



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, September 22nd, 2021

9:00am Approval of August 25, 2021 Meeting Minutes

Verification – Signs Posted

Inquiries from Land Division Committee Members

9:20am 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

9:30am E 65-21 John and Jim Crane
45561 Elm Line – Municipality of Central Elgin

9:40am E 66-21 Penhale Farms
44851 Elm Line – Municipality of Central Elgin

9:50am E 67-21 John Lamb
20183 Marsh Line – Municipality of West Elgin

10:00am E 68-21 Pioneer Hay Sales Ltd
21934 Johnston Line – Municipality of West Elgin

10:10am E 69-21 Lawrence Parker & Sons Ltd.
44598 Dexter Line – Municipality of Central Elgin

OACA Training Videos – Discussion on potential participation for LDC members

**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

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Planning Department**
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ELGIN COUNTY LAND DIVISION COMMITTEE

Meeting Minutes – August 25, 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 (July 28, 2021):

Moved by: John Andrews

Seconded by: John Seldon

That the minutes of the meeting held July 28, 2021 be adopted.

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

- Carried

Items for Consideration:

Surplus Farm Dwellings – Discussion with John Hogan

Committee Comments:

- Planning Act changes, not yet proclaimed, will affect LDC once proclaimed:
 - o Permit purchaser of lands to make a consent application.
 - o Currently must be a mortgage holder/owner and due to this, under current legislation, a purchaser is not permitted to apply for consent.
 - o 21-year lease to actual life lease (expires when one party's life ends)
 - o Committee can de-certify previously severed lands.
 - This could be a condition of consent.
 - o No more automatic merger as a result of a death of a joint tenant or land owner.
- When the owner is not a farmer:
 - o They wouldn't be permitted to apply for consent of SFD
 - o Example: Sifton Properties buys up farm lands. They cannot sever all the dwellings as SFD because they are not a farmer, they are an investor. Similar situation for agri-land investors who simply buy the land to rent out but do not farm themselves.
- Farm owner cannot sever a SFD off farm lands if they only own that one property:
 - o The dwelling would not be Surplus and it would not be as a result of consolidation.
- Is there a definition of farmer?
 - o If you don't farm and only buy land to rent it to others, not a farmer, just an investment company.
- How can this be made clear on applications?
 - o Amend application form to hit all relevant policy/criteria of OPs and PPS i.e. surplus, habitable
 - o The applicant will have to demonstrate how they meet the criteria
 - o Potential farm registration number required?
 - o Do they qualify for farm income tax?
 - o Do they participate in share cropping?
 - o Farm license plates requires a OFA number – provide if applicable.
- If property has two dwellings on 100 acres, one can be surplus and the owner can apply.
 - o However, those two houses would have to have resulted from a consolidation to meet criteria.
- A primary residence can be in town because one of the houses (the rural one), will still be surplus.
- We can permit multiple surplus dwellings on the same lands if they meet the OP criteria.
- Committee can't change qualifications to benefit the community.
 - o It either is surplus or it is not
 - o LDC can't approve a non-surplus house as a surplus house just because they don't want someone to move.
 - o Must be in compliance with provincial and municipal guidelines.

- Can a real estate agent be the agent on an application for consent?
 - o This seems like a conflict of interest
 - o Planning staff to ask John Hogan and let LDC know.

Items for Consideration:

Extension of Application Submission Deadline from 6 to 8 weeks – Discussion

Committee Comments:

- This is a request from the lower-tier municipalities to ensure they have enough time to get all applications to their Council prior to LDC.
- One committee member believes this will only hold applications up and notes the deadline used to be 4 weeks.
- Other committee members have pointed out this will also benefit surveyors and lawyers and has no detrimental impacts on County staff.
- Committee members suggest that this be implemented as soon as possible and review the process in six months to see if the extension is still needed as this is a bigger issue during the summer when there are less Council meetings.
- Conclusion: all committee members agree to implement this eight-week deadline for the October meeting and review it in six months time, in March 2022.

