

Local Municipality Official Plan and Zoning By-law

The subject property is designated as Agricultural in the Municipality of Dutton Dunwich Official Plan and is zoned Agricultural (A1) in the Municipality's Zoning By-law. The A1 zone permits a variety of agriculture-related uses, including agricultural uses, commercial greenhouses farm produce outlets, plant nurseries, a riding stable and accessory uses. A zoning by-law amendment will be required for the severed lot to permit the proposed severance of a dwelling unit deemed surplus to the farm operation. A zoning by-law amendment will also be required to prohibit the construction of any new residential use on the retained lands.

The Municipality of Dutton Dunwich has requested a deferral for this application as the owner does not own a home farm abutting or within Dutton Dunwich, which is a criteria based on the local official plan. The County of Elgin, consequently, supports this request and recommends a deferral of this application until such time the Municipality's Official Plan policy is reviewed.



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

RECOMMENDATION:

County planning staff generally supports this application as it is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas.

However, the Municipality of Dutton Dunwich has requested a deferral for this application as the owner *does not* own a home farm abutting within Dutton Dunwich.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 21-21

LOTS 4 & 5, CONCESSION 9 TOWNSHIP OF MALAHIDE MUNICIPAL ADDRESS: 51275 WILSON LINE

TAKE NOTICE that an application has been made by **943448 Ontario Inc. (Dawson)** 50338 Wilson Line, Springfield ON N0L 2J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51275 Wilson Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 68 metres (223.10 feet) along Wilson Line by a depth of 60 metres (196.85 feet) and an area of 0.41 hectares (1.01 acres) containing one residence surplus to the needs of the owner. The owners are retaining 33.1 hectares (81.79 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 April 28, 2021 AT 10:30AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

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

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

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

Dated at the Municipality of Central Elgin this 7th day of April, 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



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Subject Site: 51275 Wilson Line

File Number: E21-2021

Owner: 943448 Ontario Inc. (Dawson)

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

☐Meters

200

Scale 1:4,500

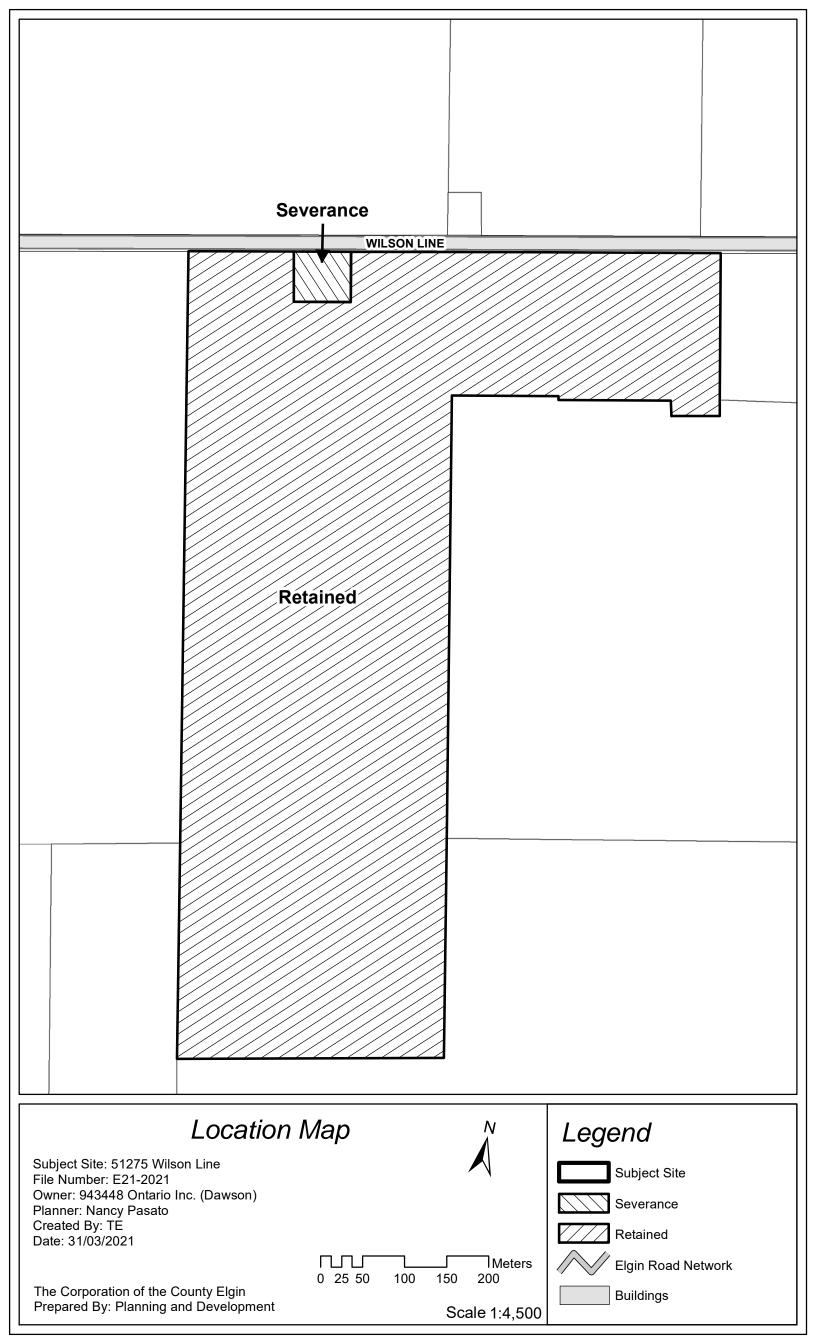
Subject Site

Severance

Retained

Elgin Road Network

Buildings



87 John Street South Aylmer ON N5H 2C3 Phone: 519-773-5344 Fax: 519-773-5334 www.malahide.ca



April 9, 2021

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

Dear Committee Members:

RE: Land Severance Application E21/21 – 943448 Ontario Inc. (Dawson)

The Malahide Township Council passed the following Resolutions on April 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E21/21, in the name of 943448 Ontario Inc. (Dawson), relating to the property located at Part Lots 4 and 5, Concession 9, Geographic Township of South Dorchester, subject to the following conditions:

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

- (v) That 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.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (viii) 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.
- (ix) That the existing barn located on the retained parcel be removed or demolished (and the lands graded to a level condition to the satisfaction of the Township), or, has obtained a Change of Use Permit from the Township that eliminates the ability for the structure to house livestock, prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-21-16 for your records.

Yours very truly, TOWNSHIP OF MALAHIDE

M Casavecchia-Domers

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

Copy - John Seldon Rosemary Kennedy 943448 Ontario Inc. (Dawson)



Report to Council

REPORT NO.: DS-21-16

DATE: April 8, 2021

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: Application for Consent to Sever of 943448 Ontario Inc.

(Melissa Dawson) (Authorized Agent: David Roe)

LOCATION: North Parts of Lots 4 and 5, Concession 9 (Geographic Township

of South Dorchester) (51275 Wilson Line)

Recommendation:

THAT Report No. DCS-21-16 entitled "Application for Consent to Sever of 943448 Ontario Inc." be received;

AND THAT the Application for Consent to Sever No. D10-E21-21 as submitted by 943448 Ontario Inc., relating to the property located at North Parts of Lots 4 and 5, Concession 9, (Geographic Township of South Dorchester), and known municipally as 51275 Wilson Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the "Application") has been submitted by David Roe, Planning Consultant, on behalf of 943448 Ontario Inc. (Melissa Dawson), in order to sever an existing dwelling as a result of a farm consolidation.

The Application relates to the property located at CON 9 N PT LOTS 4-5, (Geographic Township of South Dorchester), and known municipally as 51275 Wilson Line.

Comments/Analysis:

The subject farm property is approximately 33.6 hectares (83 acres) in area, and has approximately 612 metres (2,000+ feet) of frontage along Wilson Line. There is an

existing 2-storey single-detached dwelling and detached garage on the parcel proposed to be severed, and an existing barn with silo on the farmland proposed to be retained. The subject property is bounded by agricultural land uses.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan.

Malahide Official Plan

The subject property is designated "Agriculture" and "Watercourse/Shoreline" on Schedule 'A1' (Land Use Plan).

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

Malahide Zoning By-law No. 22-18

The subject property is within the "General Agricultural (A1) Zone" on Key Map 15 of Schedule "A" to the Township's Zoning By-law No. 22-18.

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the "Small Lot Agricultural (A4) Zone" zone. The "Small Lot Agricultural (A4) Zone" zone requires the following with regard to minimum lot area and frontage:

"A4" Zone	Required:	Proposed Severed Lot
Min. Lot Area	2,000 m ² (0.5 acre)	4,100 m ² (1.0 acres)
Min. Lot Frontage	30m (98 feet)	68 m (223 feet)

The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone. The "Agricultural (A2) Zone" zone requires the following with regard to minimum lot area and frontage:

"A2" Zone	Required:	Proposed Retained Lot
Min. Lot Area	20 ha (50 acres)	33.1 ha (81.8 acres)
Min. Lot Frontage	150m (492 feet)	544 m (1,785 feet)

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. The Township Planner has no significant concerns with the proposal. A barn is proposed to remain on the retained farm parcel at a location of approximately 20 metres from the proposed severed dwelling lot. That barn should either be demolished or the animal stalls within the barn completely removed (through a Change of Use Permit with the Township's Building Division) so to ensure there will not be livestock housed in this structure (which would cause a Minimum Distance Separation ("MDS") issue.

There was generally little information provided with the application with regard to the existing/continued use of that barn structure, or, how access to it will be provided. If the barn is to be retained, a new access laneway on the retained farm parcel will be needed, or an easement (not preferred) over the severed dwelling lot established. Such use and access arrangements can be determined and/or established by the Land Division Committee.

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.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Reviewed by:	Approved By:
Allison Adams, Development Services Coordinator	A. Betteridge, MCIP, RPP Director of Development Services (Planner)	M Casavecchia-Somers

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 E2	21/21		
<u>Applicant</u>	943448 Ontario Inc.		
Location	51275 Wilson Line		
PART 1 - OFFI	CIAL PLAN		
I. Is there an C	P.P. in effect?	Yes (X)	No ()
2. Does the pro	oposal conform with the O.P.?	Yes(X)	No ()
D	esignation:		
PART 2 - ZONI	N <u>G</u>		
3. Is there a By	y-Law in effect?	Yes(X)	No ()
4. Does the pro	oposal conform with all requirements of the By-Law?	Yes ()	No (X)
Comments:	Rezoning Required		
5. If not, is the	Municipality prepared to amend the By-Law?	Yes ()	No ()
PART 3 – COU Treasurer of the resolutions/reco	INCIL RECOMMENDATION – please complete below e Land Division Committee and attached any commen ommendations	and send to the S ts, staff reports(s)	Secretary and Council
6. Does the Mu	unicipality foresee demand for new municipal services	? Yes ()	No ()
7. If so, is the I	Municipality prepared to provide those services?	Yes ()	No ()
8. Does the Mu	unicipality wish the Committee to impose conditions?	Yes ()	No ()
9. Does Counc	cil recommend the application?	Yes ()	No ()
10.Does the mu	unicipality have other concerns that should be conside	red by the Commi	ttee?
_			

Revised 01/09/20

Dawn Wittland-Graham

From: Tony Difazio <planning@catfishcreek.ca>

Sent: April 8, 2021 9:08 AM
To: Dawn Wittland-Graham

Subject: RE: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Hi Dawn,

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

Please note that the 2 Yorke Line applications (Wallace) are within the KCCA Watershed.

Thanks,

Tony

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: April 7, 2021 11:36 AM

To: Michelle Casavecchia-Somers <MCasavecchia@malahide.ca>; Adam Betteridge <ABetteridge@malahide.ca>; Allison

Adams <AAdams@malahide.ca>; Tony Difazio <planning@catfishcreek.ca>; Joe Gordon

<joe@kettlecreekconservation.on.ca>; Brian Lima <bli>blima@ELGIN.ca>; Elgin Farmers <elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; civicplanningsolutions@nor-del.com; JEROME COLLINS

<jcollins5273@rogers.com>

Subject: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file numbers E 21-21, E 22-21, E 25-21 & E26-21 for the Elgin County Land Division Committee meeting being held on April 28, 2021.

If you wish to provide comments on any of these applications please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, April 20, 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:	April 8, 202	21	ELGIN COUNTY F	ROAD NO.:			
TO: THE RE:	COUNTY	OF ELGIN LAND	DIVISION COMMITT	EE			
APPLICATION NO.:		E 21-21					
OWNER:		943448 Onta	943448 Ontario Inc. (Dawson)				
PROPERT	ΓY:	LOT NO.	4 & 5	CONCESSION:	9		
		REG'D PLAN:		MUNICIPALITY:	Malahide		
following 1) Land f	comment or road wi	s to make: dening is requi	red	ses has been received		,	
of the s	on 51 (25) on severed ar Co ight of way	<u>of the Planning</u> nd retained lots ounty Road () t	<u>Act</u> - That the owner parcels up to m fro o the County of Elgir to that width, to the	dedicate lands along om the centreline of control of for the purposes of its satisfaction of the Con	the frontage onstruction of road widening		
2) A one-	foot reser	ve is required a	long the N	,			
S	, E	and/	or Wpro	perty line	**************		
4) A Drai	nage Repo	ort is required u	nder the Drainage Ac	ct * (By Professional	Engineer)		
5) A curb	and gutte	er is required alo	ong the frontage				
connection	on is unava	ailable, to the sa	atisfaction of the Cou	t is required - If an ex anty Engineer. All cos llowance is prohibited	sts to be borne		
7) Techn	ical Repor	ts			•••••		
8) That, i	f necessar ed parcel.	ry, an entrance All costs asso	permit be obtained fr ciated with this shall	om Elgin County for t be borne by the owne	he entrance to		
9) Lot Gr	ading Plar	າ is required for	the severed lot		•••••		
10) The C	ounty has	no concerns			•••••		
11) Not o	n County F	Road			••••••	Χ	
12) Pleas	e provide	me with a copy	of your action on th	s application	*****************		
13) O	ther						
amen	idments mad	de thereto hereaftei	f Elgin By-Law No. 92-57, r, being a by-law to regula s to a County road.	as amended by By-Law N te the construction or alte	o. 96-45, and any ration of any		

BRIAN LIMA, P. ENG.

DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 21-21

Owner: Agent:

943448 Ontario Inc. (Dawson)David Roe, Civic Planning Solutions Inc 50388 Wilson Line, Springfield ON N0L 2J0
599 Larch Street, Delhi, ON N4B 3A7

Location: 51275 Wilson Line, legally described as CON 9 LOTS 4 & 5, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 68 metres (223.10 feet) along Wilson Line by a depth of 60 metres (196.85 feet) and an area of 0.41 hectares (1.01 acres) containing one residence surplus to the needs of the owner. The owners are retaining 33.1 hectares (81.79 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - That the Application for Consent to Sever No. D10-E21-21 as submitted by 943448 Ontario Inc., relating to the property located at North Parts of Lots 4 and 5, Concession 9, (Geographic Township of South Dorchester), and known municipally as 51275 Wilson Line, be supported.

Catfish Creek Conservation Authority - no concerns with the above noted applications.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent 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



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

- 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 will maintain their current agricultural use. 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 severed lot ensures adequate space for appropriate private servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (33.1 hectares/81.79 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (septic system and well), without taking away from the agricultural features of the area.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" and "Watercourse/Shoreline" on Schedule 'A1' (Land Use Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The subject property is within the "General Agricultural (A1) Zone" on Key Map 15 of Schedule "A" to the Township's Zoning By-law No. 22-18. Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the "Small Lot Agricultural (A4) Zone" zone. The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a



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

planning perspective and recommends approval subject to the following conditions from the Land Division Committee 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 a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

- 1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- 7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 8. 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.
- 9. That the existing barn located on the retained parcel be removed or demolished (and the lands graded to a level condition to the satisfaction of the Township), or, has obtained a Change of Use Permit from the Township that eliminates the ability for the structure to house livestock, prior to the condition being deemed fulfilled.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 22-21

PART LOTS 11 & 12, CONCESSION 8 TOWNSHIP OF MALAHIDE MUNICIPAL ADDRESS: 49408 GLENCOLIN LINE

TAKE NOTICE that an application has been made by **Patricia Zimmer** 49408 Glencolin Line, Aylmer ON N5H 2R3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 49408 Glencolin Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 59 metres (193.57 feet) along Glencolin Line by a depth of 85 metres (278.87 feet) and an area of 0.49 hectares (1.21 acres) containing one residence surplus to the needs of the owner. The owners are retaining 7.16 hectares (17.69 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 April 28, 2021 AT 10:40AM.
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 7th day of April, 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: 49408 Glencolin Line

File Number: E22-2021 Owner: Patricia Zimmer Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

⁷Meters 0 15 30 60 90 120

Scale 1:3,000

Legend

Subject Site

Severance

Retained

Elgin Road Network

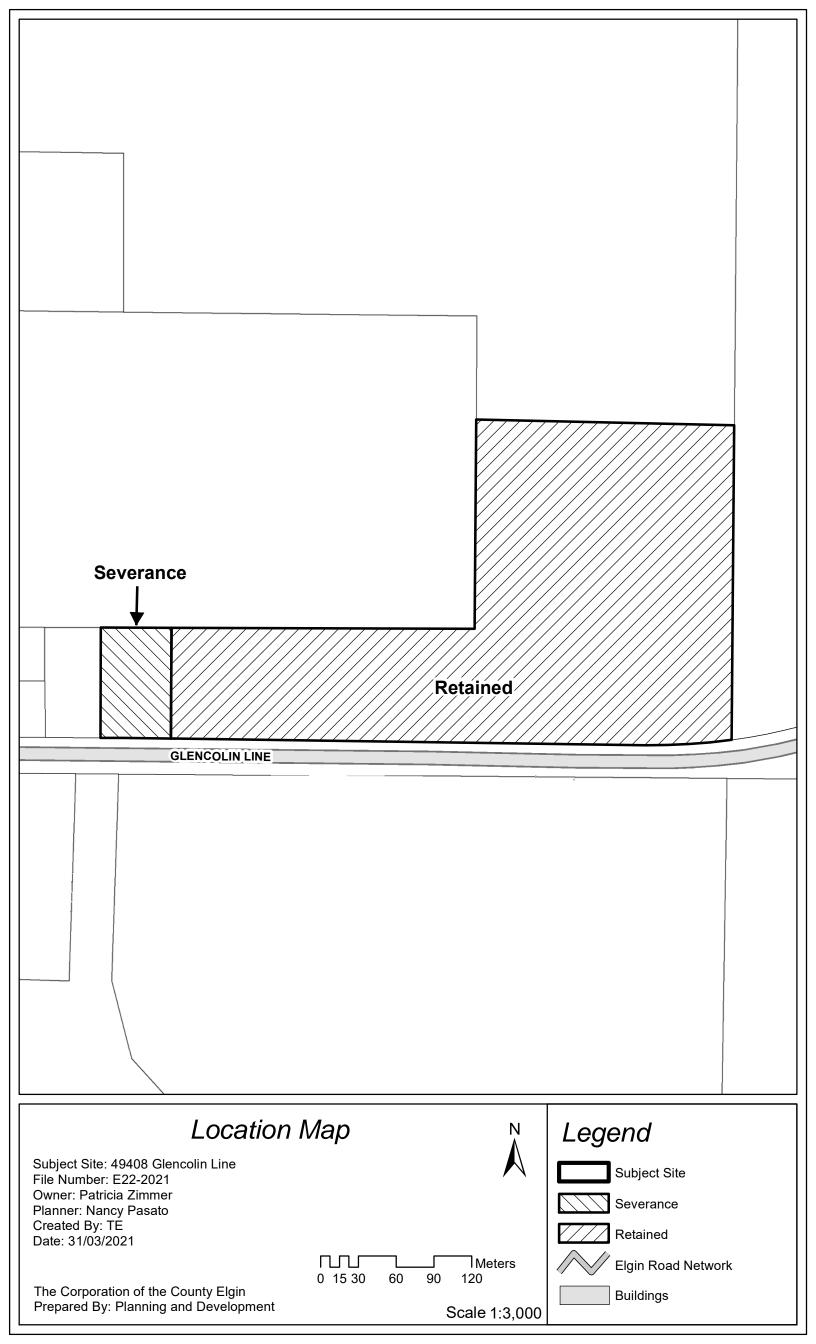












87 John Street South Aylmer ON N5H 2C3 Phone: 519-773-5344 Fax: 519-773-5334 www.malahide.ca



April 9, 2021

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

Dear Committee Members:

RE: Land Severance Application E22/21 – Patricia Zimmer

The Malahide Township Council passed the following Resolutions on April 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E22/21, in the name of Patricia Zimmer, relating to the property located at Part Lots 11 and 12, Concession 8, Geographic Township of Malahide, subject to the following conditions:

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

- (v) That 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.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (viii) 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-21-17 for your records.

