



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, August 25th, 2021

- 9:00am Approval of July 28, 2021 Meeting Minutes
- Surplus Farm Dwellings – Discussion with John Hogan
- Extension of Application Submission Deadline from 6 to 8 weeks – Discussion
- Signs Posted – Confirmation
- Inquiries from Land Division Committee Members
- 10:15am E 57-18 *Chad Underhill Farms Ltd. – deferred application*
 Woodworth Street/Vienna Line – Municipality of Bayham
- E 58-18 *Douglas Dennis – deferred application*
 Woodworth Street/Vienna Line – Municipality of Bayham
- 10:30am E 51-21 *John and David Loewen – deferred application*
 51432 Woolleyville Line – Township of Malahide
- E 52-21 *John and David Loewen – deferred application*
 51432 Woolleyville Line – Township of Malahide
- 10:45am E 60-21 *Will and Eva Dyck – deferred application*
 6501 Springfield Road – Township of Malahide
- 10:55am E 48-21 *Johan and Tina Friesen – deferred application*
 62 Oak Street – Town of Aylmer
- 11:05am E 62-21 Johan Fehr
 29 Linden Street – Town of Aylmer
- 11:15am E 63-21 WM F Bradish & Sons Ltd.
 11679 Wonderland Road – Township of Southwold
- 11:25am E 64-21 Elizabeth and Leon Rocheleau
 43698 Sparta Line – Municipality of Central Elgin
- 11:35am E 61-21 Carl McLeod and Sons – *amended application*
 12186 Currie Road – Municipality of Dutton Dunwich

**AS THIS MEETING IS BEING CONVENED THROUGH ELECTRONIC PARTICIPATION,
APPLICANTS ARE ADVISED TO CONTACT THE SECRETARY-TREASURER TO OBTAIN
INFORMATION ABOUT HOW TO PARTICIPATE.**

**PLEASE CONTACT Aisling Lavery Secretary-Treasurer
alavery@elgin.ca 519-631-1460 ext.122**

**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
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Phone: 519-631-1460
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ELGIN COUNTY LAND DIVISION COMMITTEE

Meeting Minutes – July 28, 2021

County Administration Building, St. Thomas, Ontario and electronically

Present: John R. “Ian” Fleck, Chairman, Dugald Aldred, Rosemary Kennedy, John Seldon, Dennis O’Grady, Jack Van Kasteren, John Andrews, Nancy Pasato, Manager of Planning, Aisling Lavery, Secretary-Treasurer, and Dawn Wittland-Graham, Administrative Assistant.

Call to Order:

At 9:00am, Chair John R “Ian” Fleck called the meeting to order. Due to the Province of Ontario Emergency Declaration for the COVID-19 pandemic, this meeting is being held by video conferencing and in person in an effort to follow the rules of “physical distancing”.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

- None declared

Minutes (May 26, 2021):

Moved by: John Seldon

Seconded by: Dugald Aldred

That the minutes of the meeting held May 26, 2021 be adopted, with noted corrections.

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

- Carried

Minutes (June 23, 2021):

Moved by: John Andrews

Seconded by: Rosemary Kennedy

That the minutes of the meeting held June 23, 2021 be adopted, with noted corrections.

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

- Carried

Items for Consideration:

Confirmation of Remuneration for LDC

Committee Comments:

- Remuneration is done by Council. The LDC members can simply request the Manager of Planning bring any issues forward regarding this topic to Council.
- This topic must be discussed in a closed session.
- Therefore, more discussion will take place after all the scheduled hearings.
- Some committee members believe that when there are multiple consent applications on lots side by side, only one fee should be charged, rather than a fee per each lot.
- Other committee members feel as though the remuneration is appropriate for the amount of work (reading, site visits, drive-bys, etc).
- At present, remuneration will remain the same.
- This issue can be re-addressed at the same time as the Committee is created (same time as municipal elections).

Items for Consideration:

Circulation of Agenda PDF

Committee Comments:

- Committee members are interested to know if the PDF package can be sent to the them directly via email rather than emailing a link to the package and if it could be

- done earlier than the Friday prior to the meeting.
- A PDF package would likely have to be broken into many parts as the package is so large when there are 15 applications per meeting. This leaves a lot of room to miss items and not include everything.
 - This cannot be done earlier because the County relies on others to provide comments
 - An option proposed by committee members was sending out complete application packages when available rather than one whole agenda package so there is more time to review the documents
 - As per county staff, this is not preferred. Too much room for error and to miss items.

9:20am - Application E 48-21

Johan and Tine Friesen, 62 Oak Street, Aylmer, ON N5H 1G6

(Circulated incorrectly as this description) ~~The applicant proposes to sever a lot with a frontage of 2.038 metres (6.686 feet) along Oak Street, by a depth of 33.33 metres (109.252 feet) and an area of 74 square metres (0.028 acres) for a proposed underground hydro easement, and retain a lot with a frontage of 21m (68.897 ft) by a depth of 33.3m (109.252 feet) and an area of 700 square metres (0.173 acres), proposed to maintain the existing residential use.~~

(Revised to reflect the corrected wording for a future meeting) The applicants propose to create an easement having a frontage of 2.038 metres (6.686 feet) along Oak Street, with a total area of 74 square metres (0.028 acres) over a private lot known as 62 Oak Street to provide access to an underground hydro easement, in favour of 361 Talbot Street West.

Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee – none present.

Written submissions were received from the following:

1. **Town of Aylmer** – Recommends deferral and re-circulation.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this proposal is not on a County road.
3. **Nancy Pasato, Manager of Planning** – Recommends deferral and re-circulation.

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

That severance application E 48-21 be deferred, with no additional fees required.

Recorded Vote E 48-21

Yes

No

| | |
|---|-----|
| John Andrews (Southwold) | Yes |
| John “Ian” Fleck - Chair (Dutton/Dunwich) | Yes |
| Dennis O’Grady (Central Elgin) | Yes |
| Rosemary Kennedy (Malahide) | Yes |
| John Seldon (Bayham) | Yes |
| Jack Van Kasteren (Aylmer) | Yes |
| Dugald Aldred (West Elgin) | Yes |

- Carried

Reasons: Improper notice provided as per the Planning Act (signs not posted and use of the term “severance” rather than “easement”).

9:30am - Application E 49-21

Franz Klassen, 10 Oak Street, Vienna, ON N0J 1Z0

The applicant proposes to sever a lot with a frontage of 27.46 metres (90.1 feet) along Oak Street, by a depth of 40.58 metres (133.15 feet) and an area of 926.09 square metres (0.23 acres) for future residential use and retain a lot with a frontage of 33.3 m (109.1 ft) by a depth of 28.4 metres (93.1 feet) and an area of 907.23 square metres (0.22 acres), proposed to maintain the existing 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 – none present.

Written submissions were received from the following:

1. **Municipality of Bayham** - Administration recommends approval subject to provided conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this proposal is not on a County road.
3. **Nancy Pasato, Manager of Planning** – The county supports the application.
4. **Long Point Regional Conservation Authority** – no objections.

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

Moved by: Jack Van Kasteren

Seconded by: John Seldon

That severance application E 49-21 be approved subject to the following conditions:

That the requirements of the Municipality of Bayham are met, including the following:

1. Digital Copy of the final survey.
2. Planning report fee payable to the municipality.
3. Cash in Lieu of parkland dedication fee payable to the municipality.
4. Installation of municipal water and municipal sanitary sewer stub connections to the severed lot.
5. Rezoning of the retained lands to a site-specific Village Residential (R1) Zone to recognize a reduced rear yard setback.
6. Provide a grading plan showing adequate storm water control of surface water runoff to not adversely affect neighbouring properties, municipal street or receiving watercourses.
7. Provide confirmation of adequate elevation above the susceptible flood area from LPRCA prior to development of the severed land.

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

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.

Recorded Vote E 27-21

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

- **Carried**

Reasons: Creation of a new lot.

9:40am - Application E 50-21:

W.D. Bronze Ltd., 980 Jackson Side Road, Courtland ON N0J 1E0

The applicant proposes to sever a lot, containing an existing semi-detached dwelling, with a frontage of 15.24 metres (50 feet) along Alward Street, by a depth of 49.93 metres (163.81 feet) and an area of 775 square metres (0.191 acres) and retain a lot with a frontage of 15.24 metres (50 ft) by a depth of 58.72 metres (193.65 feet) and an area of 890 square metres (0.219 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee – none present.

Written submissions were received from the following:

1. **Municipality of Bayham-** Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – not on a county road.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: Jack Van Kasteren

Seconded by: John Andrews

That severance application E 50-21 be granted subject to the following conditions:

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

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;

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;
2. Planning report fee payable to the municipality;
3. Cash in Lieu of parkland dedication fee payable to the Municipality;
4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage;
5. Provide confirmation of a registered Easement Agreement for the shared drainage swale.

Recorded Vote E 50-21

Yes

No

| | |
|---|-----|
| John Andrews (Southwold) | Yes |
| John “Ian” Fleck – Chair (Dutton/Dunwich) | Yes |
| Dennis O’Grady (Central Elgin) | Yes |
| Rosemary Kennedy (Malahide) | Yes |
| John Seldon (Bayham) | Yes |
| Jack Van Kasteren (Aylmer) | Yes |
| Dugald Aldred (West Elgin) | Yes |

- Carried

Reasons: Creation of a new lot.

9:50am - Application E 53-21

Marilyn and John Sebok, 53367 Nova Scotia Line, Port Burwell, ON N0J 1T0

The applicant proposes to sever a lot with a frontage of 213.8 metres (701.44 feet) along Nova Scotia Line, by a depth of 1466 metres (4809.71 feet) and an area of 31.5 hectares (77.83 acres), containing a dwelling and a garage, proposed to be severed for agricultural purposes and retain a lot with a frontage of 437.8 metres (1436.35 ft) by a depth of 1886 metres (6187.66 feet) and an area of 97.9 hectares (241.91 acres), proposed to maintain the existing 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.

Agent: David Roe was present electronically.

Applicants: Marilyn and John Sebok were present in the Council Chambers.

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** – supports the application subject to the provided conditions related to road widening and entrance permits.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

That severance application E 53-21 be granted subject to the following conditions:

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

1. 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.
2. 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.
3. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
5. 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.

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 agricultural areas and the County 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 Nova Scotia Line County Road 42 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. 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 digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Recorded Vote E 53-21

Yes

No

John Andrews (Southwold)

Yes

| | |
|---|-----|
| John “Ian” Fleck - Chair (Dutton/Dunwich) | Yes |
| Dennis O’Grady (Central Elgin) | Yes |
| Rosemary Kennedy (Malahide) | Yes |
| John Seldon (Bayham) | Yes |
| Jack Van Kasteren (Aylmer) | Yes |
| Dugald Aldred (West Elgin) | Yes |

- **Carried**

Reasons: Creation of new lot.

10:00am - Application E 54-21:

Margaret Alice Goodhue, 44912 Edgeware Line, St. Thomas, ON N5P 3T3

The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.935 hectares (2.31 acres) containing one residence, one frame barn and one shed, surplus to the needs of the owner. The owners are retaining 42 hectares (103.784 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.

Agent: Helen Button was present electronically.

Applicant: Margaret Goodhue 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** – supports the application subject to the provided conditions related to road widening and entrance permits.
3. **Nancy Pasato, Manager of Planning** – planning staff are of the opinion the size of the severed lot is appropriate to contain the dwelling and servicing, but encourage the applicant to explore options related to creating a regularly shaped lot of a smaller size.

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

First Motion on the floor:

Moved by: John Andrews

Seconded by: Rosemary Kennedy

That severance application E 54-21 be granted subject to the following conditions:

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.
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.

Staff recommend 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 Ron McNeil Line County Road 52 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. 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 digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Recorded Vote E 54-21

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

- **Motion Fails.**

Second Motion on the floor:

Moved by: Dennis O’Grady

Seconded by: No seconder

That severance application E 54-21 be granted subject to the severed lot be a maximum of 2 acres.

- **Motion Fails.**

Third Motion on the floor:

Moved by: Jack Van Kastern

Seconded by: Dugald Aldred

That severance application E 54-21 be deferred to allow the applicant the opportunity to review and revise the size and configuration of the proposed severed lot, at no additional fee to the applicant.

Recorded Vote E 54-21

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

| | |
|----------------------------|-----|
| John Seldon (Bayham) | Yes |
| Jack Van Kasteren (Aylmer) | Yes |
| Dugald Aldred (West Elgin) | Yes |

- Carried.

Reasons: deferred to allow the applicant the opportunity to review and revise the size and configuration of the proposed severed lot, at no additional fee to the applicant.

10:25am - Application E 55-21:

Anthony and Cheryl Bennett, 220 Church Street, Belmont, ON N0L 1B0

The applicants propose to sever a parcel with a width of 20.1 metres (65.94 feet) along Church Street by a depth of 4.89 metres (16.04 feet) and an area of 98 metres squared (0.024 acres) to be conveyed to 216 Church Street. The owners are retaining 1347.28 metres squared (0.333 acres) proposed to remain in existing 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.

Public – Trevor Marr, property owner to whom the severed land will be conveyed to, was present electronically.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – not on a county road.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.
4. **Public Comments** – one comment was received via email from Dan Reid, a neighbor of the subject site, in opposition of the proposed application.

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

Moved by: Dennis O'Grady

Seconded by: John Seldon

That severance application E 55-21 be granted subject to the following conditions:

The Municipality of Central Elgin provided the following:

3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;

4. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
5. That the severed lands are deeded in the same name and interest as the abutting lot at 216 Church Street 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 Central Elgin be included as conditions for consent:

1. That the severed lands be merged with the abutting lot to the south (216 Church Street).
2. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands.
3. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive of mortgagee's interest; and
4. The Municipality of Central Elgin to be provided with a copy of the Reference Plan.

Recorded Vote E 55-21

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

- **Carried**

Reasons: Lot adjustment.

10:45am - Application E 56-21:

Chester and Halina Glinksi, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 37.7 hectares

(91.429 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.

Agent: Paul Riley was present electronically.

Applicant: Chester Glinski 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** – The Engineering Department supports this application, with conditions.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: Rosemary Kennedy

Seconded by: John Andrews

That severance application E 56-21 be granted subject to the following conditions:

That the requirements of the Township of Malahide are met, including the following:

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 the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
 7. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
 8. 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.
 9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
 10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
 11. 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.

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

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
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
4. 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;
5. 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
6. A lot grading plan is required for the severed lot.

Recorded Vote E 56-21

Yes

No

| | |
|---|-----|
| John Andrews (Southwold) | Yes |
| John “Ian” Fleck - Chair (Dutton/Dunwich) | Yes |
| Dennis O’Grady (Central Elgin) | Yes |
| Rosemary Kennedy (Malahide) | Yes |
| John Seldon (Bayham) | Yes |
| Jack Van Kasteren (Aylmer) | Yes |
| Dugald Aldred (West Elgin) | Yes |

- Carried

Reasons: Creation of a new residential lot

10:45am - Application E 57-21

Chester and Halina Glinksi, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 36.7 hectares (90.873 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.

Agent: Paul Riley was present electronically.

Applicant: Chester Glinksi 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** – The Engineering Department supports this application, with conditions.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: Jack Van Kasteren

Seconded by: Dugald Aldred

That severance application E 57-21 be granted subject to the following conditions:

That the requirements of the Township of Malahide are met, including the following:

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 the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
7. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
8. 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.
9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. 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.

That the requirements of the County of Elgin and the Land Division

Committee are met, including the following:

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
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
4. 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;
5. 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
6. A lot grading plan is required for the severed lot.

Recorded Vote E 57-21

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

- **Carried**

Reasons: Creation of a new residential lot

10:45am - Application E 58-21

Chester and Halina Glinksy, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 36.54 hectares (90.317 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.

Agent: Paul Riley was present electronically.

Applicant: Chester Glinski 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** – The Engineering Department supports this application, with conditions.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: Rosemary Kennedy

Seconded by: Jack Van Kasteren

That severance application E 58-21 be granted subject to the following conditions:

That the requirements of the Township of Malahide are met, including the following:

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 the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
 7. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
 8. 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.
 9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
 10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
 11. 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.

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

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
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
4. 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;
5. 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
6. A lot grading plan is required for the severed lot.

Recorded Vote E 58-21

Yes No

John Andrews (Southwold) Yes

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

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

- Carried

Reasons: Creation of a new residential lot.

11:03am - Application E 59-21

Malcolm John Ferguson, 46320 Southdale Line, St. Thomas, ON N5P 3S6

The applicants propose to sever a parcel with a frontage of 49.7 metres (314.40 feet) along Roberts Line by a depth of 85.4 metres (406.82 feet) and an area of 0.424 hectares (1.05 acres) containing one residence, and two storage sheds, surplus to the needs of the owner. The owners are retaining 36.75 hectares (90.81 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.

Agent: Donald Ferguson was present electronically.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – has indicated the subject site is not on a County road.
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

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

Moved by: Dugald Aldred

Seconded by: John Andrews

That severance application E 59-21 be granted subject to the following conditions:

it is recommended that the following conditions from the Municipality of Central Elgin included as conditions for consent:

1. Approval of a Zoning By-law Amendment to prohibit residential dwelling on the retained lot;
2. The existing accessory building on the severed lot be brought into conformity with the Zoning By-law;
3. The municipality be supplied with a copy of the Reference Plan; and
4. A drainage reassessment be done, if necessary, at the owner's expense.

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

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.

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 E 59-21

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

- **Carried**

Reasons: Creation of a new lot surplus to the needs of the owner.

11:07am - Application E 60-21

Will and Eva Dyck, 6501 Springfield Road, Aylmer, ON N5H 2R5,

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Springfield Road by a depth of 67.79 metres (222.41 feet) and an area of 1695.6 square metres (0.42 acres) for residential use. The owners are retaining 9410.6 square metres (2.32 acres) for future residential use (existing structures to be removed).

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

Agent: Katelyn Crowley (Zelinka Priamo Ltd.) was present electronically.

Written submissions were received from the following:

1. **Township of Malahide-** The Township is requesting a deferral of this severance application to provide adequate time to complete a full review of the application package.
2. **Brian Lima, Director Engineering Services** – has no objections subject to the provided conditions related to road widening, direct connect to a legal outlet, entrance permits, and lot grading plans.
3. **Nancy Pasato, Manager of Planning** – County planning staff supports the Township's request and recommends deferral of application E 60-21.

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

Moved by: Dug Aldred
Seconded by: Jack Van Kasteren
That severance application E 60-21 be deferred.

| Recorded Vote E 60-21 | Yes | No |
|---|------------|-----------|
| John Andrews (Southwold) | Yes | |
| John "Ian" Fleck - Chair (Dutton/Dunwich) | Yes | |
| Dennis O'Grady (Central Elgin) | Yes | |
| Rosemary Kennedy (Malahide) | Yes | |
| John Seldon (Bayham) | Yes | |
| Jack Van Kasteren (Aylmer) | Yes | |
| Dugald Aldred (West Elgin) | Yes | |

- Carried

Reasons: The Township is requesting a deferral of this severance application to provide adequate time to complete a full review of the application package.

11:10am - Application E 61-21

Carl McLeod and Sons Ltd., 29281 Aberdeen Line, Dutton ON N0I 1J0

The applicants propose to sever a parcel with a frontage of 41.2 metres (135.17 feet) along Currie Road by a depth of 108 metres (354.33 feet) and an area of 0.4450 hectares (1.09 acres) containing one residence, with a detached garage, surplus to the needs of the owner. The owners are retaining 40.4 hectares (99.83 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.

Applicant: Tim McLeod was present electronically and requested deferral to revise the application and drawings to include the proposed easement.

Written submissions were received from the following:

1. **Municipality of Dutton/Dunwich** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – no objections subject to the conditions related to road widening and entrance permits.
3. **Lower Thames Valley Conservation Authority** - in consultation with the Lower Thames Valley Conservation Authority, the Council of the Municipality of Dutton Dunwich waived the requirement for an Environmental Impact Assessment be conducted to the satisfaction of the Municipality for Severance Application E 61/21.
4. **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: Dugald Aldred
Seconded by: Dennis O'Grady

That severance application E 61-21 be deferred in order for the applicant to provide a revised drawing showing the size and location of the proposed easement and revised application. An amendment fee of \$300 will be charged as per Land Division Committee directive.

| Recorded Vote E 61-21 | Yes | No |
|---|------------|-----------|
| John Andrews (Southwold) | Yes | |
| John "Ian" Fleck - Chair (Dutton/Dunwich) | Yes | |
| Dennis O'Grady (Central Elgin) | Yes | |
| Rosemary Kennedy (Malahide) | Yes | |
| John Seldon (Bayham) | Yes | |

Jack Van Kasteren (Aylmer) Yes

Dugald Aldred (West Elgin) Yes

- **Carried**

Reasons: deferred is recommended in order for the applicant to provide a revised drawing showing the size and location of the proposed easement and revised application.

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

- **Carried**

12:34pm - Adjournment

The Chair adjourned the meeting at 11:58 am.



Aisling Lavery, Secretary-Treasurer

John "Ian" Fleck, Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 57-18**

**PART LOTS 6, 7, 8 & 9, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: WOODWORTH STREET/VIENNA LINE**

TAKE NOTICE that an application has been made by **Chad Underhill Farms Limited**, 7135 Dennis Road, R.R. 1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Woodworth Street/Vienna Line, Municipality of Bayham.

The applicants propose to sever an irregular shaped parcel with a width of 108 metres (354.3ft), a rear width of 158m (518.4ft), by a depth of 63m (206.7ft) (west lot line) to 121 metres (397.0ft) (east lot lot), with an area of 1.132 hectares (2.797 acres), to add to the adjoining agricultural land to the north. The owners are retaining 75 hectares (185.3 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 AUGUST 25TH, 2021 AT 10:15 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

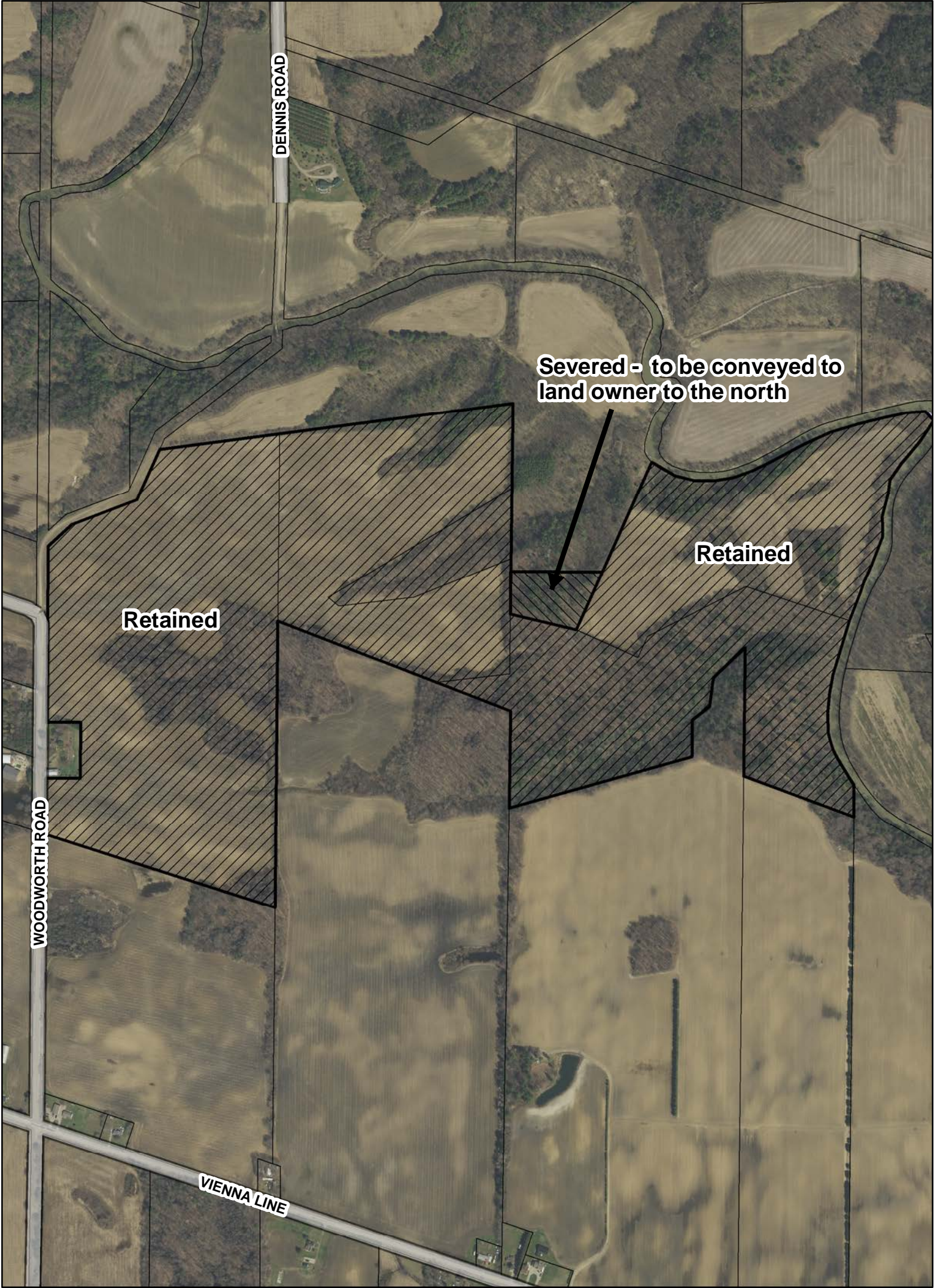
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 21st day of July, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

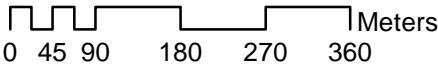
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



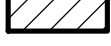


Subject Site: Woodworth Road/Vienna Line
File Number: E57-2018
Owner: Chad Underhill Farms Limited
Planner: Nancy Pasato
Created By: AL
Date: 07/28/2021

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



Scale 1:8,000

Legend

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

DENNIS ROAD

Severed - to be conveyed to
land owner to the north

Retained

Retained

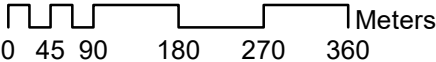
WOODWORTH ROAD

VIENNA LINE

Location Map

Subject Site: Woodworth Road/Vienna Line
File Number: E57-2018
Owner: Chad Underhill Farms Limited
Planner: Nancy Pasato
Created By: AL
Date: 07/28/2021

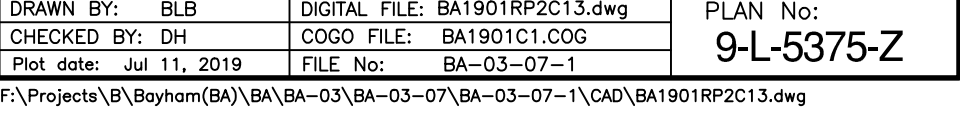
The Corporation of the County Elgin
Prepared By: Planning and Development

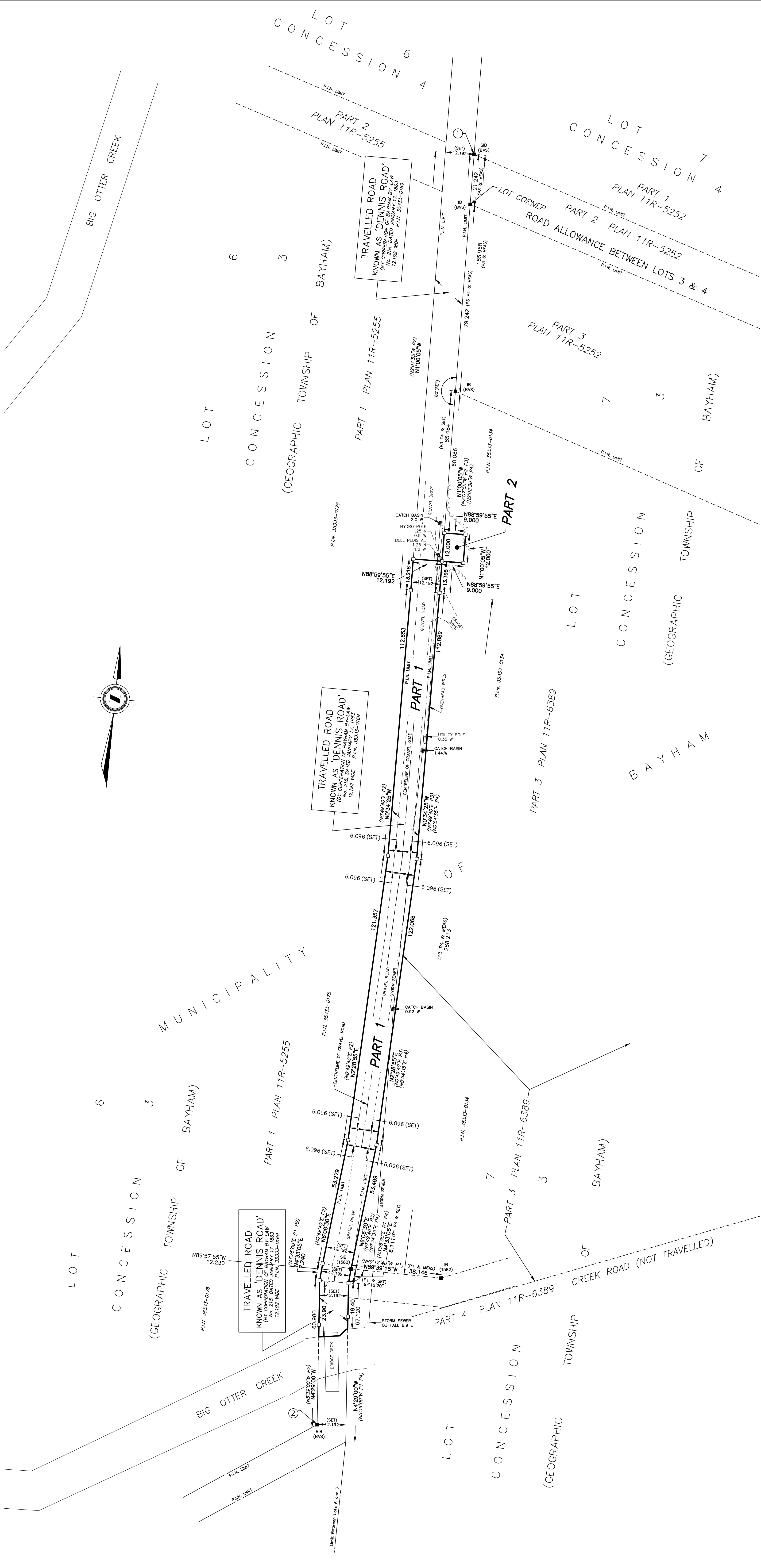


Scale 1:8,000

Legend

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





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

DATE: _____

DONALD B. HOLSTEAD
ONTARIO LAND SURVEYOR

PLAN 11R-

RECEIVED AND DEPOSITED

DATE: _____

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

| PART SCHEDULE | | | |
|---------------|--|------------|--------------------|
| PART | LOT | CONCESSION | P.I.N. |
| 1 | PART OF A FORCED ROAD TRAVELLING THROUGH LOT 6, CONCESSION 3 | | PART OF 35333-0169 |
| 2 | PART OF 7 | 3 | PART OF 35333-0134 |

PART 1 COMPRISES PART OF P.I.N. 35333-0169.