Items for Consideration:

Other Inquiries

Committee Comments:

- Circulation buffer - this is 60m from the newly created lots (the proposed severed parcel(s)) and not the entire retained parcel.
- Agents – applications E 57/58-18 state one agent on the form but have provided separate authorization to authorize a different agent. This is allowed granted there is authorization provided.

10:15am - Application E 57-18

Chad Underhill Farms Limited, Woodworth Street/Vienna Line

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.

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

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

Moved by: Dugald Aldred

Seconded by: Rosemary Kennedy

That severance application E 57-18 be approved 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, 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.

Recorded Vote E 57-18

	<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: Lot adjustment.

Application E 58-18

Douglas Dennis, Woodworth Street/Vienna Line

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.

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

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 58-18 be approved 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, 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.

Recorded Vote E 58-18

	<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 Easement.

Application E 51-21

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

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.

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. **Township of Malahide** - Council recommends this application be supported, subject to the conditions provided.
2. **Catfish Creek Conservation Authority** – no concerns
3. **County Engineering** – No concerns. Indicated the subject site is not on a County Road.
4. **Nancy Pasato, Manager of Planning** – recommends deferral of this application due to improper notice.

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

upon request.

Moved by: Rosemary Kennedy
Seconded by: Dugald Aldred
That severance application E 51-21 be deferred.

Recorded Vote E 51-21	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 – signs not posted.

Application E 52-21
John and David Loewen, 51477 Glencolin Line, Aylmer, ON N5H 2R3

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.

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. **Township of Malahide** - Council recommends this application be supported, subject to the conditions provided.
2. **Catfish Creek Conservation Authority** – no concerns
3. **County Engineering** – No concerns. Indicated the subject site is not on a County Road.
4. **Nancy Pasato, Manager of Planning** – recommends deferral of this application due to improper notice.

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

Moved by: Rosemary Kennedy
Seconded by: Dugald Aldred
That severance application E 52-21 be deferred.

Recorded Vote E 52-21	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 – signs not posted.

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.

- The agent does not agree with the staff report.
- They are aware of the lot deficiencies and planned to submit a MV application and would like clarification on why a ZBA is recommended and not a MV by the municipality.
- Both agent and property owners are aware of septic improvements required and the high water table. Servicing will be made satisfactory to the Municipality.
- The applicant requests deferral, not refusal, to address these and any other

issues.

Written submissions were received from the following:

1. **Township of Malahide-** The Township is requesting a refusal of this severance application.
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 refusal of application E 60-21.

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

Moved by: Dennis O'Grady
Seconded by: Rosemary Kennedy
That severance application E 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: Does not meet Provincial or Municipal policies or regulations.

Application E 48-21

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

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.

Agent: Donald Prendergast was present electronically.

Written submissions were received from the following:

1. **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.
2. **Brian Lima, Director Engineering Services** – not on a County road.
3. **Nancy Pasato, Manager of Planning** – County planning staff recommend approval subject to the provided conditions.
4. **Catfish Creek Conservation Authority** – no concerns.

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

Moved by: John Andrews

Seconded by: Jack Van Kasteren

That severance application E 48-21 be granted subject to the following conditions:

The following conditions from the County of Elgin:

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

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: Creation of Easement.

Application E 62-21:

Johan Fehr, 29 Linden Street, Aylmer ON N5H 1Y7

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).

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** – Council recommends application E 62-21 be supported with recommended conditions for reasons set out in this report.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this application 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.
4. **Catfish Creek Conservation Authority** – no concerns.

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 62-21 be granted subject to the following conditions:

That the requirements of the Town of Aylmer are met, including the following:

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.

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 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.

Recorded Vote E 62-21

	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

Application E 63-21

WM. F. Bradish & Sons Limited, 6356 Bradish Road, Glanworth ON N6N 1N6

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~~ 748.03 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.

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

Agent: Matt Campbell (Zelinka Priamo Ltd.) was present electronically.

Written submissions were received from the following:

1. **Township of Southwold** - the Council of the Township of Southwold recommends approval, subject to the provided conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has no concerns.
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 63-21 be granted subject to the following conditions:

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

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*.