Yours very truly, TOWNSHIP OF MALAHIDE

M Casavecchia-Somers

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

Copy - John Seldon Rosemary Kennedy Patricia Zimmer



Report to Council

REPORT NO.: DS-21-17

DATE: April 8, 2021

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: Application for Consent to Sever of Patricia Zimmer

(Authorized Agent: Donald M. Ferguson c/o Ferguson DiMeo

Law)

LOCATION: South Part of Lots 11 and 12, Concession 8, Malahide

(49408 Glencolin Line)

Recommendation:

THAT Report No. DS-21-17 entitled "Application for Consent to Sever of Patricia Zimmer" be received;

AND THAT the Application for Consent to Sever No. D10-E22-21 as submitted by Patricia Zimmer relating to the property located at South Part of Lots 11, 12, Concession 8, Malahide, and known municipally as 49408 Glencolin Line, be supported for the reasons set out in this Report;

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

Background:

The subject Application for Consent to Sever (the "Application") has been submitted by Donald M. Ferguson c/o Ferguson DiMeo Law, on behalf of Patricia Zimmer, in order to sever an existing dwelling as a result of a farm consolidation (by Mr. James Lewis Hare).

The Application relates to the property known municipally as 49408 Glencolin Line, located just east of Imperial Road and north of the municipal boundary with the Town of Aylmer.

Comments/Analysis:

The subject farm property is approximately 7.65 hectares (18.9 acres) in area, and has

approximately 502 metres (1,647 feet) of frontage along Glencolin Line. There is an existing single-detached dwelling and detached garage on the proposed severed dwelling lot as illustrated on the Application Severance Sketch and Report Photo.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan. The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources).

In addition to the above, the subject property is identified as having frontage along a "County Collector" on Schedule 'B', "Transportation Plan".

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan).

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

Malahide Zoning By-law No. 22-18

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 35 and 36 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the "Small Lot Agricultural (A4) Zone" zone.

The "Small Lot Agricultural (A4) Zone" zone requires the following with regard to minimum lot area and frontage:

"A4" Zone	Required:	Proposed Severed Lot
Min. Lot Area	2,000 m ² (0.5 acre)	4,900 m ² (1.2 acres)
Min. Lot Frontage	30m (98 feet)	59 m (193.6 feet)

The proposed retained farm lot will be required to be placed into a Special "Agricultural (A2) Zone" zone which recognizes the deficient lot area proposed. The "Agricultural (A2) Zone" zone requires the following with regard to minimum lot area and frontage:

"A2" Zone	Required:	Proposed Retained Farm Lot
Min. Lot Area	20 ha (50 acres)	7.16 ha (17.7 acres)
Min. Lot Frontage	150m (492 feet)	443 m (1,453.4 feet)

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably, the Township's Drainage Superintendent/ Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

The Township Planner has also reviewed and has no concerns with the proposal. The Planner noted that there is a strip of land located in front of the existing dwelling that should be conveyed to the County of Elgin for road widening. In discussion with County Staff, in advance of the Application being submitted, the County has confirmed that such will be required.

With regard to entrances on Glencolin Line, there are two existing entrances serving the proposed severed dwelling parcel. Given this portion of Glencolin Line is under the jurisdiction of the County, any changes/requirements should be reviewed by the County.

The Township Planner also noted that the deficient lot area of the retained farm parcel will not meet the minimum "A2" lot area requirements. A site-specific provision will be required as part of the necessary Zoning By-law Amendment.

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.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Reviewed by:	Approved By:
Allison Adams,	A. Betteridge, MCIP, RPP	
Development Services	Director of Development	M Casavecchia-Somers
Coordinator	Services (Planner)	, , , , , , , , , , , , , , , , , , , ,

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 E2	22/21		
<u>Applicant</u>	James Lewis Hare		
Location	49908 Glencolin Line		
PART 1 - OFFI	CIAL PLAN		
I. Is there an O	P.P. in effect?	Yes (X)	No ()
2. Does the pro	oposal conform with the O.P.?	Yes(X)	No ()
D	esignation:		
PART 2 - ZONI	N <u>G</u>		
3. Is there a By	y-Law in effect?	Yes (X)	No ()
4. Does the pro	oposal conform with all requirements of the By-Law?	Yes ()	No (X)
Comments:	Rezoning Required		
5. If not, is the	Municipality prepared to amend the By-Law?	Yes ()	No ()
PART 3 – COU Treasurer of the resolutions/reco	INCIL RECOMMENDATION – please complete below e Land Division Committee and attached any commen ommendations	and send to the Sots, staff reports(s)	Secretary and Council
6. Does the Mu	unicipality foresee demand for new municipal services	? Yes ()	No ()
7. If so, is the I	Municipality prepared to provide those services?	Yes ()	No ()
8. Does the Mu	unicipality wish the Committee to impose conditions?	Yes ()	No ()
9. Does Counc	cil recommend the application?	Yes ()	No ()
10.Does the mu	unicipality have other concerns that should be conside	ered by the Comm	ittee?
_			

Revised 01/09/20

Dawn Wittland-Graham

From: Tony Difazio <planning@catfishcreek.ca>

Sent: April 8, 2021 9:08 AM
To: Dawn Wittland-Graham

Subject: RE: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Hi Dawn,

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

Please note that the 2 Yorke Line applications (Wallace) are within the KCCA Watershed.

Thanks,

Tony

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: April 7, 2021 11:36 AM

To: Michelle Casavecchia-Somers <MCasavecchia@malahide.ca>; Adam Betteridge <ABetteridge@malahide.ca>; Allison

Adams <AAdams@malahide.ca>; Tony Difazio <planning@catfishcreek.ca>; Joe Gordon

<joe@kettlecreekconservation.on.ca>; Brian Lima <bli>blima@ELGIN.ca>; Elgin Farmers <elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; civicplanningsolutions@nor-del.com; JEROME COLLINS

<jcollins5273@rogers.com>

Subject: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file numbers E 21-21, E 22-21, E 25-21 & E26-21 for the Elgin County Land Division Committee meeting being held on April 28, 2021.

If you wish to provide comments on any of these applications please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, April 20, 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:	April 8, 202	21	ELGIN COUN	TY ROAD NO.:	32 - 49	9408 Glencolin Li	ne		
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:									
	TION NO.:	E 22-21							
OWNER:		Patricia Zimi	mer				***		
PROPER	ΓY:	LOT NO.	11 & 12	CONCE	SSION:	8			
		REG'D PLAN:		MUNICI	PALITY:	Malahide			
following 1) Land f	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								
of the s of Gler wideni	severed an ncolin Road ing if the rig	d retained lots d County Road	Act - That the overland the overland to 15 (32) to the Count of already to that by the owner.	m from the cen ty of Elgin for th	treline of ne purpos	construction es of road	Х		
2) A one-	foot reserv	e is required a	long the N						
			or W			*******			
			sin(s) are require						
4) A Drai	nage Repo	rt is required u	ınder the Drainaç	ge Act * (By Pro	fessional	Engineer)			
5) A curb	and gutte	r is required al	ong the frontage			***************************************			
connection	on is unava	ilable, to the s	let for the severo atisfaction of the to the County ro	County Engine	er. All co	sts to be borne			
7) Techn	ical Report	's		***************************************	**********	•••••••••••			
8) That, i the sever	f necessar ed parcel.	y, an entrance All costs asso	permit be obtain ciated with this s	ed from Elgin Co shall be borne by	ounty for y the own	the entrance to er			
9) Lot Gr	ading Plan	is required for	the severed lot.		***********	***************************************			
10) The C	ounty has	no concerns	***************************************	•••••	•••••	•••••			
11) Not o	n County R	oad			•••••				
12) Pleas	se provide i	me with a copy	of your action o	n this applicatio	on	***************************************			
13) O	ther								
amen	idments mad	e thereto hereaftei	of Elgin By-Law No. s r, being a by-law to i ss to a County road.	92-57, as amended l egulate the constru	by By-Law N oction or alto	lo. 96-45, and any eration of any			

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021

Application: E 22-21

Owner: Agent:

Patricia ZimmerDonald Ferguson49408 Glencolin Line211-750 Talbot StreetAylmer, ON N5H 2R3St. Thomas, ON N5P 1E2

Location: 49408 Glencolin Line, legally described as CON 8 S PT LOTS 11, 12 RP;11R3070 PART 2 RP 11R681; PART 2, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 59 metres (193.57 feet) along Glencolin Line by a depth of 85 metres (278.87 feet) and an area of 0.49 hectares (1.21 acres) containing one residence surplus to the needs of the owner. The owners are retaining 7.16 hectares (17.69 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - the Application for Consent to Sever No. D10-E22-21 as submitted by Patricia Zimmer relating to the property located at South Part of Lots 11, 12, Concession 8, Malahide, and known municipally as 49408 Glencolin Line, be supported for the reasons set out in this Report.

Catfish Creek Conservation Authority - no concerns with the above noted application.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent 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:



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

- 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 will maintain their current agricultural use. 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 (0.49 hectares/1.21 acres) will contain an existing dwelling. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (7.16 hectares/17.69 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (septic system and well), without taking away from the agricultural features of the area.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 35 and 36 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area". Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the "Small Lot Agricultural (A4) Zone" zone. The proposed retained farm lot will be required to be placed into a Special "Agricultural (A2) Zone" zone which recognizes the deficient lot area proposed.



County of Elgin 450 Sunset Drive St. Thomas, Ontario N5R 5V1 Canada Phone: 519-631-146

Phone: 519-631-1460 Fax: 519-633-7661 www.elgin-county.on.ca

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

- 1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Glencolin Road County Road 32 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 digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 3. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

- 1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- 2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- 7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.



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8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 23-21

PART LOT 22, CONCESSION STR TOWNSHIP OF SOUTHWOLD MUNICIPAL ADDRESS: 36309 FINGAL LINE

TAKE NOTICE that an application has been made by **Middlemarch Farms Ltd** 30 Symphony Court St. Thomas ON N5P 4K1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36309 Fingal Line, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 14.2 metres (46.59 feet) along Fingal Line by a depth of 438.6 metres (1438.98 feet) and an area of 0.97 hectares (2.40 acres) containing one residence surplus to the needs of the owner. The owners are retaining 38.73 hectares (95.70 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 April 28, 2021 AT 10:50AM.
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 7th day of April, 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: 36309 Fingal Line

File Number: E23-2021

Owner: Middlemarch Farms Limited

Planner: Nancy Pasato Created By: TE Date: 31/03/2021

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

Meters 0 45 90 180 270 360

Scale 1:8,000

Legend

Subject Site

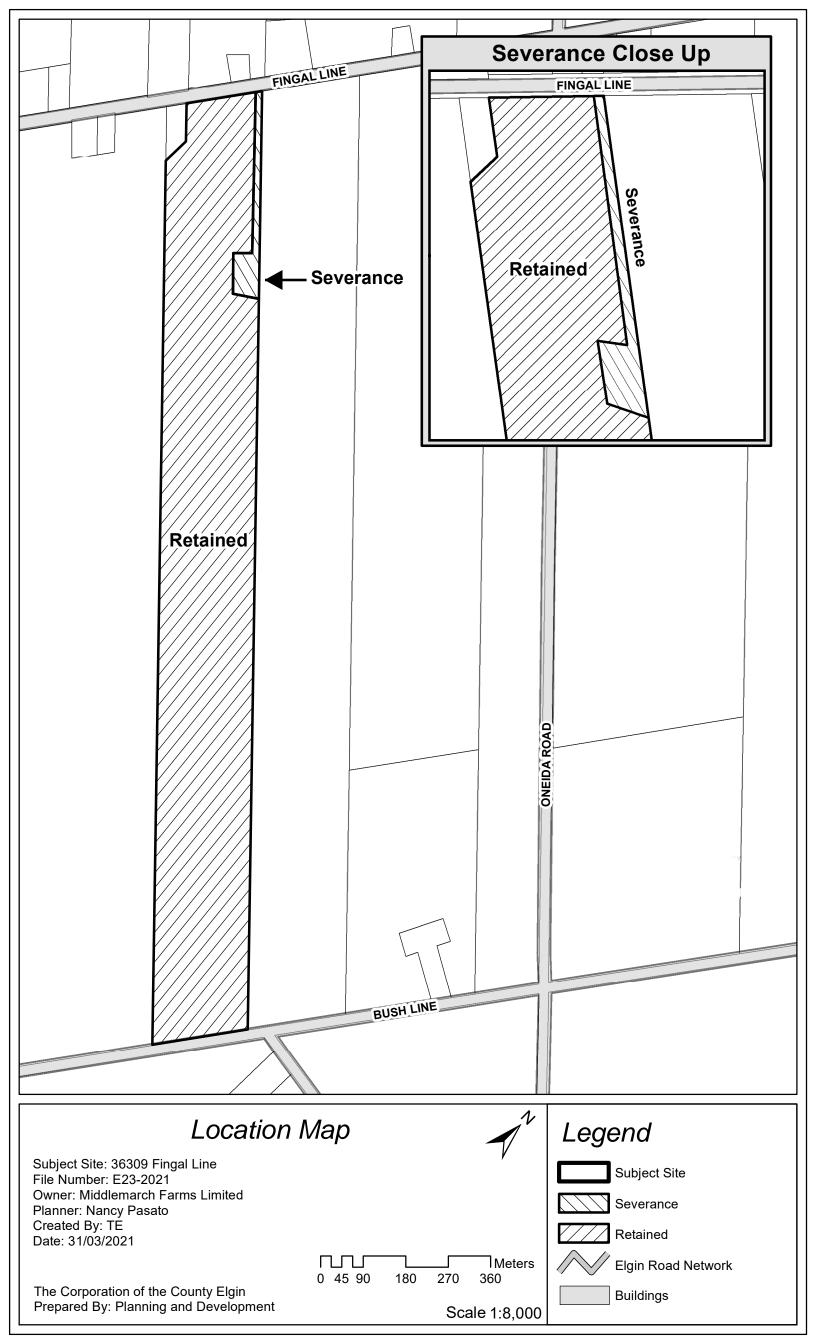
Severance

Retained

______TCtailed

Elgin Road Network

Buildings



TOWNSHIP OF SOUTHWOLD



35663 Fingal Line Fingal, ON N0L 1K0 Phone : (519) 769-2010

Fax: (519) 769-2837 E-mail: planning@southwold.ca

VIA E-MAIL ONLY

April 19, 2021

County of Elgin c/o Nancy Pasato, Manager of Planning 450 Sunset Drive St. Thomas, Ontario N5R 5V1 E-mail: npasato@elgin.ca

Ms. Pasato:

RE: Township of Southwold Severance (Consent) Application - Comments to

the County of Elgin

County File Numbers: E23-21

Legal Description: West Part Lot 22, Concession South of Talbot Road

Civic Address: 36309 Fingal Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the April 12, 2021 Council Meeting and passed the following resolution:

Council Resolution 2021-133:

THAT Council of the Township of Southwold receive Report PLA 2021-15 regarding Severance Application E23-21 – Comments to the County of Elgin;

AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E23-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-15;

AND FURHTER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-15 as Municipal comments to the County of Elgin.

CARRIED

Please find attached the following documentation, as it relates to the above noted files:

- 1. Planning Staff Report PLA 2021-15: Severance Application E23-21 Comments to County of Elgin, dated April 12, 2021; and
- 2. E23-21 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Township of Southwold 35663 Fingal Line Fingal, Ontario N0L 1K0 Office: 519-769-2010

Cell: 519-280-1028

Email: planning@southwold.ca



TOWNSHIP OF SOUTHWOLD PLANNING REPORT

Application: Proposed Severance

Report No.: PLA 2021-15

File No: E 23-21

Date: April 12, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Bryan Pearce, HBA, CPT, MCIP, RPP

Planner

SUBJECT: Severance Application E23-21 – Comments to the County of Elgin

REASONS FOR AND NATURE OF THE APPLICATION:

The proposal is to create a surplus farm dwelling lot that is surplus to the farm operations.

The subject lands, shown on Figure One, are legally described as West Part Lot 22, Concession South of Talbot Road and known municipally as 36309 Fingal Line. They are located on the south side of Fingal Line, approximately 1 kilometre east of Fingal.



The severance application was submitted to the County of Eglin by Donald Ferguson, Solicitor, as the Agent on behalf of the Owners, Middlemarch Farms Limited.

The approximate 39.70 hectares (98.01 acres) farm parcel has a habitable existing residence. The residence on the proposed severed parcel is currently serviced with municipal water service and a privately owned and operated individual septic system. The lands are under cultivation on the proposed retained parcel. The predominant land use in the area is cash crop agriculture and non-farm residential. The Fowler Municipal Drain runs through the northern portion of the property and the Jackson Number 2 Municipal Drain runs through the middle and southern portion of the property.

BACKGROUND INFORMATION:

The proposal is to sever 9,691.93 square metre (2.93 acre) parcel with a depth of 438.6 metre (1,438.97 feet) and frontage of 14.2 metres (46.59 feet) with a habitable existing residence with municipal water service and private septic system. The existing private waterline and overhead hydro would be contained on the severed parcel on the west side of the driveway and the existing septic system is located south of the existing dwelling. These is an existing Hydro One easement for the existing overhead hydro lines that head east of the subject lands, through the farm field.

The proposed retained parcel will have an area of 38.7 hectares (95.7 acres) with a depth of 1,985 metres (6,512.47 feet) and frontage of 147.31 metres (483.30 feet) along Fingal Line, that is vacant with no services and no independent entrance access to Fingal Line and/or Bush Line.

The severance sketches are attached to this report as Appendix One for reference purposes.

The Elgin County Application for Consent states the farm owner has declared the residence will be surplus to the needs of their farming operation, with other farm land holdings with the principal residence of the owner located in the City.

PLANNING POLICY REVIEW:

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 Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Township of Southwold Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the 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

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because 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 vacant remnant parcel of farmland created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The

Page 2 Middlemarch Farms Limited Severance File E 23-21
Report PLA 2021-15

severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are no livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, therefore MDS-1 can be achieved, as Guideline 9 of the Minimum Distance Separation Guideline requires it be applied only to the subject lands of the application.

The southern portion of the proposed retained parcel is within a significant woodland. Section 2.1 of the PPS polices states that development and site alteration in significant woodlands or on adjacent lands is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an Environmental Impact Study (EIS). Being that no development is proposed on the retained parcel at this time, no EIS would be required and would be evaluated on time of building permit for zoning compliance.

Section 3.1 of the PPS restricts development within Natural Hazard lands. The Natural Hazard lands are associated with the Fowler Municipal Drain on the northern portion of the property and no development is proposed with this severance.

This proposal appears to be consistent with the PPS.