PART 2 COMPRISES PART OF P.I.N. 35333-0134.

PLAN OF SURVEY
OF PART OF
LOT 7, CONCESSION 3
AND PART OF
FORCED ROAD TRAVELLING
THROUGH LOT 6, CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF BAYHAM)
IN THE
MUNICIPALITY OF BAYHAM
COUNTY OF ELGIN

SCALE 1:750
15 10 5 0 15 30 45
SCALE IN METRES

2019
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER
2) THE SURVEY WAS COMPLETED ON THE _____th DAY OF _____, 2019.

DATE _____ DONALD B. HOLSTEAD
ONTARIO LAND SURVEYOR

UTM GRID NOTES

BEARINGS ARE UTM GRID NAD83 (CSRS) EPOCH(2010), DERIVED FROM OBSERVED REFERENCE POINTS "1" AND "2", BY REAL TIME NETWORK (RTN) OBSERVATIONS, LEICA GNSS SMARTNET NETWORK, UTM ZONE 17, AND ARE REFERRED TO THE CENTRAL MERIDIAN 81° 00' WEST LONGITUDE.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999579014

| OBSERVED REFERENCE POINTS (ORPs) U.T.M. ZONE 17, NAD83 (CSRS) EPOCH(2010). COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10 | | |
|---|-------------|------------|
| POINT ID | NORTHING | EASTING |
| ORP 1 | 4727891.358 | 513993.202 |
| ORP 2 | 4727350.755 | 513978.676 |


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


- NOTES & LEGEND
- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT PLANTED
 - RIB DENOTES ROUND IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - WIT DENOTES WITNESS
 - 1582 DENOTES KIM HUSTED SURVEYING LTD., O.L.S.
 - BVS DENOTES BRIAN VAUGHAN O.L.S.
 - P1 DENOTES PLAN 11R-3982
 - P2 DENOTES PLAN 11R-5255
 - P3 DENOTES PLAN 11R-5252
 - P4 DENOTES PLAN 11R-6389

| SCHEDULE | | | |
|----------|----------------------------|---------------------------|----------|
| PART | LOCATION | P. I. N. | AREA |
| 1 | PART OF LOT 8 CONCESSION 3 | PART OF P.I.N. 35333-0120 | 2.80 Ac. |

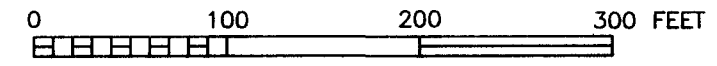
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
DATE : JUNE 27, 2012

PLAN 11R-9515
RECEIVED AND DEPOSITED
DATE : June 28, 2012


BRIAN VAUGHAN
ONTARIO LAND SURVEYOR


REPRESENTATIVE FOR
LAND REGISTRAR
FOR THE LAND TITLES DIVISION
OF ELGIN (11)

PLAN OF SURVEY
OF PART OF
LOT 8
CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF BAYHAM)
MUNICIPALITY OF BAYHAM
COUNTY OF ELGIN



SCALE 1" = 100'

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

AREAS SHOWN ON THIS PLAN ARE IN ACRES AND CAN BE CONVERTED TO HECTARES BY MULTIPLYING BY 0.40468

BRIAN VAUGHAN SURVEYING LIMITED

NOTES

- BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3 AS SHOWN ON REFERENCE PLAN 11R-4113, HAVING A BEARING OF N 69° 58' 30" W.
- BEARINGS SHOWN ON THIS PLAN ARE ASTRONOMIC AND CAN BE CONVERTED TO GRID BEARINGS BY ROTATING THE BEARINGS COUNTERCLOCKWISE 01° 14' 10"
- DISTANCES SHOWN ON THIS PLAN ARE IMPERIAL GROUND DISTANCES AND CAN BE CONVERTED TO METRIC GRID DISTANCES BY MULTIPLYING BY 0.3048 AND 0.999602

| COORDINATE SCHEDULE | | |
|---|-------------|------------|
| ALL COORDINATES ARE IN METRIC AND WERE DERIVED FROM GPS OBSERVATIONS USING SPECIFIC CONTROL POINT 00820060026 UTM ZONE 17, NAD 83 (ORIGINAL) COORDINATE VALUES ARE TO RURAL ACCURACY PER SEC. 14 (2) OF O. REG 216/10 | | |
| POINT ID | NORTHING | EASTING |
| ORP A | 4726865.655 | 514435.788 |
| ORP B | 4726877.992 | 514392.922 |
| COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN | | |

SURVEYOR'S CERTIFICATE

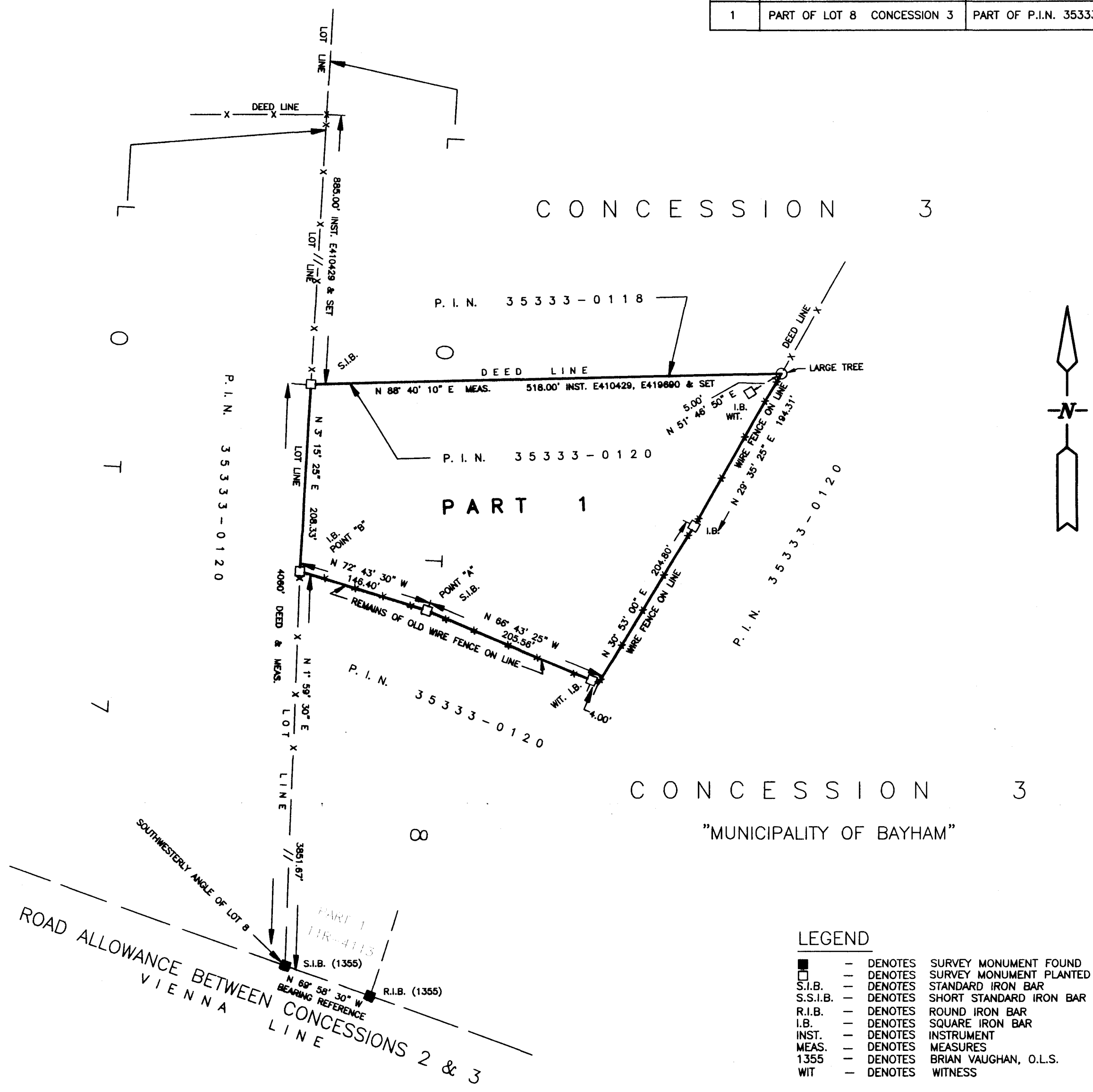
- I HEREBY CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 4th. DAY OF JUNE, 2012.

ST THOMAS, ONT.
JUNE 27, 2012.

BRIAN VAUGHAN
ONTARIO LAND SURVEYOR

BRIAN VAUGHAN SURVEYING LIMITED
124 CENTRE STREET, ST THOMAS, ONT.
N5R 2Z9 PH. (519) 631-5057
FAX (519) 631-8255 E-MAIL bvaughan@golden.net

FILE: 12-12A



From: [Aisling Lavery](#)
To: ["Marg Underhill"](#)
Cc: [Nancy Pasato](#)
Subject: RE: E 58-18 and E 57-18 - Applications for Severance
Date: August 16, 2021 8:42:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Marg,

I will use the same report/comments and just save this correspondence in the file.

Thanks,

Aisling "Ashleen" Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee



450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext. 122 | 226-377-6670

www.elgincounty.ca



From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: August 13, 2021 4:20 PM
To: Aisling Lavery <alavery@ELGIN.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

Good Afternoon Aisling

The applications have not changed from 2018 and so the comments from Bayham have not changed.

Do you need me to resend any comment letter or staff report from 2019 ?

Regards,

Margaret Underhill
Deputy Clerk/Planning Coordinator
Municipality of Bayham
56169 Heritage Line, PO Box 160
Stratfordville ON N0J 1Y0

T: 519-866-5521 Ext 222
F: 519-866-3884
munderhill@bayham.on.ca
www.bayham.on.ca

Be smart – Stay apart – Stay healthy!

From: Aisling Lavery [<mailto:alavery@ELGIN.ca>]
Sent: July 16, 2021 12:28 PM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

CAUTION: This email originated from outside of the Municipality of Bayham email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Apologies for not including the updated authorization. It is attached for each.

Thanks for pointing that out,
Aisling

From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: July 16, 2021 12:25 PM
To: Aisling Lavery <alavery@ELGIN.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

Hi Ashleen

Thank you for the email and notification to revisit these applications.

According to the applications you sent through the Authorized Agent is named as Mackenzie Lake but the email and latest submission appears to be coming from Logan Burnett, Harrison Penza.

Please clarify.

Regards,

Margaret Underhill
Deputy Clerk/Planning Coordinator
Municipality of Bayham
56169 Heritage Line, PO Box 160
Straffordville ON N0J 1Y0
T: 519-866-5521 Ext 222
F: 519-866-3884

munderhill@bayham.on.ca
www.bayham.on.ca

Be smart – Stay apart – Stay healthy!

From: Aisling Laverty [<mailto:alaverty@ELGIN.ca>]
Sent: July 16, 2021 12:16 PM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Logan Burnett <lburnett@harrisonpensa.com>
Subject: E 58-18 and E 57-18 - Applications for Severance

CAUTION: This email originated from outside of the Municipality of Bayham email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please note that Consent Applications E 58-18 and E 57-18, previously deferred, are now scheduled to be heard before the LDC on August 25, 2021.

I've attached correspondence from the applicant confirming the applications are the same as submitted in 2018, the applications themselves and the plans, as submitted to myself by the applicant's agent this week to ensure we are all on the same page. Please let me know if you require any additional information.

I've also copied both Nancy, and Logan Burnett, the agent.

Thank you,

Aisling "Ashleen" Laverty
Planning Technician



450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext. 122 | 226-377-6670

www.elgincounty.ca



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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 4, 2019

EMAIL & Originals by mail

Susan Galloway, Secretary-Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

Dear Ms. Galloway,

Re: Applications for Consent No. E57/18 Chad Underhill Farms Limited

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at its October 3, 2019 meeting:

THAT Report DS-60/19 regarding the Consent Application E57/18 submitted by Chad Underhill Farms Limited be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E57/18 be granted subject to the following conditions:

- 1. Planning Report fee payable to the Municipality**
- 2. Copy of the final survey (digital) provided to the municipality**
- 3. Letter of Undertaking providing for the merger on title of the severed 1.132 ha parcel with the adjacent northerly parcel as per the consent application**

Staff report and correspondence emailed to you on October 4, 2019 directly, in addition, original letter and municipal appraisal sheet by regular mail. If you have any questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'M Underhill', is written over a horizontal line.

Margaret Underhill
Deputy Clerk/Planning Coordinator

D09.CHAD
E57/18



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 57/18

Applicant CHAD UNDERHILL FARMS LIMITED

Location PT LOTS 6, 7 & 8, CONCESSION 3, MUNICIPALITY OF BAYHAM

OFFICIAL PLAN

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

Land Use Designation: AGRICULTURE, NATURAL HERITAGE, NATURAL GAS
Policies: HAZARD LANDS, SIGNIFICANT WOODLANDS RESERVOIR

Section 2.1.9 Minor Lot Adjustments
- no new lot to be created

ZONING

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

Comments: A1 ZONE AND LPRCA REG. Limit

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (☒)
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Sections 53(2) and 51(5) of the Planning Act, R.S.O. 1990. C.P. 13, allow the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
 - (b) the dedication of highways ()
 - (c) the dedication of land for highway widening ()
 - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes (☒) No ()

9. Does Council recommend the application? Yes (☒) No ()

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

See attached letter for recommended conditions

County of Elgin
Engineering Services
450 Sunset Drive
St. Thomas, On N5R 6V1
Phone: 519-631-1460
www.elgincounty.ca

2.1.9 **Minor lot adjustments**

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

2.1.10 **Supplementary Farm Dwellings**

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

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

SECTION 5 AGRICULTURAL (A1/A1-A) ZONE REGULATIONS

5.1 Zone Symbols

5.1.1 The Agricultural (A1) Zone is intended to apply to all lots with an area of less than 40 hectares, designated "Agriculture" in the Official Plan. Where a lot has an area of less than 20 hectares, Section 4.10 Non-Conforming Uses, shall apply to the use of the lot and Section 4.11 Non-Complying Uses, shall apply to changes to existing buildings and structures.

5.1.2 The Agricultural (A1-A) Zone is intended to apply to all lots with an area of 40 hectares or greater designated "Agriculture" in the Official Plan.

5.2 Permitted Uses

Z610-2012

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A1) or Agricultural (A1-A) Zones except for the following purposes:

Agri-tourism Establishment;

Agricultural use;

Agricultural home occupation;

Z610-2012

Bed and Breakfast Lodging or Tourist Home;

Commercial greenhouse;

Farm;

Forestry use;

Market garden operation;

Farm produce outlet;

Plant nursery;

Home occupation;

Landing strip;

Riding stable;

Z556-2008

Single detached dwellings lawfully in existence as of the date of the passing of this By-law or one new single detached dwelling on a vacant lot subject to all other applicable regulations of this By-law;

Accessory use.

5.3 Minimum Lot Area

A1 Zone 20.0 hectares

A1-A Zone 40.0 hectares

5.3.1 **Supplementary Minimum Lot Area Regulations**

Notwithstanding the definition of farm in Section 2.0 of this By-law, and the permitted uses and minimum lot area requirements of subsection 5.2 of this By-law, the following minimum existing lot areas will be required for the uses and structures described below:

| | | |
|------------------|--|------------------------------|
| Z610-2012 | Commercial greenhouses, Market garden operations, Plant nurseries: | 2.50 hectares (6.0 acres) |
|------------------|--|------------------------------|

5.4 **Minimum Lot Frontage**

150.0m

5.5 **Maximum Lot Coverage**

20%

5.6 **Maximum Building Height**

20.0m

5.7 **Minimum floor Area**

For a single-detached dwelling: 79.0 m²

5.8 **Minimum Front Yard Depth**

15.0 metres

5.9 **Minimum Side Yard Width**

For a single-detached dwelling: 3.0 metres

All other cases: 10.0 metres

5.10 **Minimum Rear Yard Depth**

10.0m

5.11 **Supplementary Regulations – Agricultural (A1) and Agricultural (A1-A) Zone**

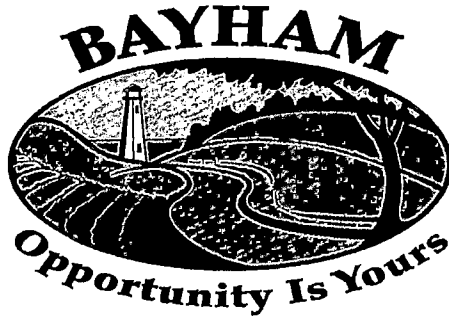
5.11.1 **Livestock Buildings and Structures and Mushroom Farming**

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

| | |
|--|--|
| Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: | 150.0 metres or the Minimum Distance Separation whichever is greater |
|--|--|

5.11.2 **Dark Fire Tobacco Barns and Smoke Kilns**

Notwithstanding the requirements of Sections 5.7 to 5.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: October 3, 2019
REPORT: DS-60/19

FILE NO. C-07 / D09.UNDE
Roll # 3401-000-002-03100

SUBJECT: Consent Application E57/18 Chad Underhill Farms Limited

BACKGROUND

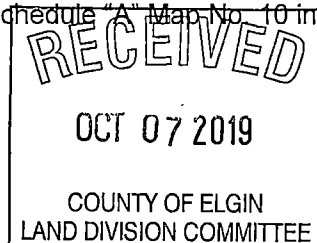
Original Staff Report DS-56/18 was provided to Council on September 20, 2018 and Council passed the following resolution:

"**THAT** Staff Report DS-56/18 regarding Consent Application E57/18 submitted by Chad Underhill Farms Ltd. and Staff Report DS-57/18 regarding Consent Application E58/18 submitted by Douglas Dennis be deferred until further notification from the applicant or agent as per the agent's written request."

The Agent has requested the applications be included on the October 16, 2019 Land Division Committee Agenda and therefore staff reports are before Council for consideration at this time.

Consent application E57/18 was received from the Elgin County Land Division Committee submitted by Chad Underhill Farms Limited proposing to sever an irregular shaped parcel of land 1.132 ha (2.79 acres) and to retain +/- 75 ha (185.3 acres) of land with the intent to add to the adjoining agricultural land to the north owned by Douglas Dennis. The subject lands are described as Concession 3 Part Lots 7, 8 & 9 with no municipal address.

The subject lands are designated Agricultural, Natural Gas Reservoir, and Natural Heritage on Schedule "A1": Land Use and Hazard Lands, Significant Woodlands on Schedule "A2" Land Constraints in the Official Plan. The lands are zoned Agriculture (A1) and LPRCA Regulation Limit on Schedule "A" Map No. 10 in Zoning By-law No. Z456-2003.



DISCUSSION:

The planner's memorandum dated September 11, 2018 analyzes the application subject to the Elgin County Official Plan, Bayham Official Plan and Zoning By-law policies. The intent is to add the lands to the neighbouring property owned by Douglas Dennis identified as Roll # 3401-000-002-03300. The application meets the criteria for the boundary adjustment policies subject to the recommended conditions.

In a related matter, Consent Application E58/18 Dennis is being considered concurrently for an easement for Chad Underhill Farms Ltd. to access a farm field in exchange for the severed lands.

Staff and planner recommend Council's support of the application for an addition to a lot with the recommended conditions as listed.

ATTACHMENTS

1. Consent Application E57/18 Chad Underhill Farms Limited
2. IBI Memorandum dated September 11, 2018

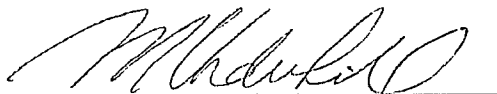
RECOMMENDATION

THAT Staff Report DS-60/19 regarding the Consent Application E57/18 submitted by Chad Underhill Farms Limited be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E57/18 be granted subject to the following conditions:

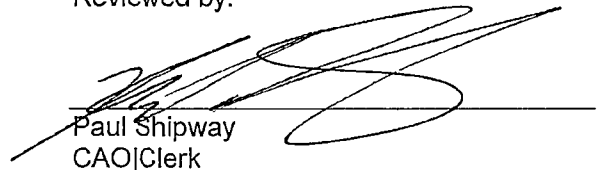
1. Planning report fee payable to the municipality
2. Copy of the final survey (digital) provided to the municipality
3. Letter of Undertaking providing for the merger on title of the severed 1.132 ha parcel with the adjacent northerly parcel as per the consent application

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk|Planning Coordinator

Reviewed by:



Paul Shipway
CAO|Clerk



IBI GROUP
203 – 350 Oxford Street West
London ON N6H 1T3 Canada
tel 519 472 7328 fax 519 472 9354
ibigroup.com

Memorandum

| | | | |
|---------------------|---|-------------------|--------------------|
| To/Attention | Municipality of Bayham | Date | September 11, 2018 |
| From | Paul Riley BA, CPT | Project No | 3404-695 |
| cc | William Pol, MCIP, RPP | | |
| | File | | |
| Subject | Chad Underhill Farms Limited - Part Lots 6, 7 and 8, Concession 3 Application for Consent E57/18 | | |

1. We have completed our review of consent application submitted by Chad Underhill Farms Limited for lands located at Part Lots 6, 7 and 8, Concession 3, east of Woodworth Road, north of Vienna Line and south of the end of Dennis Road. The applicants are requesting consent for severance of 1.1 ha (2.8 acres) of land and to retain 75 ha (185 acres) of land. The purpose of the severance is a lot addition to the adjacent farm parcel to the north. The lands are designated Agricultural, Natural Heritage and Natural Gas Reservoir on Schedule "A": Land Use in the Official Plan and are within the Hazard Lands and Significant Woodlands overlay on Schedule A2 Municipality of Bayham: Constraints. The lands are zoned Agriculture (A1) and LPRCA Regulation Limit on Schedule "A", Map No. 10 in Zoning By-law Z456-2003.
2. The severed lands comprise a wooded area, to the north and south is wooded, to the east and west are agricultural fields. The retained lands are irregular in shape having a lot frontage of 707 m (2,320 feet) and irregular lot depth. There are no existing or proposed buildings, structures or site alterations.

The severed lands are to be merged as lot addition to the parcel to the north as part of a legal settlement agreement between abutting landowners. Consent application E58/18 is being considered concurrently for a 9.75 m (32 feet) wide easement and a frontage of 12.9 m (42 feet) on the municipal road allowance. The applicant is seeking an easement for farm field access in exchange for the severed lands.

3. Elgin County Official Plan Section E1.2.3.2 Boundary Adjustments indicates that a consent may be permitted for the purpose of modifying lot boundaries, provided no new lot is created. The proposed lot addition does not result in the creation of a new lot and therefore is consistent with the policies of the County Official Plan.

Municipality of Bayham – September 8, 2018

4. The Municipality of Bayham Official Plan Section 2.1.9 Minor Lot Adjustments indicates that minor boundary adjustments to convey land shall be permitted if no new conveyable lot is created. The intent of the application is to add the severed lands to the adjacent parcel and to continue agricultural use with no new lot created. Based on no new lot being created the consent is consistent with the Official Plan.
5. The subject lands are located in the Agricultural (A1) zone in By-law Z456-2003. Agriculture is a permitted use and there is no change to the use of the lands. The new lot configuration maintains the minimum lot area requirements of the A1 zone. The proposed changes are in compliance with the regulations of the Zoning By-law.
6. Based on the above review of consent application E57/18 we have no objection to the proposed consent to sever 1.1 ha of land provided:
 - a) that the severed lands are merged on title.

Paul Riley

IBI Group
Paul Riley, CPT

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 57-18

OWNER: Chad Underhill Farms Limited

PROPERTY: LOT NO. PART LOTS 6, 7, 8 & 9 CONCESSION: 3

REG'D PLAN: MUNICIPALITY: Bayham

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 57-18

Owner:
Chad Underhill Farms Limited
7135 Dennis Road, R.R. 1

Agent:
Logan Burnett, Harrison Pensa LLP
450 Talbot St., London
Ontario N6A 5J6

Location: Woodworth Street/Vienna Line, legally described as PART LOTS 6, 7, 8 & 9, CONCENSSION 3, Municipality of Bayham.

PROPOSAL

The applicants propose to sever an irregular shaped parcel with a width of 108 metres (354.3ft), a rear width of 158m (518.4ft), by a depth of 63m (206.7ft) (west lot line) to 121 metres (397.0ft) (east lot lot), with an area of 1.132 hectares (2.797 acres), to add to the adjoining agricultural land to the north. The owners are retaining 75 hectares (185.3 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Council recommends approval of this application subject to the conditions provided.

County Engineering – No concerns. Indicated the subject site is not on a County Road.

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 2.3.4.2 states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The Applicant has indicated the severed portion of the lands will be conveyed to the adjacent property to the north. The retained parcel of the lands will be used for the existing agricultural purposes. There will be no changes to the adjacent farmland or services required. The proposed severance is a lot adjustment for legal or technical reasons.

County of Elgin Official Plan

The subject site is designated Agricultural Area in the Elgin County Official Plan (OP). Section 1.2.3.4 regarding Lot Creation in the Agricultural Area states that in addition to the severing of agricultural lots to create parcels for agricultural uses, to allow the severance of a surplus farm dwelling, and to create a new lot required for an agricultural related use, consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

Section 1.2.3.2 Boundary Adjustments outlines criteria related to consents for the purpose of modifying lot boundaries that do not result in the creation of a new lot. Such applications will only be permitted if the boundary adjustment will not affect the viability of the properties affected or agricultural parcels affected, if applicable.

County OP Schedule C Aggregate & Petroleum Resources further designates this site as a Petroleum Resource Area and furthermore, County OP Appendix 1 Natural Heritage, indicates a portion of the lands is designated Woodland. As this is a technical severance, no new lots are created and no buildings are proposed, staff is satisfied the proposed application will have no negative impact on the Petroleum Resource Area or the Woodland.

As stated by the Applicant, the severed lands are proposed to be conveyed to the adjacent property to the north and the retained parcel will be maintained as the existing agricultural use. No changes to the land use or servicing requirements are proposed. There will be no impact to the surrounding agricultural uses and no new lot will be created.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural, Natural Gas Reservoir, and Natural Heritage on Schedule A1: Land Use and Hazard Lands and Significant Woodland on Schedule A2: Land Constraints of the Official Plan. The lands are zoned Agricultura; (A1) and LPRCA Regulation Limit on Schedule A of the zoning By-law.

No new lots will be created as a result of the application. Therefore, the application appears to conform to both Official Plan policy and Zoning regulations.

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 adjustments in agricultural areas. As such, planning staff 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;
2. Solicitor Undertaking to provide a 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 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 Bayham be included as conditions for consent:

1. Planning Report fee payable to the Municipality.
2. Copy of the final survey (digital) provided to the Municipality.
3. Letter of Undertaking providing for the merger on title of the severed 1.132 ha parcel with the adjacent northerly parcel as per the consent application.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 58-18**

**PART LOTS 6, 7, 8 & 9, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: WOODWORTH STREET/VIENNA LINE**

TAKE NOTICE that an application has been made by **Douglas Dennis R.R. 1**, Port Burwell, N0J 1T0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Woodworth Street/Vienna Line, Municipality of Bayham.

The applicants propose to create an easement with a frontage of 12.9 metres (42.3ft) along Woodworth Road by an irregular depth of approximately 486.99 metres (1597.4ft), with an area of 0.478 hectares (1.181 acres), proposed to provide access to the adjoining lands.