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 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.

Recorded Vote E 63-21

	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 industrial lot

Application E 64-21

Elizabeth & Leon Rocheleau 43698 Sparta Line, St. Thomas ON N5P 3S8

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).

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

Agent: David Roe was present electronically.

Written submissions were received from the following:

1. **Municipality of Central Elgin**- Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has no concerns.
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 Seldon

That severance application E 64-21 be granted subject to the following conditions:

That the requirements of the Municipality of Central Elgin are met, including the following:

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.

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 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.

Recorded Vote E 64-21

	<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.

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.

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.

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.

Written submissions were received from the following:

1. **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.
2. **Brian Lima, Director Engineering Services** – no objections subject to the 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.
4. **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.

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 61-21 be granted subject to the following conditions:

it is recommended that the following conditions from the Municipality of Dutton Dunwich 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.

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

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.

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

11:47pm - Adjournment

The Chair adjourned the meeting at 11:47 am.



Aisling Lavery, Secretary-Treasurer

John “Ian” Fleck, Chair



**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 SEPTEMBER 22, 2021 AT 9:20 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.

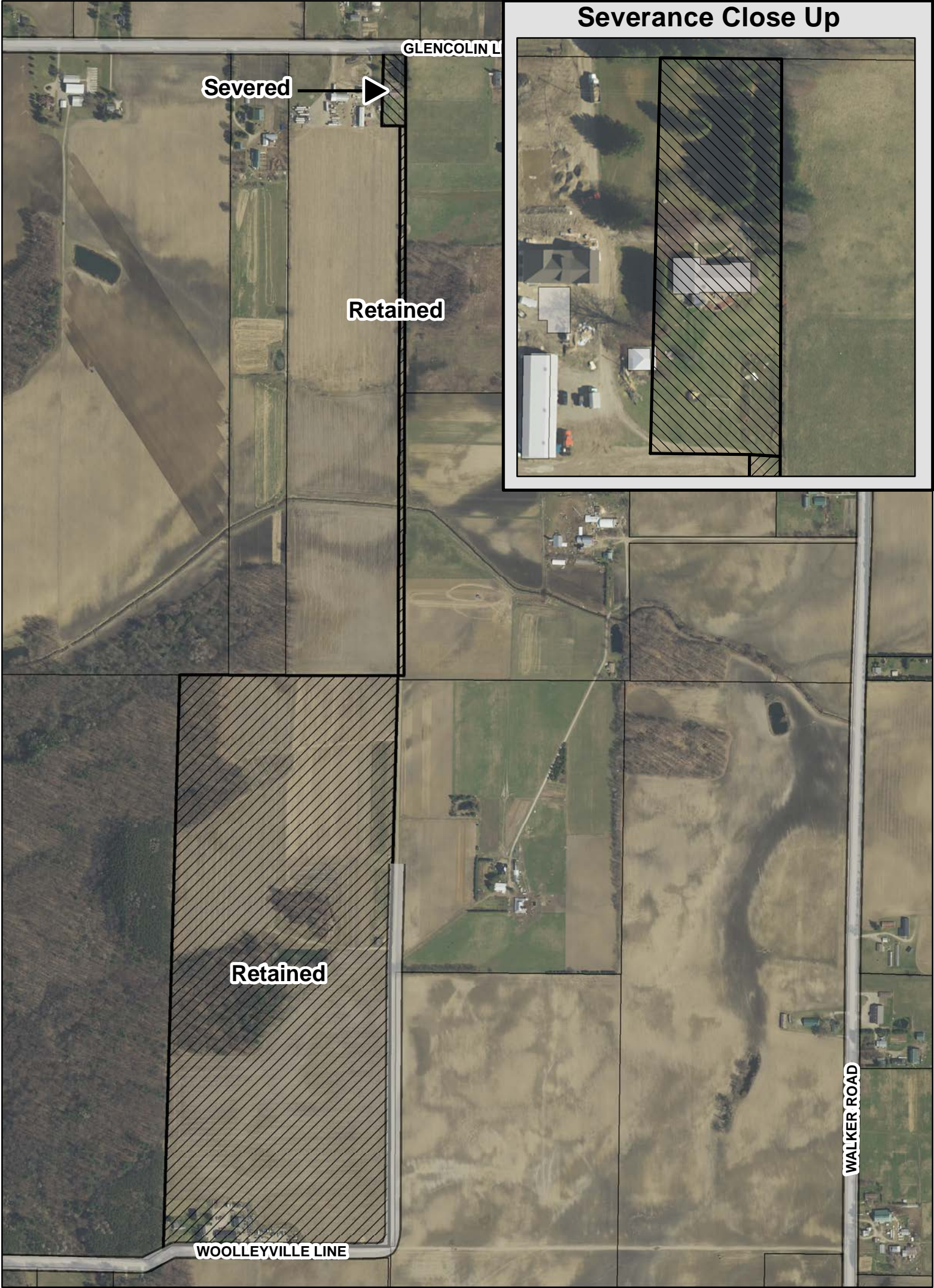
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 25th day of August, 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