CEOP

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

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setback. The residence is connected to the municipal water service and the septic report that was submitted with the application states the septic system is in good working condition. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

Section D1.2 Natural Heritage contains policies pertaining to significant woodlands. Section D1.2.6 states development and site alteration are not permitted in a significant woodland or on adjacent lands unless an EIS has been completed, demonstrating there will be no negative impact to the natural heritage features. Lastly, Section D1.2.7 Adjacent Lands states development and site alteration within 120 metres of a significant woodland shall not proceed unless an EIS. has been completed, demonstrating there will be no negative impact to the natural heritage features. Being that no development is proposed on the retained parcel at this time, no EIS would be required and would be evaluated on time of building permit for zoning compliance.

Section D3.3 Development in a Floodplain policies generally restricts development. The Natural Hazard lands are associated with the Fowler Municipal Drain on the northern portion of the property and no development is proposed with this severance.

Therefore, this proposal appears to conform to the CEOP.

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OP

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

Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 6.8.6(e) Agricultural Consent policies for residences surplus to the needs of a farm operation state land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

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

The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are no livestock operations affecting the proposal within the 750 metres, as documented in the application.

Section 5.7.1 of the OP, Sanitary Sewage and Water Services policies require that existing sewage and water services be adequate. A condition that the Municipality's Chief Building Official be satisfied that the septic system functions adequately is recommended for the proposed severed parcel.

Section 2.1 of the OP, Natural Heritage Features and Areas and Hazard Lands prohibits buildings, structures, and alteration to lands designated Hazard Lands. Section 2.2 Natural Heritage Features and Areas states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to the EIS demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels.

Therefore, this proposal appears to conform to the OP.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The subject lands are zoned Agricultural 1 (A1) with the southern portion of the lands subject to Natural Lands and Adjacent Lands constraint and a Fowler Municipal Drain portion of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6, as depicted in Figure Two on the next page.

The A1 Zone permitted uses includes agricultural use and single detached dwelling. The regulations for a lot legally used for a single detached dwelling created by consent are subject to reduced lot requirements. The A1 Zone Subsection 5.2 (g) 'Reduced Lot Requirements' regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 square metres (20,000.0 square metres). The maximum lot area permitted is 6,000 square metres (1.48 acres). The minimum lot frontage is 30.0 metres (98.0 feet).

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The proposed severed parcel area of approximately 9,691.93 square metre (2.93 acre) is

significantly larger than the maximum lot area permitted due to the existing deep location of the dwelling; however, it is still appropriate for the use and servicing of the lands. The proposed lot frontage of 14.2 metres (46.59 feet) significantly smaller than the A1 Zone Subsection 5.2 (g) requirements, due to the existing location of the driveway, services and to mitigate agricultural land loss. Agricultural The Special Provision XX



(A1-xx) Zone is recommended to be applied to the proposed severed parcel.

The proposed retained parcel would need to be rezoned to prohibit residential use on the farmland. The A3 Zone is recommended to be applied to the proposed retained parcel.

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

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

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning Bylaw Amendment was obtained for the severed and retained parcels, that can be addressed through a condition of the consent application.

STAFF COMMENTS:

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

Drainage

Drainage Department noted the following:

- The Fowler Municipal Drain runs through the northern portion of the property;
- The Jackson Number 2 Municipal Drain runs through the middle and southern portion of the property.
- Drainage reassessment required; and

Mutual Drain Agreement

The *Drainage Act* provides a legal procedure by which an "area requiring drainage" may have an outlet drain constructed to dispose of excess water. The drainage work is initiated by interested individuals within an "area requiring drainage" who will benefit from the construction of the drain, therefore with the proposed lot creation, a reassessment would be required.

Mutual Drain Agreements are drainage systems constructed, improved, financed and maintained through an agreement between two or more property owners. These drains are authorized under section 2 of the *Drainage Act*. Mutual Agreement drains are private drainage systems – there is usually no involvement of the local municipality or any government agency, unless they are party to the agreement as a property owner.

Planning Staff noted that this can be addressed as a condition of approval for reassessment process and Mutual Drain Agreement.

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

ADDITIONAL COMMENTS:

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

Further, Administration recommends that as a condition of approval of the consent that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone and to obtain relief to the Zoning By-law for the severed parcel and 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 consent that the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the Drainage Department comments.

Further, Administration recommends that as a condition of approval of the consent that the Applicant provide a Mutual Drain Agreement pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the Drainage Department comments.

Page 6 Middlemarch Farms Limited

Further, Administration recommends that as a condition of approval of the consent that the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality. It is noted that the Applicant provided this with the planning application in a letter from Brad Streib of Streib Trucking Ltd, dated May 22, 2020 that verified that the existing septic system and tank seem to be working property at the day of inspection.

Further, Administration recommends that as a condition of approval of the consent that prior 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consent 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*.

SUMMARY/CONCLUSION:

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

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Report PLA 2021-15

RECOMMENDATION:

THAT Council of the Township of Southwold receive Report PLA 2021-15 regarding Severance Application E23-21 – Comments to the County of Elgin;

AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E23-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-15;

AND FURHTER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-15 as Municipal comments to the County of Elgin.

Respectfully submitted by:

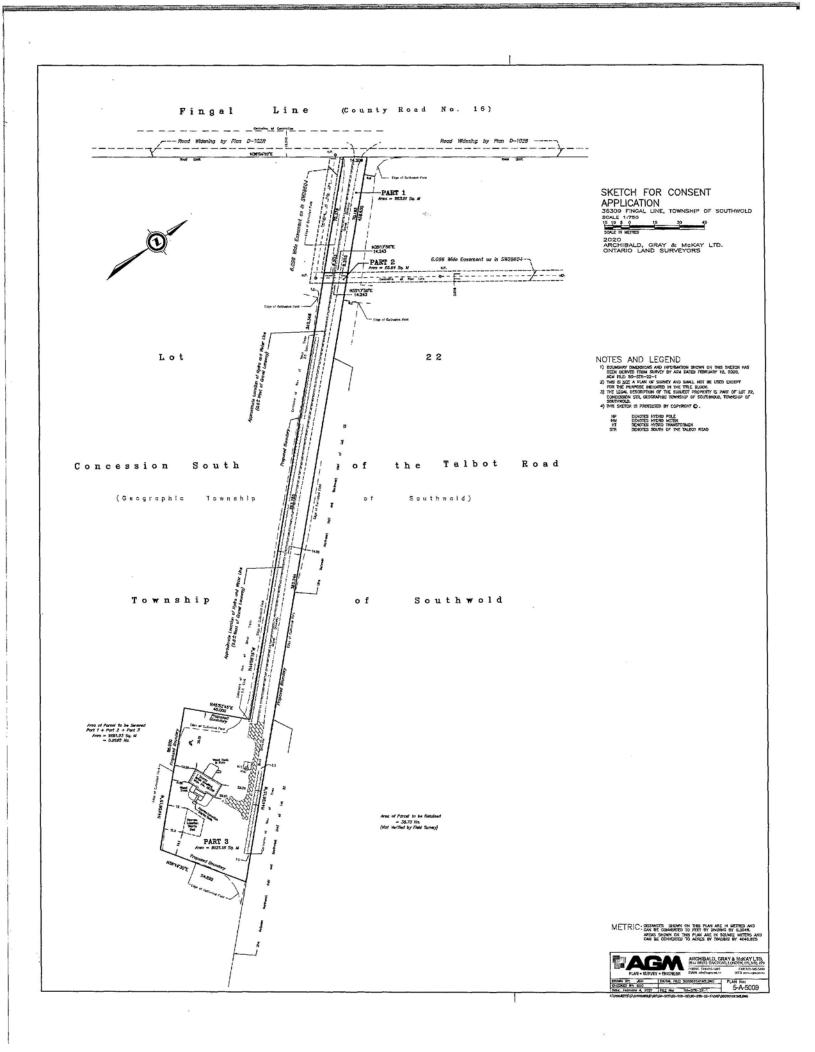
Bryan Pearce, HBA, CPT, MCIP, RPP Planner

Approved for submission by:

Lisa Higgs CAO/Clerk

Appendices:

- 1. Appendix One: Severance (Consent) Sketches E23-21
- 2. Appendix Two: Severance Application E23-21 Conditions



Report PLA 2021-15:

Severance Application E23-21 - Comments to the County of Elgin

Appendix Two: Severance Application E23-21 Conditions

Severance Application E23-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 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.
- That the Applicant's Solicitor provides an undertaking to the Municipality, to
 provide a copy of the registered deed for the severed parcel once the transaction
 has occurred to the Municipality.
- 4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone and obtain relief to the Zoning By-law for the severed parcel and 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.
- 5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- 7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 8. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 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*.

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 E23-21		
Applicant Middlemarch Farms Ltd.		
Location 36309 Fingal Line		
OFFICIAL PLAN		
I. Is there an O.P. in effect?	Yes(x)	No ()
2. Does the proposal conform with the O.P.?	Yes (x	No ()
Land Use Designation: Agricultural – Southwold Official Plan Policies: Sections 2.1, 2.2, 4.1, 5.7.1 and 6.8.6		
<u>ZONING</u>		
3. Is there a By-Law in effect?	Yes (x	No ()
Does the proposal conform with all requirements of the By-Law? Comments:	Yes ()	No (x)
Zoning by-law amendment is required for the severed and retained pa	rcels, see Plan	ning Staff Report
5. If not, is the Municipality prepared to amend the By-Law? OTHER	Yes (x) No ()
6. Does the Municipality foresee demand for new municipal services?	Yes ()	No(x)
7. If so, is the Municipality prepared to provide those services?	Yes ()	No ()
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to in	mpose condition	ns for:
 (a) the conveyance of 5% land to the municipality for park purposes of the dedication of highways () (b) the dedication of highways () (c) the dedication of land for highway widening () (d) entering into an agreement with the municipality dealing with matter necessary. () 		,
Does the Municipality wish the Committee to impose conditions relating indicate.	g to the above? Yes()	Please No ()
9. Does Council recommend the application?	Yes (x)	No ()
10. Does the municipality have other concerns that should be considered in the Planning Staff Report	•	nmittee?
		



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 23/20

36309 Fingal Line (Middlemarch Farms Ltd.)

Part Lot 22, Concession STR Township of Southwold

Please be advised that the above mentioned application has been reviewed by this office and we 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 subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern is the Fowler Drain and erosion.

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

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 202	21	ELGIN COUN	TY ROAD NO.:	16 - 36	309 Fingal Line	
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:							
APPLICAT	TION NO.:	E 23-21					
		Middlemarch	Farms Ltd.				
		LOT NO.	22	CONCES	SION:	STR	
		REG'D PLAN:		MUNICIP	ALITY:	Southwold	
following	comments	s to make:		remises has been			
1) Land fo	or road wi	dening is requir	ed				
of the s of widenir	severed an	nd retained lots/ County Road	parcels up to 15 () to the Count of already to that	vner dedicate land in from the centry of Elgin for the l is width, to the sati	eline of ourposes	construction s of road	
			ong the N or W	, property line	***********		
3) Draina	ge pipes a	nd/or catchbas	in(s) are require	d	•••••		
4) A Drair	nage Repo	ort is required u	nder the Drainaç	ge Act * (By Profe	essional	Engineer)	
5) A curb	and gutte	r is required ald	ong 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) Technic	cal Repor	ts			***********	•••••••••••••••••••••••••••••••••••••••	
8) That, if the severe	necessar ed parcel.	y, an entrance p All costs assoc	permit be obtain ciated with this s	ed from Elgin Cou shall be borne by	unty for t the owne	the entrance to	
9) Lot Gra	ading Plan	is required for	the severed lot.	•••••	**********	*****************	
10) The Co	ounty has	no concerns	***************************************	***************************************	***********	***************************************	Χ
11) Not on	County F	Road		***************************************	*********	••••••	
12) Please	e provide	me with a copy	of your action o	n this application	l	****************	
13) Ot	her						
amend	dments mad	subject to County or le thereto hereafter, ate roads or access	, being a by-law to r	92-57, as amended by egulate the construc	By-Law N tion or alte	lo. 96-45, and any ration of any	

BRIAN LIMA, P. ENG.

DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 **Application: E 23-21**

Owner: Agent:

Middlemarch Farms LimitedDonald Ferguson30 Symphony Court,211-750 Talbot StreetSt. Thomas ON N5P 1E2St. Thomas, ON N5P 1E2

Location: 36309 Fingal Line, legally described as CON STRE W PT LOT 22 Township of Southwold.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 14.2 metres (46.59 feet) along Fingal Line by a depth of 438.6 metres (1438.98 feet) and an area of 0.97 hectares (2.40 acres) containing one residence surplus to the needs of the owner. The owners are retaining 38.73 hectares (95.70 acres) proposed to remain in agricultural use.

County of Elgin Official
PlanLocal Municipality Official
PlanLocal Municipality Zoning
By-law
Agricultural AreaAgriculturalAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – That the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E23-21, subject to the Lower-Tier Municipal conditions in this report.

Lower Thames Valley Conservation Authority - that the above mentioned application has been reviewed by this office and we have no objections to the proposal as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for



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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 will maintain their current agricultural use. 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 (0.97 hectares/2.40 acres) will contain an existing dwelling and is proposed to be larger than normally considered. However, there does not appear to be an opportunity to reduce the size of the surplus lands, as the driveway is long and accounts for a portion of the lands. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (38.73 hectares/95.70 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing partial services (privately owned and operated individual septic tank and publicly owned and operated piped water system), without taking away from the agricultural lands.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural on Schedule 'A' Land Use in the Township of OP. The Woodlands on Schedule 'B' and the Hazard Lands on Schedule 'B-1' overlay apply to a southern portion of the proposed retained parcel. As per Section 6.8.6(e) land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

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



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The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are no livestock operations affecting the proposal within the 750 metres. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned Agricultural 1 (A1) with the southern portion of the lands subject to Natural Lands and Adjacent Lands constraint and a Fowler Municipal Drain portion of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6. The Agricultural (Special Provision XX A1-xx) Zone is recommended to be applied to the proposed severed parcel. The proposed retained parcel would need to be rezoned to prohibit residential use on the farmland. The A3 Zone is recommended to be applied to the proposed retained parcel.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning Bylaw Amendment was obtained for the severed and retained parcels.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff recommends approval subject to the following conditions from the Land Division Committee 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 a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Southwold be included as conditions for consent:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone and obtain relief to the Zoning By-law for the severed parcel and 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.
- 5. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.



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- 6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- 7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 8. That prior the final approval of the County, the County is advised in writing by the Municipality how the above- noted conditions have been satisfied.
- 9. 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.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 24-21

PART LOT 24, CONCESSION STR TOWNSHIP OF SOUTHWOLD MUNICIPAL ADDRESS: 36653 FINGAL LINE

TAKE NOTICE that an application has been made by **Middlemarch Farms Ltd** 30 Symphony Court St. Thomas ON N5P 4K1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36653 Fingal Line, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 58 metres (190.29 feet) along Fingal Line by a depth of 74.33 metres (243.86 feet) and an area of 0.44 hectares (1.09 acres) containing one residence surplus to the needs of the owner. The owners are retaining 60.1 hectares (148.51 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 April 28, 2021 AT 11:00AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

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

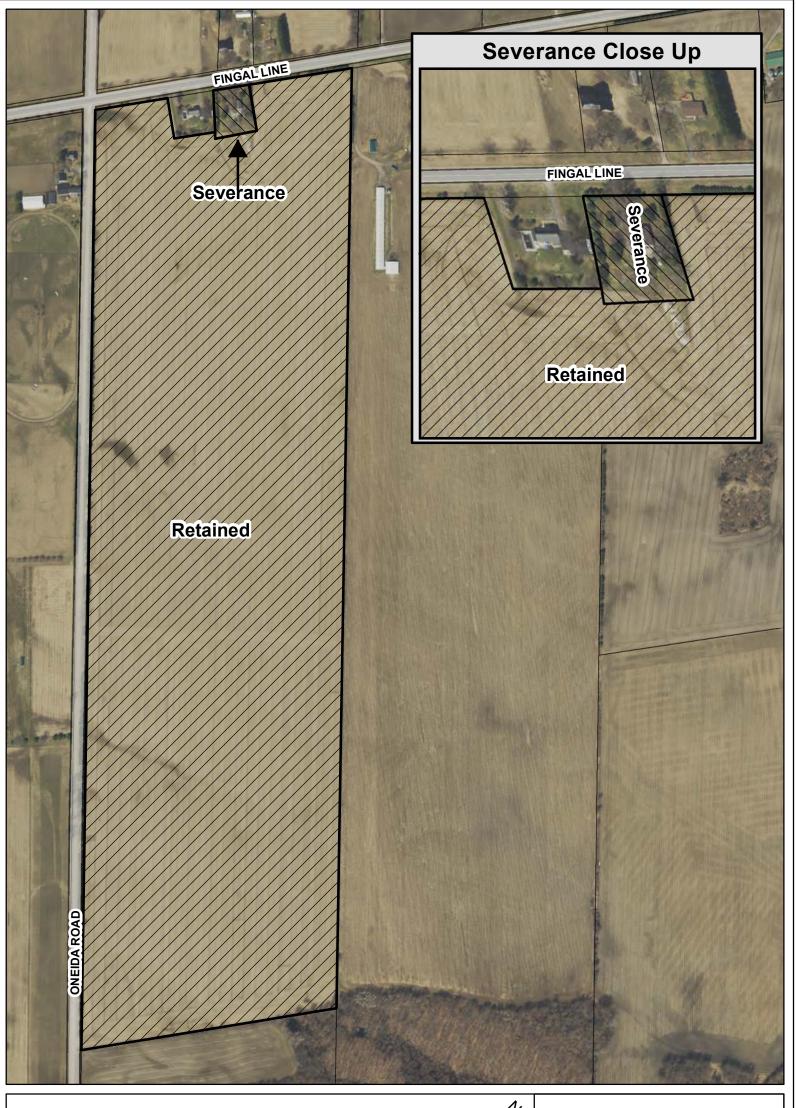
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 7th day of April, 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: 36653 Fingal Line

File Number: E24-2021

Owner: Middlemarch Farms Limited

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

1

Legend

Subject Site

Severance

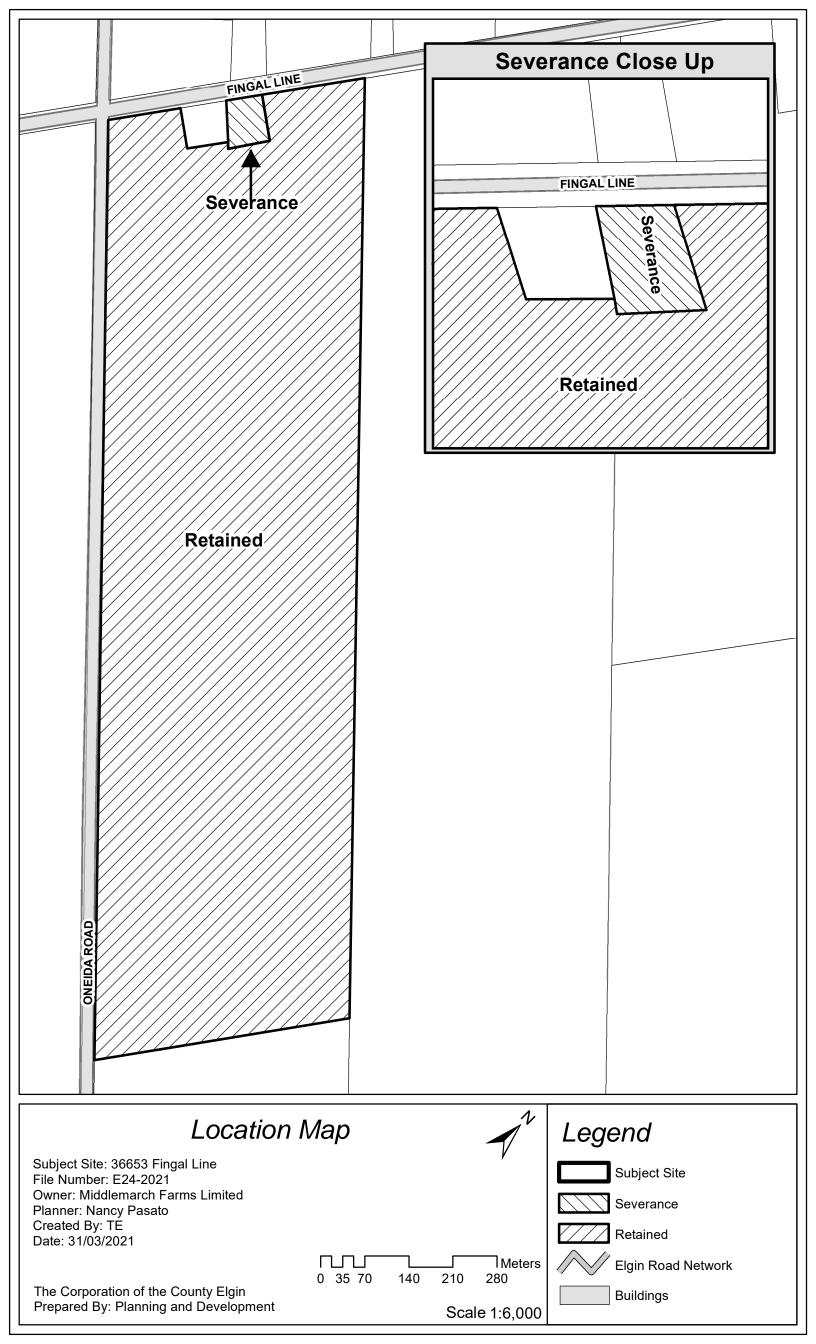
/// Retained

Elgin Road Network

Buildings

Meters 0 35 70 140 210 280

Scale 1:6,000



TOWNSHIP OF SOUTHWOLD



35663 Fingal Line Fingal, ON N0L 1K0 Phone : (519) 769-2010

Fax: (519) 769-2837 **E-mail: planning@southwold.ca**

VIA E-MAIL ONLY

April 19, 2021

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

E-mail: npasato@elgin.ca

Ms. Pasato:

RE: Township of Southwold Severance (Consent) Application - Comments to

the County of Elgin

County File Numbers: E24-21

Legal Description: Part of Lot 24, Concession South of Talbot Road

Civic Address: 36653 Fingal Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the April 12, 2021 Council Meeting and passed the following resolution:

Council Resolution 2021-134:

THAT Council of the Township of Southwold receive Report PLA 2021-16 regarding Severance Application E24-21 – Comments to the County of Elgin;

AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E24-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-16;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-16 as Municipal comments to the County of Elgin.