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

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

**WEDNESDAY AUGUST 25TH, 2021 AT 10:15 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

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 21st day of July, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

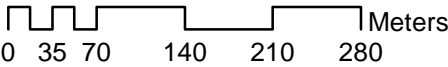
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



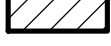


Subject Site: Woodworth Road/Vienna Line
File Number: E58-2018
Owner: Douglas Dennis
Planner: Nancy Pasato
Created By: AL
Date: 07/28/2021

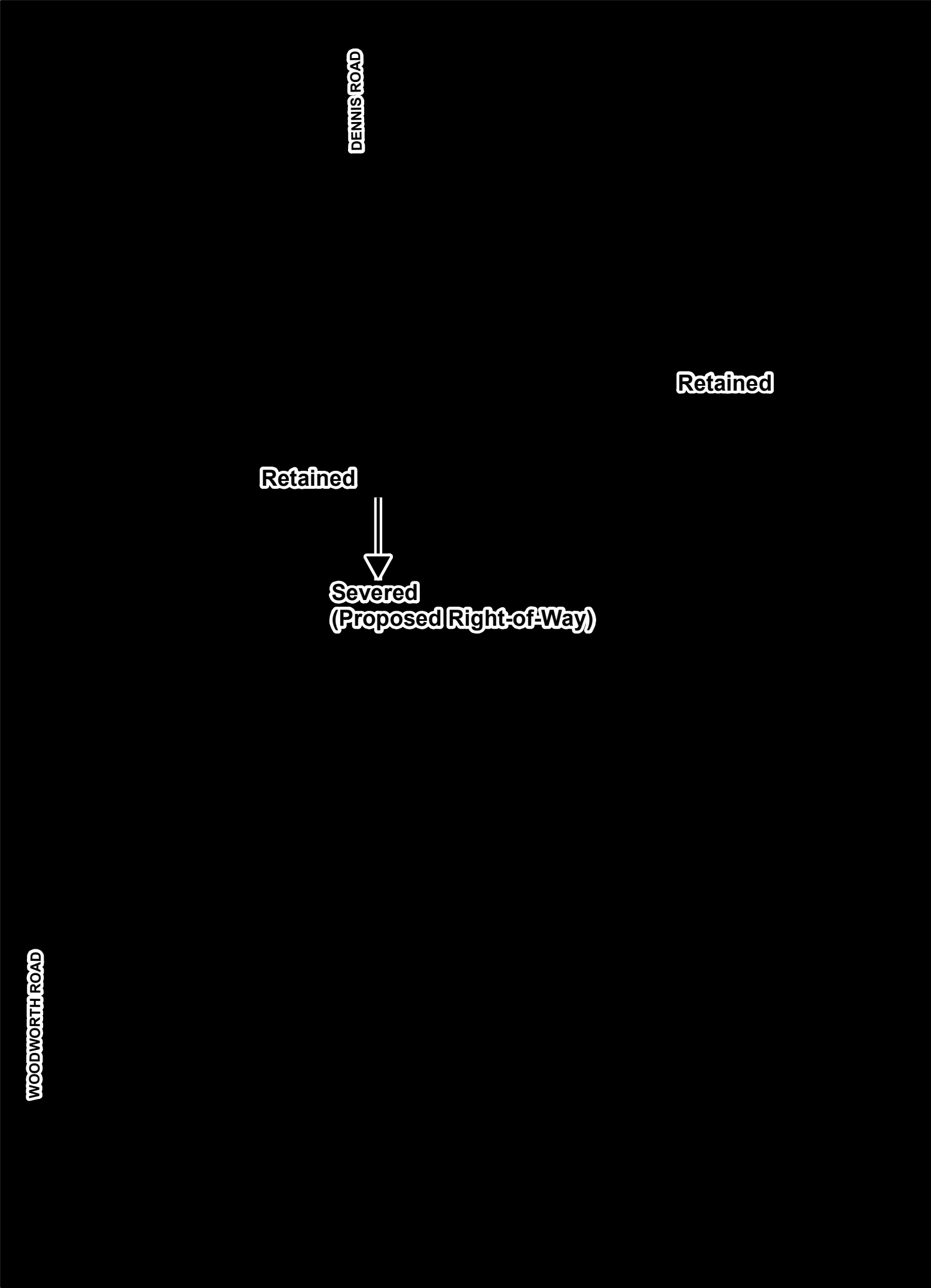
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:6,000

Legend

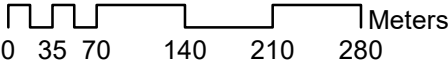
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: Woodworth Road/Vienna Line
File Number: E58-2018
Owner: Douglas Dennis
Planner: Nancy Pasato
Created By: AL
Date: 07/28/2021

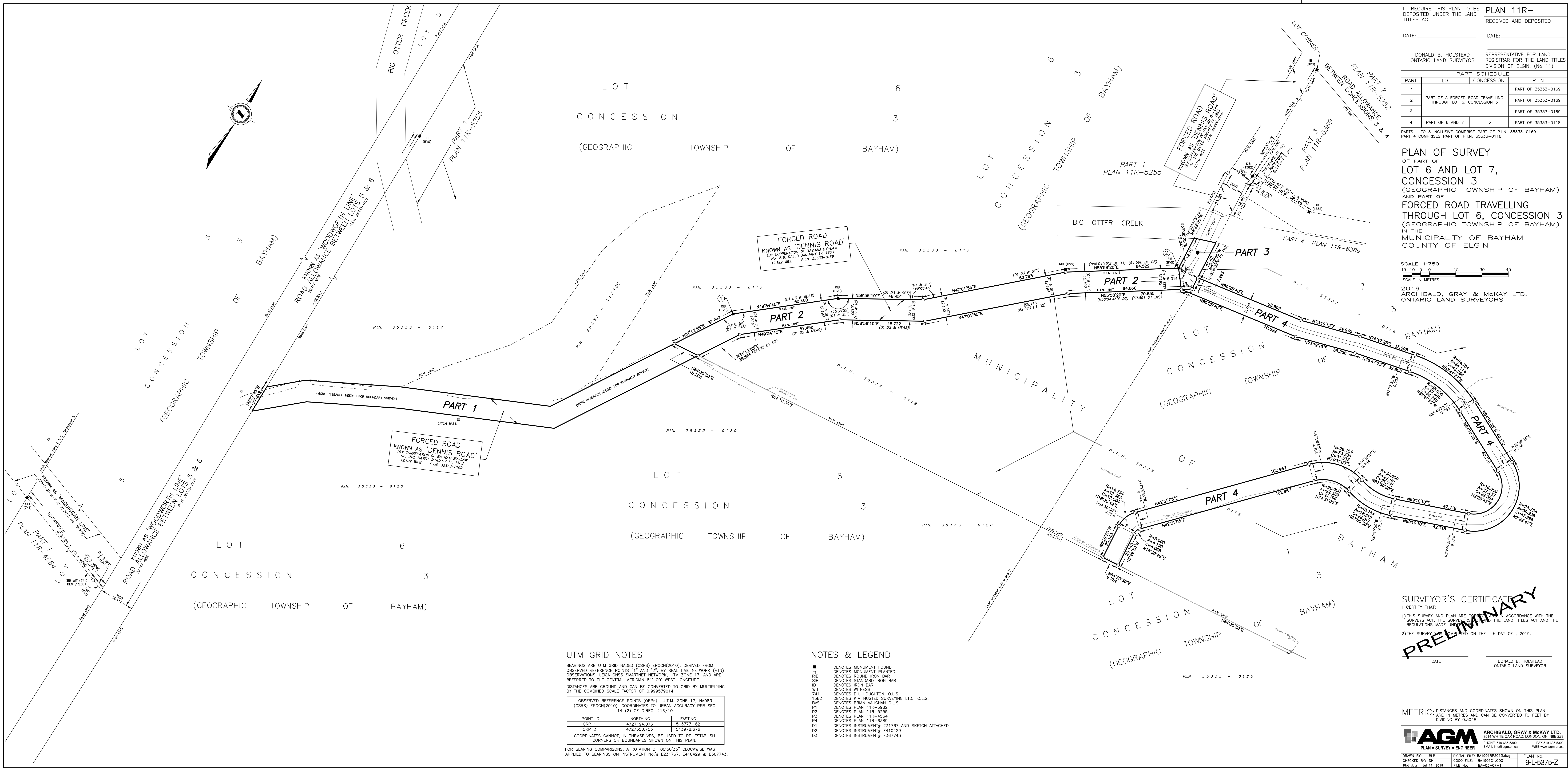
The Corporation of the County Elgin
Prepared By: Planning and Development

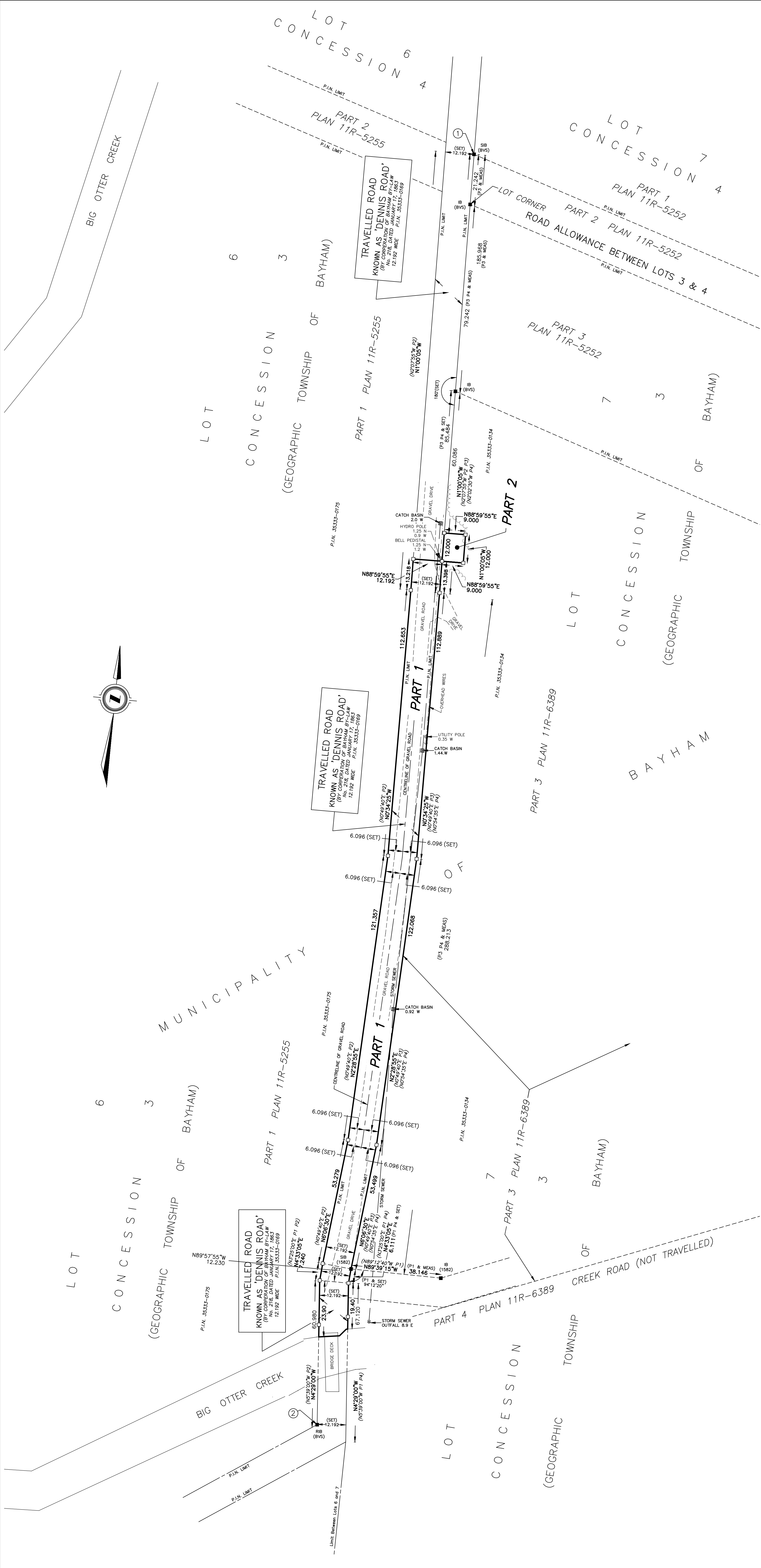


Scale 1:6,000

Legend

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





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

DATE: _____

DONALD B. HOLSTEAD
ONTARIO LAND SURVEYOR

PLAN 11R-

RECEIVED AND DEPOSITED

DATE: _____

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

| PART SCHEDULE | | | |
|---------------|--|------------|--------------------|
| PART | LOT | CONCESSION | P.I.N. |
| 1 | PART OF A FORCED ROAD TRAVELLING THROUGH LOT 6, CONCESSION 3 | | PART OF 35333-0169 |
| 2 | PART OF 7 | 3 | PART OF 35333-0134 |

PART 1 COMPRISES PART OF P.I.N. 35333-0169.

PART 2 COMPRISES PART OF P.I.N. 35333-0134.

PLAN OF SURVEY
OF PART OF
LOT 7, CONCESSION 3
AND PART OF
FORCED ROAD TRAVELLING
THROUGH LOT 6, CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF BAYHAM)
IN THE
MUNICIPALITY OF BAYHAM
COUNTY OF ELGIN

SCALE 1:750
15 10 5 0 15 30 45
SCALE IN METRES

2019
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER
2) THE SURVEY WAS COMPLETED ON THE _____th DAY OF _____, 2019.

DATE _____ DONALD B. HOLSTEAD
ONTARIO LAND SURVEYOR

UTM GRID NOTES

BEARINGS ARE UTM GRID NAD83 (CSRS) EPOCH(2010), DERIVED FROM OBSERVED REFERENCE POINTS "1" AND "2", BY REAL TIME NETWORK (RTN) OBSERVATIONS, LEICA GNSS SMARTNET NETWORK, UTM ZONE 17, AND ARE REFERRED TO THE CENTRAL MERIDIAN 81° 00' WEST LONGITUDE.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999579014

| OBSERVED REFERENCE POINTS (ORPs) U.T.M. ZONE 17, NAD83 (CSRS) EPOCH(2010). COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10 | | |
|---|-------------|------------|
| POINT ID | NORTHING | EASTING |
| ORP 1 | 4727891.358 | 513993.202 |
| ORP 2 | 4727350.755 | 513978.676 |

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

- NOTES & LEGEND
- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT PLANTED
 - RIB DENOTES ROUND IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - WIT DENOTES WITNESS
 - 1582 DENOTES KIM HUSTED SURVEYING LTD., O.L.S.
 - BVS DENOTES BRIAN VAUGHAN O.L.S.
 - P1 DENOTES PLAN 11R-3982
 - P2 DENOTES PLAN 11R-5255
 - P3 DENOTES PLAN 11R-5252
 - P4 DENOTES PLAN 11R-6389

From: [Aisling Lavery](#)
To: ["Marg Underhill"](#)
Cc: [Nancy Pasato](#)
Subject: RE: E 58-18 and E 57-18 - Applications for Severance
Date: August 16, 2021 8:42:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Marg,

I will use the same report/comments and just save this correspondence in the file.

Thanks,

Aisling "Ashleen" Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee



450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext. 122 | 226-377-6670

www.elgincounty.ca



From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: August 13, 2021 4:20 PM
To: Aisling Lavery <alavery@ELGIN.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

Good Afternoon Aisling

The applications have not changed from 2018 and so the comments from Bayham have not changed.

Do you need me to resend any comment letter or staff report from 2019 ?

Regards,

Margaret Underhill
Deputy Clerk/Planning Coordinator
Municipality of Bayham
56169 Heritage Line, PO Box 160
Stratfordville ON N0J 1Y0

T: 519-866-5521 Ext 222
F: 519-866-3884
munderhill@bayham.on.ca
www.bayham.on.ca

Be smart – Stay apart – Stay healthy!

From: Aisling Laverty [<mailto:alaverty@ELGIN.ca>]
Sent: July 16, 2021 12:28 PM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

CAUTION: This email originated from outside of the Municipality of Bayham email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Apologies for not including the updated authorization. It is attached for each.

Thanks for pointing that out,
Aisling

From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: July 16, 2021 12:25 PM
To: Aisling Laverty <alaverty@ELGIN.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>
Subject: RE: E 58-18 and E 57-18 - Applications for Severance

Hi Ashleen

Thank you for the email and notification to revisit these applications.

According to the applications you sent through the Authorized Agent is named as Mackenzie Lake but the email and latest submission appears to be coming from Logan Burnett, Harrison Penza.

Please clarify.

Regards,

Margaret Underhill
Deputy Clerk/Planning Coordinator
Municipality of Bayham
56169 Heritage Line, PO Box 160
Straffordville ON N0J 1Y0
T: 519-866-5521 Ext 222
F: 519-866-3884

munderhill@bayham.on.ca
www.bayham.on.ca

Be smart – Stay apart – Stay healthy!

From: Aisling Laverty [<mailto:alaverty@ELGIN.ca>]
Sent: July 16, 2021 12:16 PM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Logan Burnett <lburnett@harrisonpensa.com>
Subject: E 58-18 and E 57-18 - Applications for Severance

CAUTION: This email originated from outside of the Municipality of Bayham email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please note that Consent Applications E 58-18 and E 57-18, previously deferred, are now scheduled to be heard before the LDC on August 25, 2021.

I've attached correspondence from the applicant confirming the applications are the same as submitted in 2018, the applications themselves and the plans, as submitted to myself by the applicant's agent this week to ensure we are all on the same page. Please let me know if you require any additional information.

I've also copied both Nancy, and Logan Burnett, the agent.

Thank you,

Aisling "Ashleen" Laverty
Planning Technician



450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext. 122 | 226-377-6670

www.elgincounty.ca



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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



November 25, 2019

REVISED LETTER – EMAIL & ORIGINAL BY MAIL

Susan Galloway, Secretary-Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

Dear Ms. Galloway,

Re: Applications for Consent No. E58/18 Dennis

Please be advised that the letter sent to you on October 4, 2019 had a typo contained in the recommendation. Please see the correct recommendation as passed October 4, 2019 by Council:

THAT Report DS-61/19 regarding the Consent Application E58/18 submitted by Douglas Dennis be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E58/18 be granted subject to the following conditions:

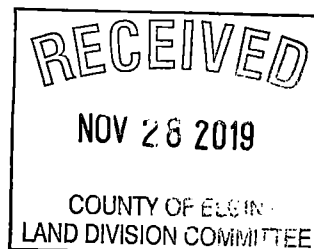
1. As per the Municipal Sale and disposition of Land By-law, an agreement between the Municipality and Chad Underhill for the purchase of the road allowance and bridge “**as is where is**” at the southerly end of Dennis Road including that parcel of land south of the bridge connecting to the requested easement located in Concession 3 between North Part Lots 6 and 7 including the Municipality retaining a catch basin servicing easement
2. Conveyance of land from Chad Underhill to the municipality for the required turnaround north of 7135 Dennis Road
3. Planning Report fee payable to the Municipality
4. Copy of the final survey (digital) provided to the municipality

Staff report and correspondence were emailed to you on October 4, 2019 directly, in addition, the original letter and municipal appraisal sheet by regular mail. Please reference this recommendation to the Land Division Committee with the corrected text.

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

Yours truly,

Margaret Underhill
Deputy Clerk/Planning Coordinator
D09.DENN
E58/18





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 58/18

Applicant DOUGLAS DENNIS

Location PART LOTS 6, 7 & 8, CONCESSION 3, MUNICIPALITY OF BAYHAM

OFFICIAL PLAN

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

Land Use Designation: AGRICULTURAL, NATURAL HERITAGE + NATURAL GAS RESERVOIR
Policies: HAZARD LANDS, SIGNIFICANT WOODLANDS

Section 2.1.9 Minor Lot Adjustments - create easements
no new lot to be created

ZONING

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

Comments: AI ZONE + LPRCA REG. LIMIT

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (✓)
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Sections 53(2) and 51(5) of the Planning Act, R.S.O. 1990. C.P. 13, allow the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
 - (b) the dedication of highways ()
 - (c) the dedication of land for highway widening ()
 - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. (✓)

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes (✓) No ()

9. Does Council recommend the application? Yes (✓) No ()

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

See attached Letter for recommended conditions.

County of Elgin
Engineering Services
450 Sunset Drive
St. Thomas, On N5R 5V1
Phone: 519-631-1460
www.elgincounty.ca

2.1.9 **Minor lot adjustments**

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

2.1.10 **Supplementary Farm Dwellings**

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

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

SECTION 5 AGRICULTURAL (A1/A1-A) ZONE REGULATIONS

5.1 Zone Symbols

- 5.1.1 The Agricultural (A1) Zone is intended to apply to all lots with an area of less than 40 hectares, designated "Agriculture" in the Official Plan. Where a lot has an area of less than 20 hectares, Section 4.10 Non-Conforming Uses, shall apply to the use of the lot and Section 4.11 Non-Complying Uses, shall apply to changes to existing buildings and structures.
- 5.1.2 The Agricultural (A1-A) Zone is intended to apply to all lots with an area of 40 hectares or greater designated "Agriculture" in the Official Plan.

5.2 Permitted Uses

Z610-2012

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A1) or Agricultural (A1-A) Zones except for the following purposes:

Agri-tourism Establishment;

Agricultural use;

Agricultural home occupation;

Z610-2012

Bed and Breakfast Lodging or Tourist Home;

Commercial greenhouse;

Farm;

Forestry use;

Market garden operation;

Farm produce outlet;

Plant nursery;

Home occupation;

Landing strip;

Riding stable;

Z556-2008

Single detached dwellings lawfully in existence as of the date of the passing of this By-law or one new single detached dwelling on a vacant lot subject to all other applicable regulations of this By-law;

Accessory use.

5.3 Minimum Lot Area

A1 Zone 20.0 hectares

A1-A Zone 40.0 hectares

5.3.1 Supplementary Minimum Lot Area Regulations

Notwithstanding the definition of farm in Section 2.0 of this By-law, and the permitted uses and minimum lot area requirements of subsection 5.2 of this By-law, the following minimum existing lot areas will be required for the uses and structures described below:

| | | |
|------------------|---|--------------------------------------|
| Z610-2012 | Commercial greenhouses, Market garden operations, Plant nurseries: | 2.50 hectares (6.0 acres) |
|------------------|---|--------------------------------------|

5.4 Minimum Lot Frontage

150.0m

5.5 Maximum Lot Coverage

20%

5.6 Maximum Building Height

20.0m

5.7 Minimum floor Area

For a single-detached dwelling: 79.0 m²

5.8 Minimum Front Yard Depth

15.0 metres

5.9 Minimum Side Yard Width

For a single-detached dwelling: 3.0 metres

All other cases: 10.0 metres

5.10 Minimum Rear Yard Depth

10.0m

5.11 Supplementary Regulations – Agricultural (A1) and Agricultural (A1-A) Zone

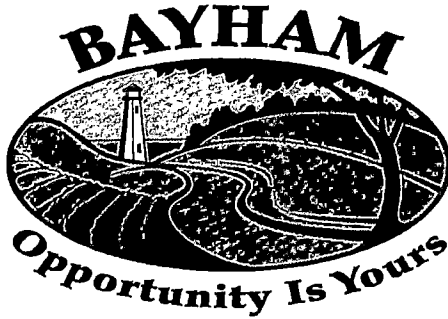
5.11.1 Livestock Buildings and Structures and Mushroom Farming

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

| | |
|--|--|
| Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: | 150.0 metres or the Minimum Distance Separation whichever is greater |
|--|--|

5.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 5.7 to 5.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk|Planning Coordinator
Paul Shipway, CAO|Clerk

DATE: October 3, 2019

REPORT: DS-61/19

FILE NO. C-07 / D09.DENN
Roll # 3401-000-002-03300

SUBJECT: CONSENT APPLICATION E58/18 DENNIS

BACKGROUND

Original Staff Report DS-57/18 was presented to Council on September 20, 2018 and Council passed the following resolution:

"THAT Staff Report DS-56/18 regarding Consent Application E57/18 submitted by Chad Underhill Farms Ltd. and Staff Report DS-57/18 regarding Consent Application E58/18 submitted by Douglas Dennis be deferred until further notification from the applicant or agent as per the agent's written request."

The Agent has requested the application be included on the October 16, 2019 Land Division Committee Agenda and therefore is before Council for consideration at this time.

The Elgin County Land Division Committee circulated a consent application submitted by Douglas Dennis proposing to create an easement over lands legally described as Concession 3 Part of Lots 6, 7 & 8, east side Woodworth Road.

The proposal is to create an easement with a frontage of 12.9 metres by an irregular depth, area 0.478 ha, proposed to provide driveway access for the agricultural parcel owned by Chad Underhill Farms Limited in Concession 3 Part Lot 7. The owners are retaining approximately 23 +/- ha proposed to remain in agricultural use. The subject lands are currently designated Agriculture, Natural Gas Reservoir and Natural Heritage on Schedule 'A1' Land Use and Hazard Lands and Significant Woodlands on Schedule 'A2' Constraints in the Official Plan and zoned Agricultural and Long Point Region Conservation Authority Regulation Limit in the Zoning By-

law No. Z456-2003.

DISCUSSION

The easement is proposed by landowner Mr. Dennis to provide formal access to Chad Underhill Farms Ltd. lands. Mr. Underhill is presently using the unopened portion of Dennis Road (north of the creek), the bridge and Dennis' lands to access his agricultural lands. Both parties would like to formalize the easement of access through a consent application. Mr. Dennis will retain ownership and share the easement with the neighbour. No new lots are being created.

The request for easement in its current state cannot be supported as it requests an easement to an unopened road allowance (municipally owned) both northerly across the bridge to Dennis Road and southwesterly to Woodworth Road. This easement may only be considered if the landowner Chad Underhill, owner of the lands on the north side of the bridge, agrees to the process of the Municipal Sale and Disposition of Land By-law to stop up, close and convey and purchase this road allowance, including the bridge "as is where is" condition and lands south of the bridge to the easement as a means to connect to the requested easement across Mr. Dennis' lands.

As expressed through his appointed Agent, Mr. Underhill has agreed to proceed with the Municipal Sale and Disposition of Land By-law for the Dennis Road allowance, bridge and connecting land to the easement. All costs for this transaction would be the responsibility of Mr. Underhill.

On August 26, 2019 the Municipality of Bayham issued Notice concerning the proposed closure and conveyance of a highway in the Municipality of Bayham. A copy of the Notice is attached hereto as Appendix '4'. The notice was received for information at the September 5, 2019 regular meeting of Council.

Four (4) comments were received from Mr. Doug Dennis during the notice period and are attached hereto as Appendix '5'.

In response to the comments submitted by Mr. Doug Dennis staff would provide the following information for Council consideration:

- By-law No. 2015-021, the Municipality of Bayham Sale & Disposition of Land By-law establishes a policy with respect to the sale and disposition of land by the Municipality. The request from Mr. Underhill to facilitate the easement with Mr. Dennis is in conformity with By-law No. 2015-021.
- Unopened road allowances do not permit public use. For a person to utilize an unopened road allowance an agreement is required. The use of an unopened road allowance without permission from the Municipality is trespass. Neither Dennis Road nor Woodworth Road provide access to the public to the Otter River.
- The Dennis Road Bridge, formerly known as the Wilson Bridge, is abandoned and closed to the public. The structure should not be utilized by the public.

Staff are supportive of the proposed closure and conveyance of the subject lands, including the bridge, in accordance with By-law No. 2015-021.

The planner's memorandum dated September 12, 2018 analyzes the application subject to the Elgin County Official Plan, Bayham Official Plan and Zoning By-law policies. Bayham Official Plan Section 8.7.2.5 supports consents for easements in any land use designation provided it complies with all other policies and regulations of the Official Plan and Zoning By-law. Both staff and the planner are of the opinion that the land between the bridge and the easement should be included in the stop up, close and convey process to provide the private land ownership connectivity to the easement.

The municipal planner and staff recommend support of this application with conditions.

APPENDICES

1. Consent Application E58/18 Dennis
2. Aerial Map
3. IBI Memorandum dated September 12, 2018
4. Notice concerning the proposed closure and conveyance of a highway in the Municipality of Bayham.
5. Mr. Doug Dennis comments

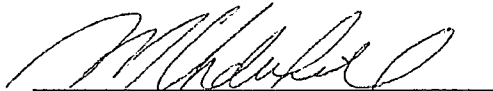
RECOMMENDATION

THAT Staff Report DS-61/19 regarding the Consent Application E58/18 submitted by Douglas Dennis be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E58/18 be granted subject to the following conditions:

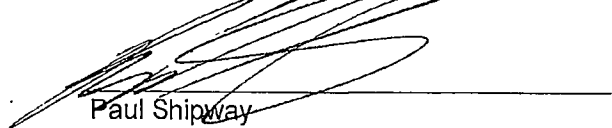
1. As per the Municipal Sale and Disposition of Land By-law, an agreement between the Municipality and Chad Underhill for the purchase of the road allowance and bridge "as is where is" at the southerly end of Dennis Road including that parcel of land south of the bridge connecting to the requested easement located in Concession 3 between North Part Lots 6 and 7 including the Municipality retaining a catch basin servicing easement
2. Conveyance of land from Chad Underhill to the municipality for the required turnaround north of 7135 Dennis Road
3. Planning report fee payable to the municipality
4. Copy of the final survey (digital) provided to the municipality

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk|Planning Coordinator

Respectfully Submitted by:



Paul Shipway
CAO|Clerk



IBI GROUP
203–350 Oxford Street West
London ON N6H 1T3 Canada
tel 519 472 7328 fax 519 472 9354
ibigroup.com

Memorandum

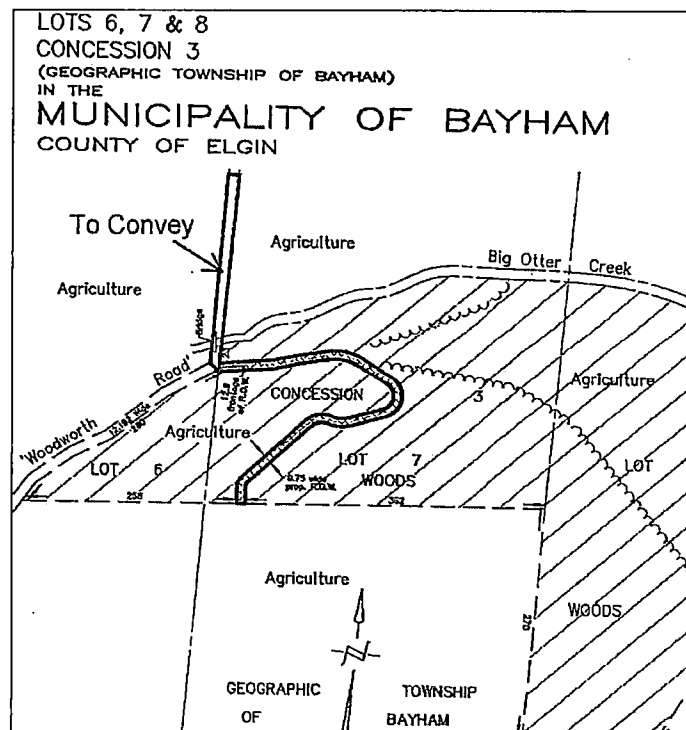
| | | | |
|---------------------|--|-------------------|--------------------|
| To/Attention | Municipality of Bayham | Date | September 12, 2018 |
| From | Paul Riley BA, CPT | Project No | 3404-695 |
| cc | William Pol, MCIP, RPP | | |
| | File | | |
| Subject | Douglas Dennis - Part Lots 6, 7, 8 and 9, Concession 3 Application for Consent E58/18 | | |

1. We have completed our review of consent application submitted by Douglas Dennis for lands located at Part Lots 6, 7, 8 and 9, Concession 3, east of Woodworth Road, north of Vienna Line and south of the end of Dennis Road. The applicant is requesting consent for easement of 0.5 ha (1.2 acres) of land for access to farm lands. The lands are designated Agricultural, Natural Heritage and Natural Gas Reservoir on Schedule "A": Land Use in the Official Plan and are within the Hazard Lands and Significant Woodlands overlay on Schedule A2 Municipality of Bayham: Constraints. The lands are zoned Agriculture (A1) and LPRCA Regulation Limit on Schedule "A", Map No. 10 in Zoning By-law Z456-2003.
2. The proposed easement is irregular in shape with a width of 9.75 m (32 feet) and a frontage of 12.9 m (42 feet) on a municipal road allowance. The retained lands have a lot frontage of 304 m (997 feet) and have an irregular depth. There are no existing or proposed buildings or structures. Surrounding uses are agriculture.
3. The easement lands follow an existing roadway/trail accessed from the end of Dennis Road, via a bridge across Big Otter Creek (Creek) and up the south valley wall of the Creek. The route is used in order to access farm fields at the south end of the proposed easement because it is the most direct route to the fields. Those fields have adequate frontage for access along Woodworth Road, however, an alternative route around the Creek is approximately 10 km (6 miles) in distance – along Dennis Road to Calton Line, County Road 43, Vienna Line and Woodworth Road.
4. The bridge is within a portion of closed municipal road allowance and has not been maintained by the Municipality since the road allowance was closed. Dennis Road ends on the north side of the Creek and there is a closed municipal road allowance from the end of Dennis Road to the end of Woodworth Road. The proposed easement ends at the closed road allowance.

Municipality of Bayham -- September 11, 2018

The route has been used by Chad Underhill Farms, the landowner requesting the easement, for access to the fields for many years, however, a recent title search by the applicant found that there was no easement registered on title. The applicant and Chad Underhill Farms have agreed to exchange easement access for a lot addition in a legal settlement. Consent application E57/18 is under consideration concurrently and proposes a lot addition of 1.1 ha (2.8 acres) of land and to retain 75 ha (185 acres) of land.

5. Through the review process it became evident that the end of the proposed easement accessed a closed road allowance. It is determined that in order for Chad Underhill Farms to use the easement they would need access over the closed road allowance lands. The Municipality proposed to the applicant and Chad Underhill Farms to stop up, close and convey the portion of the Dennis Road road allowance from north of the driveway to Chad Underhill Farms property, located at 7135 Dennis Road, to the proposed easement. The result of the stop up, close and convey would allow Chad Underhill Farms to directly access the easement on private lands. From a bridge maintenance perspective having ownership south of the bridge would be preferable for maintenance purposes. We recommend that a condition of consent require Dennis Road be stopped up, closed and conveyed into private ownership and merged on title. The Municipality would require the acquisition of a portion of Chad Underhill Farms lands at the end of Dennis Road to construct a public turnaround. The lands to be stopped up, closed and conveyed are illustrated in the below sketch.