Meters
0 45 90 180 270 360

Scale 1:8,000

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

Meters
0 45 90 180 270 360

Scale 1:8,000

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.

Comments/Analysis:

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).

Parcels "B" and "C" are being considered concurrently to this Application through County Consent Application No. E52-21.

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.

County of Elgin Official Plan

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).

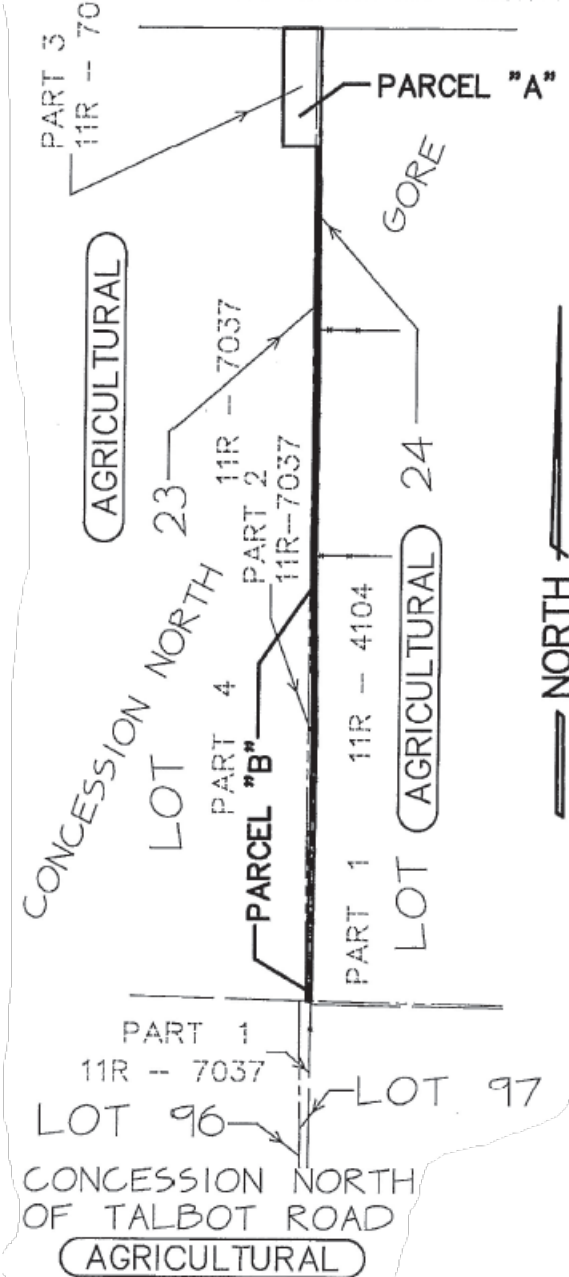
In addition to the above, the subject property is identified as having frontage along a "Local" road on Schedule 'B', "Transportation Plan".