CARRIED

Please find attached the following documentation, as it relates to the above noted files:

- 1. Planning Staff Report PLA 2021-16: Severance Application E24-21 Comments to County of Elgin, dated April 12, 2021; and
- 2. E24-21 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

Bryan Pearce, HBA, CPT, MCIP, RPP Planner Township of Southwold 35663 Fingal Line Fingal, Ontario N0L 1K0 Office: 519-769-2010

Cell: 519-280-1028

Email: planning@southwold.ca



TOWNSHIP OF SOUTHWOLD PLANNING REPORT

Application: Proposed Severance

Report No.: PLA 2021-16

File No: E 24-21

Date: April 12, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Bryan Pearce, HBA, CPT, MCIP, RPP

Planner

SUBJECT: Severance Application E24-21 – Comments to the County of Elgin

REASONS FOR AND NATURE OF THE APPLICATION:

The proposal is to create a surplus farm dwelling lot that is surplus to the farm operations.

The subject lands, shown on Figure One, are legally described as Part Lot 24, Concession South of Talbot Road and known municipally as 36653 Fingal Line. They are located on the south side of Fingal Line, just east of Oneida Road and approximately 2 kilometres east of Fingal.



The severance application was submitted to the County of Eglin by Donald Ferguson, Solicitor, as the Agent on behalf of the Owners, Middlemarch Farms Limited.

The approximate 60.54 hectares (149.59 acres) farm parcel has a habitable existing residence, detached garage and detached shed. The residence on the proposed severed parcel is currently serviced with municipal water service and a privately owned and operated individual septic system. The lands are under cultivation on the proposed retained parcel. The predominant land use in the area is cash crop agriculture and non-farm residential.

BACKGROUND INFORMATION:

The proposal is to sever 4,375 square metre (1.08 acre) parcel with a depth of 74.33 metre (243.86 feet) and frontage of 58 metres (190.29 feet) with a habitable existing residence, accessory use detached shed and accessory use detached garage with municipal water service and private septic system. The existing private waterline and overhead hydro would be contained on the severed parcel in front of the existing dwelling and the existing septic system would be at the rear of the severed parcel.

The proposed retained parcel will have an area of 60.1 hectares (148.51 acres) with a depth of 1,493 metres (4,898.29 feet) and frontage of 268.56 metres (881.10 feet) along Fingal Line, that is vacant with no services and no independent entrance access to Fingal Line and/or Oneida Road.

The severance sketches are attached to this report as Appendix One for reference purposes.

The Elgin County Application for Consent states the farm owner has declared the residence will be surplus to the needs of their farming operation, with other farm land holdings with the principal residence of the owner located in the City.

PLANNING POLICY REVIEW:

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 Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Township of Southwold Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the 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

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because 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 vacant remnant parcel of farmland created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the

Page 2 Middlemarch Farms Limited Severance File E 24-21
Report PLA 2021-16

existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect.

The southern portion of the proposed retained parcel is within the adjacent lands of the significant woodlands and close to the significant woodlands on the southern boundary of the property. Section 2.1 of the PPS polices states that development and site alteration in significant woodlands or on adjacent lands is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an Environmental Impact Study (EIS). Being that no development is proposed on the retained parcel at this time, no EIS would be required and would be evaluated on time of building permit for zoning compliance.

This proposal appears to be consistent with the PPS.

CEOP

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

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setback. The residence is connected to the municipal water service and the septic report that was submitted with the application states the septic system is in good working condition. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

Section D1.2 Natural Heritage contains policies pertaining to significant woodlands. Section D1.2.6 states development and site alteration are not permitted in a significant woodland or on adjacent lands unless an EIS has been completed, demonstrating there will be no negative impact to the natural heritage features. Lastly, Section D1.2.7 Adjacent Lands states development and site alteration within 120 metres of a significant woodland shall not proceed unless an EIS has been completed, demonstrating there will be no negative impact to the natural heritage features. Being that no development is proposed on the retained parcel at this time, no EIS would be required and would be evaluated on time of building permit for zoning compliance.

Therefore, this proposal appears to conform to the CEOP.

OP

The subject lands are designated Agricultural on Schedule 'A' Land Use in the OP. The Woodlands on Schedule 'B' overlay apply to a southern portion of the proposed retained parcel.

Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

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

Page 3 Middlemarch Farms Limited

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

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

The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are livestock operations within the 750 metres, as documented in the application, but MDS-I is exempt for surplus farm dwellings on the adjacent lands since there is no specific policies within the OP, as per Guideline 9 of the MDS Guideline.

Section 5.7.1 of the OP, Sanitary Sewage and Water Services policies require that existing sewage and water services be adequate. A condition that the Municipality's Chief Building Official be satisfied that the septic system functions adequately is recommended for the proposed severed parcel.

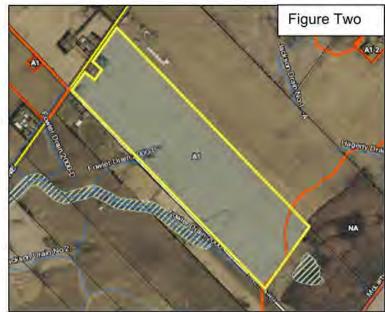
Section 2.1 of the OP, Natural Heritage Features and Areas and Hazard Lands prohibits buildings, structures, and alteration to lands designated Hazard Lands. Section 2.2 Natural Heritage Features and Areas states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to the EIS demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels.

Therefore, this proposal appears to conform to the OP.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The subject lands are zoned Agricultural 1 (A1) with the southern portion of the lands subject to Natural Lands and Adjacent Lands constraint as shown in the ZBL on Schedule 'A' Map 6, as depicted in Figure Two to the right.

The A1 Zone permitted uses includes agricultural use and single detached dwelling. The regulations for a lot legally used for a single detached dwelling created consent are subject to reduced lot requirements. The A1 Zone Subsection 5.2 (g) Reduced Lot Requirements regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 square metres (20,000.0 square metres). maximum lot area permitted is 6,000 square metres (1.48 acres). The minimum lot frontage is 30.0 metres (98.0 feet).



The proposed severed parcel area of approximately 4,375 square metre (1.08 acre) parcel with a frontage of 58 metres (190.29 feet), complying with the Subsection 5.2 (g) requirements of the ZBL. There is an existing accessory use detached shed that doesn't comply with the ZBL, as it is located in the front yard of the dwelling, contrary to Section 3.1(a)(iii) of the ZBL. Planning Staff suggests removal or relocation on the property to achieve ZBL compliance, as a condition of approval.

The proposed retained parcel would need to be rezoned to prohibit residential use on the farmland. The A3 Zone is recommended to be applied to the proposed retained parcel.

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

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

STAFF COMMENTS:

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

Drainage

Drainage Department noted the following:

- The subject lands would be in the drainage catchment of Casey Drain, Jackson Number 1 Drain and the Fowler Drain:
- Fowler Municipal Drain runs through the northern portion of the property;
- · Drainage Reassessment required; and
- Mutual Drain Agreement required.

The *Drainage Act* provides a legal procedure by which an "area requiring drainage" may have an outlet drain constructed to dispose of excess water. The drainage work is initiated by interested individuals within an "area requiring drainage" who will benefit from the construction of the drain, therefore with the proposed lot creation, a reassessment would be required.

Mutual Drain Agreements are drainage systems constructed, improved, financed and maintained through an agreement between two or more property owners. These drains are authorized under section 2 of the *Drainage Act*. Mutual Agreement drains are private drainage systems – there is usually no involvement of the local municipality or any government agency, unless they are party to the agreement as a property owner.

Planning Staff noted that this can be addressed as a condition of approval for reassessment process and mutual drain agreement.

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

Page 5 Middlemarch Farms Limited Severance File E 24-21
Report PLA 2021-16

ADDITIONAL COMMENTS:

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

Further, Administration recommends that as a condition of approval of the consent that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone and to obtain relief to the Zoning By-law for 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 consent that the Applicant remove or relocate the existing accessory use detached shed on the severed parcel, to obtain Zoning By-law compliance, 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 consent that the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the Drainage Department comments.

Further, Administration recommends that as a condition of approval of the consent that the Applicant provide a Mutual Drain Agreement pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the Drainage Department comments.

Further, Administration recommends that as a condition of approval of the consent that the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality. It is noted that the Applicant provided this with the planning application in a letter from Brad Streib of Streib Trucking Ltd, dated September 4, 2020 that verified that the existing septic system and tank seem to be working property at the day of inspection.

Further, Administration recommends that as a condition of approval of the consent that prior 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

Page 6 Middlemarch Farms Limited

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 the approval authority.

Further, Administration recommends that as a condition of approval of the consent 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*.

SUMMARY/CONCLUSION:

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

RECOMMENDATION:

THAT Council of the Township of Southwold receive Report PLA 2021-16 regarding Severance Application E24-21 – Comments to the County of Elgin;

AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E24-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-16;

AND FURHTER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-16 as Municipal comments to the County of Elgin.

Respectfully submitted by:

Bryan Pearce, HBA, CPT, MCIP, RPP Planner

Approved for submission by:

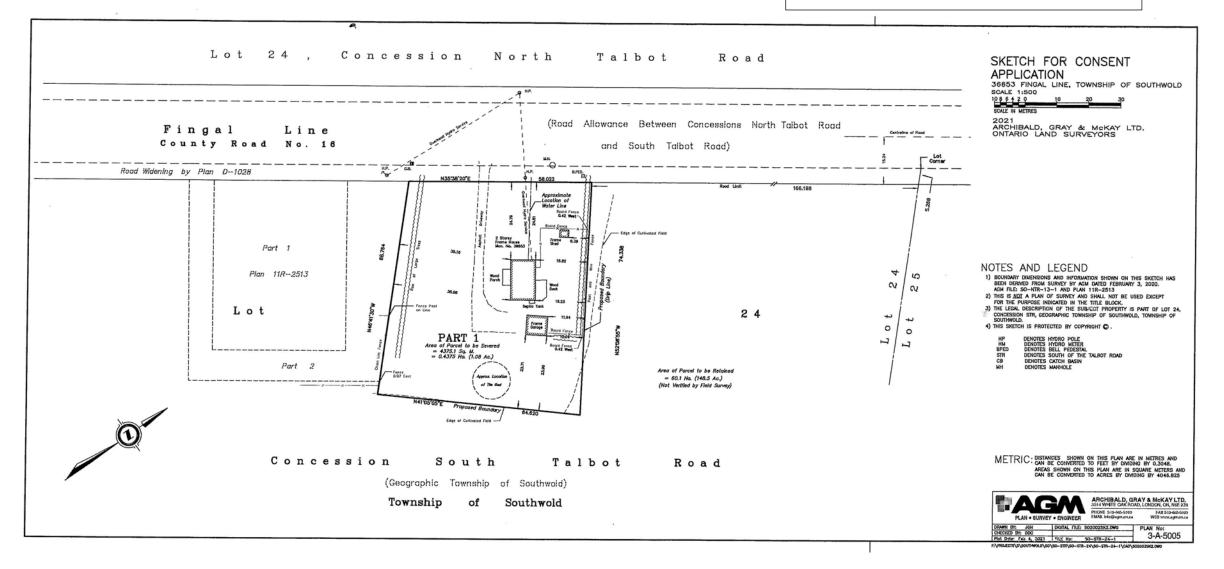
Lisa Higgs CAO/Clerk

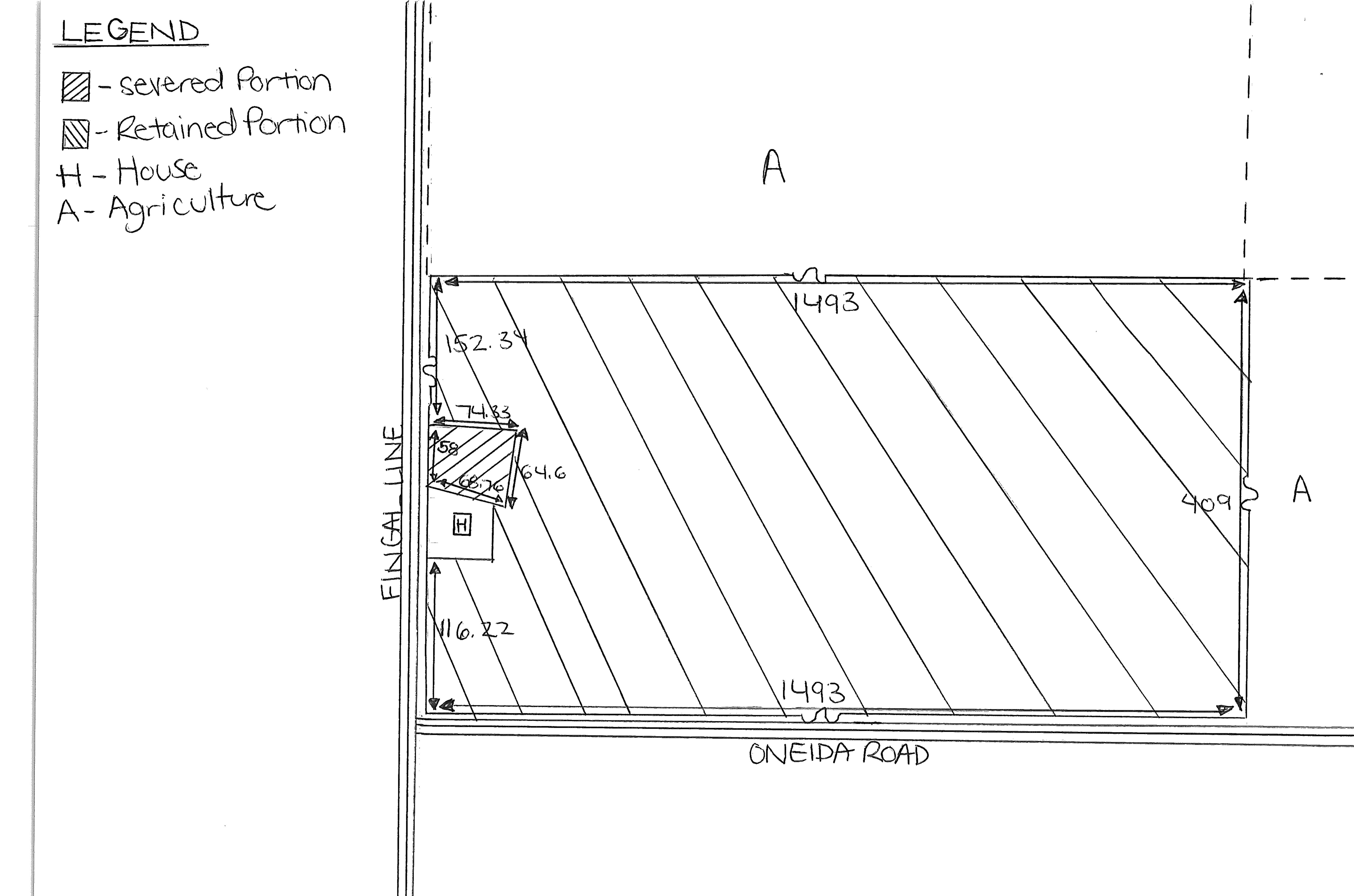
Appendices:

- 1. Appendix One: Key Map and Severance (Consent) Sketch E24-21
- 2. Appendix Two: Severance Application E24-21 Conditions

Page 7

REPORT PLA 2021-16 APPENDIX ONE: SEVERANCE (CONSENT) SKETCHES - E24-21





Report PLA 2021-16:

Severance Application E24-21 - Comments to the County of Elgin

Appendix Two: Severance Application E24-21 Conditions

Severance Application E24-21 Conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone and obtain relief to the Zoning By-law for the severed parcel and 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.
- 5. That the Applicant remove or relocate the existing accessory use detached shed on the severed parcel, to obtain Zoning By-law compliance, to the satisfaction and clearance of the Municipality.
- 6. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
- 7. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
- 10. 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*.

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 E24-21		
Applicant Middlemarch Farms Ltd.		
Location 36653 Fingal Line		
OFFICIAL PLAN		
I. Is there an O.P. in effect?	Yes(x)	No ()
2. Does the proposal conform with the O.P.?	Yes (x) No ()
Land Use Designation: Agricultural – Southwold Official Plan Policies: Sections 2.1, 2.2, 4.1, 5.7.1 and 6.8.6		
<u>ZONING</u>		
3. Is there a By-Law in effect?	Yes (x) No ()
Does the proposal conform with all requirements of the By-Law? Comments:	Yes ()	No (x)
Zoning by-law amendment is required for the severed and retained pa	ırcels, see Plan	ning Staff Report
5. If not, is the Municipality prepared to amend the By-Law? OTHER	Yes (x) No ()
6. Does the Municipality foresee demand for new municipal services?	Yes ()	No(x)
7. If so, is the Municipality prepared to provide those services?	Yes ()	No ()
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to i	mpose conditio	ns for:
 (a) the conveyance of 5% land to the municipality for park purposes of the dedication of highways () (c) the dedication of land for highway widening () (d) entering into an agreement with the municipality dealing with matter necessary. () 		,
Does the Municipality wish the Committee to impose conditions relatir indicate.	ng to the above? Yes()	? Please No()
9. Does Council recommend the application?	Yes (x) No ()
10. Does the municipality have other concerns that should be consider All local municipal interests are contained in the Planning Staff Report	•	nmittee?