Municipality of Bayham – September 11, 2018

6. Elgin County Official Plan Section E1.2.3.3 Technical Severances states that consent may be granted for the creation of an easement or right-of-way, where such severance does not result in the creation of a new lot. Section E1.2.3.2 Boundary Adjustments indicates that a consent may be permitted for the purpose of modifying lot boundaries, provided no new lot is created. The proposed easement does not result in the creation of a new lot, therefore, is consistent with the policies of the County Official Plan.
7. The Municipality of Bayham Official Plan Section 2.1.9 Minor Lot Adjustments indicates that minor boundary adjustments to create easements shall be permitted if no new conveyable lot is created. Section 8.7.2.5 indicates that where no new lot is created an easement is permitted by consent in any land use designation. Based on no new lot being created the consent is consistent with the Official Plan.
8. The subject lands are located in the Agricultural (A1) zone in By-law Z456-2003 and agriculture is a permitted use. There is no change to the use of the lands. The proposed consent is in conformity with the regulations of the Zoning By-law.
9. Based on the above review of consent application E58/18 we have no objection to the proposed consent to sever 0.5 ha for the purpose of an easement, provided:
 - a. That the Municipality, through the stop up, close and convey process, convey that portion of the Dennis Road road allowance from north of Chad Underhill Farms driveway to the proposed easement.
 - b. That the applicant convey adequate lands for a turnaround at the new end of Dennis Road.

Paul Riley

IBI Group
Paul Riley, CPT

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 58-18

OWNER: Douglas Dennis

PROPERTY: LOT NO. PART LOTS 6, 7, 8 & 9 CONCESSION: 3

REG'D PLAN: MUNICIPALITY: Bayham

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 58-18

Owner:
Douglas Dennis
R.R. 1, Port Burwell
N0J 1T0

Agent:
Logan Burnett, Harrison Pensa LLP
450 Talbot St., London
Ontario N6A 5J6

Location: Woodworth Street/Vienna Line, legally described as PART LOTS 6, 7, 8 & 9, CONCENSSION 3, Municipality of Bayham.

PROPOSAL

The applicants propose to create an easement with a frontage of 12.9 metres (42.3ft) along Woodworth Road by an irregular depth of approximately 486.99 metres (1597.4ft), with an area of 0.478 hectares (1.181 acres), proposed to provide access to the adjoining lands.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Council recommends approval of this application subject to the conditions provided.

County Engineering – No concerns. Indicated the subject site is not on a County Road.

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 2.3.4.2 states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The Applicant has indicated the severed portion of the lands are proposed to create an easement to provide access to the existing farm fields.

County of Elgin Official Plan

The subject site is designated Agricultural Area in the Elgin County Official Plan (OP).

Section 1.2.3.4 regarding Lot Creation in the Agricultural Area states that in addition to the severing of agricultural lots to create parcels for agricultural uses, to allow the severance of a surplus farm dwelling, and to create a new lot required for an agricultural related use, consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

Section 1.2.3.2 Boundary Adjustments outlines criteria related to consents for the purpose of modifying lot boundaries that do not result in the creation of a new lot. Such applications will only be permitted if the boundary adjustment will not affect the viability of the properties affected or agricultural parcels affected, if applicable.

County OP Schedule C Aggregate & Petroleum Resources further designates this site as a Petroleum Resource Area and furthermore, County OP Appendix 1 Natural Heritage, indicates a portion of the lands is designated Woodland. As this is a technical severance, no new lots are created and no buildings are proposed, staff is satisfied the proposed application will have no negative impact on the Petroleum Resource Area or the Woodland.

As stated by the Applicant, the severed lands are proposed to provide an access easement in favour of the agricultural lot owner. No changes to the land use or servicing requirements are proposed. There will be no impact to the surrounding agricultural uses and no new lot will be created.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural, Natural Gas Reservoir and Natural Heritage on Schedule A1 Land Use and Hazard Lands and Significant Woodlands on Schedule A2 Constraints in the Official Plan and are zoned Agricultural and Long Point Regional Conservation Authority in the Zoning By-law. The proposed easement is to provide Mr. Dennis formal access to Chad Underhill Farms Ltd, lands. No new lots will be created.

Because this easement proposes to contain an unopened road allowance (municipally owned), the request for consent in its current state can only be supported if the landowner, Chad Underhill, owner of the lands on the North side of the bridge, agrees to the process of the Municipal Sale and Disposition of Land By-law to stop, close and convey and purchase this road allowance, including the bridge “as is where is” condition and lands south of the bridge to the easement as a means to connect the requested easement access Mr. Dennis’ lands.

The applicant has expressed agreement with this condition and as such, the municipality supports the application with the proposed closure and conveyance of the subject lands, including the bridge.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding technical severances in agricultural areas. As such, planning staff 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 Municipality of Bayham be included as conditions for consent:

1. As per the Municipal Sale and disposition of Land By-law, an agreement between the Municipality and Chad Underhill for the purchase of the road allowance and bridge “as is where is” at the southerly end of Dennis Road including the parcel of land south of the bridge connecting to the requested easement located in Concession 3 between North Part Lots 6 and 7 including the Municipality retaining a catch basin servicing easement.
2. Conveyance of land from Chad Underhill to the municipality for the required turnaround north of 7135 Dennis Road.
3. Planning Report fee payable to the Municipality.
4. Copy of the final survey (digital) provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 51-21**

**LOTS 23 & 24, CONCESSION NORTH GORE
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 51432 WOOLLEYVILLE LINE**

TAKE NOTICE that an application has been made by **John and David Loewen**, 51477 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 51432 Woolleyville Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 43.89 metres (144.0 feet) along Glencolin Line by a depth of 134.112 metres (440.0 feet) and an area of 0.584 hectares (1.44 acres) containing one residence surplus to the needs of the purchasing farmer. The owners are retaining 37.97 hectares (93.82 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 AUGUST 25, 2021 AT 10:30 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

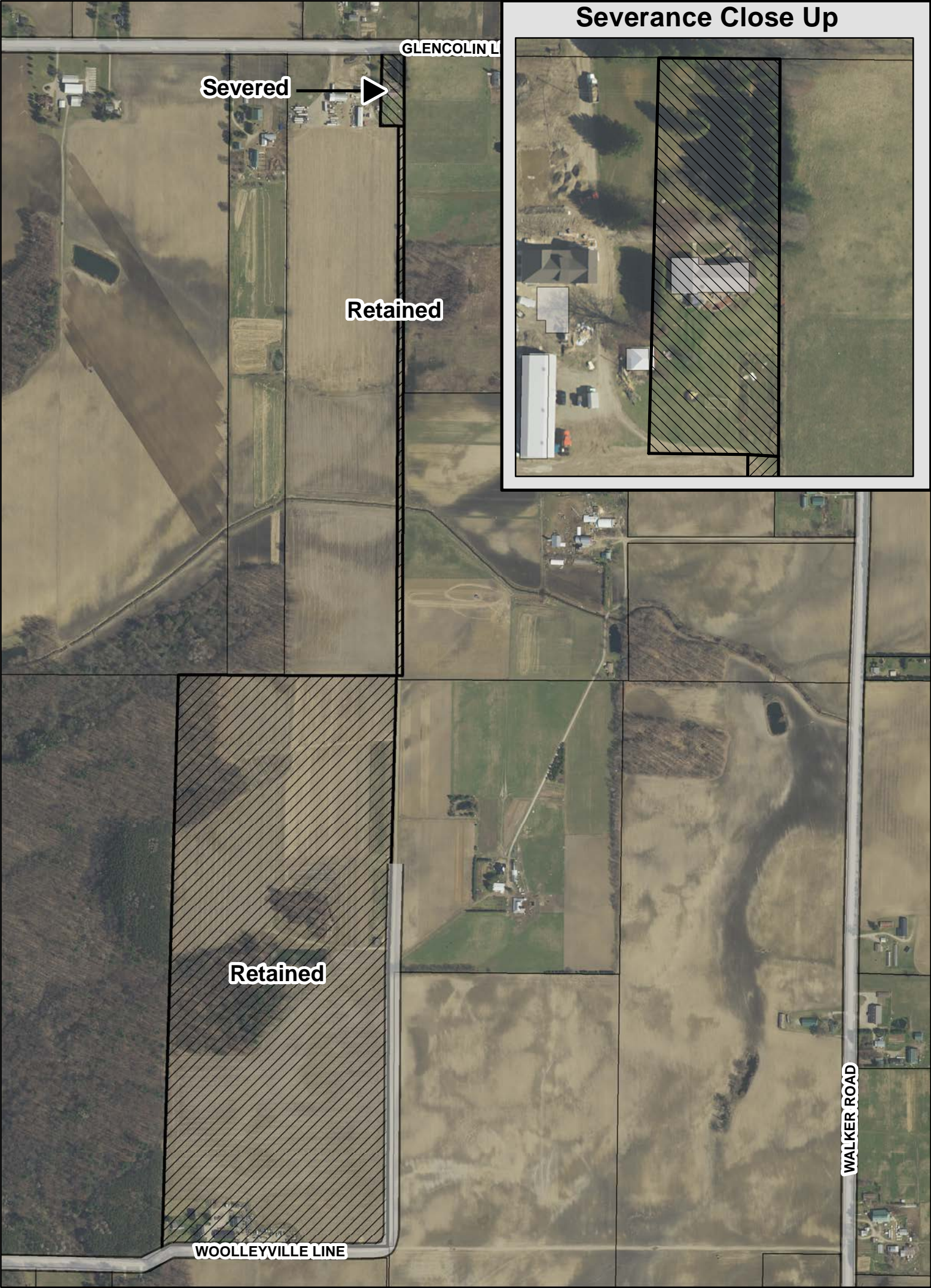
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 21st day of July, 2021.

Aisling Lavery
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
www.progressivebynature.com



Location Map

Subject Site: 51432 Woolleyville Line
File Number: E51-2021
Owner: John and David Loewen
Planner: Nancy Pasato
Created By: AL
Date: 07/20/2021

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

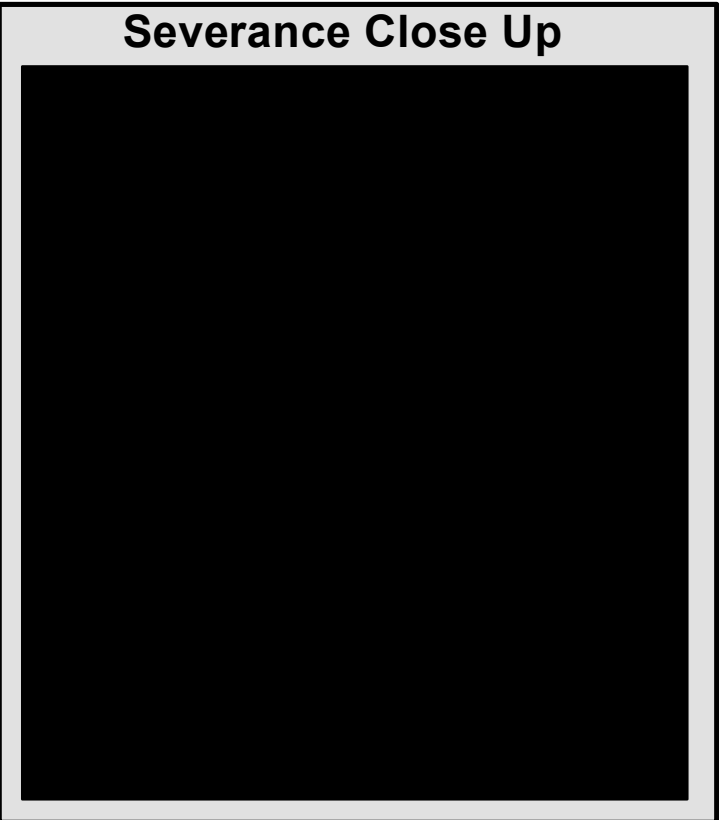
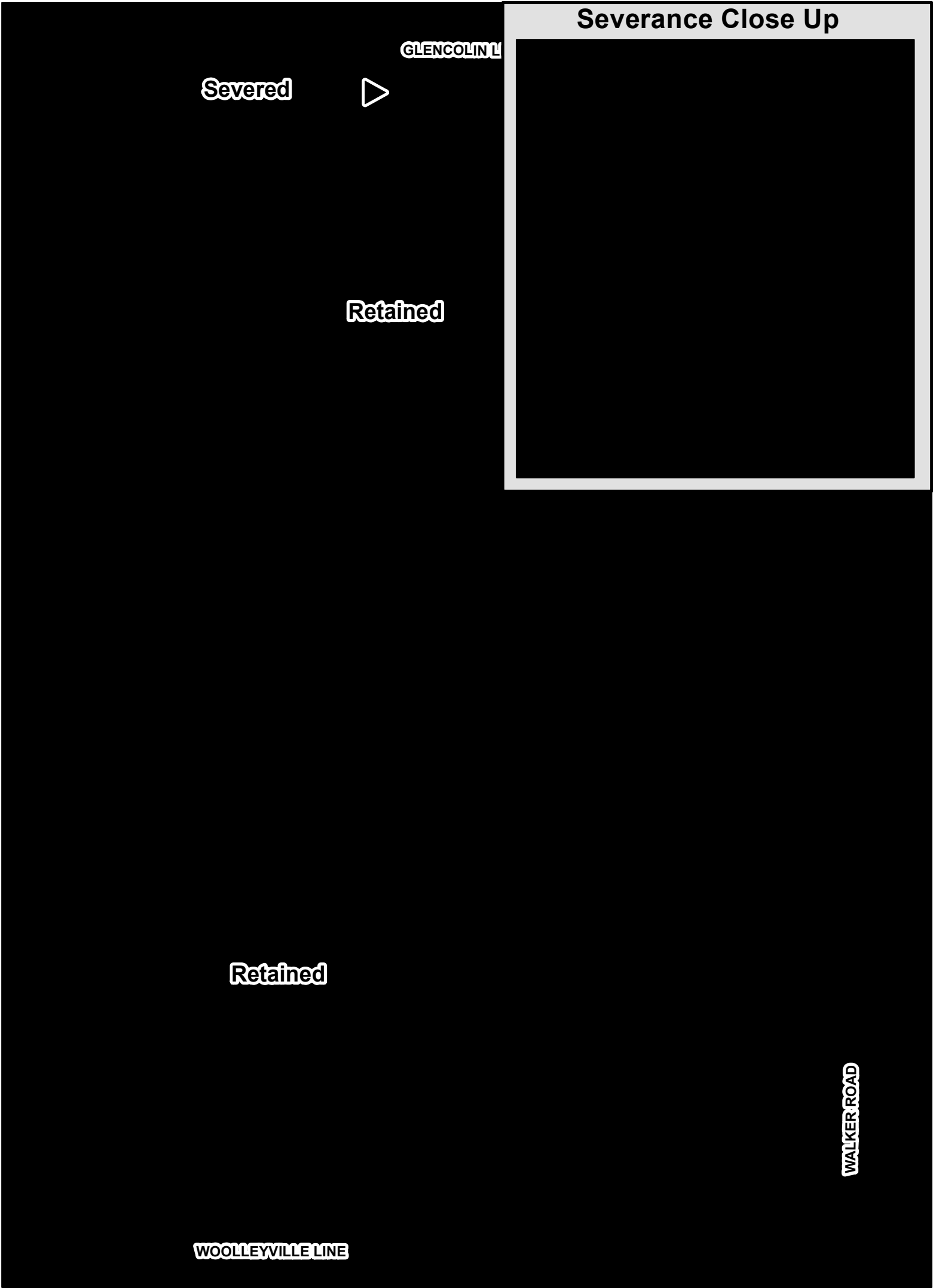
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Legend

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



Location Map

Subject Site: 51432 Woolleyville Line
File Number: E51-2021
Owner: John and David Loewen
Planner: Nancy Pasato
Created By: AL
Date: 07/20/2021

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

Legend

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



August 16, 2021

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

Dear Committee Members:

RE: Land Severance Application E51/21 – John Loewen & David Loewen

The Malahide Township Council passed the following Resolutions on August 12, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E51/21 in the name of John Loewen & David Loewen, relating to the property located at Part of Lots 23 and 24, Concession Gore NTR (specifically described as Part 3 on 11R-7037), Geographic Township of Malahide, subject to the following conditions:

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. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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 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 to 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 applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.

8. That the Township of Malahide be satisfied that associated Consent Application No. E52- 21 be completed prior to the stamping of any deeds.

We enclose Municipal Appraisal together with Municipal Report DS-21-40 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read "A Adams". The signature is written in a cursive, flowing style.

ALLISON ADAMS
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
David Roe

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 E60-21

Applicant Will and Eva Dyck

Location 6501 Springfield Road - MALAHIDE CON 3 PT LOT 20 RP 11R8425 PARTS 1 AND 2

PART 1 - OFFICIAL PLAN

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

Land Use Designation: _____

Policies: _____

PART 2 - ZONING

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

Comments:

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

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

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

10. Does the municipality have other concerns that should be considered by the Committee?
See attached conditions letter dated August 16, 2021.



Report to Council

REPORT NO.: DS-21-40
DATE: August 12, 2021
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever No. E51-21 of John Loewen & David Loewen (Authorized Agent: David Roe)**
LOCATION: Part of Lots 23 and 24, Concession Gore NTR (specifically described as Part 3 on 11R-7037) (51499 Glencolin Line)

Recommendation:

THAT Report No. DS-21-40 entitled “Application for Consent to Sever No. E51-21 of John Loewen & David Loewen” be received;

AND THAT the Application No. E51-21, relating to the property located at Part of Lots 23 and 24, Concession Gore NTR (specifically described as Part 3 on 11R-7037), and known municipally as 51499 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 David Roe on behalf of John Loewen & David Loewen in order to sever an existing dwelling. It has been submitted concurrently with County Consent Application No. E52-21, which deals with other conveyances that, if approved, will appropriately address the existing dwelling as being “surplus”.

The Application (No. E51-21) relates to the property located at Part of Lots 23 & 24, Concession North Gore (further described as being Parts 2 and 3 on 11R-7037), and known municipally as 51499 Glencolin Line, however the lands continue south to Wolleyville Line.

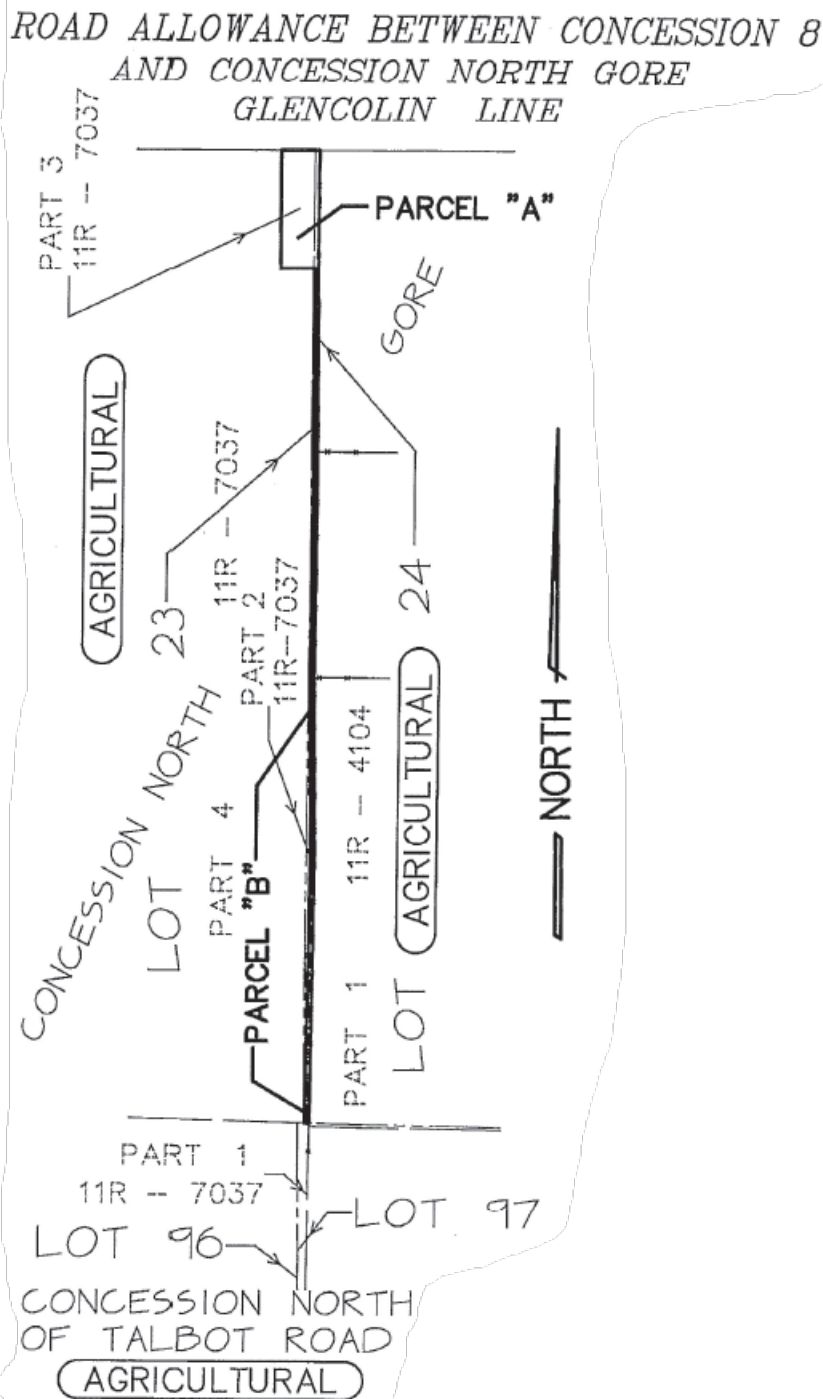
The subject property, as illustrated at right, is oddly configured as a result of a previous severance. The subject property entails a long, narrow access (referred to as “parcel B” in the Applications) connecting the dwelling located on Glencolin Line (“parcel A”) with a larger agricultural parcel of land to the south having frontage on Woolleyville Line (“parcel C”, not shown in the illustration at right).

Only parcel "A" is the subject of this Application and report, however it is important to note and consider how parcels "B" (especially) and "C" are to be addressed.

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan. The subject property includes no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources).

Malahide Official 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



served 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

Parcels “A” and “B” of the subject property are within the “Agricultural (A1) Zone”, on Key Map 47 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) | 5,845 m ² (1.44 acres) |
| Min. Lot Frontage | 30m (98 feet) | 43.89 m (144 feet) |

Given the long, narrow strip of land (Parcel “B”) is proposed as a lot addition to adjacent lands to the west (as part of associated Consent Application No. E52-21) which itself already contains a dwelling, it is recommended that this parcel not be placed within the “Agricultural (A2) Zone” in the typical manner for surplus farm dwelling severances.

Planning staff does note that the adjacent parcel to the west to which parcel “B” will be added, known locally as 51477 Glencolin Line, appears to be held in the same ownership as one of the owners of the subject applications. A business appears to be operating there (at 51477 Glencolin Line), as well as on Parcel “C” on Woolleyville Line, under the business name “Endeavour Enterprises”. It is believed that this business is active and involved in transport truck and auto repair.

Given Parcel “B” is technically subject to associated Consent Application No. E52-21, more discussion on this component will be included in the planning report for that Application.

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.

Provided associated Consent Application No. E52-21 is approved, the Township Planner has no concerns with this proposal. In order to ensure that the necessary

conveyances occur through Application No. E52-21, it is recommended that a condition be added which states:

“That the Township of Malahide be satisfied that associated Consent Application No. E52-21 be completed prior to the stamping of any deeds.”

The Township Planner does note that there are some general land-use planning concerns that pertain to the associated Consent Application No. E52-21, specifically, the status of the business operating as “Endeavour Enterprises”, and which may impact this Application from being finalized.

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: |
| Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Planner) |

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Cc: [Aisling Lavery](#)
Subject: RE: Notice of Application - E 51-21 & E 52-21
Date: August 9, 2021 2:21:30 PM

Hi Dawn,

We (CCCA) have no concerns with the above Severance Applications (Loewen).

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

Regards,

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

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: August-03-21 12:50 PM
To: Adam Betteridge <ABetteridge@malahide.ca>; Allison Adams <AAdams@malahide.ca>; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Aisling Lavery <alavery@ELGIN.ca>; civicplanningsolutions@nor-del.com
Subject: Notice of Application - E 51-21 & E 52-21

Good afternoon,

Please find attached the Notice of Application for file number E 51-21 & E 52-21 for the Elgin County Land Division Committee meeting being held on August 25, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery (alavery@elgin.ca), Secretary-Treasurer by Tuesday, August 17, 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: August 4, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 51-21

OWNER: John and David Loewen

PROPERTY: LOT NO. LOTS 23 AND 24 CONCESSION: North Gore

REG'D PLAN: MUNICIPALITY: Malahide

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 51-21

Owner:
John and David Loewen
51477 Glencolin Line
Aylmer, ON N5H 2R3

Agent:
David Roe, Civic Planning Solutions
61 Trailview Drive
Tillsonburg, ON N5G 0C6

Location: 51432 Woolleyville Line, legally described as LOTS 23 & 24, CONCESSION NORTH GORE, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 43.89 metres (144.0 feet) along Glencolin Line by a depth of 134.112 metres (440.0 feet) and an area of 0.584 hectares (1.44 acres) containing one residence surplus to the needs of the purchasing farmer. The owners are retaining 37.97 hectares (93.82 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - Council recommends this application be supported, subject to the conditions provided.

Catfish Creek Conservation Authority – no concerns

County Engineering – No concerns. Indicated the subject site is not on a County Road.

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
- 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 (0.584 hectares/1.44 acres) will contain an existing dwelling.

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 (37.97 hectares/93.82 acres). The severed lands (0.584 hectares/1.44 acres), 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 septic tank and privately owned and operated piped water system).

Local Municipality Official Plan and Zoning By-law

The subject property, as illustrated at right, is oddly configured as a result of a previous severance. The subject property entails a long, narrow access (referred to as “parcel B” in the Applications) connecting the dwelling located on Glencolin Line (“parcel A”) with a larger agricultural parcel of land to the south having frontage on Woolleyville Line.

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.

Parcels “A” and “B” of the subject property are within the “Agricultural (A1) Zone”, on Key Map 47 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.

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:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed: and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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 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 to 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 applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.
8. That the Township of Malahide be satisfied that associated Consent Application No. E52-21 be completed prior to the stamping of any deeds.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 52-21**

**LOTS 23 & 24, CONCESSION NORTH GORE
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 51432 WOOLLEYVILLE LINE**

TAKE NOTICE that an application has been made by **John and David Loewen**, 51477 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 51432 Woolleyville Line, Township of Malahide.

The applicants propose to sever a parcel with a depth of 971.28 metres (3186.620 feet) and an area of 0.47 hectares (1.16 acres), to be conveyed to the property directly to the west of the severed lands, located at 51477 Glencolin Line. The owners are retaining 37.5 hectares (92.66 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 AUGUST 25, 2021 AT 10:30 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

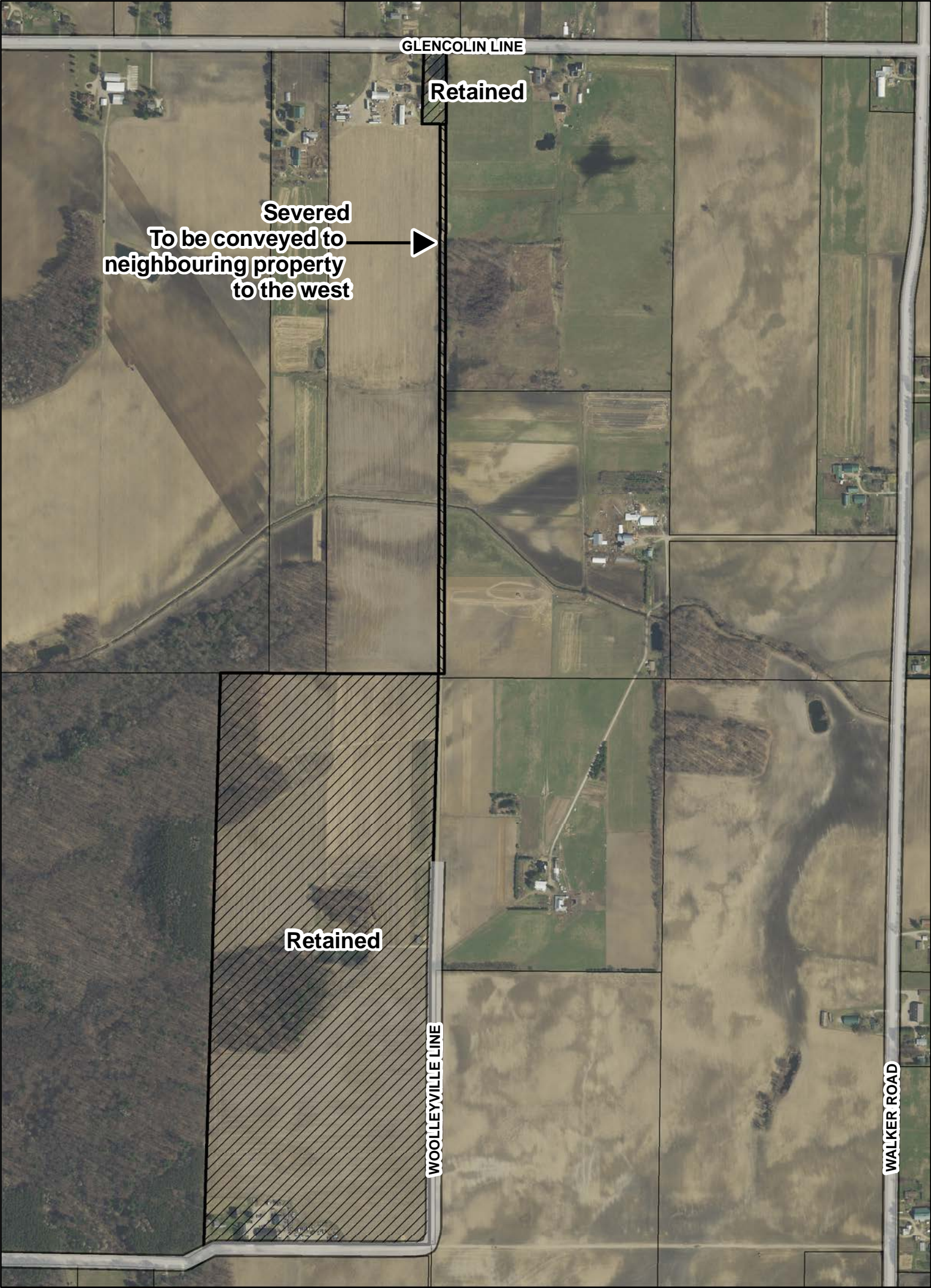
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 21st day of July, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

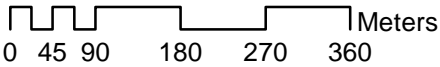
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



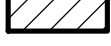


Subject Site: 51432 Woolleyville Line
File Number: E52-2021
Owner: John and David Loewen
Planner: Nancy Pasato
Created By: AL
Date: 07/20/2021

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



Scale 1:8,000

Legend

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



Location Map

Subject Site: 51432 Woolleyville Line
File Number: E52-2021
Owner: John and David Loewen
Planner: Nancy Pasato
Created By: AL
Date: 07/20/2021

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

N

0 45 90 180 270 360 Meters

Legend

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

Scale 1:8,000



August 16, 2021

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

Dear Committee Members:

RE: Land Severance Application E52/21 – John Loewen & David Loewen

The Malahide Township Council passed the following Resolutions on August 12, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E52/21 in the name of John Loewen & David Loewen, relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037), Geographic Township of Malahide, subject to the following conditions:

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. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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 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 to 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 applicants initiate and assume all planning costs associated with the necessary planning applications for the existing transport truck and/or auto repair business

operating at 51477 Glencolin Line, specifically, on Part of Lots 23 and 24, Concession Gore NTR, (specifically described as Part 4 on 11R-7037), with such cost to be paid in full to the Township and that the required processes be successfully completed prior to the condition being deemed fulfilled, or, that the Township of Malahide be satisfied that such business has ceased to operate.