Malahide Official Plan

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

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

ROAD ALLOWANCE BETWEEN CONCESSION 8 AND CONCESSION NORTH GORE GLENCOLIN LINE



serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

Malahide Zoning By-law No. 22-18

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

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 <<https://www.elgincounty.ca>> for daily updates.

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 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 & 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 15m 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: Elgin County Planning Division
Date: September 22, 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 width of 4.877 metres (16.0 feet) and 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 SEPTEMBER 22, 2021 AT 9:20 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.

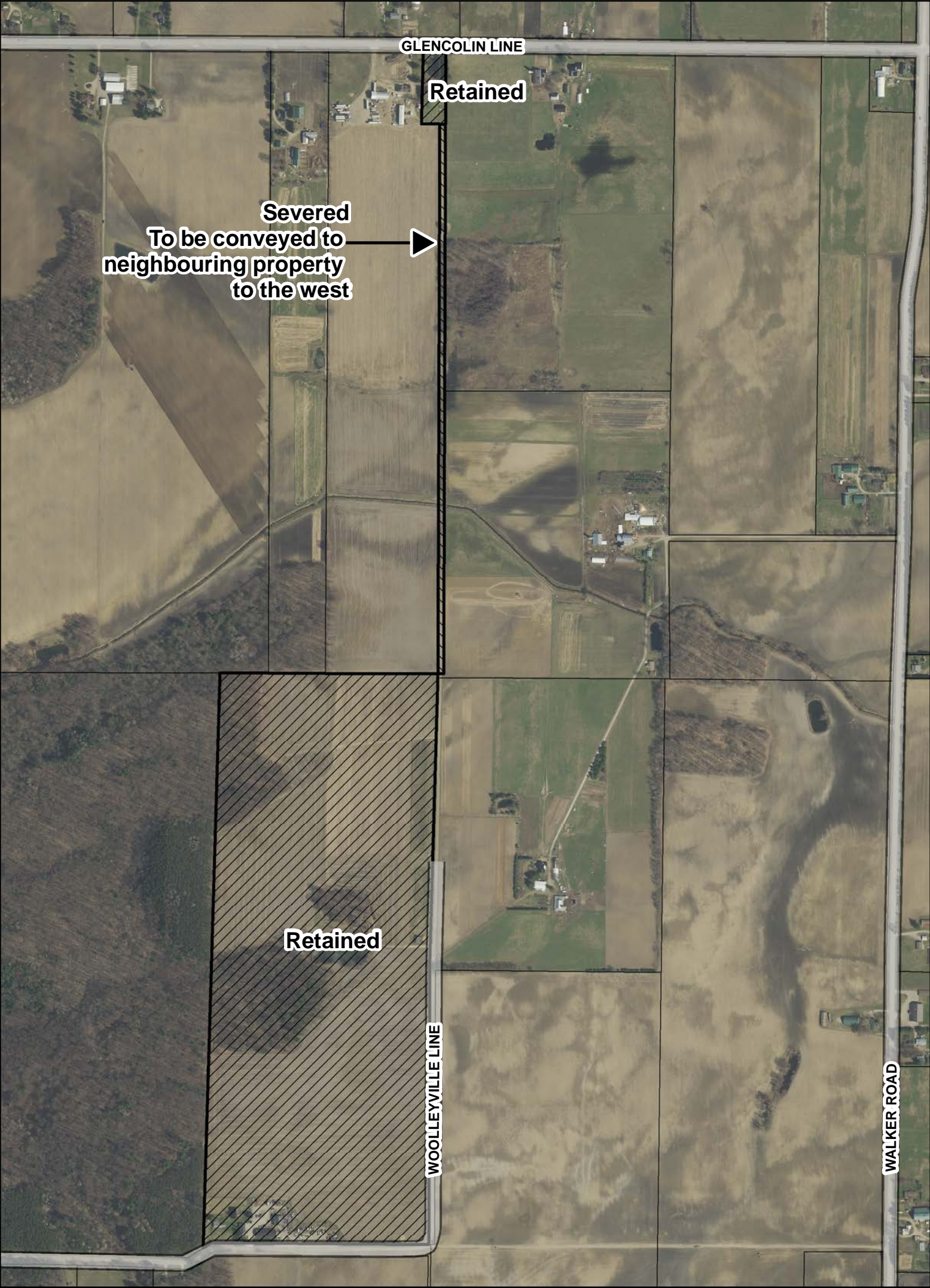
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 25th day of August, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