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E 24/20

36653 Fingal Line (Middlemarch Farms Ltd.)

Part Lot 24, Concession STR Township of Southwold

Please be advised that the above mentioned application has been reviewed by this office and we 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 therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

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

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

Yours truly

Valerie Towsley

Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 202	21	ELGIN COUNTY ROAD NO.:	16 - 36	653 Fingal Line		
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE RE:							
	TION NO.:						
OWNER:			h Farms Ltd.			3000	
PROPER'	ΓY:	LOT NO.	The state of the s				
		REG'D PLAN:	MUNIC	IPALITY:	Southwold		
following	comment	s to make:	n on the above premises has be				
I) Lanu i	or Toau wi o <i>n 51 (25</i>) <i>i</i>	of the Planning	red	ande alona	the frentess		
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15 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 reser	ve is required a	along the N,				
			or Wproperty line				
			sin(s) are required				
4) A Drai	nage Repo	ort is required u	under the Drainage Act * (By Pro	ofessional I	Engineer)		
5) A curb	and gutte	er is required al	ong the frontage	***************************************			
connection	on is unava	ailable, to the s	tlet for the severed lot is require atisfaction of the County Engine to the County road allowance is	er. All cos	sts to be borne		
7) Techn	ical Repor	ts		*********	••••••		
8) That, i the sever	f necessar ed parcel.	ry, an entrance All costs asso	permit be obtained from Elgin C ciated with this shall be borne b	ounty for t by the owne	he entrance to		
9) Lot Gr	ading Plar	າ is required fo ı	r the severed lot	***********	************		
10) The C	ounty has	no concerns		************	••••••	Χ	
11) Not o	n County F	Road		***************	••••••		
12) Pleas	se provide	me with a copy	of your action on this applicati	on			
13) O	ther						
amer	ndments mad	de thereto hereafte	of Elgin By-Law No. 92-57, as amended r, being a by-law to regulate the constr ss to a County road.	by By-Law N uction or alte	o. 96-45, and any ration of any		

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 **Application: E 24-21**

Owner: Agent:

Middlemarch Farms LimitedDonald Ferguson30 Symphony Court,211-750 Talbot StreetSt. Thomas ON N5P 4K1St. Thomas, ON N5P 1E2

Location: 36653 Fingal Line, legally described as PART LOT 24, CONCESSION STR Township of Southwold.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 58 metres (190.29 feet) along Fingal Line by a depth of 74.33 metres (243.86 feet) and an area of 0.44 hectares (1.09 acres) containing one residence surplus to the needs of the owner. The owners are retaining 60.1 hectares (148.51 acres) proposed to remain in agricultural use.

County of Elgin Official Local Municipality Official Plan Plan By-law
Agricultural Area Agricultural Agricult

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold - That the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E24-21, subject to the Lower-Tier Municipal conditions in this report.

Lower Thames Valley Conservation Authority - that the above mentioned application has been reviewed by this office and we have no objections to the proposal as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for



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

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 will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.44 hectares/1.09 acres) will contain an existing dwelling. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (60.1 hectares/148.51 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing partial services (privately owned and operated individual septic tank and publicly owned and operated piped water system), without taking away from the agricultural features of the area.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural on Schedule 'A' Land Use in the OP. The Woodlands on Schedule 'B' overlay apply to a southern portion of the proposed retained parcel. As per Section 6.8.6(e) land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

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

The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are no livestock operations affecting the proposal within the



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750 metres, as documented in the application. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned Agricultural 1 (A1) with the southern portion of the lands subject to Natural Lands and Adjacent Lands constraint as shown in the ZBL on Schedule 'A' Map 6. The proposed severed parcel area of approximately 4,375 square metre (1.08 acre) parcel complies with the ZBL. There is an existing accessory use detached shed that doesn't comply with the ZBL, as it is located in the front yard of the dwelling, contrary to Section 3.1(a)(iii) of the ZBL. Planning Staff suggests removal or relocation on the property to achieve ZBL compliance, as a condition of approval.

The proposed retained parcel would need to be rezoned to prohibit residential use on the farmland. The A3 Zone is recommended to be applied to the proposed retained parcel. Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning Bylaw Amendment was obtained for the retained parcel.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff recommends approval subject to the following conditions from the Land Division Committee 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 a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Southwold be included as conditions for consent:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
- 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.
- 3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
- 4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone and obtain relief to the Zoning By-law for the severed parcel and 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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- 5. That the Applicant remove or relocate the existing accessory use detached shed on the severed parcel, to obtain Zoning By-law compliance, to the satisfaction and clearance of the Municipality.
- 6. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- 7. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
- 8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
- 9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above- noted conditions have been satisfied.
- 10. 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.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 25-21

PART LOTS 15 & 16, CONCESSION 7 TOWNSHIP OF MALAHIDE MUNICIPAL ADDRESS: 48554 YORKE LINE

TAKE NOTICE that an application has been made by **Marion Wallace** 48554 Yorke Line, Belmont ON N0L 1B0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 48554 Yorke Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 54.983 metres (180.39 feet) along Yorke Line by a depth of 81.064/80.916 metres (265.96/265.47 feet) and an area of 0.44 hectares (1.09 acres) containing one residence surplus to the needs of the owner. The owners are retaining 35.46 hectares (87.62 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 April 28, 2021 AT 11:10AM.
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 7th day of April, 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



Subject Site: 48550 - 48570 Yorke Line File Number: E25-2021 & E26-2021

Owner: Marion Wallace Planner: Nancy Pasato Created By: TE Date: 31/03/2021

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

Meters 0 15 30 60 90 120

Scale 1:3,000

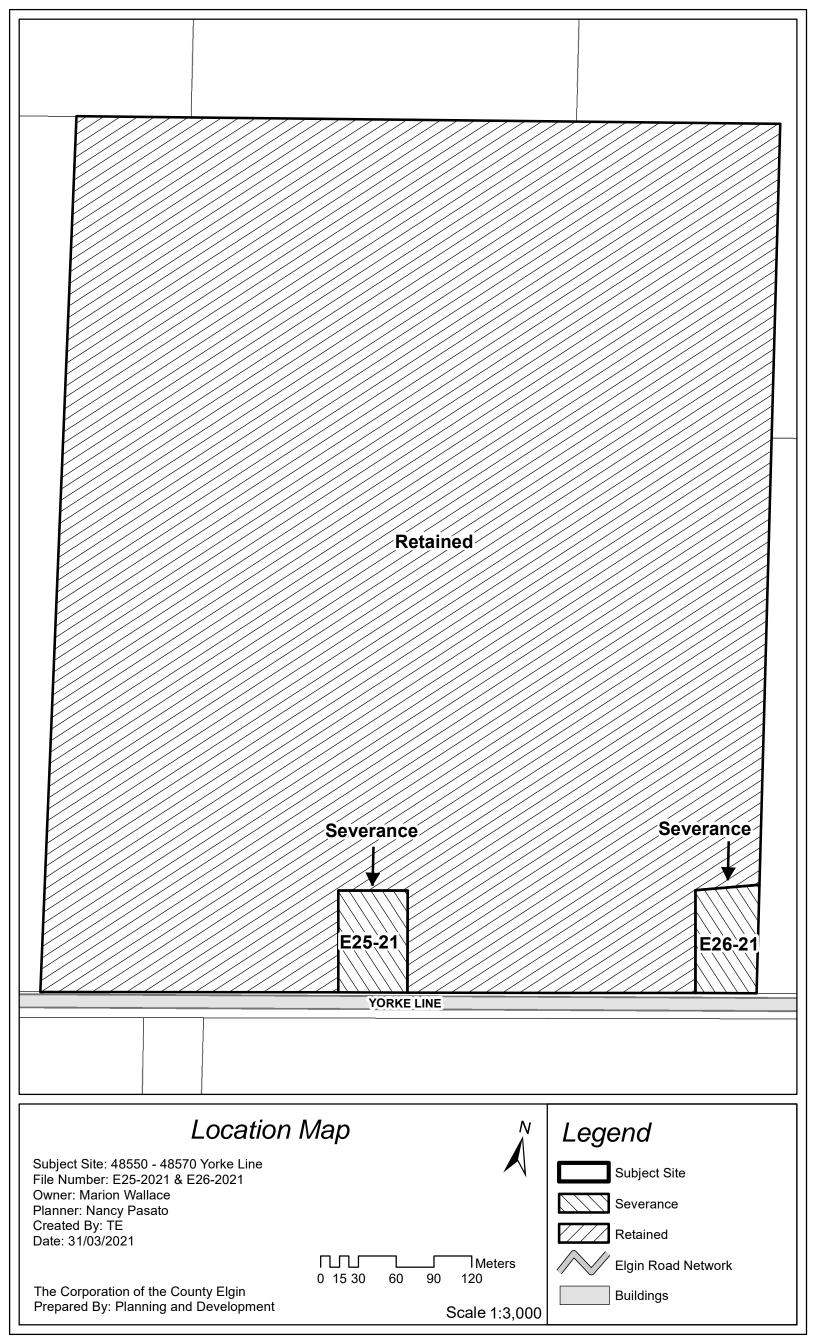
Subject Site

Severance

Retained

Elgin Road Network

Buildings



87 John Street South Aylmer ON N5H 2C3 Phone: 519-773-5344 Fax: 519-773-5334 www.malahide.ca



April 9, 2021

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

Dear Committee Members:

RE: Land Severance Application E25/21 – Marion Wallace

The Malahide Township Council passed the following Resolutions on April 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E25/21, in the name of Marion Wallace, relating to the property located at Part Lots 15 and 16, Concession 7, Geographic Township of South Dorchester, subject to the following conditions:

- (i) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- (ii) That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
- (iii) That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- (iv) 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.

- (v) 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.
- (vi) 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.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (viii) 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.
- (ix) The existing barn should either be demolished or the animal stalls within the barn completely removed (through a Change of Use Permit with the Township's Building Division) so to ensure there will not be livestock housed in this structure.

We enclose Municipal Appraisal together with Municipal Report DS-21-18 for your records.

Yours very truly, TOWNSHIP OF MALAHIDE

M Casavecchia- Somers

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

Copy - John Seldon Rosemary Kennedy Marion Wallace



Report to Council

REPORT NO.: DCS-21-18 **DATE:** April 8, 2021

ATTACHMENT: Report Photo, Applications (2), Recommended Conditions (2)

SUBJECT: Applications for Consent to Sever of Marion Wallace

(Authorized Agent: Jerome A. Collins, Barrister and Solicitor)

LOCATION: South Part of Lots 15 and 16, Concession 7 (Geographic Township

of South Dorchester) (48550 and 48670 Yorke Line)

Recommendation:

THAT Report No. DCS-21-18 entitled "Applications for Consent to Sever of Marion Wallace" be received;

AND THAT the Applications for Consent to Sever Nos. D10-E25-21 and D10-E26-21 as submitted by Marion Wallace relating to the property located at South Part of Lots 15 and 16, Concession 7, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line, be supported for the reasons set out in this Report;

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

Background:

The subject Applications for Consent to Sever (the "Applications") have been submitted by Jerome A. Collins, Barrister and Solicitor, on behalf of Marion Wallace, in order to sever two (2) existing dwellings as a result of a farm consolidation (Lewis Helka Farms Ltd.).

The Applications relate to the property located at CON 7 S PT LOTS 15,16, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line.

Comments/Analysis:

The subject farm property is approximately 39.03 hectares (96.43 acres) in area, and has approximately 567.66 metres (1,862.40 feet) of frontage along Yorke Line. As shown on the attached report photo, there are two (2) existing single-detached dwellings.

It appears that this parcel contains two dwellings likely as a result of the acquisition and merging of adjacent farm properties at some point.

The dwelling at 48554 Yorke Line (D10-E25-21) was constructed in the 1880s. There is an existing garage/accessory building proposed to remain with the dwelling on the severed residential lot. There is also an existing barn situated to the rear (north) of the dwelling and garage that is proposed to remain with the retained farm parcel.

The dwelling at 48670 Yorke Line (D10-E26-21) was constructed in 1992. There are no other structures.

The subject property is surrounded primarily by agricultural land.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and "Woodlands" on Appendix 1, "Environmental Resource Areas". The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources).

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands, Watercourse" on Schedule 'A2' (Constraints Plan).

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The Malahide Official Plan states, under Section 2.1.7.1 b), that: "Only one surplus farm dwelling may be severed pursuant to each corporate farm consolidation".

The Township's Planner is of the opinion that this policy is intended to apply to the traditional/common scenario where only two dwellings, being the one dwelling on the "home farm" and the second "surplus" dwelling on the acquired new farm, are involved.

The Township Planner is of the opinion that the above-noted policy simply does not contemplate for the subject situation that exists on this property, and the Applications for severing 2 dwellings is in conformity with the Township's Official Plan.

Malahide Zoning By-law No. 22-18

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 3 & 4 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lots with the surplus farm dwellings will be placed into the "Small Lot Agricultural (A4) Zone" zone.

The "Small Lot Agricultural (A4) Zone" zone requires the following with regard to minimum lot area and frontage:

"A4"	Required:	Proposed Severed Lot
Zone		
Min. Lot	2,000 m ² (0.5 acre)	48554 Yorke Line (D10-E25-21): 4,400 m ² (1.1acre)
Area		48670 Yorke Line (D10-E26-21): 4,000 m ² (1 acre)
Min. Lot	30m (98 feet)	48554 Yorke Line (D10-E25-21): 54.9 m (180 feet)
Frontage	·	48670 Yorke Line (D10-E26-21): 48.6 m (159 feet)

The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone. The "Agricultural (A2) Zone" zone requires the following with regard to minimum lot area and frontage:

"A2" Zone	Required:	Proposed Retained Farm Lot (following severance of both dwellings)
Min. Lot Area	20 ha (50 acres)	38.18 ha (95.3 acres)
Min. Lot Frontage	150m (492 feet)	464 m (1,522 feet)

Although not a significant concern, the Township Planner did note that there appears to be minor discrepancies between the subject property's lot area as provided with the Applications, and the lot area shown as per Township records (which has been used in the above tables). The County Land Division Committee should ensure that accurate lot sizes are provided in its decisions.

General Comments

The Development Services Staff has considered the merits of the subject Applications against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support both Applications.

The Development Services Staff has also considered comments provided (if any) by other internal departments.

The Township Planner has also reviewed and has no significant concerns with the proposal. The Township Planner has noted the following with regard to Application No. D10-E25-21 specifically, being the existing barn proposed to remain on the retained farm parcel at a location of approximately 9 metres from the severed dwelling lot. That barn should either be demolished or the animal stalls within the barn completely removed (through a Change of Use Permit with the Township's Building Division) so to ensure there will not be livestock housed in this structure (which would cause a Minimum Distance Separation ("MDS") issue).

There was generally little information provided with the application with regard to the existing/continued use of that barn structure, or, how access to it will be provided. If the barn is to be retained, a new access laneway on the retained farm parcel will be needed, or an easement (not preferred) over the severed dwelling lot established. Such use and access arrangements can be determined and/or established by the Land Division Committee.

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.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Reviewed by:	Approved By:
Allison Adams, Development Services Coordinator	A. Betteridge, MCIP, RPP Director of Development Services (Planner)	M Casavecchia-Somers

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 E2	25/21		
Applicant	Marion Wallace		
Location	48854 Yorke Line		
PART 1 - OFFI	CIAL PLAN		
I. Is there an O	P. in effect?	Yes (X)	No ()
2. Does the pro	oposal conform with the O.P.?	Yes (X)	No ()
D 11 1	esignation:		
PART 2 - ZONI			
3. Is there a By	y-Law in effect?	Yes (X)	No ()
4. Does the pro	oposal conform with all requirements of the By-Law?	Yes ()	No (X)
Comments:	Rezoning Required		
5. If not, is the	Municipality prepared to amend the By-Law?	Yes ()	No ()
PART 3 – COU Treasurer of the resolutions/reco	NCIL RECOMMENDATION – please complete below e Land Division Committee and attached any commen ommendations	and send to the Sats, staff reports(s)	Secretary and Council
6. Does the Mu	unicipality foresee demand for new municipal services	? Yes ()	No ()
7. If so, is the I	Municipality prepared to provide those services?	Yes ()	No ()
8. Does the Mu	unicipality wish the Committee to impose conditions?	Yes ()	No ()
9. Does Counc	cil recommend the application?	Yes ()	No ()
10.Does the mu	unicipality have other concerns that should be conside	red by the Comm	ittee?

Revised 01/09/20

Dawn Wittland-Graham

From: Joe Gordon <joe@kettlecreekconservation.on.ca>

Sent: April 8, 2021 2:21 PM **To:** Dawn Wittland-Graham

Subject: RE: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good afternoon Dawn,

Please accept this email as confirmation that staff of KCCA has reviewed the following notice of applications for consent and based on our mandate and policies, we have no objection to their approval:

- E25-21 48554 Yorke Line, Malahide
- E26-21 48554 Yorke Line, Malahide.

WE can also confirm that the following notice of applications are located outside of the Kettle Creek watershed and recommend that the following notices be circulated to Catfish Creek Conservation Authority for review and comment:

- E21-21 51275 Wilson Ave, Malahide
- E22-21 49408 Glencolin Rd, Malahide

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

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

From: Dawn Wittland-Graham < dwittlandgraham@ELGIN.ca>

Sent: April 7, 2021 11:36 AM

To: Michelle Casavecchia-Somers <MCasavecchia@malahide.ca>; Adam Betteridge <ABetteridge@malahide.ca>; Allison Adams <AAdams@malahide.ca>; planning@catfishcreek.ca; Joe Gordon <joe@kettlecreekconservation.on.ca>; Brian Lima <bli>blima@ELGIN.ca>; Elgin Farmers <elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; civicplanningsolutions@nor-del.com; JEROME COLLINS

<jcollins5273@rogers.com>

Subject: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file numbers E 21-21, E 22-21, E 25-21 & E26-21 for the Elgin County Land Division Committee meeting being held on April 28, 2021.

If you wish to provide comments on any of these applications please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, April 20, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COU	NTY ROAD NO.:		
TO: THE	COUNTY	OF ELGIN LAND	DIVISION CON	MMITTEE		
	ATION NO.:	E 25-21 & E	26-21			
OWNER:	•	Marion Walla	ace		,	
	RTY:		15 & 16	CONCESSION:	7	
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						
0) 1						
		ve is required al				
s	, E	and/o	or W	_ property line	*************	
3) Drain	age pipes a	and/or catchbas	in(s) are require	ed		
4) A Dra	inage Repo	ort is required u	nder the Draina	nge Act * (By Profession	al Engineer)	
5) A cur	b and gutte	er is required alc	ong the frontag	e	•••••	
connecti	ion is unav	ailable, to the sa	atisfaction of th	red lot is required - If an o le County Engineer. All c oad allowance is prohibit	osts to be borne	
7) Techi	nical Repor	ts				
8) That, the seve	if necessar red parcel.	ry, an entrance բ All costs assoc	permit be obtain ciated with this	ned from Elgin County fo shall be borne by the ow	r the entrance to mer	
9) Lot G	rading Pla	n is required for	the severed lot	t		
10) The (County has	no concerns			***************************************	
11) Not o	on County F	Road				Χ
12) Plea	se provide	me with a copy	of your action	on this application		
13) (Other					
ame	endments mad	subject to County o de thereto hereafter vate roads or acces	, being a by-law to	. 92-57, as amended by By-Law regulate the construction or a	v No. 96-45, and any literation of any	

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021

Application: E 25-21

Owner: Agent:

Marion WallaceJerome Collins48554 Yorke Line RR136 Hincks Street

Belmont, ON NOL 1B0 St. Thomas, ON N5R 3N6

Location: 48554 Yorke Line, legally described as PART LOTS 15 & 16, CONCESSION 7, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 54.983 metres (180.39 feet) along Yorke Line by a depth of 81.064/80.916 metres (265.96/265.47 feet) and an area of 0.44 hectares (1.09 acres) containing one residence surplus to the needs of the owner. The owners are retaining 35.46 hectares (87.62 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreaAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - THAT the Applications for Consent to Sever Nos. D10-E25-21 and D10-E26-21 as submitted by Marion Wallace relating to the property located at South Part of Lots 15 and 16, Concession 7, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line, be supported for the reasons set out in this Report.