8. That all required land dedications to the Township of Malahide are complete prior to the stamping of the deed, specifically:

- a) Road widening along Woolleyville Line; and,
- b) A turning block of a sufficient area and at a location along Woolleyville Line.

The above-noted land dedications shall be to the satisfaction of the Township of Malahide Director of Public Works.

We enclose Municipal Appraisal together with Municipal Report DS-21-39 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read "A Adams".

ALLISON ADAMS
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
David Roe

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 E52/21

Applicant John Loewen & David Loewen

Location Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) – 51432 Woolleyville Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: _____

Policies: _____

PART 2 - ZONING

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

Comments:

Rezoning Required

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

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

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

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

See Conditions Letter dated August 16, 2021.



Report to Council

REPORT NO.: DS-21-39
DATE: August 12th, 2021
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever No. E52-21 of John Loewen & David (Authorized Agent: David Roe)**
LOCATION: Part of Lots 96 & 97, Concession 7, North Talbot Road ("NTR"), and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) (51432 Woolleyville Line)

Recommendation:

THAT Report No. DS-21-39 entitled "Application for Consent to Sever No. E52-21 of John Loewen & David Loewen" be received;

AND THAT the Application No. E52-21, relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037), known municipally as 51432 Woolleyville Line, be supported for the reasons set out in this Report;

AND THAT this report and the recommended conditions 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 on behalf of John Loewen & David Loewen in order to create an agricultural lot addition. It has been submitted concurrently with County Consent Application No. E51-21, which deals with the severance of an existing dwelling located at 51499 Glencolin Line as being "surplus".

The Application relates to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037), and known municipally as 51432 Woolleyville Line. The long, narrow access (referred to as "parcel B" in the Applications) is proposed to be severed and conveyed as a lot addition to adjacent lands to the west described as Part of Lots 23 and 24, Concession Gore NTR, (specifically described as Part 4 on 11R-7037), and

known municipally as 51477 Glencolin Line.

The above is visually described on the attached Report Photo.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on August 25, 2021.

Comments/Analysis:

The subject property, as illustrated in the attached report photo, is oddly configured as a result of a previous severance.

The lands are comprised of 3 areas, described in the applications (E51-21 and E52-21) as:

- Parcel "A": the surplus dwelling property at 51499 Glencolin Line;
- Parcel "B": a long, narrow access connecting parcels "A" and "C"; and,
- Parcel "C": a larger agricultural parcel of land to the south having frontage on Woolleyville Line.

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' (Aggregate and Petroleum Resources) or Appendix 1 (Environmental Resource Areas) of the County Official Plan.

In addition to the above, the subject property is identified as having frontage along a "Local" road on Schedule 'B', "Transportation Plan".

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan).

The Agricultural Land Division policies of Section 2.1.6 of the Official Plan applies to this application.

In addition, given the existing land use that appears to be occurring on Parcel "C", as well as on the adjacent farm parcel to which Parcel "B" is being added (at 51477 Glencolin Line), both under the business name of "Endeavour Enterprises" (transport truck and auto repair), the Agricultural Land Use policies of Section 2.1.2.2 also applies.

Malahide Zoning By-law No. 22-18

The subject property is zoned on Key Map 47 as follows:

Parcel "B" is within the within the "Agricultural (A1) Zone"
Parcel "C" is within the "Large Lot Agricultural (A3-4) Zone".

The Township Planner notes that the frontages and lot areas proposed with the parcels to be retained and enlarged comply with all applicable provisions, however there will be

commentary in the following sections on the existing businesses operating on these properties.

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 provided a number of concerns can be addressed appropriately (i.e., to the satisfaction of the Township).

With regard to the business operating under the name of "Endeavour Enterprises", and which appears to deal with transport truck and auto repair, Council should be satisfied that these uses are operating and being conducted in conformity with the Township of Malahide Official Plan, and in accordance with the provisions and regulations of the Zoning By-law. Where permitted, such businesses on agriculturally-zoned lands shall conform with all applicable policies and regulations, and be subject to site plan control so to ensure that they operate appropriately and compatibly with surrounding sensitive uses.

"Endeavour Enterprises" appears to operate at two separate locations, and will be discussed separately in the following paragraphs.

Site at 51432 Woolleyville Line

For the business operating on Woolleyville Line, the "A3-4" zone applies to the entirety of Parcel "C", and is as follows:

- 5.6.4**
- a) Defined Area
A3-4 as shown on Schedule "A", Map No. 47.
 - b) Permitted Uses
transport truck repair facility
all other permitted uses of the A3 zone
 - c) Prohibited Uses
outdoor storage in a front yard
 - d) Maximum Number Of Transport Trucks 10
 - e) Maximum Number Of Full-Time Employees 1
(Non-Owner)

In review of aerial imagery of the business operating at this location, there appears to be no transport trucks, but rather a number of derelict automobiles (more than 20-30) parked randomly amongst the yard, including within the front yard (which is prohibited by the site-specific zoning provided above).

The Township Planner would recommend that this location be subject to a zoning by-law amendment which updates and revises the actual use of this site to auto-repair, and become subject to a site plan agreement that stipulates the extent of outside storage, and the number of entrances along Woolleyville Line.

Alternatively, the site could be cleaned-up and be used for what is currently permitted by the “A3-4” zone provided above.

A condition is recommended and has been added which reads:

“That the applicants initiate and assume all planning costs associated with the necessary planning applications for the existing transport truck and/or auto repair business operating on the subject lands (known locally as 51432 Woolleyville Line), specifically an amendment to the Township of Malahide Zoning By-law and Site Plan Control, with such cost to be paid in full to the Township and that the required processes be successfully completed prior to the condition being deemed fulfilled, or, that a zoning compliance certificate has been obtained from the Township of Malahide Chief Building Official for above-noted business confirming that the business is in compliance with the Township of Malahide Zoning By-law.”

Given there is no formal turn-around at the easterly terminus of Woolleyville Line, the Township Planner and the Director of Public Works recommend that a turning block be obtained from parcel “C” as a condition of the severance. As noted on the attached report photo, the precise location and size has yet been determined, but Staff can work with the Owners to determine the most appropriate location. Once obtained, Council would be required to pass a by-law to dedicate the turning block as part of the Woolleyville Line road allowance. A condition is recommended and has been added which reads:

“That all required land dedications to the Township of Malahide are complete prior to the stamping of the deed, specifically:

- a) Road widening along Woolleyville Line; and,
- b) A turning block of a sufficient area and at a location along Woolleyville Line.

The above-noted land dedications shall be to the satisfaction of the Township of Malahide Director of Public Works.”

Site at 51477 Glencolin Line

For this business, there is not a similar site-specific zone permitting the business as does exist (the “A3-4” zone) for the location on Woolleyville Line.

Aerial imagery shows a number of transport trucks, trailers, and other equipment parked randomly amongst the yard. Township records for this property show no indication of when this business was established, or that permission was obtained (such as through a zoning certificate, etc.); as such, Staff does not believe that the business/use at this site was established lawfully.

The Township Planner is fully supportive of the proposed conveyance of Parcel “B” to the adjacent lands to the west, however is of the opinion that the existing business operating on that property be appropriately recognized in the Township Zoning By-law and become subject to site plan control. Alternatively, the site could be cleaned-up and the use ceases to exist entirely.

A condition is recommended and has been added which reads:

“That the applicants initiate and assume all planning costs associated with the necessary planning applications for the existing transport truck and/or auto repair business operating at 51477 Glencolin Line, specifically, on Part of Lots 23 and 24, Concession Gore NTR, (specifically described as Part 4 on 11R-7037), with such cost to be paid in full to the Township and that the required processes be successfully completed prior to the condition being deemed fulfilled, or, that the Township of Malahide be satisfied that such business has ceased to operate.”

If the existing business is not considered an “agricultural-related use” as per Section 2.1.2.2 of the Malahide Official Plan, an amendment to the Malahide Official Plan in accordance with Section 2.1.2.4 will be required.

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.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

One of the goals that supports the “Our Land” Strategic Pillar is “Promote growth in a responsible manner”. By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal. Another goal that supports the “Our Land” Strategic Pillar is “Protect & Enhance Malahide’s Agricultural Character”. By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

| |
|---|
| Approved by: |
| Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Planner) |

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Cc: [Aisling Lavery](#)
Subject: RE: Notice of Application - E 51-21 & E 52-21
Date: August 9, 2021 2:21:30 PM

Hi Dawn,

We (CCCA) have no concerns with the above Severance Applications (Loewen).

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

Regards,

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

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: August-03-21 12:50 PM
To: Adam Betteridge <ABetteridge@malahide.ca>; Allison Adams <AAdams@malahide.ca>; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Aisling Lavery <alavery@ELGIN.ca>; civicplanningsolutions@nor-del.com
Subject: Notice of Application - E 51-21 & E 52-21

Good afternoon,

Please find attached the Notice of Application for file number E 51-21 & E 52-21 for the Elgin County Land Division Committee meeting being held on August 25, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery (alavery@elgin.ca), Secretary-Treasurer by Tuesday, August 17, 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: August 4, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 52-21

OWNER: John and David Loewen

PROPERTY: LOT NO. LOTS 23 AND 24 CONCESSION: North Gore

REG'D PLAN: MUNICIPALITY: Malahide

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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 one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....

X
- 11) Not on County Road
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 52-21

Owner:
John and David Loewen
51477 Glencolin Line
Aylmer, ON N5H 2R3

Agent:
David Roe, Civic Planning Solutions
61 Trailview Drive
Tillsonburg, ON N5G 0C6

Location: 51432 Woolleyville Line, legally described as LOTS 23 & 24, CONCESSION NORTH GORE, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a depth of 971.28 metres (3186.620 feet) and an area of 0.47 hectares (1.16 acres), to be conveyed to the property directly to the west of the severed lands, located at 51477 Glencolin Line. The owners are retaining 37.5 hectares (92.66 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - Council recommends this application be supported, subject to the conditions provided.

Catfish Creek Conservation Authority – no concerns.

County Engineering – No concerns. Indicated the subject site is not on a County Road.

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 2.3.4.2 states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The Applicant has indicated the severed portion of the lands will be conveyed to the adjacent property at 51477 Glencolin Line, ultimately creating an enlarged farm parcel rather than maintaining the small strip of land as an individual parcel. The retained parcel of the lands

will be used for the existing agricultural purposes. There will be no changes to the adjacent farmland or services required. The proposed severance is a lot adjustment for legal or technical reasons.

County of Elgin Official Plan

The subject site is designated Agricultural Area in the Elgin County Official Plan (OP). Section 1.2.3.4 regarding Lot Creation in the Agricultural Area states that in addition to the severing of agricultural lots to create parcels for agricultural uses, to allow the severance of a surplus farm dwelling, and to create a new lot required for an agricultural related use, consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

Section 1.2.3.2 Boundary Adjustments outlines criteria related to consents for the purpose of modifying lot boundaries that do not result in the creation of a new lot. Such applications will only be permitted if the boundary adjustment will not affect the viability of the properties affected or agricultural parcels affected, if applicable.

As stated by the Applicant, the severed lands are proposed to be conveyed to the adjacent residential property at 51477 Glencolin Line and the retained parcel will be maintained as the existing agricultural use. The two lots, as adjusted, will facilitate in creating a more uniform pattern of farm parcels and lead to less fragmentation of parcels within the agricultural area. No changes to the land use or servicing requirements are proposed. There will be no impact to the surrounding agricultural uses and no new lot created.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). The Agricultural Land Division policies of Section 2.1.6 of the Official Plan applies to this application. In addition, given the existing land use that appears to be occurring on Parcel "C", as well as on the adjacent farm parcel to which Parcel "B" is being added (at 51477 Glencolin Line), both under the business name of "Endeavour Enterprises" (transport truck and auto repair), the Agricultural Land Use policies of Section 2.1.2.2 also applies.

The subject property is zoned on Key Map 47 as follows:

- Parcel "B" is within the "Agricultural (A1) Zone"
- Parcel "C" is within the "Large Lot Agricultural (A3-4) Zone".

The Township Planner notes that the frontages and lot areas proposed with the parcels to be retained and enlarged comply with all applicable provisions, however there will be commentary in the following sections on the existing businesses operating on these properties.

With regard to the business operating under the name of "Endeavour Enterprises", and which appears to deal with transport truck and auto repair, Council should be satisfied that these uses are operating and being conducted in conformity with the Township of Malahide Official

Plan, and in accordance with the provisions and regulations of the Zoning By-law. Where permitted, such businesses on agriculturally-zoned lands shall conform with all applicable policies and regulations, and be subject to site plan control so to ensure that they operate appropriately and compatibly with surrounding sensitive uses.

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 adjustments in agricultural areas. As such, planning staff 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.
3. That the severed lands are deeded in the same name and interest as the abutting lot at 51477 Glencolin Line and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
4. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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 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 to 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 applicants initiate and assume all planning costs associated with the necessary planning applications for the existing transport truck and/or auto repair business operating at 51477 Glencolin Line, specifically, on Part of Lots 23 and 24, Concession Gore NTR, (specifically described as Part 4 on 11R-7037), with such cost to be paid in full to the Township and that the required processes be successfully completed prior to the



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condition being deemed fulfilled, or, that the Township of Malahide be satisfied that such business has ceased to operate.

8. That all required land dedications to the Township of Malahide are complete prior to the stamping of the deed, specifically:
 - i. Road widening along Woolleyville Line; and,
 - ii. A turning block of a sufficient area and at a location along Woolleyville Line.The above-noted land dedications shall be to the satisfaction of the Township of Malahide Director of Public Works.



**CORPORATION OF THE COUNTY OF ELGIN
DEFERRED NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 60-21**

**CON 3; PT LOT 20, RP 11R8425 PARTS 1 AND 2
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 6501 SPRINGFIELD ROAD**

TAKE NOTICE that an application has been made by **Will and Eva Dyck**, 6501 Springfield Road, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 6501 Springfield Road, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Springfield Road by a depth of 67.79 metres (222.41 feet) and an area of 1695.6 square metres (0.42 acres) for residential use. The owners are retaining 9410.6 square metres (2.32 acres) for future residential use (existing structures to be removed).

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 AUGUST 25, 2021 AT 10:45 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

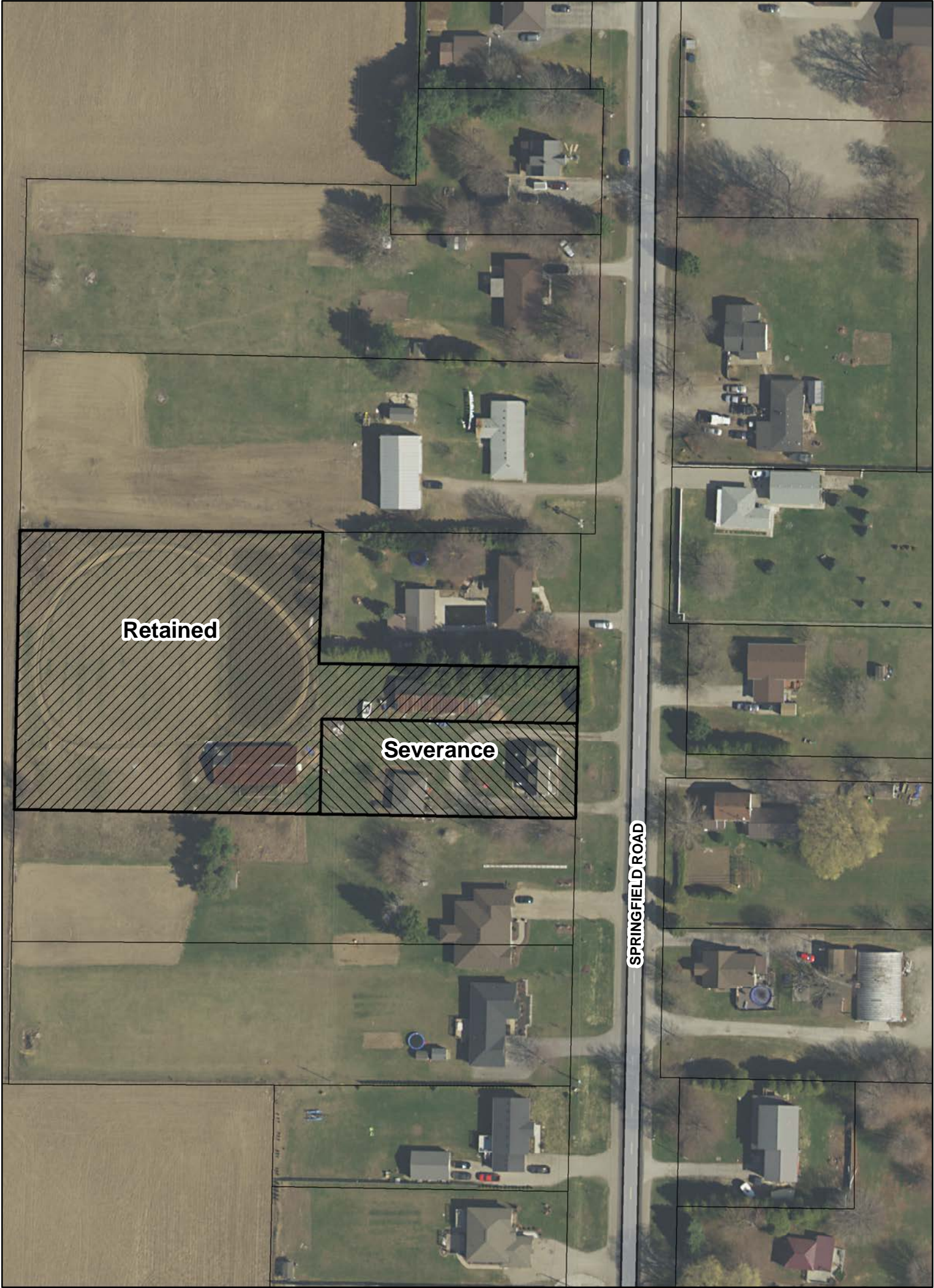
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 30th day of July, 2021.

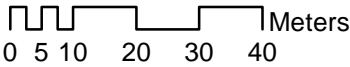
Aisling Laverty
Secretary-Treasurer
Land Division Committee

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



Location Map

Subject Site: 6501 Springfield Road
File Number: E60-2021
Owner: Will and Eva Dyck
Planner: Nancy Pasato
Created By: AL
Date: 06/28/2021



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

Scale 1:1,200

Legend

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

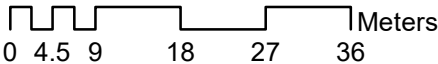
Retained
Existing Structures to be Removed

Severed

Location Map

Subject Site: 6501 Springfield Road
File Number: E60-2021
Owner: Will and Eva Dyck
Planner: Nancy Pasato
Created By: AL
Date: 07/12/2021






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



Scale 1:800



Legend

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



August 16, 2021

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

Dear Committee Members:

RE: Land Severance Application E60/21 – Wilhelm & Eva Dyck

The Malahide Township Council passed the following Resolutions on August 12, 2021:

THAT Report No. DS-21-35 entitled "Application for Consent to Sever of Wilhelm & Eva Dyck" be received;

AND THAT the Application for Consent to Sever No. E60/21 of Wilhelm & Eva Dyck on behalf of Wilhelm & Eva Dyck, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as 6501 Springfield Road, not 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-35 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

ALLISON ADAMS
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
Zelinka Priamo Ltd. c/o Katelyn Crowley

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 E60-21

Applicant Will and Eva Dyck

Location 6501 Springfield Road - MALAHIDE CON 3 PT LOT 20 RP 11R8425 PARTS 1 AND 2

PART 1 - OFFICIAL PLAN

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

Land Use Designation: _____

Policies: _____

PART 2 - ZONING

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

Comments: _____

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

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

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

10. Does the municipality have other concerns that should be considered by the Committee?
See attached conditions letter dated August 16, 2021.



Report to Council

REPORT NO.: DS-21-35
DATE: August 12, 2021
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Wilhelm & Eva Dyck
(Authorized Agent: Zelinka Priamo Ltd. c/o Katelyn Crowley)**
LOCATION: Part of Lot 20, Concession 3 (Malahide) (6501 Springfield Road)

Recommendation:

THAT Report No. DS-21-35 entitled “Application for Consent to Sever of Wilhelm & Eva Dyck” be received;

AND THAT the Application for Consent to Sever of Wilhelm & Eva Dyck on behalf of Wilhelm & Eva Dyck, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as 6501 Springfield Road, not 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 Zelinka Priamo Ltd. (c/o Katelyn Crowley), on behalf of Wilhelm & Eva Dyck in order to create one new vacant parcel.

The Application relates to the property known municipally as 6501 Springfield Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on August 25th, 2021.

Comments/Analysis:

The subject property is approximately 1.1 hectares (2.7 acres) in area, and has 55.6 metres (182.4 feet) of frontage along Springfield Road.

Further information on the subject property is provided in the planning letter provided by Ms. Crowley (the Applicants' Planner) with the Application. It is noted that the subject lands are located on the west side of Springfield road, as opposed to the east side.

County of Elgin Official Plan

The subject property is designated "Tier 3 - Mount Salem" on Schedule 'A', Land Use Plan, and is identified as having frontage along a "County Collector" on Schedule 'B', "Transportation Plan".

The subject property has no noted areas on Schedule 'C' (Aggregate and Petroleum Resources) or Appendix 1 (Environmental Resource Areas) of the County Official Plan.

Malahide Official Plan

The subject property is designated "Hamlet" on Schedule 'A1' (Land Use Plan). No noted areas on the subject property are identified on Schedule 'A2' (Constraints Plan).

The policies of Section 4 and 4.3.3 of the Official Plan applies to this development.

Malahide Zoning By-law No. 22-18

The subject property is within the "Hamlet Residential (HR) Zone" on Key Map L of Schedule "A" to the Township's Zoning By-law No. 22-18.

The "Hamlet Residential (HR) Zone" zone requires the following with regard to minimum lot area and frontage:

| "HR" Zone | Required: | Proposed Severed Lot | Proposed Retained Lot |
|-------------------|-------------------------------------|---------------------------------------|--|
| Min. Lot Area | 1,850 m ² (0.46 acre) | 1,673.9 m ² (0.41 acre) | 9,410.6 m ² (2.32 acres) |
| Min. Lot Frontage | 25m (82 feet) | 25m (82 feet) | 30.6 m (100 feet) |

General Comments

The Township Planner has considered the merits of the Application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council not support the Application.

In the opinion of the Township Planner, insufficient information has been provided:

- a) No acknowledgement or justification by the Applicants' planner that the proposed severed lot (containing the existing dwelling) will fail to meet the minimum lot area, or how this could be considered appropriate.
- The septic report for the existing dwelling is reported to be failing (see the inspection report dated May 31, 2021 submitted with the Application), yet an undersized parcel is proposed.

- b) No information is provided on if, or when a dwelling is proposed on the retained lot. Township Staff has provided more than once to the proponents that there is a concern in this area with having a high-water table. This proposal contrasts with Section 4.3.3 d) of the Township Official Plan, which reads:

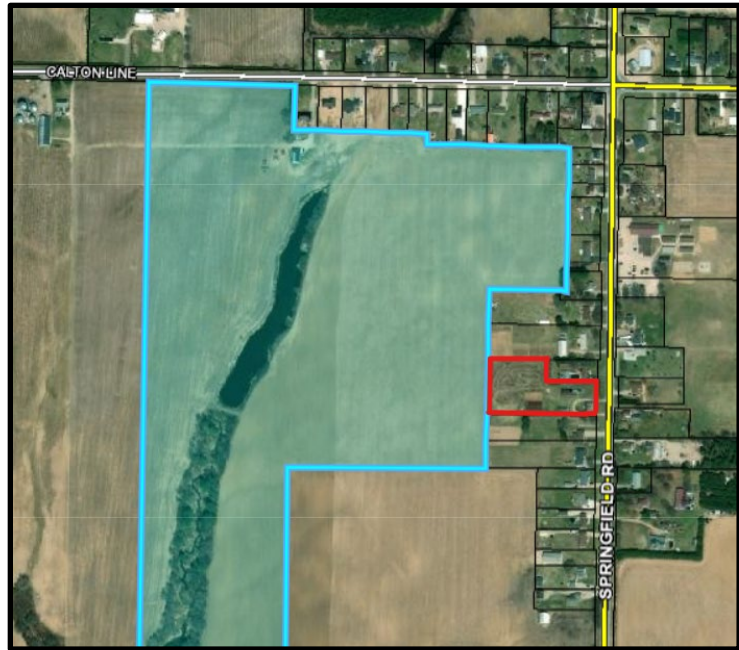
“The size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;”

- c) Similar to above, with no future plans known on how the retained (vacant) lands are to be developed, it is unknown if a dwelling would be constructed in between the two dwellings, maintaining the uniform character of dwelling placement along Springfield Road, or, if such dwelling would be placed set-back and to the rear.

Further, without this “plan”, the Township Planner would be quite concerned if the proposed retained parcel were to be further severed into two residential properties in a “flag-shape” configuration, where new parcels are created from the front of existing properties, leaving a narrow driveway (the “pole”). Such proposals are generally discouraged from a “good planning” perspective as they result in compatibility concerns for privacy, neighbourhood character, and development patterns, and are an inefficient form of land development.

- d) It was requested by the Township Planner that the Applicants' planner provide an assessment of how the proposal conforms with the Malahide Official Plan, particularly Section 4.3, and, how it adheres to principles of good planning. An evaluation of the proposal was applied to Section 4.3.3 of the Malahide Official Plan; however, the Planning Letter is too brief in certain areas of the evaluation: i) “flag-shaped” parcels; ii) soil suitability; iii) undersized severed lot; iv) access to interior lands (described in the next paragraphs); v) regulating access by removing one of the “U”-shape driveway accesses in accordance with 4.3.3 e); and, vi) “plan” for retained vacant parcel.

The Township Planner also notes that this parcel serves as the last remaining parcel wide enough to provide possible access to adjacent lands to the west from Springfield Road (identified in blue in the image on the following page, with the subject lands shown outlined in red). Looking at assessment mapping, past severance activity has essentially removed all access to this parcel, save and except the access that remains from Calton Line to the north west.



Although the highlighted lands adjacent to the west are not designated for future development (they are designated “Agriculture” in the Malahide Official Plan), it would not be considered appropriate to eliminate the possibility of sufficient access for the purpose of creating one new residential parcel. There could come a time where further development and housing within Mount Salem is deemed appropriate.

As an alternative, supportable option, a parcel containing the existing dwelling could be severed, and the parcel proposed to be retained could be conveyed to that adjacent farm property as a lot addition so to maintain access. This would require certain mechanisms to ensure such access is protected over the long-term (registered agreement, zoning regulations, 0.3m (“one foot”) reserve, as suitable examples).

Notwithstanding that the Application is believed to be premature/not supportable, Staff have provided conditions which the Council can utilize if it deems appropriate to support the Application.

The conditions provided entail (summarized):

- (1) revised assessment schedule (if needed); (2) new or relocated of municipal drain (if needed); (3) any outstanding work orders or by-law enforcement issues be resolved; (4) deeds, transfers, etc., necessary for registration be submitted; (5) taxes/fees and be paid; (6) reference plan be submitted; and, (7) Civic Addressing Numbers/Signage.

Conditions (8) and (9) are also added and recommended to ensure site functionality and compatibility are maintained if the Application is to be approved. They are as follows:

- “8. So to ensure that any future development on the vacant parcel to be retained is compatible with surrounding land uses, and that the lands are suitable for a private on-site sewage disposal system, that the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment to place the proposed retained vacant parcel into the "HR-H-5" zone (requiring site plan control) 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.

a. The Zoning By-law Amendment required of this condition shall also address the reduced lot area proposed for the lot to be severed.

9. That confirmation that the existing private sewage system serving the existing dwelling on the parcel proposed to be severed be replaced and confined entirely within the boundaries of the newly created parcel and comply with all required setbacks from lot lines, all to the satisfaction of the Township of Malahide Chief Building Official.”

The Development Services Staff has also considered comments provided by other internal departments and such have been accommodated with appropriate conditions as noted above if the proposal is to be approved.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

One of the goals that supports the “Our Land” Strategic Pillar is “Promote growth in a responsible manner”. By ensuring new development meets “good planning” principles and does not hinder possible future development, the Council is achieving this goal.

The importance of sustainable planning promotes protection of natural and agricultural lands.

| |
|--|
| Prepared and Submitted by: |
| Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Township Planner) |

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 30, 2021 **ELGIN COUNTY ROAD NO.:** 40 - 6501 SPRINGFIELD ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 60-21

OWNER: Will and Eva Dyck

| | | | | |
|------------------|--------------------|----------------------------------|----------------------|-----------------|
| PROPERTY: | LOT NO. | <u>PT LOT 20</u> | CONCESSION: | <u>3</u> |
| | REG'D PLAN: | <u>11R8425 PARTS 1 AND 2</u> | MUNICIPALITY: | <u>Malahide</u> |

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Springfield Road County Road (40) 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.

X
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots 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.....

X
- 7) Technical Reports
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed and retained lots.....

X
- 10) The County has no concerns.....
- 11) Not on County Road
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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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: August 25, 2021
Application: E 60-21

Owner:
Will and Eva Dyck
6501 Springfield Road
Aylmer ON N5H 2R5

Agent:
Zelinka Priamo Ltd. (c/o Katelyn Crowley)
318 Wellington Road
London ON N6C 4P4

Location: 6501 Springfield Road – legally described as CON 3; PT LOT 20, RP 11R8425 PARTS 1 AND 2, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Springfield Road by a depth of 67.79 metres (222.41 feet) and an area of 1695.6 square metres (0.42 acres) for residential use. The owners are retaining 9410.6 square metres (2.32 acres) for future residential use (existing structures to be removed).

**County of Elgin Official
Plan**
Settlement Area Tier 3

**Local Municipality Official
Plan**
Hamlet

**Local Municipality Zoning
By-law**
Hamlet Residential HR

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – The Township Planner has considered the merits of the Application against applicable Official Plan policies and the Township's Zoning By-law and recommends refusal of the application.

County Engineering – has no objections subject to the provided conditions related to road widening, direct connect to a legal outlet, entrance permits, and lot grading plans.

Catfish Creek Conservation Authority – no concerns.

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 1.6.6 relates to Sewage, Water and Stormwater. Specifically, Policy 1.6.6.1 indicates that planning for sewage and water services shall ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely; prepares for the impacts of a changing climate; is feasible and financially viable over their lifecycle; and protects human health and safety, and the natural environment.

The Applicant has indicated the two existing structures on the retained lot will be removed. The retained lot will be vacant after the removal of these structures. The severed portion of the lands will be maintained for residential use and contain an existing dwelling and accessory shed. The proposed severed and retained lots are within a settlement area. However, the applicant has not demonstrated how the proposed severance and associated servicing will meet provincial policies.

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 (Mount Salem) 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.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has not adequately addressed the abovementioned criteria and planning staff is not satisfied there will be no adverse impacts as a result of this lot creation.

Further stated by the applicant, the severed parcel (1695.6 square metres/0.42 acres) is proposed to maintain the existing residential use with one dwelling and one accessory structure existing on the lot. The retained parcel (9410.6 square metres /2.32 acres) is proposed to be for future residential use. The two existing structures on the retained lands will be demolished. The severed lot is privately serviced (privately owned and operated individual well and sanitary sewage system).

Local Municipality Official Plan and Zoning By-law

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan). No noted areas on the subject property are identified on Schedule ‘A2’ (Constraints Plan). The policies of Section 4 and 4.3.3 of the Official Plan applies to this development. The subject property is within the “Hamlet Residential (HR) Zone” on Key Map L of Schedule “A” to the Township’s Zoning By-law No. 22-18.

In the opinion of the Township Planner, insufficient information has been provided related to the following:

- a) No acknowledgement or justification by the Applicants’ planner that the proposed severed lot (containing the existing dwelling) will fail to meet the minimum lot area, or how this could be considered appropriate.
- b) No information is provided on if, or when a dwelling is proposed on the retained lot. Township Staff has provided more than once to the proponents that there is a concern in this area with having a high-water table.
- c) Similar to above, with no future plans known on how the retained (vacant) lands are to be developed, it is unknown if a dwelling would be constructed in between the two dwellings, maintaining the uniform character of dwelling placement along Springfield Road, or, if such dwelling would be placed set-back and to the rear.
- d) It was requested by the Township Planner that the Applicants’ planner provide an assessment of how the proposal conforms with the Malahide Official Plan, particularly Section 4.3, and, how it adheres to principles of good planning. However, the Planning Letter is too brief in certain areas of the evaluation.

The Township Planner also notes that this parcel serves as the last remaining parcel wide enough to provide possible access to adjacent lands to the west from Springfield Road. Although the highlighted lands adjacent to the west are not designated for future development (they are designated “Agriculture” in the Malahide Official Plan), it would not be considered appropriate to eliminate the possibility of sufficient access for the purpose of creating one new residential parcel. There could come a time where further development and housing within Mount Salem is deemed appropriate.

RECOMMENDATION:

This application for consent is not consistent with both the 2020 Provincial Policy Statement or in compliance with the County of Elgin Official Plan regarding lot creation in settlement areas and the County supports the recommendation for refusal provided by the Township of Malahide. However, should the Land Division Committee move to approve this application, Planning staff 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 a copy of registered deed for the severed parcel once completed; and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

Notwithstanding that the Application is believed to be premature/not supportable, the Township of Malahide has provided the following conditions which the Committee can utilize if it deems appropriate to support the Application:

1. Revised assessment schedule (if needed);
2. New or relocation of municipal drain (if needed);
3. Any outstanding work orders or by-law enforcement issues be resolved;
4. Deeds, transfers, etc., necessary for registration be submitted;
5. Taxes/fees and be paid;
6. reference plan be submitted;
7. Civic Addressing Numbers/Signage.
8. So to ensure that any future development on the vacant parcel to be retained is compatible with surrounding land uses, and that the lands are suitable for a private on-site sewage disposal system, that the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment to place the proposed retained vacant parcel into the "HR-H-5" zone (requiring site plan control) 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.
 - i. The Zoning By-law Amendment required of this condition shall also address the reduced lot area proposed for the lot to be severed.
9. That confirmation that the existing private sewage system serving the existing dwelling on the parcel proposed to be severed be replaced and confined entirely within the boundaries of the newly created parcel and comply with all required setbacks from lot lines, all to the satisfaction of the Township of Malahide Chief Building Official.



**CORPORATION OF THE COUNTY OF ELGIN
REVISED NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 48-21**

**PLAN 145 PT LOTS 27 AND 28; RP 11R9399 PART 2
TOWN OF AYLMER
MUNICIPAL ADDRESS: 62 OAK STREET**

TAKE NOTICE that an application has been made by **Johan and Tine Friesen**, 62 Oak Street, Aylmer, ON N5H 1G6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 62 Oak Street, Town of Aylmer.

The applicants propose to create an easement having a frontage of 2.038 metres (6.686 feet) along Oak Street, with a total area of 74 square metres (0.028 acres) over a private lot known as 62 Oak Street to provide access to an underground hydro easement, in favour of 361 Talbot Street West.

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 AUGUST 25, 2021 AT 10:55 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

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 30th day of July, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

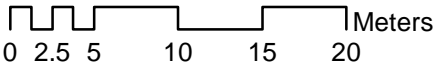
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map






Subject Site: 62 Oak Street
File Number: E48-2021
Owner: Johan & Tina Friesen
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

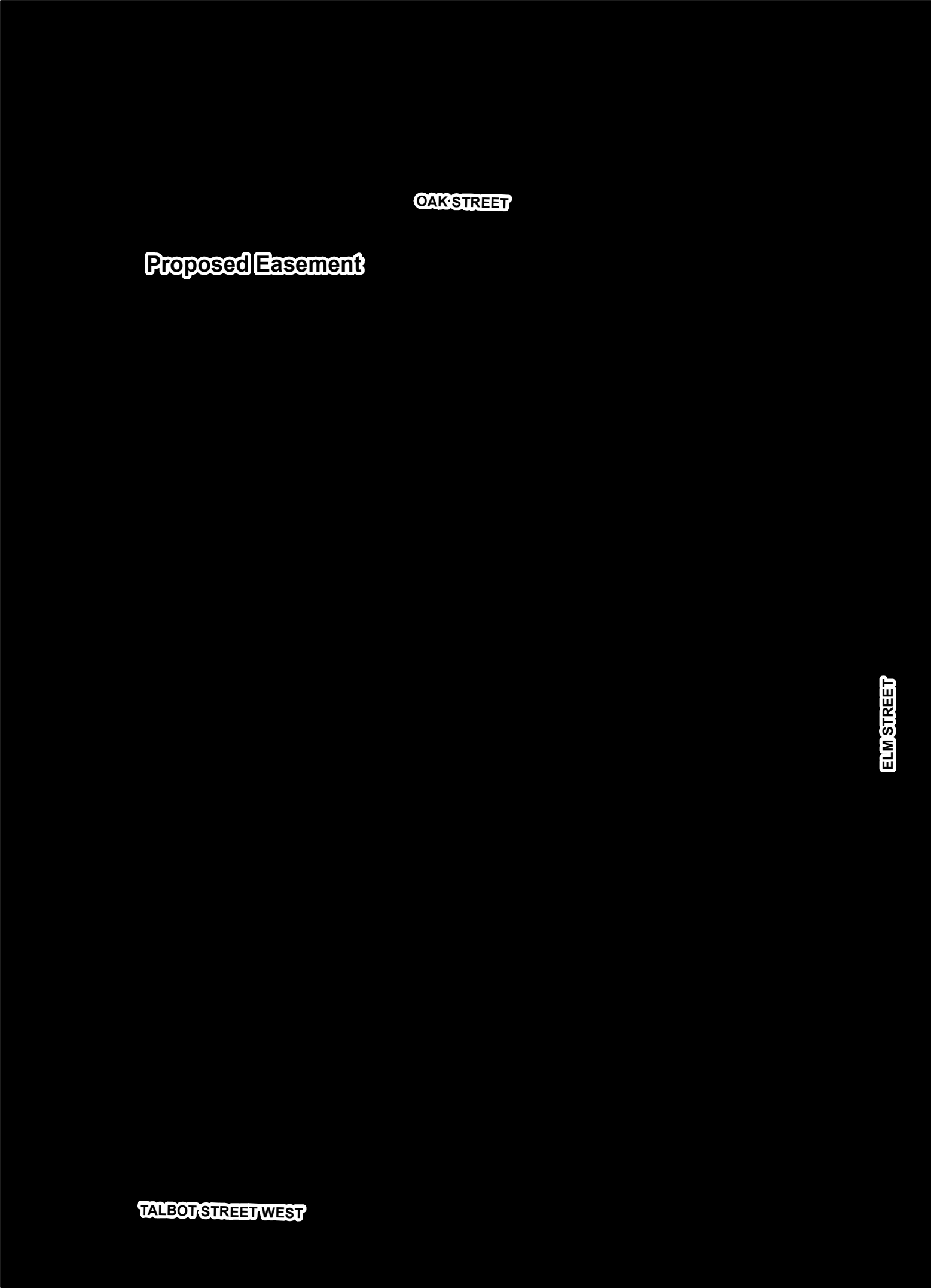
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:450

Legend

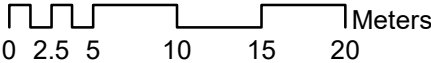

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 62 Oak Street
File Number: E48-2021
Owner: Johan & Tina Friesen
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021





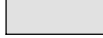
The Corporation of the County Elgin
Prepared By: Planning and Development



Meters

Scale 1:450

Legend

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

Town of Aylmer

Report PLAN 02-21

| | |
|---|---|
| Report Title: | Application for Consent (Easement) No.48-21 – 62 Oak Street |
| Submitted for: | July 12, 2021 |
| Report Author: | Christie Kent, Manager of Planning and Development |
| <input type="checkbox"/> Receive for Information | <input checked="" type="checkbox"/> Recommendation |

Recommendation:

That Report PLAN 02-21, entitled Application for Consent (Easement) No.48-21 – 62 Oak Street, be received for information; and,

That the Application for Consent (Easement) No.48-21 relating to the property located at Lots 27 and 28, Plan 145 (Town of Aylmer), and known municipally as 62 Oak Street, be supported for reasons set out in this report; and,

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

Background:

The Elgin County Land Division Committee is in receipt of an application for consent to establish an easement, submitted by Johan and Tina Friesen, and pertaining to the lands municipally known as 62 Oak Street.

The purpose and effect of the subject application is to establish an easement over an underground power (hydro) line in order to confer the right to use this portion of the subject lands for utility access and maintenance.

The County Land Division Committee has scheduled a Public Hearing for this application for July 28, 2021.

Analysis:

The subject lands comprise an area of 672 m² (0.17 ac) and contain an existing single-detached dwelling. Application No. E48-21 proposes to establish a utility easement along the easterly property line. The width of the proposed easement is variable due to an irregular configuration, and ranges from 2.038m (6.69 ft) along the property frontage (Oak Street) and approximately 4.0m (13.1 ft) in the rear yard. A sketch of the location of the proposed easement is appended to this report.

County of Elgin Official Plan

Technical severances are contemplated in Section E1.2.3.3 of the County's Official Plan. This section includes the direction that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot.

Town of Aylmer Official Plan

The subject lands are located within the Office Residential land use designation of the Town's Official Plan.

Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria. Specifically, Section 5.1.2(6) indicates that, consents for the creation of easements or rights-of-way are permitted provided the consent would not result in the creation of a new building lot.

Town of Aylmer Zoning By-law 57-99

The subject lands are zoned RO – Residential Office Zone within the Town's Zoning By-law. A single-detached dwelling is a permitted use within the RO Zone.

Recommendation

Planning staff has reviewed the application against the applicable Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support for the application to the Land Division Committee, subject to the Committee's standard conditions.

Respectfully submitted,
Christie Kent, Manager of Planning and Development

☒ Reviewed by Josh Brick, Director of Corporate/ Legislative Services

☒ Reviewed by Andy Grozelle, Chief Administrative Officer



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 E48/21

Applicant Johan and Tina Friesen

Location 62 Oak Street

PART 1 - OFFICIAL PLAN

1. Is there an O.P. in effect? Yes (X) No ()

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

Land Use Designation: Office Residential

Policies: Land Severances: 5.1.2

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:

Property is zoned RO – Residential Office Zone; Single detached dwelling is a permitted use within the RO Zone

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

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

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)

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

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

Committee's standard conditions of approval

9. Does Council recommend the application? Yes (X) No ()

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

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Cc: [Aisling Lavery](#)
Subject: RE: Notice of Application - E 48-21 & E 62-21
Date: August 9, 2021 2:18:46 PM

Hi Dawn,

We (CCCA) have no concerns with the above noted Severance Application E 62-21 (Fehr) and the amended application E48-21 (Friessen).

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

Regards,

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

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: August-03-21 12:57 PM
To: jbrick@town.aylmer.on.ca; ckent@town.aylmer.on.ca; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Aisling Lavery <alavery@ELGIN.ca>; doylpren@amtelecom.net
Subject: Notice of Application - E 48-21 & E 62-21

Good afternoon,

Please find attached the Notice of Application for file numbers E 48-21 & E 62-21 for the Elgin County Land Division Committee meeting being held on August 25, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery (alavery@elgin.ca), Secretary-Treasurer by Tuesday, August 17, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,
Dawn Wittland-Graham
Administrative Assistant
Engineering & Planning Services

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

Notice: A number of Elgin County services are unavailable at this time due to the evolving health situation

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 48-21

OWNER: Johan and Tine Friesen

PROPERTY: **LOT NO.** PLAN 145 PT LOTS 27 AND 28 **CONCESSION:** _____

REG'D PLAN: RP 11R9399 PART 2 **MUNICIPALITY:** Aylmer

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 48-21

Owner:
Johan and Tine Friesen
62 Oak Street, Aylmer, ON N5H 1G6

Location: 62 Oak Street, know legally as PLAN 145 PT LOTS 27 AND 28; RP 11R9399
PART 2, Town of Aylmer.

PROPOSAL

The applicants propose to create an easement having a frontage of 2.038 metres (6.686 feet) along Oak Street, with a total area of 74 square metres (0.028 acres) over a private lot known as 62 Oak Street to provide access to an underground hydro easement, in favour of 361 Talbot Street West.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Office Residential

**Local Municipality Zoning
By-law**

Residential Office Zone (RO)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – That the Application for Consent (Easement) No.48-21 relating to the property located at Lots 27 and 28, Plan 145 (Town of Aylmer), and known municipally as 62 Oak Street, be supported for reasons set out in this report.

County Engineering – not on a County road.

Catfish Creek Conservation Authority - no concerns.

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.

The Applicant has indicated this application is for the purpose of an underground hydro easement.

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 (Aylmer) in the Elgin County Official Plan (OP). 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 of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Section E.1.2.3.3 Technical Severances outlines that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. The applicant has indicated that the proposed consent is for the purpose of a technical severance being an underground hydro easement.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Office Residential land use designation of the Town's Official Plan. Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria. Specifically, Section 5.1.2(6) indicates that, consents for the creation of easements or rights-of-way are permitted provided the consent would not result in the creation of a new building lot.

The subject lands are zoned RO – Residential Office Zone within the Town's Zoning By-law. A single-detached dwelling is a permitted use within the RO Zone.

The proposed severance complies with both the Town'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 technical severances. 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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 62-21**

**LOTS 7&8
TOWN OF AYLMER
MUNICIPAL ADDRESS: 29 LINDEN STREET**

TAKE NOTICE that an application has been made by **Johan Fehr**, 29 Linden Street, Aylmer ON N5H 1Y7 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29 Linden Street, Town of Aylmer.

The applicant proposes to sever a lot with a frontage of 8.687 metres (28.50 feet) along Linden Street, by a depth of 31.466 metres (103.23 feet) and an area of 275.5 square metres (0.07 acres) and retain a lot of 275.5 square metres (0.07 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

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 AUGUST 25, 2021 AT 11:05 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

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 21st day of July, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

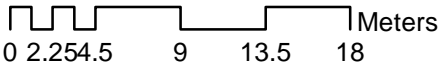
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



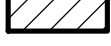


Subject Site: 29 Linden Street
File Number: E62-2021
Owner: Johan Fehr
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

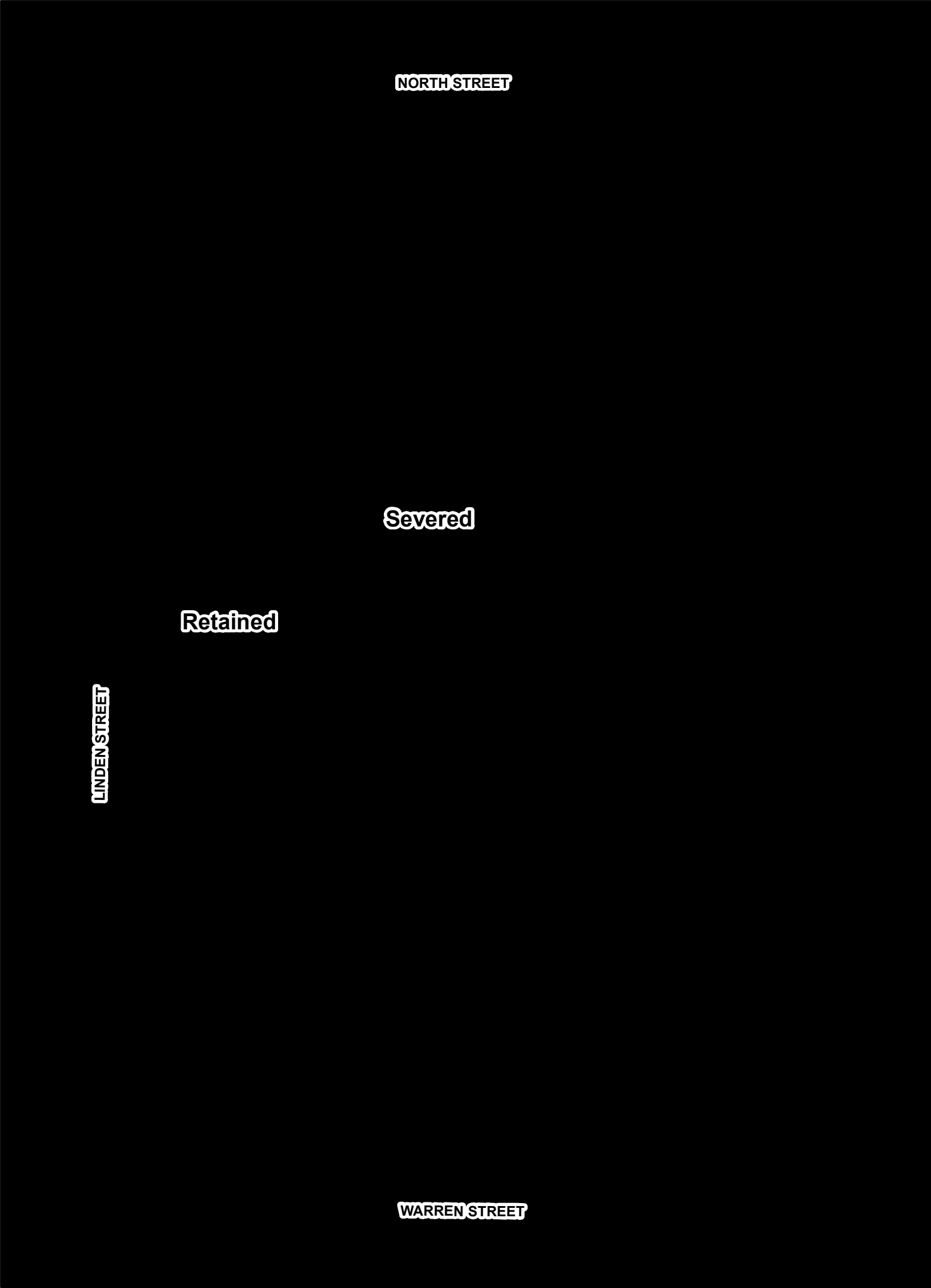
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:400

Legend

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



Location Map

Subject Site: 29 Linden Street
File Number: E62-2021
Owner: Johan Fehr
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

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

Legend

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

Town of Aylmer

Report PLAN 05-21



| | |
|---|--|
| Report Title: | Planning Evaluation Report: Application for Consent to Sever No. E62-21 – 29 Linden Street |
| Submitted for: | August 9, 2021 |
| Report Author: | Christie Kent, Manager of Planning and Development |
| <input type="checkbox"/> Receive for Information | <input checked="" type="checkbox"/> Recommendation |

Recommendation:

That Report PLAN 05-21, entitled Planning Evaluation Report: Application for Consent to Sever No. E62-21 – 29 Linden Street, be received for information; and,

That the Application for Consent to Sever No. E62-21 relating to the property located at Part Lot 7 S/S North St. and Part of Lot 8 S/S North St, Plan 164, and known municipally as 29 Linden Street, be supported with recommended conditions for reasons set out in this report; and,

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

Background:

The Elgin County Land Division Committee is in receipt an application for consent to sever submitted by Johan Fehr and pertaining to the lands municipally known as 29 Linden Street.

The purpose and effect of the subject application is to sever one new residential lot with frontage along Linden Street to accommodate an existing residential use. The severance request will facilitate the division of land so that each unit of the semi-detached dwelling under construction is located on an individual lot.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on August 25, 2021.

Analysis:

The subject lands comprise an area of 549 m² (0.135 ac) and contain a semi-detached dwelling currently under construction. Application E62-21 proposed to sever one the existing lot to create one new residential lot.

An Application for Minor Variance was approved by the Committee of Adjustment on April 12, 2021. This application applied to the lands as a whole and granted relief from the provisions of Section 9(3), specifically related to requirements for minimum lot frontage, minimum lot area and maximum lot coverage.

In order to facilitate the proposed severance, additional relief from the provisions of the Town's Zoning By-law is required.

County of Elgin Official Plan

The Town of Aylmer is designated as a 'Tier 1' Settlement Area within the County's Official Plan. The intent of the settlement areas designation is to function as the center for a range of uses and opportunities, and where the majority of expected population growth shall occur.

Town of Aylmer Official Plan

The subject lands are located within the 'Low Density Residential' land use designation of the Town's Official Plan. The intent of this land use designation is to support the development of single detached, semi-detached, duplex, converted dwelling types. Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria.

Town of Aylmer Zoning By-law 57-99

The subject lands are zoned R2 – Residential Type 2 Zone within the Town's Zoning By-law. A semi-detached dwelling is a permitted use within the R2 Zone and lots within the R2 Zone intended for use as one-half of a semi-detached dwelling are subject to the following provisions:

| R2 Zone Provisions <i>One-Half of a Semi-Detached Dwelling</i> | | Proposed Lot to be Severed | Proposed Lot to be Retained |
|--|--------------------|-----------------------------------|------------------------------------|
| Min. Lot Area | 310 m ² | 273.3 m ² | 275.6 m ² |
| Min. Lot Frontage | 9.5 m | 8.69 m | 8.69 m |
| Front Yard Depth | 7.0 m | 7.10 m | 7.14 m |
| Interior Side Yard Width* | 1.2 m | 2.23 m / 0 m | 2.23 m / 0 m |
| Max. Lot Coverage | 30 % | 35.3% | 35% |

*Section 9(3)(l) includes provision for zero lot line for semi-detached dwelling: "should a semi-detached dwelling subsequently obtain a consent or be subdivided such that the lot line extends along a common wall dividing the units and where one unit of a semi-detached dwelling occupies a lot, no minimum interior side yard width shall be required".

The proposed lot to be severed and the proposed lot to be retained do not meet the minimum lot area and lot frontage provisions of the Zoning By-law and the lot coverage exceeds the maximum of 30% for both of the proposed lots. Relief from these provisions achieved through an Application for Minor Variance, would be required to facilitate the severance, and as such, support is recommended to be conditional on successful completion of said application.

Recommendation

Planning staff has reviewed the applications against the applicable Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support for the applications to the Land Division Committee, subject to the Committee's standard conditions, in addition to the following recommended conditions of approval:

1. That the applicants initiate and assume all planning costs associated with the required Minor Variance application, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.
2. The Owners provide confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created.
3. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
4. The Clerk of the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,
Christie Kent RPP
Manager of Planning and Development

| |
|---|
| <input checked="" type="checkbox"/> Reviewed by Josh Brick, Director of Corporate/ Legislative Services |
|---|

| |
|---|
| <input checked="" type="checkbox"/> Reviewed by Andy Grozelle, Chief Administrative Officer |
|---|

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 E62-21

Applicant Johan Fehr

Location 29 Linden Street

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Low Density Residential
Policies: Land Severances: 5.1.2

PART 2 - ZONING

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

Comments:
Property is zoned R2 – Residential Type 2 Zone. The proposed lot to be severed and lot to be retained do not meet the minimum requirements for minimum lot frontage and lot area and the proposed lot coverage exceeds the maximum for this zone.

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

Yes (X)No ()

An application for minor variance was previously submitted on the subject property and granted by the Committee of Adjustment. A subsequent application to facilitate the creation of the lots is expected to be supported.

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

6. Does the Municipality foresee demand for new municipal services?
- Yes ()No (X)
7. If so, is the Municipality prepared to provide those services?
- Yes ()No ()
8. Does the Municipality wish the Committee to impose conditions?
- Yes (X)No ()
1. That the applicants initiate and assume all planning costs associated with the required Minor Variance application, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.
2. The Owners provide confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created.
3. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
4. The Clerk of the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

9. Does Council recommend the application?
- Yes (X)No ()

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

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Cc: [Aisling Lavery](#)
Subject: RE: Notice of Application - E 48-21 & E 62-21
Date: August 9, 2021 2:18:46 PM

Hi Dawn,

We (CCCA) have no concerns with the above noted Severance Application E 62-21 (Fehr) and the amended application E48-21 (Friessen).

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

Regards,

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

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: August-03-21 12:57 PM
To: jbrick@town.aylmer.on.ca; ckent@town.aylmer.on.ca; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>
Cc: Nancy Pasato <npasato@ELGIN.ca>; Aisling Lavery <alavery@ELGIN.ca>; doylpren@amtelecom.net
Subject: Notice of Application - E 48-21 & E 62-21

Good afternoon,

Please find attached the Notice of Application for file numbers E 48-21 & E 62-21 for the Elgin County Land Division Committee meeting being held on August 25, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery (alavery@elgin.ca), Secretary-Treasurer by Tuesday, August 17, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,
Dawn Wittland-Graham
Administrative Assistant
Engineering & Planning Services

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

Notice: A number of Elgin County services are unavailable at this time due to the evolving health situation

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 62-21

OWNER: Johan Fehr

PROPERTY: LOT NO. LOTS 7 & 8 CONCESSION: _____

REG'D PLAN: _____ MUNICIPALITY: Aylmer

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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 one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line

☐
- 3) Drainage pipes and/or catchbasin(s) are required

☐
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....

☐
- 5) A curb and gutter is required along the frontage

☐
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐
- 7) Technical Reports

☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

☐
- 9) Lot Grading Plan is required for the severed and retained lots.....

☐
- 10) The County has no concerns.....

☐
- 11) Not on County Road

☒
- 12) Please provide me with a copy of your action on this application

☐
- 13) Other...

☐

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: **E 62-21**

Owner:
Johan Fehr
29 Linden Street
Aylmer ON N5H 1Y7

Location: 29 Linden Street, known legally as LOTS 7 & 8, Town of Aylmer.

PROPOSAL

The applicant proposes to sever a lot with a frontage of 8.687 metres (28.50 feet) along Linden Street, by a depth of 31.466 metres (103.23 feet) and an area of 275.5 square metres (0.07 acres) and retain a lot of 275.5 square metres (0.07 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Low Density Residential

**Local Municipality Zoning
By-law**

Residential Type 2 (R2)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Council recommends application E 62-21 be supported with recommended conditions for reasons set out in this report.

County Engineering – not on a County road.

Catfish Creek Conservation Authority – no concerns.

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.

The Applicant has indicated both the severed and retained portion of the lands will be created for residential use (one unit of an existing semi-detached dwelling for each the severed and retained lots). The proposed severed and retained lots are within a settlement area.

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 (Aylmer) in the Elgin County Official Plan (OP). 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 of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas. The applicant has indicated that the proposed development (i.e. lot creation) will be fully serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the 'Low Density Residential' land use designation of the Town's Official Plan. The intent of this land use designation is to support the development of single detached, semi-detached, duplex, converted dwelling types. Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria.

The subject lands are zoned R2 – Residential Type 2 Zone within the Town's Zoning By-law. A semi-detached dwelling is a permitted use within the R2 Zone and lots within the R2 Zone intended for use as one-half of a semi-detached dwelling are subject to the applicable zoning regulations.

The proposed lot to be severed and the proposed lot to be retained do not meet the minimum lot area and lot frontage provisions of the Zoning By-law and the lot coverage exceeds the maximum of 30% for both of the proposed lots. Relief from these provisions achieved through an Application for Minor Variance, would be required to facilitate the severance, and as such, support is recommended to be conditional on successful completion of said application.

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. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed; and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

Additionally, it is recommended that the following conditions from the Town of Aylmer be included as conditions for consent:

1. That the applicants initiate and assume all planning costs associated with the required Minor Variance application, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.
2. The Owners provide confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created.
3. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
4. The Clerk of the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 63-21**

**PART LOT 44 & 45, CONCESSION ENBTR E
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 11597 WONDERLAND RD**

TAKE NOTICE that an application has been made by **WM. F. Bradish & Sons Limited**, 6356 Bradish Road, Glanworth ON N6N 1N6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11597 Wonderland Road, Township of Southwold.

The applicant proposes to sever a lot with a frontage of 267 metres (876.0 feet) along Wonderland Road, by a depth of 228 metres (114.83 feet) and an area of 5.83 hectares (14.41 acres) for future industrial use. The owner is retaining 12.82 hectares (31.68 acres) for future industrial uses.