Kettle Creek Conservation Authority - staff of KCCA has reviewed the following notice of application for consent and based on our mandate and policies, we have no objection to their approval.

One public comment was received in support of this application.

Planning Act and Provincial Policy Statement

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



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The application shall also be consistent 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 will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.44 hectares/1.09 acres) will contain an existing dwelling and accessory structure. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (35.46 hectares/87.62 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (privately owned and operated individual well and privately owned and operated individual septic tank), without taking away from the agricultural features of the area.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands, Watercourse" on Schedule 'A2' (Constraints Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.



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The Malahide Official Plan states, under Section 2.1.7.1 b), that: "Only one surplus farm dwelling may be severed pursuant to each corporate farm consolidation". The Township's Planner is of the opinion that this policy is intended to apply to the traditional/common scenario where only two dwellings, being the one dwelling on the "home farm" and the second "surplus" dwelling on the acquired new farm, are involved. The Township Planner is of the opinion that the above-noted policy simply does not contemplate for the subject situation that exists on this property, and the Applications for severing 2 dwellings is in conformity with the Township's Official Plan.

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 3 & 4 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lots with the surplus farm dwellings will be placed into the "Small Lot Agricultural (A4) Zone" zone. The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee 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 a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

- That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- 2. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
- 3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- 4. 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,



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- 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.
- 5. 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.
- 6. 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.
- 7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 8. 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.
- 9. The existing barn should either be demolished or the animal stalls within the barn completely removed (through a Change of Use Permit with the Township's Building Division) so to ensure there will not be livestock housed in this structure.

April 12, 2021

Re: E 25 and 25-21

Marion Wallace 48544 Yorke Line

Comments from PIET BOUTHOORN, 48782 Yorke Line

- No objection/in favour of the proposed severances
- Do not want to attend meeting virtually



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 26-21

PART LOTS 15 & 16, CONCESSION 7 TOWNSHIP OF MALAHIDE MUNICIPAL ADDRESS: 48670 YORKE LINE

TAKE NOTICE that an application has been made by **Marion Wallace** 48554 Yorke Line, Belmont ON N0L 1B0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 48670 Yorke Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 48.613 metres (159.49 feet) along Yorke Line by a depth of 81.548/84.632 metres (267.55/277.66 feet) and an area of 0.40 hectares (0.99 acres) containing one residence surplus to the needs of the owner. The owners are retaining 35.93 hectares (88.78 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 April 28, 2021 AT 11:20AM.
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 7th day of April, 2021.

Nancy Pasato Acting Secretary-Treasurer Land Division Committee

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



Subject Site: 48550 - 48570 Yorke Line File Number: E25-2021 & E26-2021

Owner: Marion Wallace Planner: Nancy Pasato Created By: TE Date: 31/03/2021

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

Meters 0 15 30 60 90 120

Scale 1:3,000

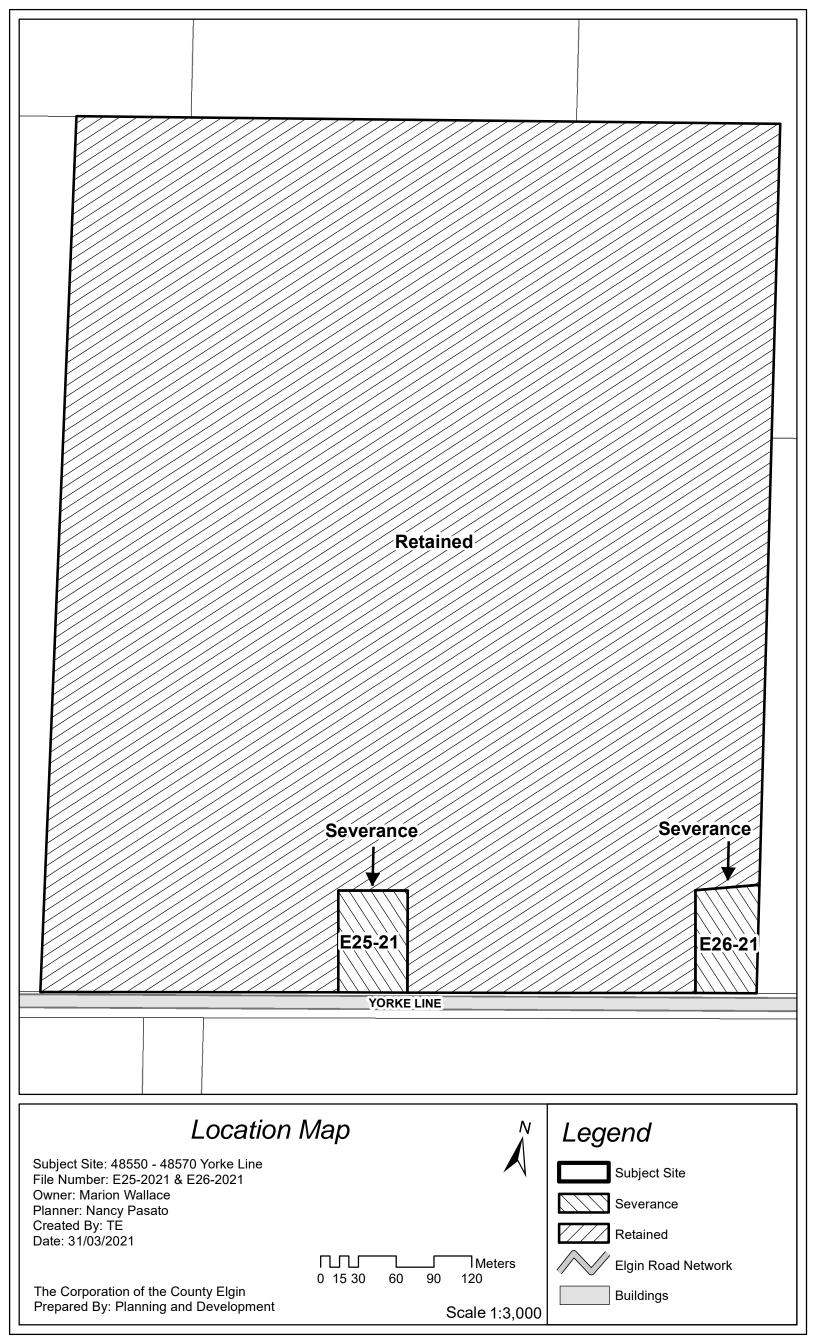
Subject Site

Severance

Retained

Elgin Road Network

Buildings



87 John Street South Aylmer ON N5H 2C3 Phone: 519-773-5344 Fax: 519-773-5334 www.malahide.ca



April 9, 2021

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

Dear Committee Members:

RE: Land Severance Application E26/21 – Marion Wallace

The Malahide Township Council passed the following Resolutions on April 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E26/21 in the name of Marion Wallace, relating to the property located at Part Lots 15 and 16, Concession 7, Geographic Township of South Dorchester, subject to the following conditions:

- (i) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- (ii) That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- (iii) That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.

- (iv) Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
- (v) That 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.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (viii) 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-21-18 for your records.

Yours very truly, TOWNSHIP OF MALAHIDE

M Casavecchia-Somers

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

Copy - John Seldon Rosemary Kennedy Marion Wallace



Report to Council

REPORT NO.: DCS-21-18 **DATE:** April 8, 2021

ATTACHMENT: Report Photo, Applications (2), Recommended Conditions (2)

SUBJECT: Applications for Consent to Sever of Marion Wallace

(Authorized Agent: Jerome A. Collins, Barrister and Solicitor)

LOCATION: South Part of Lots 15 and 16, Concession 7 (Geographic Township

of South Dorchester) (48550 and 48670 Yorke Line)

Recommendation:

THAT Report No. DCS-21-18 entitled "Applications for Consent to Sever of Marion Wallace" be received;

AND THAT the Applications for Consent to Sever Nos. D10-E25-21 and D10-E26-21 as submitted by Marion Wallace relating to the property located at South Part of Lots 15 and 16, Concession 7, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line, be supported for the reasons set out in this Report;

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

Background:

The subject Applications for Consent to Sever (the "Applications") have been submitted by Jerome A. Collins, Barrister and Solicitor, on behalf of Marion Wallace, in order to sever two (2) existing dwellings as a result of a farm consolidation (Lewis Helka Farms Ltd.).

The Applications relate to the property located at CON 7 S PT LOTS 15,16, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line.

Comments/Analysis:

The subject farm property is approximately 39.03 hectares (96.43 acres) in area, and has approximately 567.66 metres (1,862.40 feet) of frontage along Yorke Line. As shown on the attached report photo, there are two (2) existing single-detached dwellings.

It appears that this parcel contains two dwellings likely as a result of the acquisition and merging of adjacent farm properties at some point.

The dwelling at 48554 Yorke Line (D10-E25-21) was constructed in the 1880s. There is an existing garage/accessory building proposed to remain with the dwelling on the severed residential lot. There is also an existing barn situated to the rear (north) of the dwelling and garage that is proposed to remain with the retained farm parcel.

The dwelling at 48670 Yorke Line (D10-E26-21) was constructed in 1992. There are no other structures.

The subject property is surrounded primarily by agricultural land.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and "Woodlands" on Appendix 1, "Environmental Resource Areas". The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources).

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands, Watercourse" on Schedule 'A2' (Constraints Plan).

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The Malahide Official Plan states, under Section 2.1.7.1 b), that: "Only one surplus farm dwelling may be severed pursuant to each corporate farm consolidation".

The Township's Planner is of the opinion that this policy is intended to apply to the traditional/common scenario where only two dwellings, being the one dwelling on the "home farm" and the second "surplus" dwelling on the acquired new farm, are involved.

The Township Planner is of the opinion that the above-noted policy simply does not contemplate for the subject situation that exists on this property, and the Applications for severing 2 dwellings is in conformity with the Township's Official Plan.

Malahide Zoning By-law No. 22-18

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 3 & 4 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lots with the surplus farm dwellings will be placed into the "Small Lot Agricultural (A4) Zone" zone.

The "Small Lot Agricultural (A4) Zone" zone requires the following with regard to minimum lot area and frontage:

"A4"	Required:	Proposed Severed Lot
Zone		
Min. Lot	2,000 m ² (0.5 acre)	48554 Yorke Line (D10-E25-21): 4,400 m ² (1.1acre)
Area		48670 Yorke Line (D10-E26-21): 4,000 m ² (1 acre)
Min. Lot	30m (98 feet)	48554 Yorke Line (D10-E25-21): 54.9 m (180 feet)
Frontage	·	48670 Yorke Line (D10-E26-21): 48.6 m (159 feet)

The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone. The "Agricultural (A2) Zone" zone requires the following with regard to minimum lot area and frontage:

"A2" Zone	Required:	Proposed Retained Farm Lot (following severance of both dwellings)
Min. Lot Area	20 ha (50 acres)	38.18 ha (95.3 acres)
Min. Lot Frontage	150m (492 feet)	464 m (1,522 feet)

Although not a significant concern, the Township Planner did note that there appears to be minor discrepancies between the subject property's lot area as provided with the Applications, and the lot area shown as per Township records (which has been used in the above tables). The County Land Division Committee should ensure that accurate lot sizes are provided in its decisions.

General Comments

The Development Services Staff has considered the merits of the subject Applications against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support both Applications.

The Development Services Staff has also considered comments provided (if any) by other internal departments.

The Township Planner has also reviewed and has no significant concerns with the proposal. The Township Planner has noted the following with regard to Application No. D10-E25-21 specifically, being the existing barn proposed to remain on the retained farm parcel at a location of approximately 9 metres from the severed dwelling lot. That barn should either be demolished or the animal stalls within the barn completely removed (through a Change of Use Permit with the Township's Building Division) so to ensure there will not be livestock housed in this structure (which would cause a Minimum Distance Separation ("MDS") issue).

There was generally little information provided with the application with regard to the existing/continued use of that barn structure, or, how access to it will be provided. If the barn is to be retained, a new access laneway on the retained farm parcel will be needed, or an easement (not preferred) over the severed dwelling lot established. Such use and access arrangements can be determined and/or established by the Land Division Committee.

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.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Reviewed by:	Approved By:
Allison Adams, Development Services Coordinator	A. Betteridge, MCIP, RPP Director of Development Services (Planner)	M Casavecchia-Somers

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 E2	26/21		
Applicant	Marion Wallace		
Location	48670 Yorke Line		
PART 1 - OFFI	CIAL PLAN		
I. Is there an O	P. in effect?	Yes (X)	No ()
2. Does the pro	oposal conform with the O.P.?	Yes (X)	No ()
D 11 1	esignation:		
PART 2 - ZONI			
3. Is there a By	y-Law in effect?	Yes (X)	No ()
4. Does the pro	oposal conform with all requirements of the By-Law?	Yes ()	No (X)
Comments:	Rezoning Required		
5. If not, is the	Municipality prepared to amend the By-Law?	Yes ()	No ()
PART 3 – COU Treasurer of the resolutions/reco	NCIL RECOMMENDATION – please complete below e Land Division Committee and attached any commen ommendations	and send to the Sats, staff reports(s)	Secretary and Council
6. Does the Mu	unicipality foresee demand for new municipal services	? Yes ()	No ()
7. If so, is the I	Municipality prepared to provide those services?	Yes ()	No ()
8. Does the Mu	unicipality wish the Committee to impose conditions?	Yes ()	No ()
9. Does Counc	cil recommend the application?	Yes ()	No ()
10.Does the mu	unicipality have other concerns that should be conside	ered by the Comm	ittee?

Revised 01/09/20

Dawn Wittland-Graham

From: Joe Gordon <joe@kettlecreekconservation.on.ca>

Sent: April 8, 2021 2:21 PM **To:** Dawn Wittland-Graham

Subject: RE: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good afternoon Dawn,

Please accept this email as confirmation that staff of KCCA has reviewed the following notice of applications for consent and based on our mandate and policies, we have no objection to their approval:

- E25-21 48554 Yorke Line, Malahide
- E26-21 48554 Yorke Line, Malahide.

WE can also confirm that the following notice of applications are located outside of the Kettle Creek watershed and recommend that the following notices be circulated to Catfish Creek Conservation Authority for review and comment:

- E21-21 51275 Wilson Ave, Malahide
- E22-21 49408 Glencolin Rd, Malahide

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

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

From: Dawn Wittland-Graham < dwittlandgraham@ELGIN.ca>

Sent: April 7, 2021 11:36 AM

To: Michelle Casavecchia-Somers <MCasavecchia@malahide.ca>; Adam Betteridge <ABetteridge@malahide.ca>; Allison Adams <AAdams@malahide.ca>; planning@catfishcreek.ca; Joe Gordon <joe@kettlecreekconservation.on.ca>; Brian Lima <bli>Lima@ELGIN.ca>; Elgin Farmers <elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; civicplanningsolutions@nor-del.com; JEROME COLLINS

<jcollins5273@rogers.com>

Subject: E 21-21, E 22-21, E 25-21 & E 26-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file numbers E 21-21, E 22-21, E 25-21 & E26-21 for the Elgin County Land Division Committee meeting being held on April 28, 2021.

If you wish to provide comments on any of these applications please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, April 20, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 8, 20	21	ELGIN COU	NTY ROAD NO.:		
TO: THE	COUNTY	OF ELGIN LAND	DIVISION CON	MMITTEE		
	ATION NO.:	E 25-21 & E	26-21			
OWNER:	•	Marion Walla	ace		,	
	RTY:		15 & 16	CONCESSION:	7	
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						
0) 1						
		ve is required al				
s	, E	and/o	or W	_ property line	*************	
3) Drain	age pipes a	and/or catchbas	in(s) are require	ed		
4) A Dra	inage Repo	ort is required u	nder the Draina	nge Act * (By Profession	al Engineer)	
5) A cur	b and gutte	er is required alc	ong the frontag	e	•••••	
connecti	ion is unav	ailable, to the sa	atisfaction of th	red lot is required - If an o le County Engineer. All c oad allowance is prohibit	osts to be borne	
7) Techi	nical Repor	ts				
8) That, the seve	if necessar red parcel.	ry, an entrance բ All costs assoc	permit be obtain ciated with this	ned from Elgin County fo shall be borne by the ow	r the entrance to mer	
9) Lot G	rading Pla	n is required for	the severed lot	t		
10) The (County has	no concerns			***************************************	
11) Not o	on County F	Road				Χ
12) Plea	se provide	me with a copy	of your action	on this application		
13) (Other					
ame	endments mad	subject to County o de thereto hereafter vate roads or acces	, being a by-law to	. 92-57, as amended by By-Law regulate the construction or a	v No. 96-45, and any literation of any	

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021

Application: E 26-21

Owner: Agent:

Marion WallaceJerome Collins48554 Yorke Line RR136 Hincks Street

Belmont, ON NOL 1B0 St. Thomas, ON N5R 3N6

Location: 48670 Yorke Line, legally described as PART LOTS 15 & 16, CONCESSION 7, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 48.613 metres (159.49 feet) along Yorke Line by a depth of 81.548/84.632 metres (267.55/277.66 feet) and an area of 0.40 hectares (0.99 acres) containing one residence surplus to the needs of the owner. The owners are retaining 35.93 hectares (88.78 acres) proposed to remain in agricultural use.

County of Elgin Official
PlanLocal Municipality Official
PlanLocal Municipality Zoning
By-lawAgricultural AreaAgriculturalAgricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - THAT the Applications for Consent to Sever Nos. D10-E25-21 and D10-E26-21 as submitted by Marion Wallace relating to the property located at South Part of Lots 15 and 16, Concession 7, (Geographic Township of South Dorchester), and known municipally as 48550 and 48670 Yorke Line, be supported for the reasons set out in this Report.

Kettle Creek Conservation Authority - staff of KCCA has reviewed the following notice of application for consent and based on our mandate and policies, we have no objection to their approval.

Planning Act and Provincial Policy Statement

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



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

The application shall also be consistent 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 will maintain their current agricultural use. 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 (0.40 hectares/0.99 acres) will contain an existing dwelling. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (35.93 hectares/88.78 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (privately owned and operated individual well and privately owned and operated individual septic tank), without taking away from the agricultural features of the area.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands, Watercourse" on Schedule 'A2' (Constraints Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The Malahide Official Plan states, under Section 2.1.7.1 b), that: "Only one surplus farm dwelling may be severed pursuant to each corporate farm consolidation". The Township's



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

Planner is of the opinion that this policy is intended to apply to the traditional/common scenario where only two dwellings, being the one dwelling on the "home farm" and the second "surplus" dwelling on the acquired new farm, are involved. The Township Planner is of the opinion that the above-noted policy simply does not contemplate for the subject situation that exists on this property, and the Applications for severing 2 dwellings is in conformity with the Township's Official Plan.

The subject property is within the "General Agricultural (A1) Zone" on Key Maps 3 & 4 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lots with the surplus farm dwellings will be placed into the "Small Lot Agricultural (A4) Zone" zone. The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to 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.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

- 1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- 2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- 3. 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.
- 4. 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.