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 AUGUST 25, 2021 AT 11:15 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

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 21st day of July, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

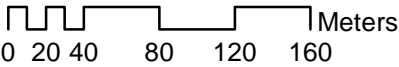
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



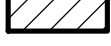


Subject Site: 11597 Wonderland Road
File Number: E63-2021
Owner: WM. F. Bradish & Sons Limited
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

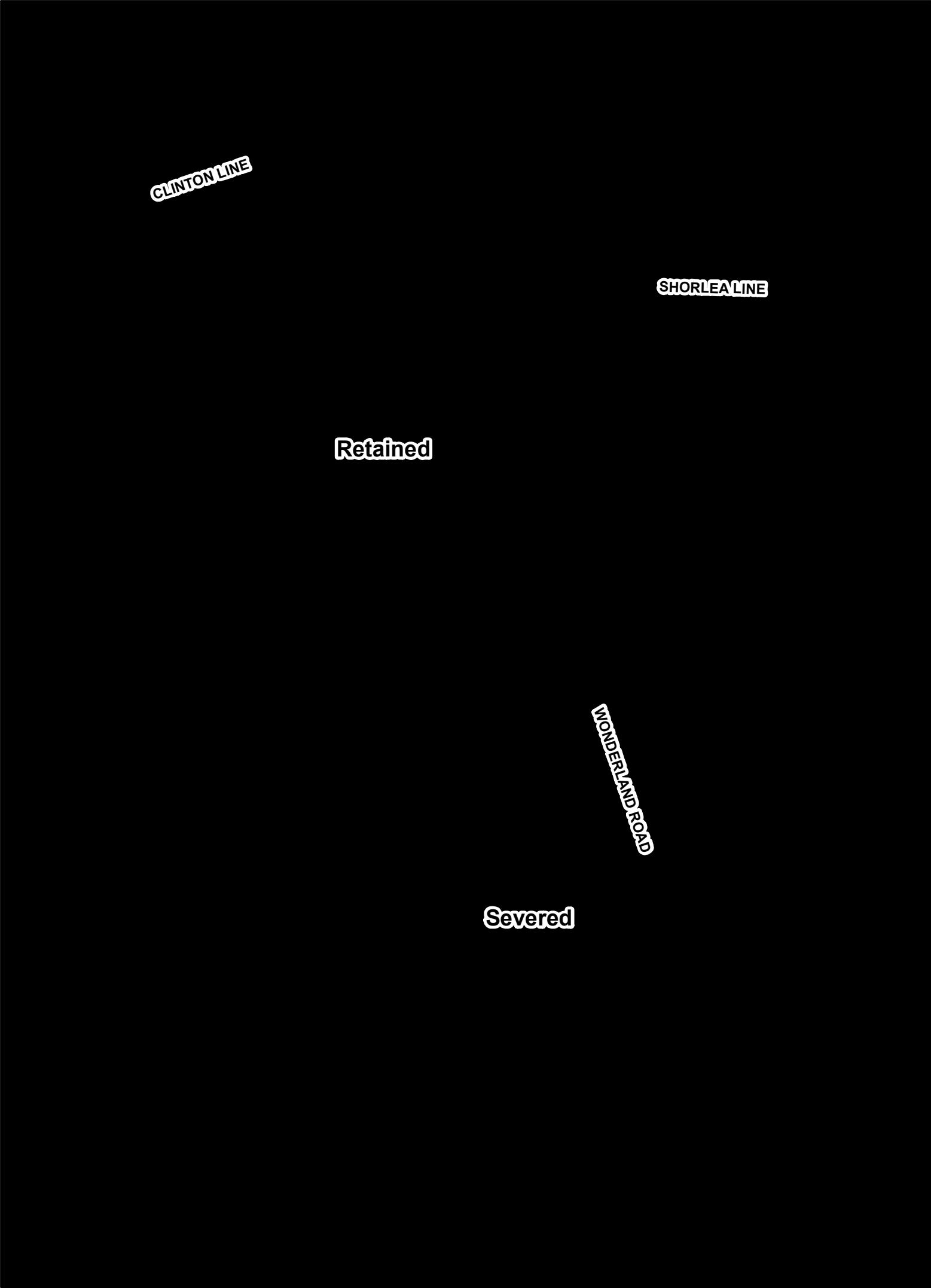
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:4,000

Legend

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



Location Map

Subject Site: 11597 Wonderland Road
File Number: E63-2021
Owner: WM. F. Bradish & Sons Limited
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

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

Meters

Scale 1:4,000

Legend

- Subject Site
- Severance
- Retained
- 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

August 16, 2021

County of Elgin
Land Division Committee
c/o Aisling Lavery, Secretary-Treasurer
450 Sunset Drive
St. Thomas, Ontario N5R 5V1
E-mail: alavery@elgin.ca

Ms. Lavery:

RE: Township of Southwold Severance (Consent) Application - Comments to the County of Elgin
County File Number: E63-21
Legal Description: East Part Lots 44 and 45, Concession ENBTR; Parts 1 to 4, RP 11R-6747
Civic Address: 11579 Wonderland Road

Please be advised that the Township of Southwold have reviewed the above noted application, at the August 9, 2021, Council Meeting and passed the following resolution:

Council Resolution 2021- 229

THAT Council of the Township of Southwold receive Report PLA 2021-21 regarding Severance Application E63-21 – 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 E63-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-21;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-21 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 2021-21: Severance Application E63-21 Comments to County of Elgin, dated August 9, 2021; and
2. E63-21 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

Bryan Pearce

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

Encl.

Cc:

Nancy Pasato, Manager of Planning Services, County of Elgin (Email: npasato@elgin.ca)

Applicant/Agent: Matt Campbell, Senior Planner, Zelinka Priamo Ltd (Email: matt.c@zpplan.com)



TOWNSHIP OF SOUTHWOLD
PLANNING REPORT

Application: Proposed Severance
Report No.: PLA 2021-21
File No: E63-21
Date: August 9, 2021

TO: Mayor and Council of the Township of Southwold

FROM: Bryan Pearce, HBA, CPT, MCIP, RPP
Planner

SUBJECT: Severance Application E63-21 – Comments to the County of Elgin

REASONS FOR AND NATURE OF THE APPLICATION:

The proposal is to create an industrial lot on the property, being the Bradish Lands.

BACKGROUND INFORMATION:

Below is a background information, in a summary chart:

| | |
|---------------------------|---|
| Application | E63-21 |
| Owner | WM F Bradish Sons Limited |
| Applicant | Matt Campbell, Senior Planner, Zelinka Priamo Ltd. |
| Legal Description | East Part Lots 44 and 45, Concession ENBTR; Parts 1 to 4, RP 11R-6747 |
| Civic Address | 11579 Wonderland Road |
| Entrance Access | Wonderland Road |
| Water Supply | St. Thomas Area Secondary Water Supply System, proposed by Township water supply. |
| Sewage Supply | None, proposed by private on- site individual septic system. |
| Existing Land Area | 18.65 ha (46.08 ac) |

Below is the detailed dimensions and land areas of the application, in a chart:

| Application | Severed Parcel | | | Retained Parcel | | |
|--------------------|-----------------------|-------------------|----------------------|------------------------|-------------------|------------------------|
| | Frontage | Depth | Area | Frontage | Depth | Area |
| E63-21 | 267 m (876 ft) | 228 m (748 ft) | 5.83 ha (14.4 ac) | 549 m (1,801 ft) | 210 m (689 ft) | 12.82 ha (31.68 ac) |

The Public Hearing is scheduled for August 25, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Bradish Lands.



The severance sketch, showing E63-21 is attached to this report as Appendix One for reference purposes.

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 is permitted within the Talbotville settlement area, in accordance with Section 1.1.3 of the PPS. Partial services are proposed, with full municipal water and private on-site individual septic system, in accordance with Section 1.6.6 of the PPS. No development is proposed within the natural heritage (Section 2.3) and Natural Hazard (Section 3.1) portions of the property.

This proposal appears to be consistent with the PPS.

CEOP

The subject lands are designated Tier Two Settlement Area on Schedule 'A' Land Use in 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, as it will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Wonderland Road.

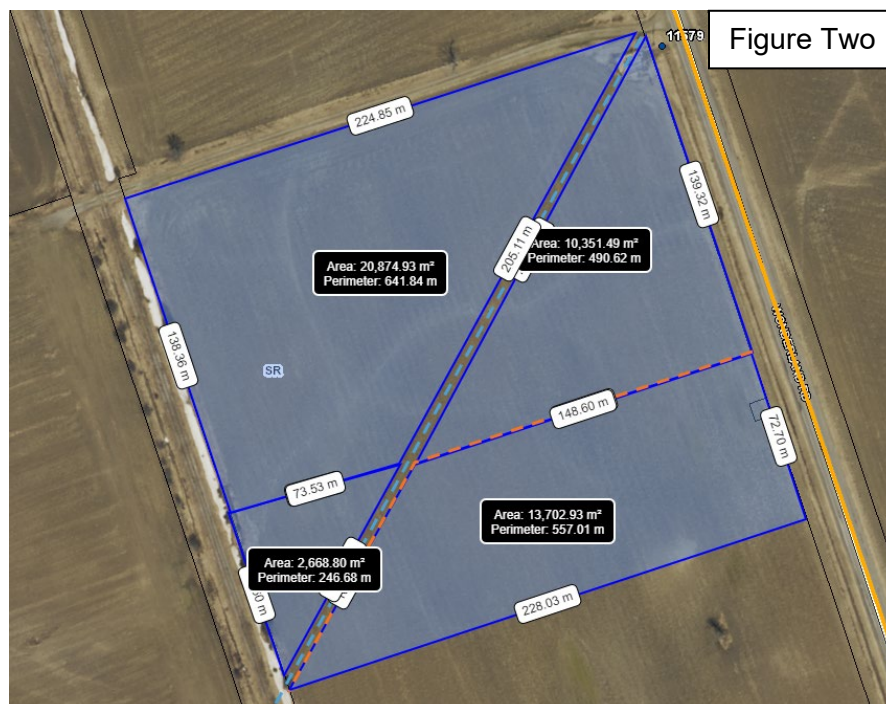
Therefore, this proposal appears to conform to the CEOP.

OP

The subject lands are designated Industrial on Schedule 'A-1' Talbotville Settlement Area in the OP. Section 4.3.3 of the OP permits non-noxious industrial uses such as general manufacturing, research and development, warehousing and wholesaling and light assembly or any combination thereof within the enclosed buildings.

Section 5.7.1 allows for partial servicing, wherein municipal water services would be through the St. Thomas Area Secondary Water Supply System. A local Township water distribution system to service the severed parcel is proposed as a condition of consent through a Site Servicing Report and associated drawings and a Consent Agreement, amongst other matters, at the Proponent's sole cost and expense.

Section 6.8.2 of the OP has 7 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Wonderland Road. There is an existing 250mm (10 inch) high pressure (275 psi) natural gas pipeline (refer to blue dashed line in Figure 2 below and shown in Appendix One) and the proposed new lot line (orange dashed lines) would follow the existing natural gas line at the rear of the lands, rather than continuing it in a straight line, so the proponent of the severed parcel would not have to cross it. It is noted that 5.7 acres are north and south of the diagonally run natural gas line. The proposal would keep approximately 1.03 hectares (2.5 acres) with the retained parcel south of the natural gas line, as depicted below.



It is acknowledged that the County has circulated Enbridge Gas on the application for opportunity to comment.

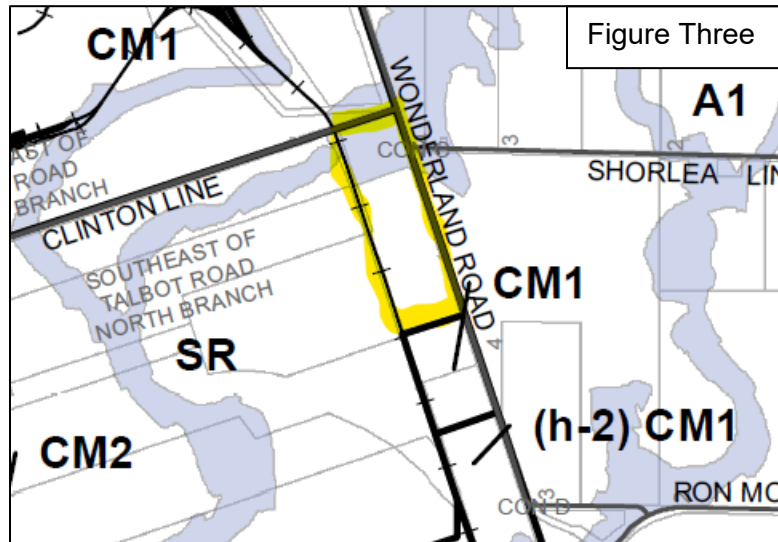
Therefore, this proposal appears to conform to the OP.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The subject lands are zoned Settlement Reserve (SR), as shown in the ZBL on Schedule 'A' Map 4, as depicted in Figure Three to the right, with the subject lands outline in yellow.

The SR Zone reverts to the Agricultural 1 (A1) Zone provisions and is meant to function as a future development zone.

As a condition of consent, the proposed severed parcel would need to be rezoned from the SR Zone to the Commercial/Industrial 1 Holding (CM1-h-1) Zone in order to create the industrial lot and utilize the holding symbol for future required planning approvals prior to development; and the retained parcel would need to be rezoned with a special provision to recognize it within the SR Zone, with its new minimum lot frontage and lot area requirements, since no development is proposed and protects the natural heritage and natural hazard lands associated at the northern extent of the retained parcel by Clinton Line.



It is acknowledged that prior to any development occurring, the proponent will be required to go through planning approvals process for site plan approval and execute an associated site plan agreement on the lands, prior to applying to have the holding symbol lifted with an amending by-law.

Therefore, it would appear that the proposal would comply with the ZBL, subject to a zoning by-law amendment being required as a condition of consent.

STAFF COMMENTS:

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

Drainage

Drainage Department noted the following:

- Reapportionments of the Henderson Drain, Talbotville Drain and Lindsay Drain are required.
- Mutual drain agreement maybe required between the portion of land that is in the retained and severed for any tile drains that may be providing a drainage outlet for the retained lands. Alternatively, the other solution could be a municipal drain.

Planning Staff notes that this can be addressed as a condition of approval for a reapportionment and mutual drain agreement and/or new municipal drain.

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

SUMMARY/CONCLUSION:

Therefore, it is Planning Staff's opinion that the proposed 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 2021-21 regarding Severance Application E63-21 – 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 E63-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-21;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-21 as Municipal comments to the County of Elgin.

Respectfully submitted by:

**Bryan Pearce, HBA, CPT, MCIP, RPP
Planner**

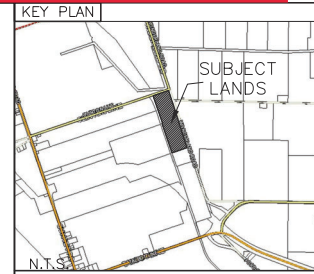
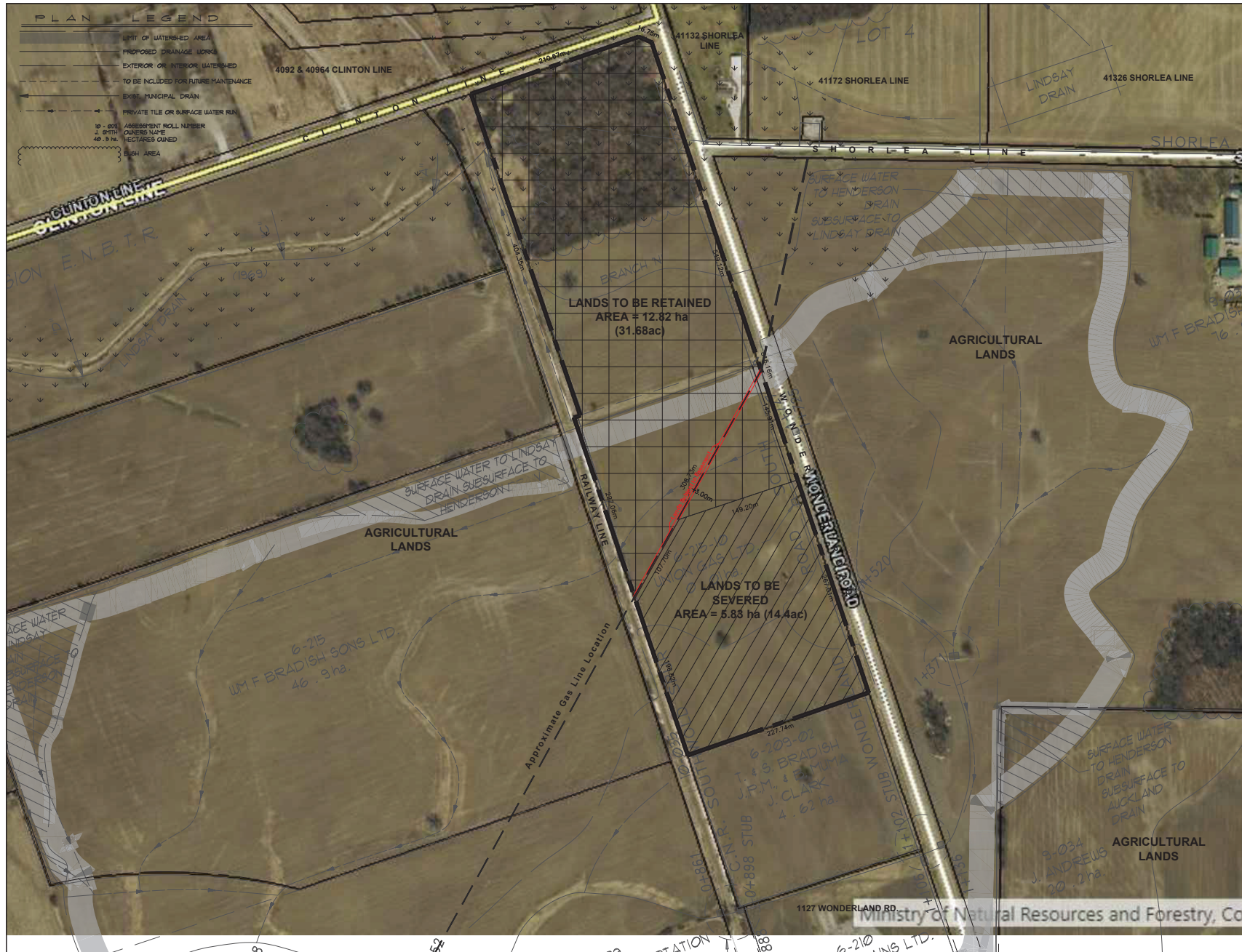
Approved for submission by:

**Lisa Higgs
CAO/Clerk**

Appendices:

1. Appendix One: Severance (Consent) Sketch – E63-21
2. Appendix Two: Severance Application E63-21 Conditions

REPORT PLA 2021-21
APPENDIX ONE:
CONSENT SKETCH E63-21



CONSENT SKETCH

OF PART OF
**CON ENBTR E PT LOTS 44 & 45;&
 RP11R6747 PARTS 1 & 4**
 MUNICIPALITY OF TALBOTVILLE
 COUNTY OF ELGIN

SITE STATISTICS

- SUBJECT LANDS
- PARCEL LINES
- KETTLE CREEK CONSERVATION AUTHORITY LIMITS
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED

AREAS AND DIMENSIONS ARE APPROXIMATE

FOR DISCUSSION PURPOSES

Based on County of Elgin Base Mapping

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| NO. | REVISION | DATE | INITIAL |
|-----|----------|------|---------|
|-----|----------|------|---------|

| | |
|--|-----------------------|
| | 11579 WONDERLAND ROAD |
| | LECRAM INC. |

ZIELINKA PRIMO LTD
A Professional Planning Practice

318 Wellington Road, London, Ontario N6C 4P4
 Tel: (519) 474-7137 Fax: (519) 474-2264 e-mail: zpl@zplplan.com

| | |
|-------------------|------------------------------|
| DRAWN BY KC | PROJECT NO. LEH/SWL/21-01 |
| DATE JUNE 2021 | SCALE 1:2000 |

Report PLA 2021-21:

Severance Applications E63-21 - Comments to the County of Elgin

Appendix Two: Severance Application E63-21 Conditions

Severance Application E63 -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 successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of 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 and/or a new Municipal Drain pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed lot to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed lot to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, 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 E63-21

Owner: WM. F. Bradish & Sons Limited

Applicant: Matt Campbell, Senior Planner, Zelinka Priamo Ltd.

Location 11579 Wonderland Road

OFFICIAL PLAN

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

Land Use Designation: Industrial – Southwold Official Plan _____

Policies:

Sections 4.3.3, 5.7.1 and 6.8.2

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:

Condition of consent to rezone the severed and retained parcels, as contained within Planning Report

PLA 2021-21

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

OTHER

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (x) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (x) | No () |

8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication (x)
- (b) the dedication of highways ()
- (c) the dedication of land for highway widening ()
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. (x)

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

Yes (x) No ()

- | | | |
|--|-----------|--------|
| 9. Does Council recommend the application? | Yes (x) | No () |
|--|-----------|--------|

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

All local municipal interests are contained in the conditions imposed by the Township. Please refer to

Planning Report PLA 2021-21

From: [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of LandUsePlanning@HydroOne.com
To: [Aisling Lavery](mailto:Aisling.Lavery@HydroOne.com)
Subject: Elgin - 11597 Wonderland Road - E63-21
Date: August 16, 2021 10:35:30 AM
Attachments: [image004.png](#)
[image005.png](#)
[CamScanner 08-12-2021 11:42.pdf](#)

Hello,

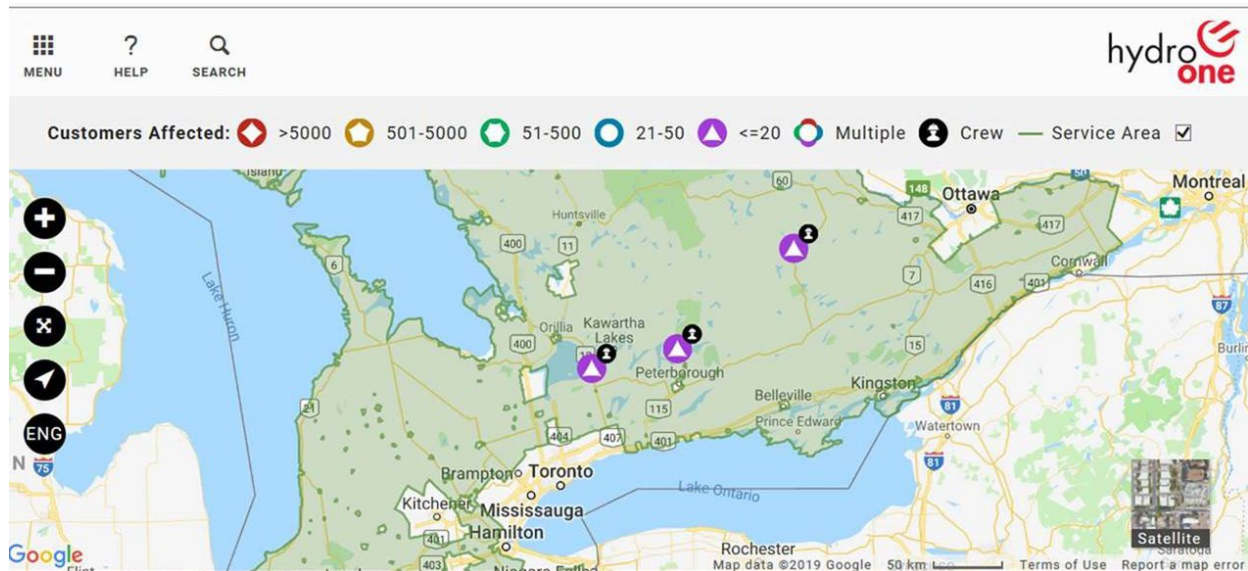
Please send all future requests electronically only to landuseplanning@hydroone.com as physical mail is not being monitored regularly due to COVID restrictions.

We are in receipt of Application E63-21 dated July 21, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map.



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road (R32)
Markham, ON | L6G 1B7
Email: Dolly.Shetty@HydroOne.com



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Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road (R32)
Markham, ON | L6G 1B7
Cell: 416-729-3181
Email: Dolly.Shetty@HydroOne.com



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COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 ELGIN COUNTY ROAD NO.: 29 - 11597 Wonderland Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 63-21

OWNER: WM. F. Bradish & Sons

PROPERTY: LOT NO. PART LOT 44 & 45 CONCESSION: ENBTR E

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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 one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....

X
- 11) Not on County Road
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 63-21

Owner:
WM. F. Bradish & Sons Limited
6356 Bradish Road
Glanworth ON N6N 1N6

Agent:
Zelinka Priamo Ltd c/o Matt Campbell
318 Wellington road
London, ON N6C 4P4

Location: 11597 Wonderland Road, legally described as PART LOT 44 & 45,
CONCESSION ENBTR E, Township of Southwold.

PROPOSAL

The applicant proposes to sever a lot with a frontage of 267 metres (876.0 feet) along Wonderland Road, by a depth of 228 metres (114.83 feet) and an area of 5.83 hectares (14.41 acres) for future industrial use. The owner is retaining 12.82 hectares (31.68 acres) for future industrial uses.

**County of Elgin Official
Plan**
Settlement Area Tier 2

**Local Municipality Official
Plan**
Industrial

**Local Municipality Zoning
By-law**
Settlement Reserve (SR)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold - the Council of the Township of Southwold recommends approval, subject to the provided conditions.

County Engineering – the County has no concerns.

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.

The Applicant has indicated both the severed and retained portion of the lands will be created for future industrial use.

County of Elgin Official Plan

The subject site is within the Settlement Area Tier 2 designation of the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services).

Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

County OP Appendix 1 Natural Heritage indicates the north part of the lot is designated as Woodland. As there is no development aside from the creation of a new lot proposed at this time, the staff is satisfied the area of lands under the Woodland designation will not be impacted by this application.

Section E1.2 Subdivision of Land, contains policies that are to be considered with every application to develop land in the County through the subdivision, condominium and consent to sever processes. Regard shall also be given to the specific policies dealing with lot creation in each land use designation in addition to other policies in the Plan. Under Section F8.3 of this Plan, the proponents may be required to prepare and submit information in support of the application, including studies to determine the cumulative impact of the proposed development on ground water resources in Tier 2 and Tier 3 Settlement Areas such as a settlement area capability study or a cumulative groundwater impact assessment, as set out in Section B2.7.

County Council shall approve only those plans of subdivision, condominium or consent to sever applications, which comply with the provisions of this Plan and the applicable local Official Plan. Under conditions of approval, pursuant to the Planning Act:

- a) County Council shall require that the applicant(s) enter into appropriate agreements with the County and/or local municipality which may be registered against the title of the subject lands and which shall include such matters as services, financial requirements, County road facilities, dedication of land for public uses, exclusive of parks and other requirements to implement the provisions of this Plan; and, County of Elgin Official Plan February, 2015 77
- b) the Council of the local municipality may require that the applicant(s) enter into appropriate agreements which shall be registered against the title of the subject lands, and may include such matters as, but not limited to, financial requirements, local roads, drainage, grading and landscaping, sidewalks and dedication of land for public uses and other requirements to implement the provision of this Plan and the local Official Plan.

The Applicant has indicated both the severed and retained portion of the lands will be created for future industrial use.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Industrial on Schedule 'A-1' Talbotville Settlement Area in the OP. Section 4.3.3 of the OP permits non-noxious industrial uses such as general manufacturing, research and development, warehousing and wholesaling and light assembly or any combination thereof within the enclosed buildings. Section 5.7.1 allows for partial servicing, wherein municipal water services would be through the St. Thomas Area Secondary Water Supply System. Section 6.8.2 of the OP has 7 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Wonderland Road. Therefore, this proposal appears to conform to the OP.

The subject lands are zoned Settlement Reserve (SR), as shown in the ZBL on Schedule 'A' Map 4. The SR Zone reverts to the Agricultural 1 (A1) Zone provisions and is meant to function as a future. As a condition of consent, the proposed severed parcel would need to be rezoned from the SR Zone to the Commercial/Industrial1 Holding (CM1-h-1) Zone in order to create the industrial lot and utilize the holding symbol for future required planning approvals prior to development; and the retained parcel would need to be rezoned with a special provision to recognize it within the SR Zone, with its new minimum lot frontage and lot area requirements, since no development is proposed and protects the natural heritage and natural hazard lands associated at the northern extent of the retained parcel by Clinton Line. development zone. Therefore, it would appear that the proposal would comply with the ZBL, subject to a zoning bylaw amendment being required as a condition of consent.

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 settlement 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;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed; and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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.

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 successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning Bylaw 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 and/or a new Municipal Drain pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed lot to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed lot to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, 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 64-21**

**LOT 9, CONCESSION 4
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 43698 SPARTA LINE**

TAKE NOTICE that an application has been made by **Elizabeth & Leon Rocheleau**, 43698 Sparta Line, St. Thomas ON N5P 3S8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 43698 Sparta Line, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 63.67 metres (208.89 feet) along Sparta Line by a depth of 65.82 metres (215.94 feet) and an area of 0.419 hectares (1.04 acres) containing one residence. The owners are retaining 13.81 hectares (34.12 acres) proposed to remain in agricultural use (removal of chicken coops, existing garage to be maintained).

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 AUGUST 25, 2021 AT 11:25 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

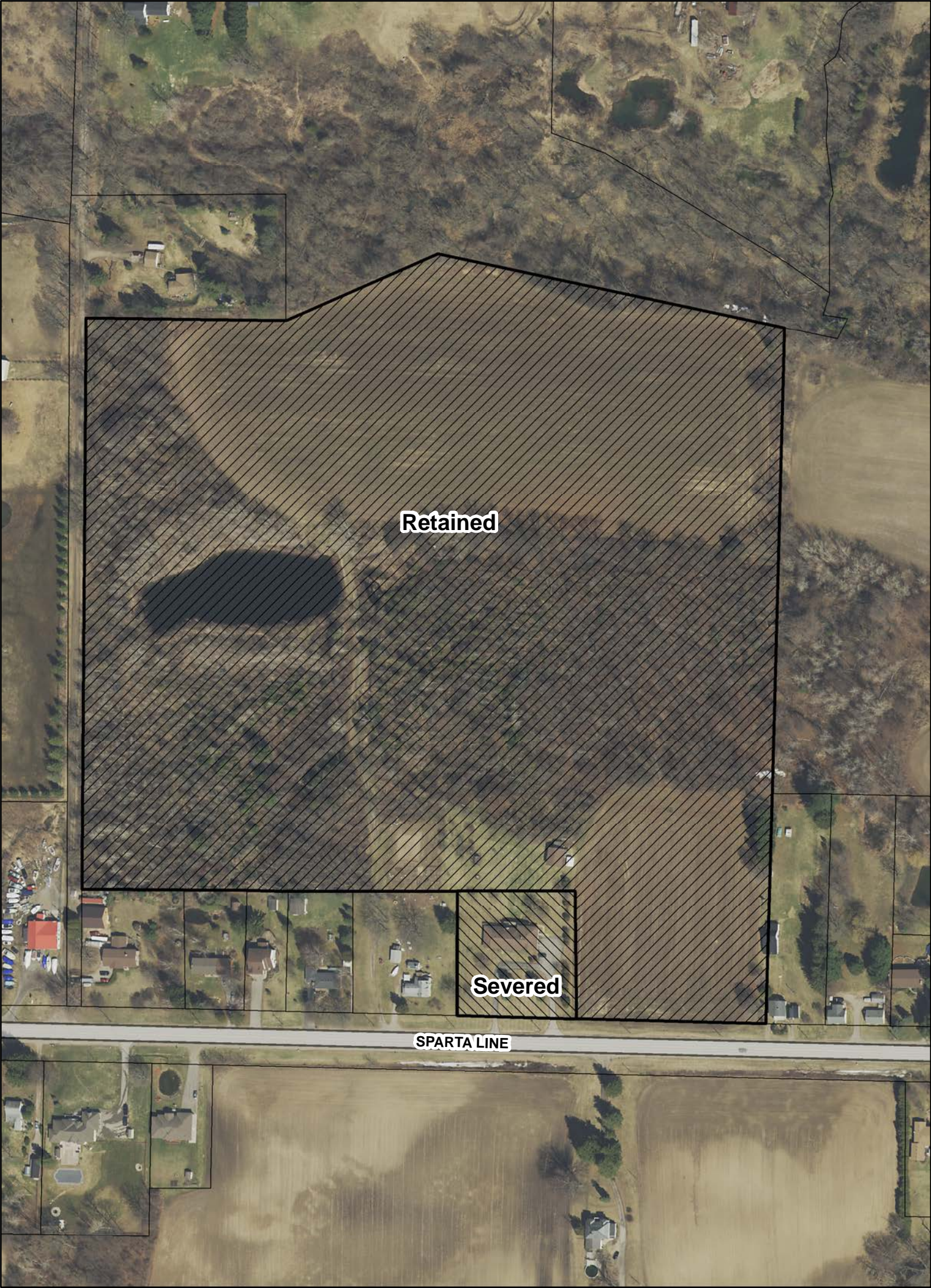
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 21st day of July, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

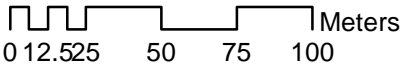
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map

Subject Site: 43698 Sparta Line
File Number: E64-2021
Owner: Elizabeth & Leon Rocheleau
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021

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

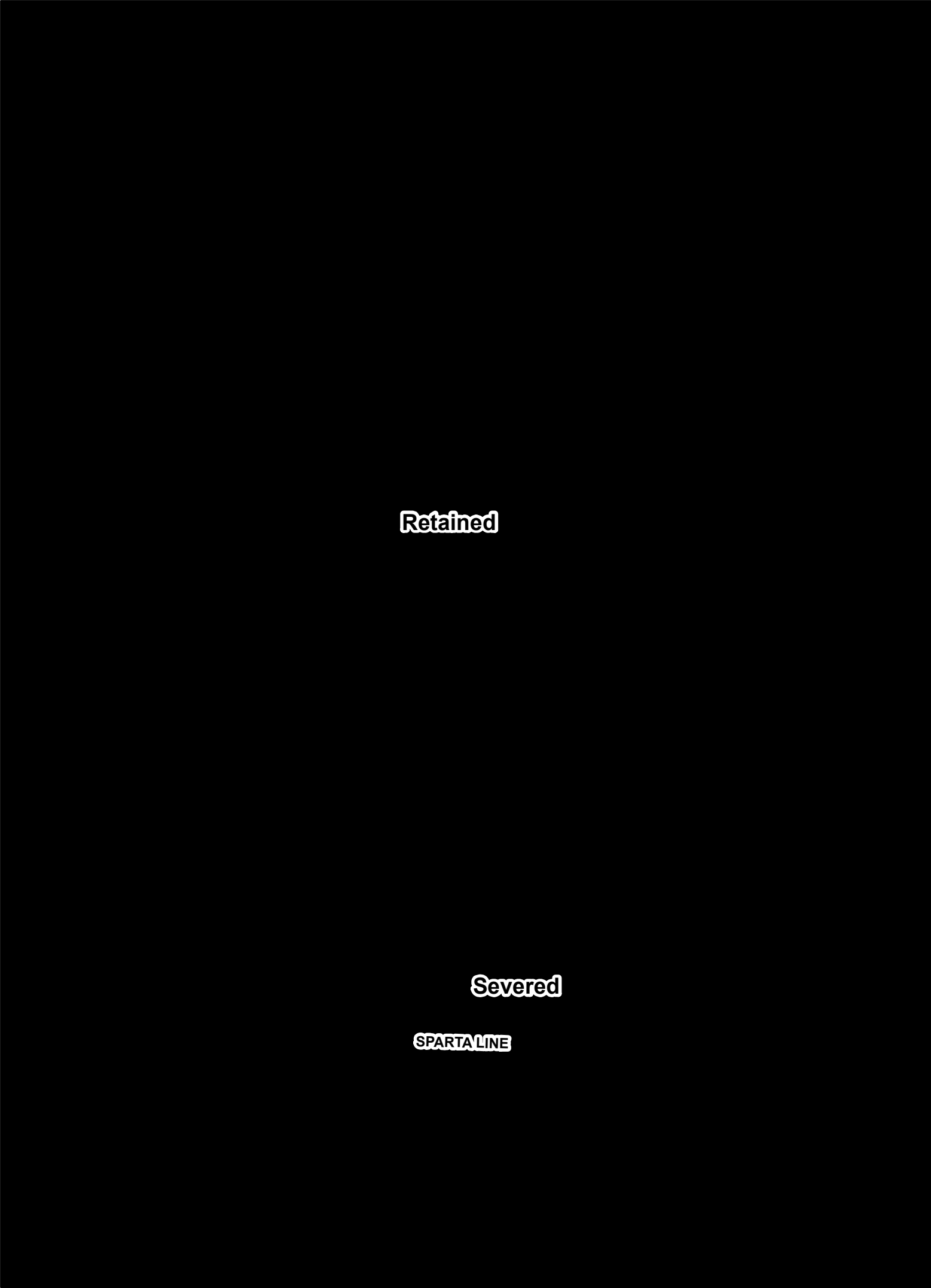


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Legend

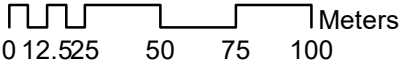

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map

Subject Site: 43698 Sparta Line
File Number: E64-2021
Owner: Elizabeth & Leon Rocheleau
Planner: Nancy Pasato
Created By: AL
Date: 07/29/2021






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



Meters

Scale 1:2,500

Legend

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



August 17, 2021

VIA EMAIL

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

RE: Application for Consent E 64/21 – 43698 Sparta Line, Elizabeth & Leon Rocheleau

Dear Ms. Pasato:

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting dated Monday, August 16th, 2021 and the following resolution was passed:

THAT: Report CEP 33.21 be received for information;

AND THAT: Council has no objections to consent application E64/21 Elizabeth and Leon Rocheleau, 43698 Sparta Line, subject to the following recommended conditions:

- The applicants enter into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters;
- The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
- A drainage reassessment be done, if necessary, at the owner's expense and;
- A copy of the reference plan be provided to the Municipal of Central Elgin. CARRIED.

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

Yours truly,

A handwritten signature in blue ink that reads "Dianne Wilson".

Dianne Wilson
Deputy Clerk/Records Management Coordinator

c.c. Elizabeth & Leon Rocheleau, Owner
D. Row, Agent for the Applicant
S. Craig, Senior Planning Technician, CEPO
L. Perrin, Director of Asset Management/Development Services
A. Lavery, Planning Technician, County of Elgin

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.33.21
CEPO FILE NO. E64/21
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 43698 Sparta Line
Applicant – Elizabeth and Leon Rocheleau
DATE August 16, 2021

RECOMMENDATION

THAT Report CEP-33.21 be received for information;

AND THAT Should Council pass a resolution in support of consent application E64/21 to the Land Division Committee, staff recommends the following conditions:

1. the applicants enter into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
3. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

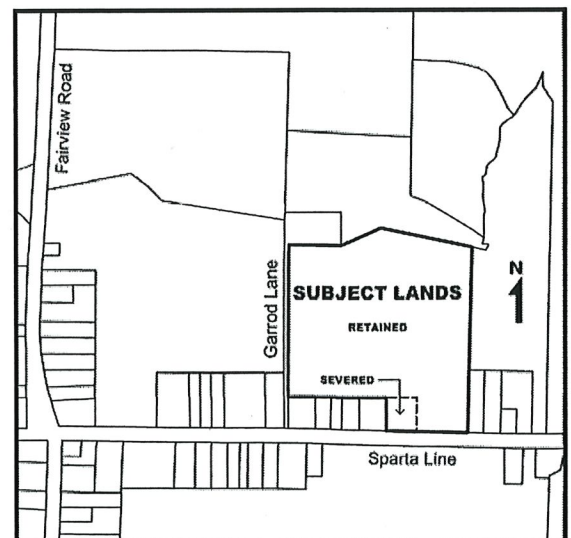
Background:

The applicants have filed Consent Application E64/21 for the purpose of creating one lot containing the existing rural residential dwelling.

Location:

The subject lands are located on the north side of Sparta Line, east of Fairview Road. The lands are described as, Concession 4, South Part Lot 9, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicants, through consent application E64/21, are proposing to sever one rural residential lot with frontage of 63.67m on Sparta Line and an area of 4,191.8m², containing one single detached dwelling. The applicants are proposing to retain a lot with frontage of 168.99m on Sparta Line and an area of 13.81 hectares, containing a detached garage and a chicken coop(s) proposed to be removed.

Staff Report**1. Official Plan**

- The subject lands are within the Agricultural and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- The proposed severed lot is within the Rural Development Area which recognizes the existence of small clusters of non-farm, predominantly residential development on small lots that are part of the historical development pattern within the rural area of the former Township of Yarmouth. Rural Development Areas are not considered Settlement Areas and are not a separate land use designation (4.1.5).
- Where land is shown as Rural Development Area on Schedule A to this Plan, the predominant use of land shall be for residential purposes (4.1.5.1(a)).
- Infilling within the Rural Development Area designation shall be permitted, subject to the following considerations (4.1.5.1(e)).:
 - 1) Infilling shall occur only by consent, and in no case shall the limits of a Rural Development Area be expanded.
 - 2) Consents shall be in accordance with the general severance policies contained in Subsection 5.3.9.
 - 3) The proposed lot must meet with the minimum lot frontage and area requirements of the zoning by-law.
 - 4) The lot can be serviced in accordance with the policies contained in Subsection 8.2, as applicable.
- The subject lands are adjacent to a Provincially Significant Wetland (PSW), as shown on Schedule "A2" – Environmental Features Plan to the Municipality of Central Elgin Official Plan. Through the consultation process the Kettle Creek Conservation Authority (KCCA) advised staff that the KCCA have no concerns with the proposal, as the proposed severed lot is located outside of the KCCA Regulation Limit and is setback further than the 120m Area of Interference to the Beaver Creek Wetland.

2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses of the OS1 zone include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The OS1 zone permits farm buildings including one farm dwelling, one single detached dwelling on a rural residential lot, accessory buildings, and structures (8.2.1.2).
- The minimum lot area required for farm use is 10.11ha (2.52).
- The minimum lot area required for rural residential uses is 1,858m² (8.2.1.13), and the minimum lot frontage required is 30.48m (8.2.1.4).

3. County of Elgin Official Plan:

- The subject lands are within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- It is recognized that certain lands outside of settlement areas have been designated for non-agricultural development by the lower tier Official Plans and these lands are deemed to not be within the prime agricultural area and are instead subject to the relevant policies of this Plan and the policies of the lower tier Official Plan (C2.2).

4. Comments


- In 2007 the previous owner of the subject lands consulted with Council to review the limits of the Rural Development Area (RDA), at which time Council confirmed that the proposed severed lot was the last parcel located within the RDA, on Schedule "A" of the Township of Yarmouth Official Plan.
- The proposed retained lot exceeds 10.11ha and would be considered a farm lot, permitted uses include farm buildings, including one farm dwelling.

Respectfully submitted:



Steve Craig
Sr. Planning Technician

Approved for submission:



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 4, 2021 ELGIN COUNTY ROAD NO.: 27 – 43698 Sparta Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 64-21

OWNER: Elizabeth & Leon Rocheleau

PROPERTY: LOT NO. LOT 9 CONCESSION: 4

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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 one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....

X
- 11) Not on County Road
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: August 25, 2021
Application: E 64-21

Owner:
Elizabeth & Leon Rocheleau
43698 Sparta Line
St. Thomas ON N5P 3S8

Agent:
David Roe, Civic Planning Solutions
61 Trailview Drive
Tillsonburg ON N4G 0C6

Location: 43698 Sparta Line, legally described as LOT 9, CONCESSION 4, Municipality of Central Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 63.67 metres (208.89 feet) along Sparta Line by a depth of 65.82 metres (215.94 feet) and an area of 0.419 hectares (1.04 acres) containing one residence. The owners are retaining 13.81 hectares (34.12 acres) proposed to remain in agricultural use (removal of chicken coops, existing garage to be maintained).

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Rural Development Area
Agricultural
Natural Heritage Area

**Local Municipality Zoning
By-law**
Open Space (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – recommends approval of this application subject to the provided conditions.

Kettle Creek Conservation Authority – no concerns.

County Engineering – has no concerns.

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. Lot creation may only be permitted

for agricultural uses provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The Applicant has indicated that the retained lands (13.81 hectares /34.12 acres) will maintain their current agricultural use. The proposed severed lands (0.419 hectares/1.04 acres) will continue their residential use, with an existing dwelling.

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). Policy E 1.2.3.4 a) allows for farm parcels to be severed provided that the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares, or as established in the local planning documents.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

This application is creating one new residential lot, separating it from the retained, agricultural lands to the north of the severed lands. The Applicant has previously indicated that the retained lands will maintain their existing agricultural use. The severed lands, which contain a residence, are of a sufficient size to accommodate the existing single detached dwelling and existing private services.

Despite the subject lands not be located within a Settlement Area, it is recognized that certain lands outside of settlement areas have been designated for non-agricultural use by the lower-tier Official Plan. These lands have been deemed not within the prime agricultural area and are subject to the relevant lower tier municipal policies.

Local Municipality Official Plan and Zoning By-law

The subject lands are within the Agricultural and Natural Heritage designation in accordance with the Central Elgin Official Plan. The proposed severed lot is within the Rural Development Area which recognizes small clusters of existing, non-farm development, within the rural areas of Central Elgin. Additionally, the subject lands are adjacent to a Provincially Significant Wetland as shown on Schedule 2 of the Municipal Official Plan. The Kettle Creek Conservation Authority was consulted and has no concerns with the proposed application.

The subject lands are designated Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-law. Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses.

The proposed severance meets the policies and regulations of the 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. 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;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed; and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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

1. The applicants enter into an agreement with the Municipality of Central Elgin to address the administrative, technical and financial matters;
2. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
3. A copy of the reference plan to be provided to the Municipality of Central Elgin.



CORPORATION OF THE COUNTY OF ELGIN
Revised NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 61-21
CON 4; SOUTH HALF OF LOT 13
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 12186 CURRIE ROAD

TAKE NOTICE that an application has been made by **Carl McLeod and Sons Ltd.**, 29281 Aberdeen Line, Dutton ON N0I 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 12186 Currie Road, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 41.2 metres (135.17 feet) along Currie Road by a depth of 108 metres (354.33 feet) and an area of 0.4450 hectares (1.09 acres) containing one residence, with a detached garage, surplus to the needs of the owner. The owners are retaining 40.4 hectares (99.83 acres) proposed to remain in agricultural use.

Additionally, an easement running approximately 400 metres (1312.34 feet) long by 5 metres (16.40 feet) wide along Currie Road, over the retained lands is proposed for water services in favour of the severed lands (as indicated on the attached Key Map).

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

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 AUGUST 25, 2021 AT 11:35 AM.
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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

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 6th day of July, 2021.

Aisling Laverty
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
www.progressivebynature.com



Location Map - Revised

Subject Site: 12186 Currie Road
File Number: E61-2021
Owner: Carl McLeod & Sons Ltd.
Planner: Nancy Pasato
Created By: AL
Date: 08/6/2021

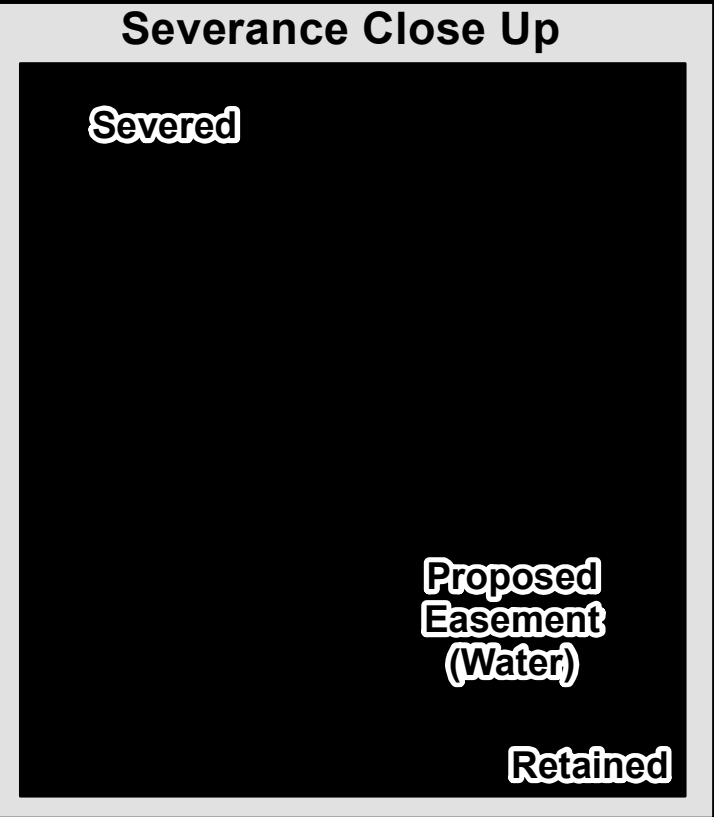
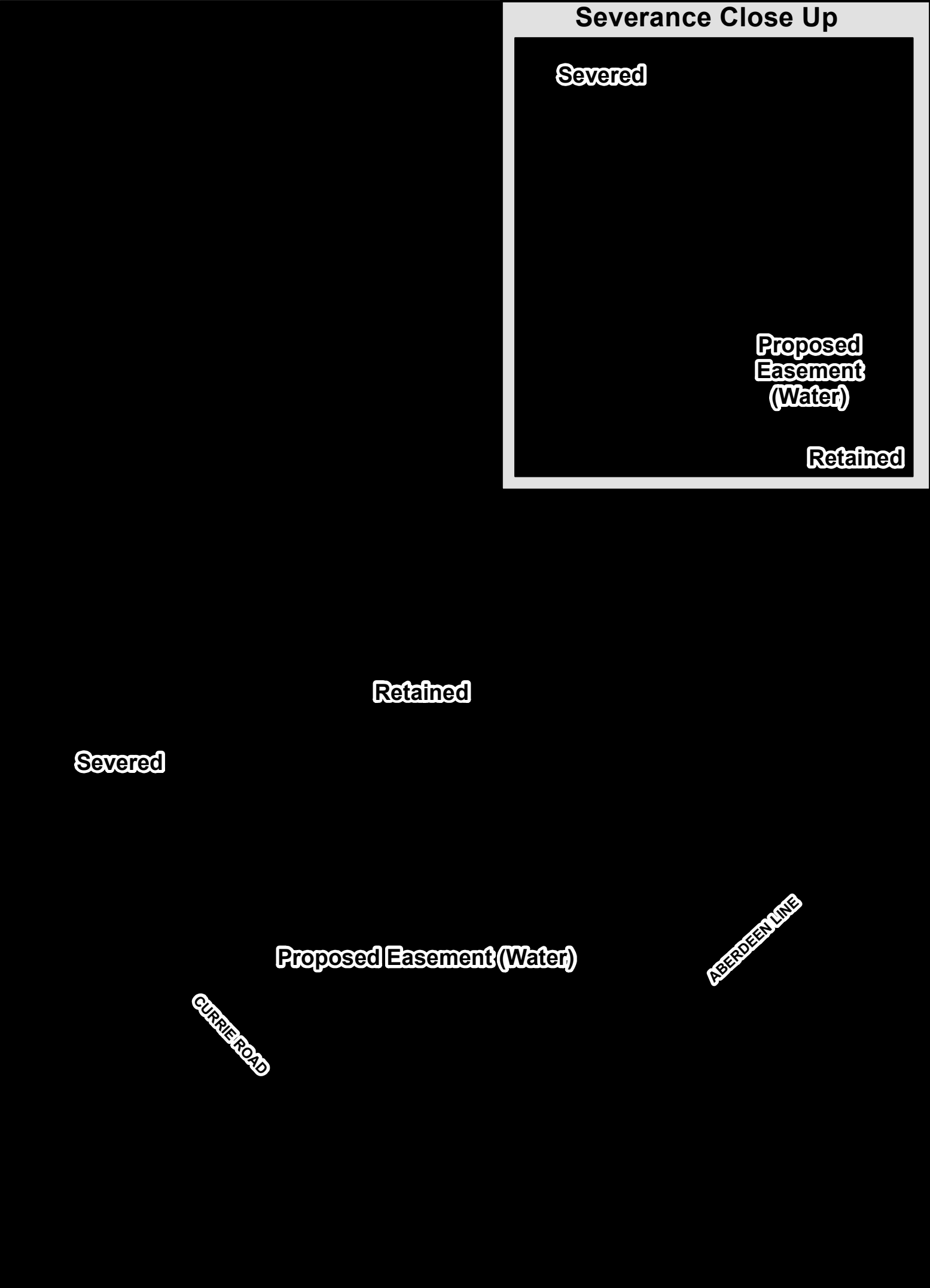
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0 25 50 100 150 200 Meters

Scale 1:5,000

Legend

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



Location Map - Revised

Subject Site: 12186 Currie Road
File Number: E61-2021
Owner: Carl McLeod & Sons Ltd.
Planner: Nancy Pasato
Created By: AL
Date: 08/6/2021

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

Meters

Scale 1:5,000

Legend

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



COUNCIL RESOLUTION



Res: 2021.13. 30

Wednesday, July 14, 2021

Moved by: ____Hentz_____

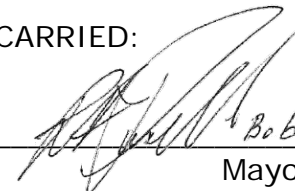
Seconded by: ____Drouillard_____

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 E61/21 for 12186 Currie 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 fees, set out in the Fees By-law, be paid to the Municipality;
- 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; and
- i) That 911 addresses be established for the retained and severed parcels.

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

CARRIED:



Bob
Mayor

DEFEATED:

Mayor



COUNCIL RESOLUTION



Res: 2021.13. 31

Wednesday, July 14, 2021

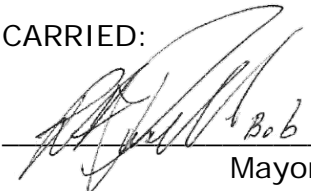
Moved by: _____Drouillard_____

Seconded by: _____Corneil_____

THAT the Council of the Municipality of Dutton Dunwich waives the requirement for an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority for Severance Application E 61/21, 12186 Currie Road, Municipality of Dutton Dunwich, filed by Carl McLeod and Sons Ltd.

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

CARRIED:



Mayor

DEFEATED:

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 61 21

Applicant Carl McLeod & Sons Ltd.

Location 12186 Currie Road

OFFICIAL PLAN

1. Is there an O.P. in effect?

Yes (X)

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

Yes (X)

No ()

Land Use Designation: The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (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 OP.

Policies: 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. The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. **It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan.**

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: 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.

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

Yes (X)

No ()

OTHER

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

Yes ()

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

Yes ()

No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

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

(b) the dedication of highways ()

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

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

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes (X) No ()

9. Does Council recommend the application? Yes (X) No ()

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

Resolution to be forwarded.



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: July 14, 2021

SUBJECT: Application for Severance – 12186 Currie Road (E61/21), Municipality of Dutton Dunwich – Carl McLeod & Sons Ltd.

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 E61/21 for 12186 Currie 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 an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
- f) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- g) That taxes are to be paid in full;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) 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 Carl McLeod & Sons Ltd., the owner of the subject property.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land to be conveyed to Daniel Alderton and Kariye McLeod Alderton.

The subject parcel is legally described as Concession 4, S ½ Lot 13, locally known as 12186 Currie Road, Municipality of Dutton Dunwich. The subject lands are located along the northeast side of Currie Road (see area in yellow on the attached Key Map).

The proposed severed parcel will have an area of 0.4445 ha, a depth of 108 m and a frontage of 41.2 m. 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 (existing easement) and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 40.4 ha, an irregular depth and a frontage of 575.388 m. Access to the subject property will be from the municipal road. The proposed retained parcel is used for agricultural purposes, has no buildings and no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands.

Several drains run through the property. In addition, a large woodlot is located at the east southeast side of the property and a small wooded area near the existing accessory building.

A portion of the northeast corner of the property is regulated by the Lower Thames Valley Conservation Authority (LTVCA).

There is a hydro easement that runs along the north portion of the retained lands.

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

Planning Policy Review

Provincial Policy Statement

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 (PPS).

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

The subject lands are designated 'Agricultural Area' on Schedule 'A' Land Use of the County of Elgin Official Plan (COP) 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

The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (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 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 more than ten years.
- 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 on the application.
- 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 LTVCA.

Comments: The above-noted land division criteria can be complied with.

The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan.

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 6 with a portion subject to LTVCA Regulation Limit.

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

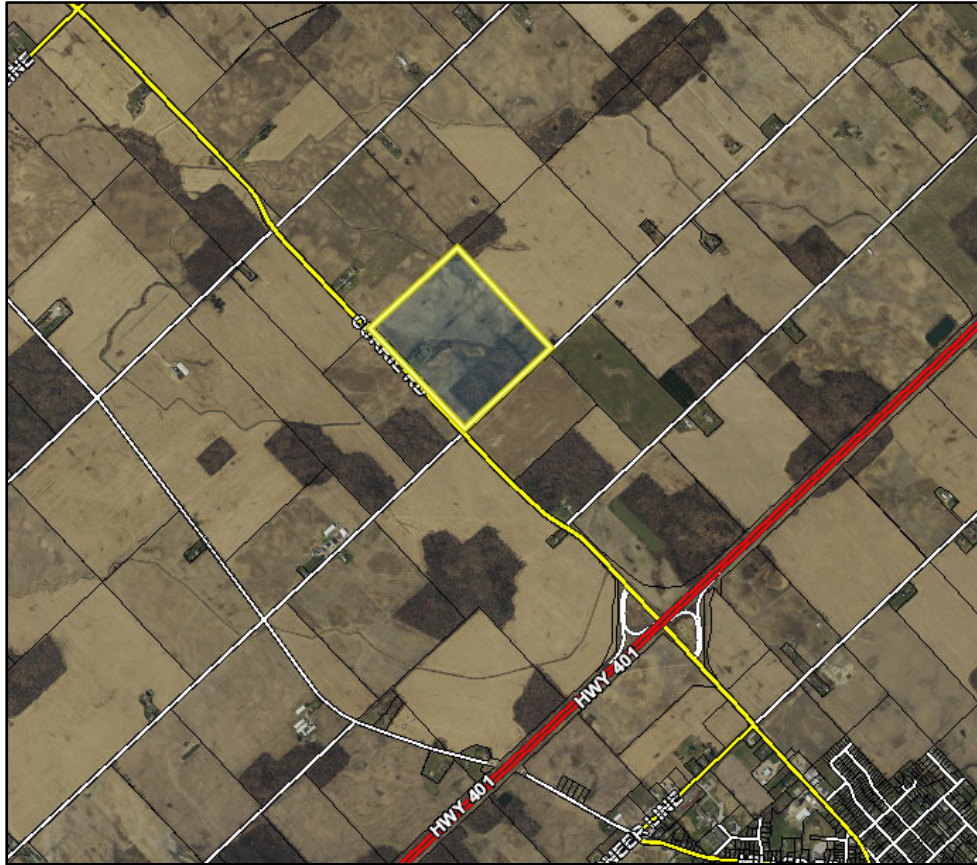
Planner

Approved for Submission

Heather Bouw

CAO/Clerk

KEY MAP



[illegible]

Tracey Pillon-Abbs

From: Tim Hansen
Sent: Thursday, July 08, 2021 8:22 AM
To: Tracey Pillon-Abbs
Subject: RE: E 61 21

Tracey

As shown on drawings this proposed severed parcel water service is fed off of Aberdeen line. There is no watermain that fronts this property so this water service needs to stay with the proposed severed portion. I see this is noted on the application request drawing requesting an easement for the water service so I am good with this severance application, Thanks

Tim Hansen
Water Operations Manager
Mun. Dutton/Dunwich
thansen@duttondunwich.on.ca
T- 519-762-2204
C- 519-933-6483
On Call- 519-762-2733

From: Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>
Sent: July 7, 2021 7:02 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>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>
Subject: E 61 21

Please see attached severance application for a surplus dwelling lot.

Would you please let me know if you have any comments or conditions ASAP, if possible?

Regards,

Tracey Pillon-Abbs, MCIP, RPP
Planner



199 Currie Road
Dutton, Ontario N0L 1J0
T 519.762.2204 F 519.762.2278

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 30, 2021 **ELGIN COUNTY ROAD NO.:** 8 - 12186 CURRIE ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 61-21

OWNER: Carl McLeod and Sons Ltd.

PROPERTY: **LOT NO.** SOUTH HALF OF LOT 13 **CONCESSION:** 4

REG'D PLAN: _____ **MUNICIPALITY:** Dutton Dunwich

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 15m from the centreline of construction of Currie Road County Road (8) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

☒
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line

☐
- 3) Drainage pipes and/or catchbasin(s) are required

☐
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....

☐
- 5) A curb and gutter is required along the frontage

☐
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐
- 7) Technical Reports

☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

☒
- 9) Lot Grading Plan is required for the severed and retained lots.....

☐
- 10) The County has no concerns.....

☐
- 11) Not on County Road

☐
- 12) Please provide me with a copy of your action on this application

☐
- 13) Other...

☐

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



County of Elgin
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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: August 25, 2021
Application: E 61-21

Owner:

Carl McLeod and Sons Ltd.

29281 Aberdeen Line, Dutton ON N0I 1J0

Location: 12186 Currie Road, legally described as CON 4; SOUTH HALF OF LOT 13,
Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 41.2 metres (135.17 feet) along Currie Road by a depth of 108 metres (354.33 feet) and an area of 0.4450 hectares (1.09 acres) containing one residence, with a detached garage, surplus to the needs of the owner. The owners are retaining 40.4 hectares (99.83 acres) proposed to remain in agricultural use.

Additionally, an easement (running approximately 400 metres long by 5 metres wide) over the retained lands is proposed for water services in favour of the severed lands.

**County of Elgin Official
Plan**

Agricultural Areas

**Local Municipality Official
Plan**

Large Lot Agricultural (A3) Zone

**Local Municipality
Zoning By-law**

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich - 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 E61/21 for 12186 Currie Road, subject to the provided conditions.

County Engineering – no objections subject to the conditions related to road widening and entrance permits.

Lower Thames Valley Conservation Authority - in consultation with the Lower Thames Valley Conservation Authority, the Council of the Municipality of Dutton Dunwich waived the

requirement for an Environmental Impact Assessment be conducted to the satisfaction of the Municipality for Severance Application E 61/21.

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
- 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 (0.4450 hectares/1.09 acres) will contain an existing dwelling, a detached garage, and the existing partial servicing (publicly owned and operated piped water system and privately owned and operated individual septic tank).

County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). A portion of the subject site contains the Woodland overlay, as per Appendix 1, and the Aggregate overlay, as per Appendix C of the County OP. 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 (40.4 hectares/99.83 acres) will maintain their existing agricultural use. The proposed severance (0.4450 hectares/1.09 acres) is not taking away from existing farmland and the proposed severance is in keeping with the existing residence and yard, and is consistent with the Elgin County OP.

The portion of the subject site containing the Woodland overlay is remaining with the retained parcel and staff expect no concerns or issues related to the OP overlay. The portion of the lands containing the Aggregate overlay will maintain its current use and will be farmed.

Section E.1.2.3.3 Technical Severances outlines that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. The applicant has indicated there is a proposed water easement across the retained lands, in favour of the severed lands. There will be no new lot created as a result of the easement.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted Official Plan (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 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. The application demonstrates compliance with said land division criteria.

The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan. The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6 with a portion subject to LTVCA Regulation Limit.

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.

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 for surplus dwellings 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. That the owner dedicate lands along the frontage of the severed and retained lots/parcel up to 15m from the centerline of construction of Currie Road County Road 8 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. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed: and
5. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That Municipal drain re-apportionments have been completed;
4. 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;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning fees, set out in the Fees By-law, be paid to the Municipality;
8. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality; and
9. That 911 addresses be established for the retained and severed parcels.