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

- 5. 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.
- 6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- 7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 27-21

LOT 11 N PART LOT 12, CONCESSION A TOB BF MUNICIPALITY OF DUTTON DUNWICH MUNICIPAL ADDRESS: 29420 THAMESVIEW LINE

TAKE NOTICE that an application has been made by **James Simpson** 3473 Trillium Drive, Glencoe ON N0L 1M0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29420 Thamesview Line, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 60 metres (196.85 feet) along Thamesview Line by a depth of 120 metres (393.70 feet) and an area of 0.72 hectares (1.78 acres) containing one residence surplus to the needs of the owner. The owners are retaining 141 hectares (348.42 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 April 28, 2021 AT 11:30AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas

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

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

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

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

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

Dated at the Municipality of Central Elgin this 7th day of April, 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

0 45 90

180

270

Subject Site: 29420 Thamesview Line File Number: E27-2021

File Number: E27-2021
Owner: James Stuart Simpson
Planner: Nancy Passets

Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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



☐Meters

360

Scale 1:7,750

Legend

Subject Site

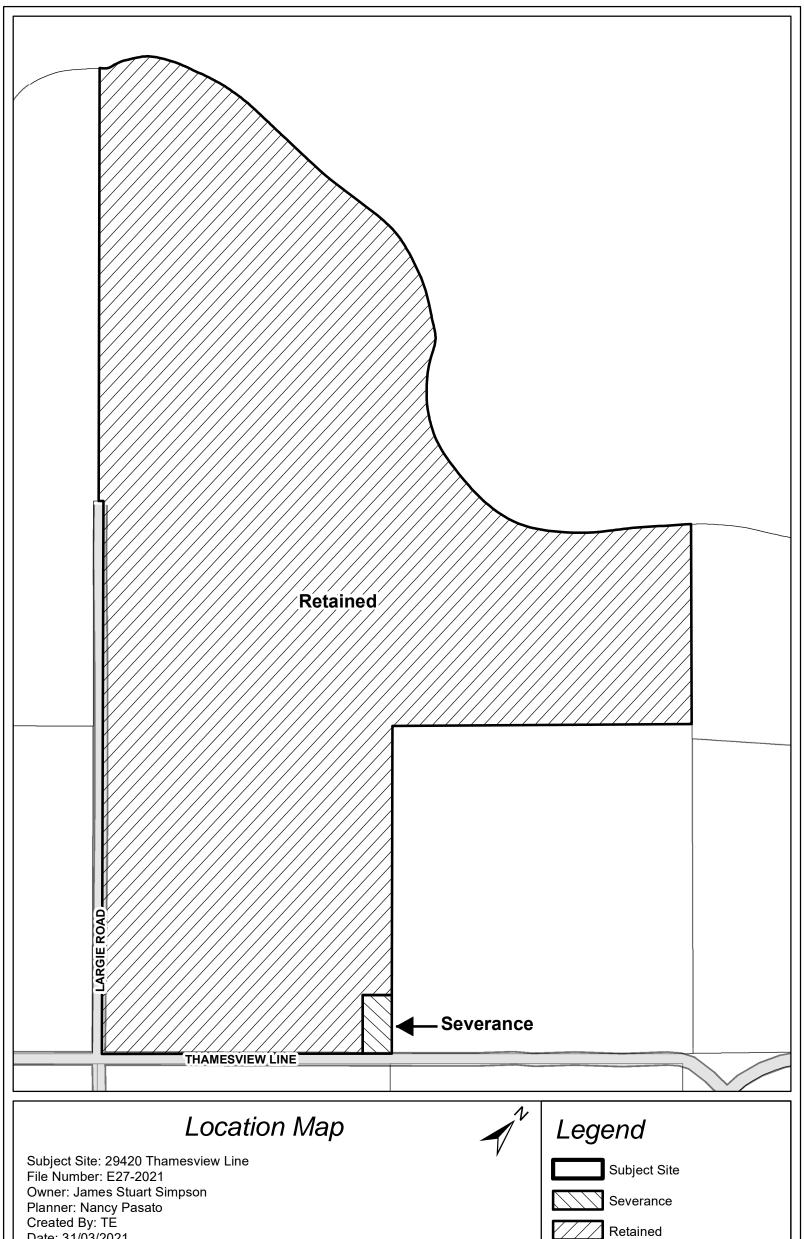
Severance

Ocverance

/// Retained

Elgin Road Network

Buildings



Retained Date: 31/03/2021 √Neters Elgin Road Network 0 45 90 180 270 360 The Corporation of the County Elgin Prepared By: Planning and Development **Buildings** Scale 1:7,750



TO: Mayor and Members of Council

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

DATE: April 14, 2021

SUBJECT: Application for Severance – 29420 Thamesview Line (E27/21), Municipality

of Dutton Dunwich – James Stuart Simpson

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E27/21 for 29420 Thamesview Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That the adopted Dutton Dunwich Official Plan dated January 27, 2021 is approved by the County of Elgin as it pertains to the land division policies;
- b) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- c) That septic system review for the severed parcel has been completed;
- d) That Municipal drain re-apportionments have been completed;
- e) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- f) That an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
- g) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- h) That taxes are to be paid in full;
- That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
- j) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E27/21) by John Stuart Simpson, the owner of the subject property.

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

The subject parcel is legally described as CON A TO B BF LOT 11, N PT 12, and locally known as 29420 Thamesview Line, Municipality of Dutton Dunwich (see area in yellow on the attached Key Map).

The proposed severed parcel will have an area of 7,200 m2, depth of 120 m and frontage of 60 m along the north side of Thamesview Line. Access to the subject property will be from the municipal road. The proposed severed parcel is used for residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 141 ha, a depth of 1,780 m along the east side of Largie Road and frontage of 539 m along the north side of Thamesview Line. Access to the subject property will be from the municipal road. The proposed retained parcel is used for residential purposes, has 1 dwelling and 7 accessory buildings and is serviced by private well and private septic services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands. There are several drains that run through the property and a woodlot located at the east side of the property.

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

Planning Policy Review

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan (OP)

The subject lands are designated 'Agricultural Area' on Schedule 'A' Land Use of the County of Elgin Official Plan with a portion subject to 'Natural Heritage Features and Areas' on Appendix #1 and 'Aggregate Resources Area' on Schedule 'C'.

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

Section C4.1b) sets out that the objective is to protect known deposits of aggregate resources and areas of potential mineral aggregate resources for potential future extraction.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact to the natural heritage features.

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

Lot creation is considered development and is within and adjacent to the woodlands area. As a condition of severance an Environmental Impact Statement shall be completed. The proposed lot is within the Aggregate Resources Area, however no new development is proposed.

The proposed severance conforms to the intent of the County of Elgin OP.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted OP with a portion subject to Hazardous Lands, Significant ANSI's and Woodlands on Schedule 'B' - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule 'C" – Natural Resources in the current and adopted OP.

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

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

 The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) The retained agricultural lands must meet the Special Agricultural (A2) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;

 The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area; There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.
 The owners have indicated the retained parcel will result in farm consolidation and will be operated with other farm parcels as one farming operation.

Section 2.1.17 states additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of the change in property boundary or ownership.

This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units. The proposed retained parcel will be rezoned to A2 which prohibits residential uses.

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

Section 2.2 sets out that the goal is to protect areas with mineral aggregate resource potential.

Section 5.3.5 sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Section 4 set out that development and/or site alteration is not permitted in the Hazardous Lands without advice/approval from Lower Thames Valley Conservation Authority (LTVCA).

Comments: The above noted land division criteria can be complied with. As a condition of approval, the applicant will be required to wait until such time the adopted OP is approved by the County of Elgin, as it pertains to the minimum ten year requirement for the surplus dwelling.

Lot creation is considered development and is within and adjacent to the woodlands area. As a condition of severance an Environmental Impact Statement shall be completed. No development is proposed within the hazardous lands. The proposed severed lot is within the Aggregate Resources Area, however no new development is proposed.

The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 2 with a portion subject to LTVCA Regulation Limits.

In the A3 zone, Section 7.2.4 allowed for supplementary farm dwelling units, which is the reason there are 2 dwellings on the subject lands.

As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

Comments: The proposed severance application shall comply with the permitted uses and regulations set out in the ZBL.

CONCLUSION:

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

The resolution will then be forward to the Land Division Committee of the County of Elgin for consideration.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

Planner

Approved for Submission

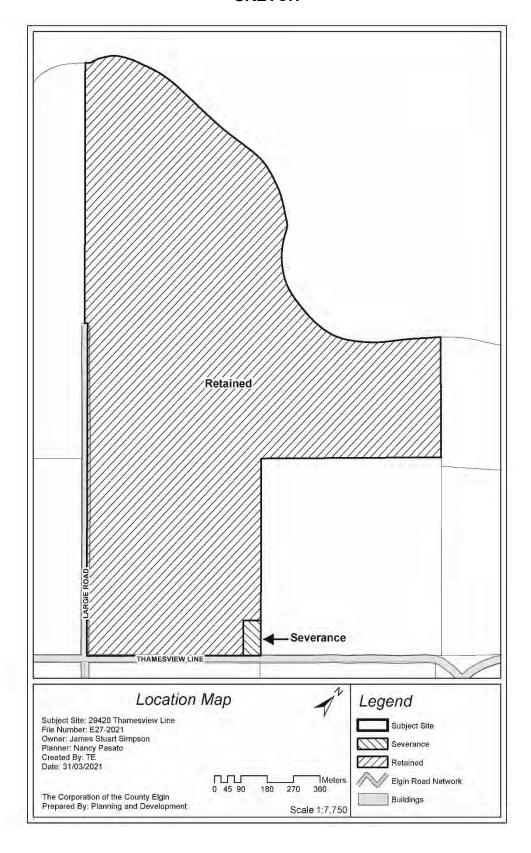
Heather Bouw

CAO/Clerk

KEY MAP



SKETCH



From: <u>Jackie Morgan-Beunen</u>
To: <u>Tracey Pillon-Abbs</u>

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

Date: Monday, March 29, 2021 11:46:15 AM

Attachments: <u>image002.png</u>

HI Tracey.

Application E 15-21 for Iona Rd requires a septic inspection due to severance fee to be paid before I will sign off. I have attended the sites on Iona Rd with the installer.

Both E20-21 and E27-21 I have not attended with the installers. Both septic inspection due to severance fees are outstanding for those as well. I can't sign off on either until I've attended the site with the installers and the fees are paid.

Thank you

Jackie Morgan-Beunen, CBCO Chief Building Official



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



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From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Sent: Wednesday, March 24, 2021 1:22 PM

To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-

Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>;

Tracey Pillon-Abbs

From: Brent Clutterbuck

Sent: Wednesday, March 24, 2021 3:41 PM

To: Tracey Pillon-Abbs

Subject: E27/21

Reapportionment of the Conn Drain

Possible mutual agreement drain

Brent Clutterbuck

Drainage Superintendent



199 Currie Road, PO Box 329 Dutton, Ontario NOL 1J0 T 519.762.2204 F 519.762.2278

www.duttondunwich.on.ca twitter @DuttonDunwich

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

Office 519-762-2204 Fax 519-762-2278

Email drainage@duttondunwich.on.ca

If you have any accommodation needs or require communication supports or alternate formats, please let me know

CONFIDENTIALITY NOTICE

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any printing, copying, dissemination, distribution, disclosure or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and delete it from your system. Thank You.

Tracey Pillon-Abbs

From: Dan Lundy

Sent: Wednesday, March 24, 2021 1:29 PM

To: Tracey Pillon-Abbs; Archie Leitch; Brent Clutterbuck; Jackie Morgan-Beunen; Heather

Bouw; Murray Wickerson; Ryan McLeod; Tara Kretschmer; Tim Hansen

Subject: RE: E 15-21, E 20-21 & E 27-21 Consent Applications

No concerns

Sent from my Galaxy

----- Original message -----

From: Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>

Date: 2021-03-24 1:22 p.m. (GMT-05:00)

To: Archie Leitch <aleitch@duttondunwich.on.ca>, Brent Clutterbuck <drainage@duttondunwich.on.ca>,

Jackie Morgan-Beunen < JMorgan-Beunen@duttondunwich.on.ca>, Dan Lundy

<DLundy@duttondunwich.on.ca>, Heather Bouw <HeatherBouw@duttondunwich.on.ca>, Murray Wickerson <mwickerson@duttondunwich.on.ca>, Ryan McLeod <rmcleod@duttondunwich.on.ca>, Tara Kretschmer

<TKretschmer@duttondunwich.on.ca>, Tim Hansen <timhansen@duttondunwich.on.ca>

Subject: FW: E 15-21, E 20-21 & E 27-21 Consent Applications

Good Afternoon

Please see attached 3 applications for LDC hearing.

Please let me know by April 6/21 at noon if you have any comments, concerns or required conditions of approval.

Reports going to Council on April 14th. Your comments will be attached to my staff report.

Let me know if you have any questions.

Thanks Tracey

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: Thursday, March 18, 2021 2:20 PM

To: Heather Bouw < HeatherBouw@duttondunwich.on.ca>; Tracey Pillon-Abbs < Planning@duttondunwich.on.ca>; Elgin Farmers < elginfarmers@gmail.com>

Cc: Nancy Pasato <npasato@ELGIN.ca>; marcus@marcuslennox.com; civicplanningsolutions@nor-del.com

Subject: E 15-21, E 20-21 & E 27-21 Consent Applications

Good afternoon,

Please find attached a copies of consent applications E 15-21, E 20-21 & E 27-21 and the letters to acknowledge receipt. These applications will be scheduled for the April 28, 2021 Land Division Committee meeting.



B. Purcell - Mayor _x__ ___

COUNCIL RESOLUTION

		\supset
Res:	2021.	07 . <u>25</u>

Mayor

Wednesday, April 14, 2021

THAT the Council of the Municipality of Dutton Dunwich requests that the County of

Moved by: ___Hentz____

Seconded by: ____Drouillard_____

Elgin table Application E 27/21 for 29420 Thamesview Line at this time.

Recorded Vote	<u>Yeas</u> <u>Nays</u>	CARRIED:
P. Corneil		A 1/1/1/2)
A. Drouillard	_x	Mayor
K. Loveland		DEFEATED:
M. Hentz	X	
1 101112	_^`	



COUNCIL RESOLUTION



Wednesday, April 14, 2021

Moved by: _	no mover	
Seconded by:	no seconder	

THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E27/21 for 29420 Thamesview Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That the adopted Dutton Dunwich Official Plan dated January 27, 2021 is approved by the County of Elgin as it pertains to the land division policies;
- b) That a Zoning By-law amendment is in force and effect for the severed and retained parcels;
- c) That septic system review for the severed parcel has been completed;
- d) That municipal drain re-apportionments have been completed;
- e) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- f) That an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
- g) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- h) That taxes are to be paid in full;
- i) That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
- j) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

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

CARRIED:	
DEFEATED:	Mayor Bob Mayor



April 12, 2021

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

Attn: Nancy Pasato

Re: Consent Application E-27/21

29420 Thamesview Line (Simpson) Lot 11, Pt Lot 12, Concession A BF Municipality of Dutton Dunwich

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

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

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

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

Yours truly

Valerie Towsley Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 20, 2	2021	ELGIN COUN	TY ROAD NO.:		
TO: THE	COUNTY	OF FLOIN LANG		MITTEE		
RE:	COUNTY	OF ELGIN LANL	DIVISION COM	VIIIIEE		
	TION NO.	E 27-21				
OWNER:		James Simp	son			
PROPER	TY:		11 N Part Lot 12		A TOB BF	
		REG'D PLAN:		MUNICIPALITY:	Dutton Dunwich	
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ame	ndments ma		r, being a by-law to re	92-57, as amended by By-Law legulate the construction or alt		

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 27-21

Owner:

James Simpson

3473 Trillium Dr R#1, Glencoe, ON, N0C 1M0

Location: 29420 Thamesview Line, legally described as LOT 11 N PART LOT 12, CONCESSION A TOB BF, Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 60 metres (196.85 feet) along Thamesview Line by a depth of 120 metres (393.70 feet) and an area of 0.72 hectares (1.78 acres) containing one residence surplus to the needs of the owner. The owners are retaining 141 hectares (348.42 acres) proposed to remain in agricultural use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawAgricultural AreasAgricultureAgricultural (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich - THAT the Council of the Municipality of Dutton Dunwich requests that the County of Elgin table Application E 27/21 for 29420 Thamesview Line at this time.

Lower Thames Valley Conservation Authority - the abovementioned application has been reviewed by this office and staff have no objections to this proposal.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent 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



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

- 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 will maintain their current agricultural use. 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 (0.72 hectares/1.78 acres) will contain an existing dwelling, a garden shed and a proposed garage to be built in future, with a private well and septic system. Although the proposed lot is substantially larger than normal, there is no ability to reduce the size of the lot given the proximity to a woodlot.

Policy 2.1.5 restricts development (defined as the creation of a new lot) in ..."b) significant woodlands in Ecoregions 6E and 7E (excluding in Lake Huron and the St. Marys River).... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."

Policy 2.1.8 states that ..." development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

As per the County Official Plan, Appendix 1, Natural Heritage, the proposed severance is located within a Woodland. The Applicant has not provided any study or review that has demonstrated there will be no negative impacts on the natural features or their ecological functions.

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

County of Elgin Official Plan

The subject site is within the Agricultural Area 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.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (141 hectares/348.42 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling, existing accessory buildings and partial



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

services (publicly owned and operated piped water system and privately owned and operated individual septic tank), without taking away from the agricultural features of the area.

The property is within a Woodland as per Appendix 1 of the County Official Plan.

County policy D 1.2.3 states that all natural heritage features are considered to be important to the County. While the location and significance of these features has yet to be determined in some cases, all of these features need to be considered when applications for development and site alteration are being evaluated. Appendix Map 1 is intended to reflect natural heritage features and areas, including woodlands.

County policy related to significant woodlands (D1.2.2.1) specifies that Elgin County considers woodlands 10 hectares or greater as significant woodland. Woodlands between 2 hectares and 10 hectares are also significant if they are located within 30 metres of the boundary of a significant natural heritage feature (e.g. significant wetland, significant valleyland, fish habitat and/ or watercourses). The subject lands appear to be located adjacent to a significant woodland, and the feature appears to be greater than 10 ha in size.

Policy D1.2.8 specifies that an Environmental Impact Study (EIS) will be prepared in accordance with the requirements of the Plan, including Appendix B, which details the requirements for the EIS. The purpose of an EIS is to: a) collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of natural heritage features and associated ecological and hydrological functions that exist; b) to determine whether there are any additional natural heritage features on the lands and adjacent lands; and, c) make an informed decision as to whether or not the proposed development and/or site alteration will have a negative impact on the natural heritage features and ecological and hydrological functions.

Policy 1.2.3.1 also contains criteria on the evaluation of consents. Criteria i) states a severance ... "will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes; "...

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

Local Municipality Official Plan and Zoning By-law

The subject property is designated as Agricultural in the Municipality of Dutton Dunwich Official Plan. In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 2 with a portion subject to LTVCA Regulation Limits. In the A3 zone, Section 7.2.4 allowed for supplementary farm dwelling units, which is the reason there are two dwellings on the subject lands. As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural



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

Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

RECOMMENDATION:

The Municipality of Dunwich-Dutton has requested a deferral for this application as the owner has not owned the surplus dwelling for more than ten years. County of Elgin, consequently, supports this request and recommends a deferral of this application until such time the Municipality's Official Plan policy is reviewed.



CORPORATION OF THE COUNTY OF ELGIN NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 28-21

PART LOT 6, CONCESSION 9 MUNICIPALITY OF BAYHAM MUNICIPAL ADDRESS: 10612 CULLODEN ROAD

TAKE NOTICE that an application has been made by **John Hildebrandt** 10612 Culloden Rd, Aylmer ON N5H 2R3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10612 Culloden Rd, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Culloden Road by a depth of 97.522 metres (319.95 feet) and an area of 0.19 hectares (0.47 acres) for future residential use. The owners are retaining 0.37 hectares (0.91 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 Å.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 April 28, 2021 AT 11:40AM.
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 7th day of April, 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: 10612 Culloden Road

File Number: E28-2021 Owner: John Hildebrandt Planner: Nancy Pasato Created By: TE

Date: 31/03/2021

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

☐Meters 0 4 8 16 32

Scale 1:700

Legend

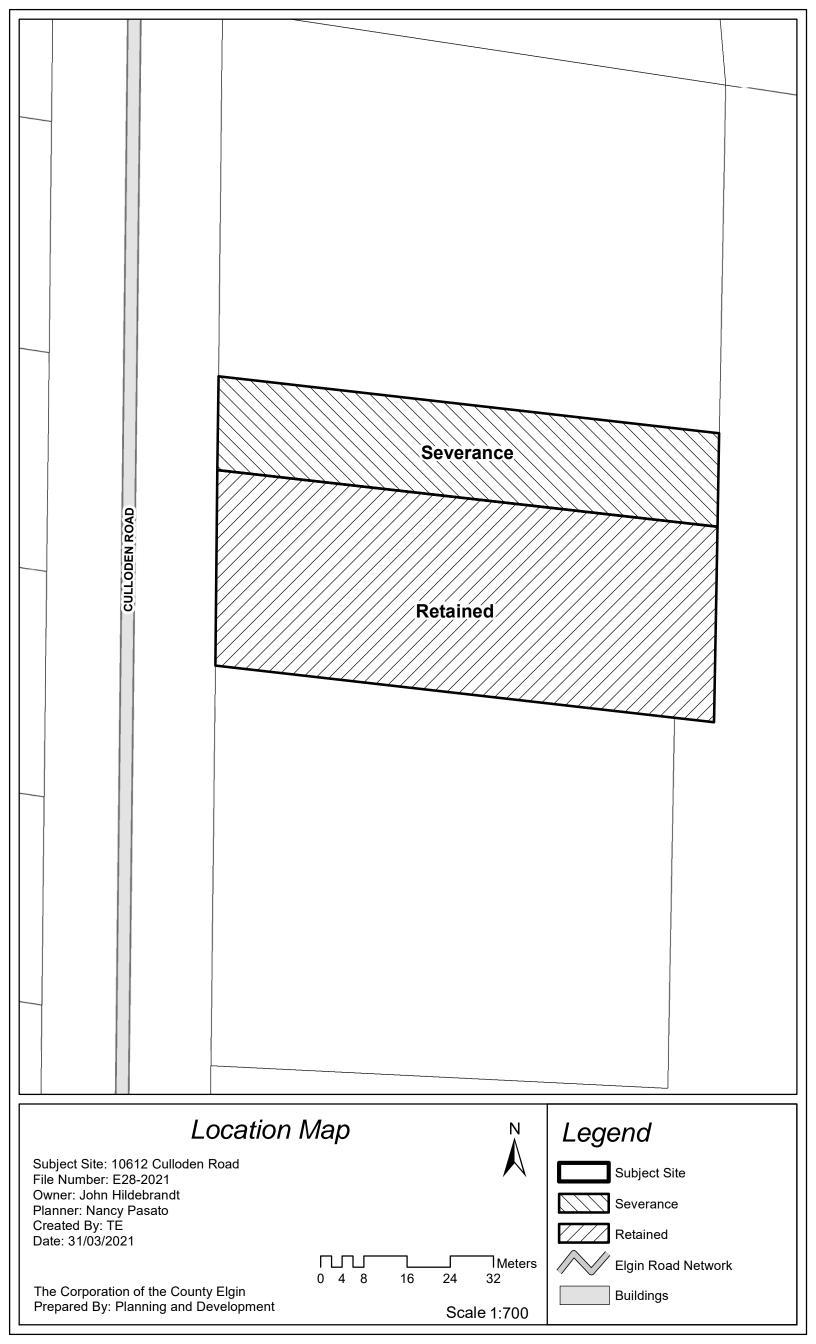
Subject Site

Severance

Retained

Elgin Road Network

Buildings



Municipality of

BAYHAM

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

T: 519-866-5521 **F:** 519-866-3884

E: bayham@bayham.on.ca
W: www.bayham.on.ca



April 16, 2021

EMAIL ONLY

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

Dear Ms. Pasato,

Re: Application for Consent No. E28-21 Hildebrandt

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 15, 2021 meeting:

THAT Report DS-25/21 regarding Consent Application E28-21 for John Hildebrandt be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E28-21 be granted subject to the following conditions:

- 1. Digital copy of the final survey provided to the municipality
- 2. Planning Report fee payable to the municipality
- 3. Installation of a private well with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
- 4. Municipal lot assessment for soil evaluation (septic)
- 5. Grading Plan
- 6. Municipal Drain Connection legal outlet for drainage (Drainage Act petition)
- 7. Purchase civic number signage for the severed lot
- 8. Parkland Dedication Fee payable to the municipality
- 9. Confirmation of available County road access

Municipal Appraisal Sheet and Staff Report DS-25/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill

Deputy Clerk/Planning Coordinator

D09.Hildebrandt

Cc: J. Hildebrandt (email)

MUNICIPAL APPRAISAL SHEET - LAND DIVISION COMMITTEE

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

Submission E 28-21							
Applicant John Hildebrandt							
Location Bayham – 10612 Culloden Rd Con 9 Part Lot 6							
PART 1 - OFFICIAL PLAN							
I. Is there an O.P. in effect?	Yes (X)	No ()					
2. Does the proposal conform with the O.P.?	Yes (X)	No ()					
Land Use Designation: Hamlets Policies: Section 4.4.2							
PART 2 - ZONING							
3. Is there a By-Law in effect?	Yes (X)	No ()					
4. Does the proposal conform with all requirements of the By-Law?	Yes (X)	No ()					
Comments: Zoning: Hamlet Residential (HR) Section 9 – Hamlet Residential (HR)							
5. If not, is the Municipality prepared to amend the By-Law?	Yes ()	No ()					
PART 3 – COUNCIL RECOMMENDATION – please complete below an Treasurer of the Land Division Committee and attached any comments, resolutions/recommendations	d send to the Sec staff reports(s) ar	retary nd Council					
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	d by the Committe	ee?					
Staff Report and Council Resolution included – Council meeting scheduled for	April 15, 2021						

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

4.4.2 Residential Uses

- 4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.
- 4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:
 - a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
 - b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
 - Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
 - d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
 - e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.
- 4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.
- 4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:
 - The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
 - The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
 - c) Adequate off-street parking shall be provided;
 - d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 Commercial Uses

- 4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:
 - a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

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

One single detached dwelling on one lot;

Bed and Breakfast Lodging or Tourist Home;

Converted dwelling;

Home occupation;

Private garage or carport as an accessory use;

Accessory use.

9.2 Minimum Lot Area

Z698-2020

No public water supply or sanitary sewage disposal service: 1,390 m²

Public water supply, but no sanitary sewage disposal service: 1,100 m²

Public sanitary sewage disposal service, but no public water supply: 900 m²

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 Minimum Rear Yard Depth

9.0m

9.11 Minimum Separation Distance

From the edge of a railway right-of-way: 30.0 metres

9.12 Exceptions - Hamlet Residential (HR) Zone

9.12.1

9.12.1.1 Defined Area

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 Permitted Uses

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 <u>Permitted Buildings and Structures</u>

Buildings and structures for the permitted uses.

9.12.1.4 <u>Minimum Lot Area</u>

975 square metres

9.12.1.5 <u>Minimum Lot Frontage</u>

For a commercial greenhouse:

16 metres

II. For a residential dwelling:

14.5 metres

9.12.1.6 <u>Minimum Side Yard</u>

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 Defined Area

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 Permitted Uses

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone



REPORT DEVELOPMENT SERVICES

TO:

Mayor & Members of Council

FROM:

Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE:

April 15, 2021

REPORT:

DS-25/21

FILE NO. C-07 / D09.21 Hildebrandt

Roll # 3401-000-005-06600

SUBJECT:

Consent Application E28-21 Hildebrandt

BACKGROUND:

Consent application E28-21 was received from the Elgin County Land Division Committee submitted by John Hildebrandt proposing to sever a 1932 sq. m. (0.47 ac) parcel and retain 3713.7 m2 (0.92 ac), Part Lot 6 Concession 9, known municipally as 10612 Culloden Rd for the purpose of the creation of a new lot.

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application on April 28, 2021.

DISCUSSION:

The proposal suggests the creation of a building lot, considered to be an infilling lot, in the hamlet of North Hall. The retained lands contain an existing house and shed intended to remain residential.

The planner's memorandum dated April 8, 2021 analyzes the application subject to the Bayham Official Plan and Bayham Zoning By-law regulations. The created lot meets the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot.

Staff and planner recommend Council's support of the application with the listed conditions for the creation of a building lot in the hamlet of North Hall.

ATTACHMENTS

- 1. Consent Application E28-21
- 2. IBI Memorandum dated April 8, 2021

RECOMMENDATION

THAT Report DS-25/21 regarding Consent Application E28-21 for John Hildebrandt be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E28-21 be granted subject to the following conditions:

- 1. Digital copy of the final survey provided to the municipality
- 2. Planning Report fee payable to the municipality
- 3. Installation of a private well with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
- 4. Municipal lot assessment for soil evaluation (septic)
- 5. Grading Plan
- 6. Municipal Drain Connection legal outlet for drainage (Drainage Act petition)
- 7. Purchase civic number signage for the severed lot
- 8. Parkland Dedication Fee payable to the municipality
- 9. Confirmation of available County road access

Respectfully Submitted by:

Reviewed by:

Margaret Underhill

Deputy Clerk|Planning Coordinator

Thomas Thayer

CAO|Clerk



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

Memorandum

To/Attention Municipality of Bayham Date April 8, 2021

From Paul Riley, CPT Project No 3404-808

cc William Pol, MCIP, RPP

Subject John Hildebrandt - 10612 Culloden Road - Application for

Consent E28/21

- 1. We have completed our review of Consent Application E28-21 submitted by John Hildebrandt for lands located at 10612 Culloden Road, east side, north of Eden Line in the hamlet of North Hall. The applicant is requesting a Consent to sever 1,932 m² (0.47 ac) of land and to retain 3,713.8 m² (0.92 ha) of land with the intent to create a residential dwelling lot. The subject lands are designated 'Hamlet' on Schedule 'A1' Land Use of the Municipality of Bayham Official Plan. The subject lands are zoned Hamlet Residential (HR) on Schedule 'C' North Hall of Zoning By-law Z456-2003.
- 2. The proposed retained parcel will have lot frontage of 38.5 m (126.3 ft) and lot depth of 97 m (318 ft) and is currently occupied by a dwelling and shed. The proposed severed parcel will have lot frontage of 20.0 m (65.6 ft) and lot depth of 97 m (318 ft) and is vacant. The lands are serviced by private water and septic systems. Surrounding land uses are agricultural to the east and residential to the north, south and west.
- 3. The Municipality of Bayham Official Plan Section 4.4.2 Residential Uses in Hamlet designations permits the creation of new lots by Consent in settlement areas where it is not appropriate to develop by plan of subdivision. Section 4.4.2.2 provides criteria to consider for applications for Consent, including:
 - a) The proposed private water and septic services need to be satisfactory to the appropriate approval authority. The applicant shall provide confirmation of adequate water quality and quantity and soil conditions to accommodate private services on the new lot and confirm adequate services on the retained lot.
 - b) The lands front on an existing public road of adequate construction.
 - c) The proposal is considered infilling in an existing developed area and does not extend the hamlet boundary.

- d) The severed and retained lots meet the minimum lot area regulations for the Hamlet Residential (HR) zone. The dwelling and shed on the retained lot are in conformity to the HR regulations. The proposed lot is of adequate size and configuration to accommodate a dwelling, accessory building and private services in conformity to the HR zone regulations.
- e) The driveway access necessary for the severed lot can be accommodated consistent to the dwelling lots in the immediate area along Culloden Road.
- f) Based on a review of recent aerial and streetview images, Culloden Road at the subject lands is straight and flat with no increased traffic hazard issues with the addition of one dwelling/driveway.
- g) The creation of the lot will not interfere with access to interior lands to the east where agricultural uses are intended for the long term.
- h) N/A

The proposed consent conforms to consent policies of the Official Plan.

- 4. The subject lands are located in the Hamlet Residential (HR) zone and one single detached dwelling on one lot and accessory uses are listed permitted uses. The severed and retained lots meet the minimum lot frontage and area regulations for the Hamlet Residential (HR) zone. The dwelling and shed on the retained lot are in conformity to the HR regulations for location and setbacks. With lot area of 1,932 m² whereas 1,390 m² (0.34 ac) is the required minimum, the proposed lot is of adequate size and configuration to accommodate a dwelling, accessory building and private services in conformity to the HR zone regulations. The proposed consent is in conformity to the Zoning By-law.
- 5. Based on the above review of Consent Application E28/21, we have no objection to the proposed Consent to sever a portion of land from the parcel known municipally as 10612 Culloden Road. The following conditions for Consent approval are recommended:
 - a) That the owner provides confirmation of private well test results showing water quality and quantity for residential use that meets provincial standards, for both the severed and retained parcel.
 - b) That the owner provides lot assessments for soils (septic) to Provincial standards for the severed lot.
 - c) That the owner provides written confirmation from a licensed septic installer that the retained lot septic system is in satisfactory operating condition.

IBI GROUP MEMORANDUM

Municipality of Bayham - April 8, 2021

d) That the owner provides a survey of the subject lands.

- e) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
- f) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group Paul Riley

Consulting Planner to the Municipality of Bayham

Dawn Wittland-Graham

From: Ben Hodi

bhodi@lprca.on.ca>

Sent: April 13, 2021 7:33 PM To: Dawn Wittland-Graham

Cc: Nancy Pasato; munderhill@bayham.on.ca

Subject: RE: E 28-21 - Notice of Application

Hi Dawn,

Thank you for the opportunity to review and provide comment on the application.

LPRCA has no concerns or objections to the proposal.

Sincerely,

Ben

Ben Hodi, M.A.Sc. Watershed Services Manager

Long Point Region Conservation Authority 4 Elm Street Tillsonburg, ON, N4G 0C4

Tel: (519) 842-4242 ext. 231 Toll Free: 1-888-231-5408

Fax: (519) 842-7123

Please note that the LPRCA Administration Office, Conservation Education Centre and Waterford Workshop are currently closed to the public. For more information, visit www.lprca.on.ca.

From: Dawn Wittland-Graham [mailto:dwittlandgraham@ELGIN.ca]

Sent: April 7, 2021 11:42 AM

To: munderhill@bayham.on.ca; Leigh-Anne Mauthe < lmauthe@lprca.on.ca>; Brian Lima < blima@ELGIN.ca>

Cc: Nancy Pasato <npasato@ELGIN.ca> Subject: E 28-21 - Notice of Application

Good morning,

Please find attached the Notice of Application for file number E 28-21 for the Elgin County Land Division Committee meeting being held on April 28, 2021.

COUNTY OF ELGIN ROAD SYSTEM

DATE:	April 20, 2	021	ELGIN COUNTY R	OAD NO.:	46 - 10	612 Culloden Ro	oad
TO: THE	COUNTY	OF ELGIN LAND	DIVISION COMMITT	EE			
	TION NO.:	E 28-21					
OWNER:		John Hildebra	andt				
PROPER	ΓY:	LOT NO.	6	CONCES	SION:	9	
		REG'D PLAN:		MUNICIP	ALITY:	Bayham	
		_					
			on the above premis	ses has been	receive	d and I have the)
•		s to make:	- d				
(Section	or roau w o <i>n 51 (25</i>)	of the Planning A	ed <u>Act</u> - That the owner	dedicate land	ds alono	 the frontage	
			parcels up to m fro				
			to the County of Elg				
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Engine	er. All co	sts to be borne k	by the owner.				
2) A one	foot room	wa ia raquirad al	ona the N				
			ong the N				
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3) Draina	ae pipes a	and/or catchbasi	n(s) are required				
•, =::::::	9-1-1						
4) A Drai	nage Repo	ort is required ur	der the Drainage Ad	t * (By Profe	ssional	Engineer)	
•		•	•	. •		,	
5) A curb	and gutte	er is required alo	ng the frontage				
			et for the severed lo				
		•	tisfaction of the Cou				Х
by the ow	ner. Disc	charge of water to	o the County road al	llowance is p	rohibite	d	
7) Tochn	ical Popoi	rte					
i) lecilli	icai Nepoi				• • • • • • • • • • • • • • • • • • • •		
8) That i	f necessar	rv an entrance n	ermit be obtained fro	om Flain Cou	inty for t	the entrance to	
•		•	iated with this shall	•	•		Х
	•			•			
9) Lot Gr	ading Pla	n is required for	the severed lot				Χ
10) The C	ounty has	no concerns					
11) Not o	n County I	Road					
			_				
12) Pleas	se provide	me with a copy	of your action on thi	s application			
40\ 0	41						
13) O	ther						
			Elgin By-Law No. 92-57,				
		de tnereto nereatter, vate roads or access	being a by-law to regula to a County road.	te the construct	uon or aite	нацон от апу	
			-				

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT, 1990. AS AMENDED.

To: Elgin County Land Division Committee **From:** Nancy Pasato, Manager of Planning

Date: April 28, 2021 Application: E 28-21

Owner:

John Hildebrandt

10612 Culloden Road, Aylmer, ON, N5H 2R3

Location: 10612 Culloden Rd, legally described as PART LOT 6, CONCESSION 9,

Municipality of Bayham.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Culloden Road by a depth of 97.522 metres (319.95 feet) and an area of 0.19 hectares (0.47 acres) for future residential use. The owners are retaining 0.37 hectares (0.91 acres) proposed to remain in residential use.

County of Elgin OfficialLocal Municipality OfficialLocal Municipality ZoningPlanBy-lawSettlement Area Tier 3HamletsHamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – That Council recommend to the Elgin County Land Division Committee that Consent Application E28-21 be granted subject to the conditions listed in this report.

Long Point Region Conservation Authority - no concerns or objections to the proposal.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.



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

The Applicant has indicated that the retained lands will maintain their current residential use. 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 (0.19 hectares/0.47 acres) are currently vacant but are proposed to contain a house and an accessory structure, with a private well and septic system. The proposed retained lands (0.37 hectares/0.91 acres) contain an existing residence, accessory structure and private services. The size of both the severed and retained lots are adequate to support the existing and proposed use and private services, while being consistent with the size of the surrounding residential lots.

The applicant is required to submit written confirmation from a licensed well and/or a licensed septic installer and septic installer that the that the system is in satisfactory operating condition and/or the well provides the quality and quantity of potable water required. This requirement was missed when accepting the application, therefore staff from the Municipality of Bayham and the County of Elgin will require this information as condition of approval.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services.

As stated by the Applicant, the proposed severed lot will be used for future residential use and the retained lot will maintain its current residential use. Both proposed parcels are in keeping with the size and scale of development permitted for a third-tier settlement area.

Local Municipality Official Plan and Zoning By-law

The subject property is designated as Hamlets in the Municipality of Bayham Official Plan and is zoned Hamlet Residential (HR) in the Municipality's Zoning By-law. The proposed severed and retained lot appear to meet all provisions and requirements of the area Official Plan as well as Zoning By-law.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. 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.



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- 2. 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.
- 3. A Lot Grading Plan is required for the severed lot.
- 4. The applicant is required to submit written confirmation from a licensed well and a licensed septic installer that the well and septic system are in satisfactory operating condition, and the well provides the quality and quantity of potable water required. A water test is also required from the Southwest Public Health confirming the quality of the existing well water.
- 5. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
- 6. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

- 1. Digital copy of the final survey provided to the municipality.
- 2. Planning Report fee payable to the municipality.
- 3. Installation of a private well with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
- 4. Municipal lot assessment for soil evaluation (septic).
- 5. Grading Plan.
- 6. Municipal Drain Connection legal outlet for drainage (Drainage Act petition).
- 7. Purchase civic number signage for the severed lot.
- 8. Parkland Dedication Fee payable to the municipality.
- Confirmation of available County Road access.