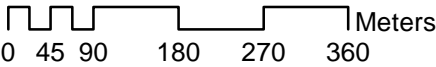
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



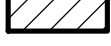


Subject Site: 51432 Woolleyville Line
File Number: E52-2021
Owner: John and David Loewen
Planner: Nancy Pasato
Created By: AL
Date: 07/20/2021

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

Meters
0 45 90 180 270 360

Scale 1:8,000

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 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

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<<https://www.elgincounty.ca>> for daily updates.

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 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 & 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 15m 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: Elgin County Planning Division
Date: September 22, 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 width of 4.877 metres (16.0 feet) and 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.

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

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
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 65-21**

**NORTH PT LOT 17 CONCESSION 7
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 45561 ELM LINE**

TAKE NOTICE that an application has been made by **John & James Crane, 14867 Putnam Road, Springfield ON N0L 2J0** for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45561 Elm Line, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 67 metres (219.81 feet) along Elm Line by a depth of 68 metres (223.09 feet) and an area of 0.4556 hectares (1.12 acres) containing one residence surplus to the needs of the owner (barn has been removed). The owners are retaining 20.310 hectares (50.19 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 SEPTEMBER 22, 2021 AT 9:30 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 26th day of August, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

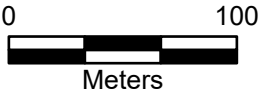
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



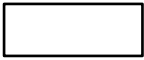




Location Map

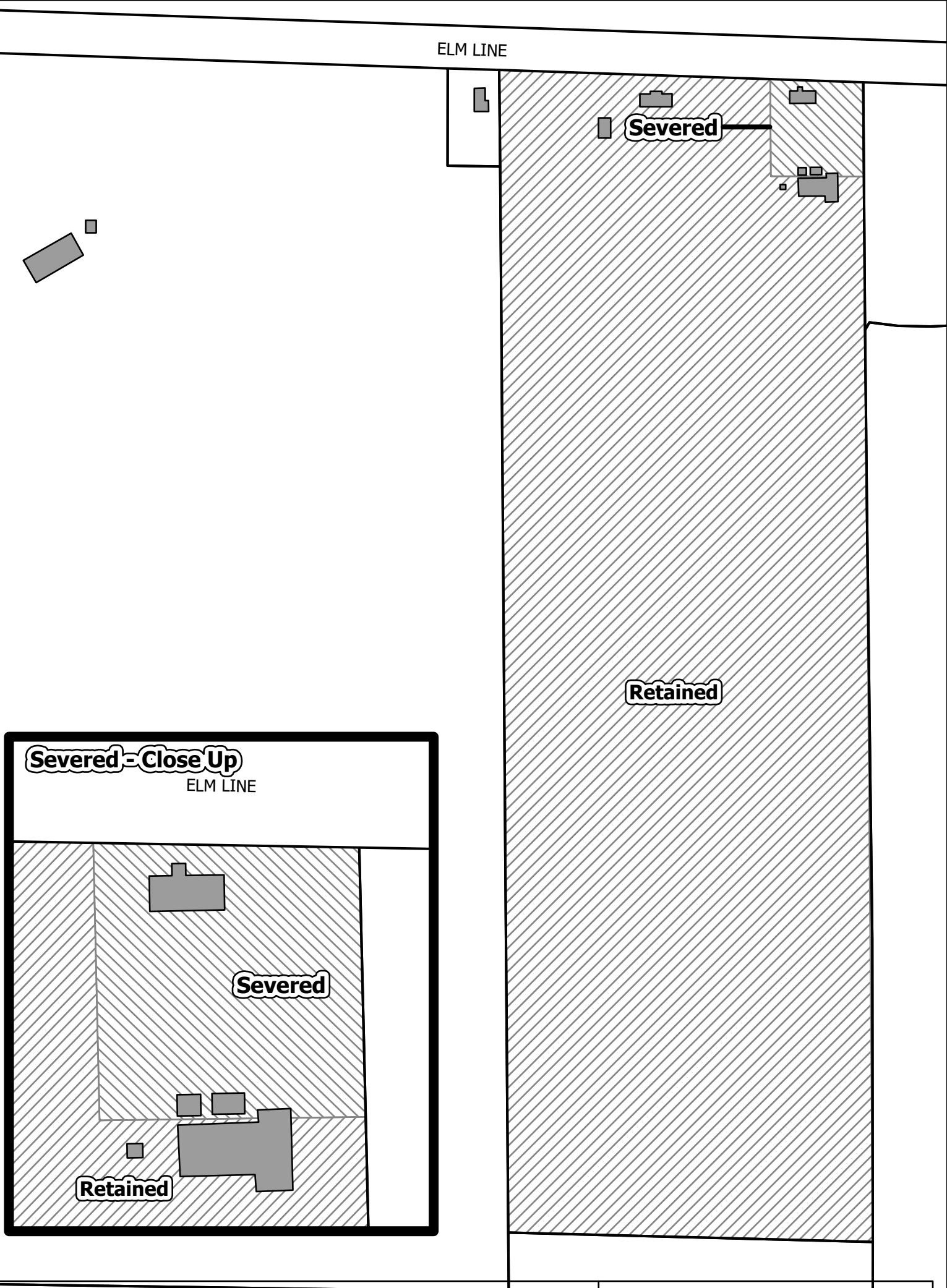
Subject Site: 45561 Elm Line
File Number: 65-2021
Owner: James and John Crane
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend

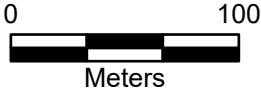
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 45561 Elm Line
File Number: 65-2021
Owner: James and John Crane
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend	
	Subject Site
	Severed
	Retained
	Elgin Road Network
	Buildings



September 14, 2021

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

Re: Land Division Application E 65/21 – James & John Crane, 45561 Elm Line

Dear Ms. Pasato:

Please be advised that Council discussed the above noted application at their Regular Meeting of Council dated Monday, September 13th, 2021 and the following resolution was passed:

THAT Report CEP 38.21 be received;
AND THAT Council has no objections to consent application E65/21 – James and John Crane, 45561 Elm Line subject to the following recommended conditions:

- Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
- Written confirmation from a licensed well installer that a well has been constructed on the severed lot and provides the quality of potable water required by Provincial standard;
- A copy of the reference plan be provided to the Municipality of Central Elgin; and
- A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions regarding this matter.

Yours truly

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

Dianne Wilson
Deputy Clerk/Records Management Coordinator

c.c Jim & John Crane, Owner
S. Craig, Senior Planner, CEPO
A. Lavery, Planning Technician/Secretary-Treasurer County of Elgin Land Division

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.38.21
CEPO FILE NO. E65/21
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 45561 Elm Line
Applicant – James and John Crane
DATE September 13, 2021

RECOMMENDATION

THAT Report CEP-38.21 be received for information;

AND THAT Should Council pass a resolution in support of consent application E65/21 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. written confirmation from a licensed well installer that a well has been constructed on the severed lot and provides the quality and quantity of potable water required by Provincial standard; and
3. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

Background:

Consent application E65/21 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

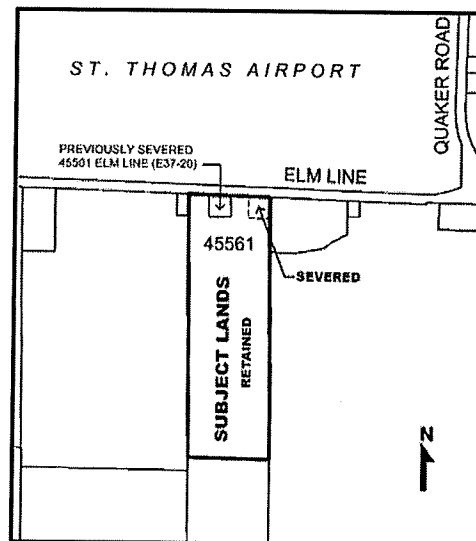
Location:

The subject lands are located on the south side of Elm Line, west of Quaker Road. The lands are described as, Concession 7, North Part Lot 17, Municipality of Central Elgin.

Proposal:

The applicants are proposing to sever a lot with frontage of 67m on Elm Line, and an area of 4,556m², containing one dwelling. The severed lot will be used for rural residential purposes.

Location Plan:



The applicants are proposing to retain a vacant lot with frontage of 121.5m on Elm Line and an area of 20.3ha. The retained lot will continue to be used for agricultural purposes.

Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c):
 1. The lot containing the residence surplus to a farm operation:
 - i) Shall be in compliance with the regulations of the applicable zoning by-law;
 - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
 - iii) Shall be in compliance with the Municipality's property standards by-law;
 - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
 - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
 2. The lot that is being consolidated into the farm operation:
 - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
 - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
 - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
 3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

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 include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m² (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

3. County of Elgin Official Plan:


- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (b)): the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created

by the consent to sever 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.

4. Comments


- In accordance with the Official Plan policies the applicants have filed a zoning by-law amendment application concurrently to prohibit residential dwellings on the retained lot.
- A new well is required on the severed lot to service the existing surplus farm dwelling, approval of the application will need to be conditional on written confirmation from a licensed well installer that a well has been constructed on the severed lot and provides the quality and quantity of potable water required by Provincial standards.
- In 2020 the applicants filed a consent application (E37-20) for the purpose of creating a lot containing a residence (45501 Elm Line) surplus to a farm operation, the application was approved by the Elgin County Land Division Committee.
- In 2020 the applicants also filed a minor variance application (COA15/20) to recognize the deficient front yard setbacks for both 45501 and 45561 Elm Line, the application was approved by the Municipality of Central Elgin Committee of Adjustment.

Respectfully submitted:

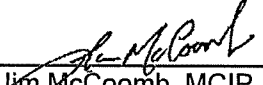


Steve Craig
Sr. Planning Technician

Approved for submission:



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 2021 ELGIN COUNTY ROAD NO.: 56 - 45561 Elm Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 65-21

OWNER: John & James Crane

PROPERTY: LOT NO. North Pt Lot 17 CONCESSION: 7

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 15m from the centreline of construction of Elm Line County Road (56) 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.....
- 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.....
- 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

From: [Judy Crane](#)
To: [Aisling Lavery](#)
Subject: Notice of Application E65-21, E66-21 & E69-21
Date: August 30, 2021 5:42:51 PM

In recent days we have been in contact with Wilson Well Drilling to drill us a new water well on the property if the severance is approved. We have also had the property surveyed by Kim Husted Surveyors with the dimensions we are looking to sever. Any conditions put on the property will try to be achieved as soon as possible. At this time I have no other comments.

Jim Crane

Sent from my iPad

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 2021 ELGIN COUNTY ROAD NO.: 56 - 45561 Elm Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 65-21

OWNER: John & James Crane

PROPERTY: LOT NO. North Pt Lot 17 CONCESSION: 7

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[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 Elm Line County Road (56) 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.....
- 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.....
- 10) The County has no concerns.....
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- 13) Other...

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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: Elgin County Planning Division
Date: September 22, 2021
Application: E 65-21

Owner:
James and John Crane
14867 Putnam Road
Springfield ON N0L 2J0

Location: 45561 Elm Line, legally described as North Pt Lot 17 Concession 7, Municipality of Central Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 67 metres (219.816 feet) along Elm Line by a depth of 68 metres (223.097 feet) and an area of 0.4456 hectares/1.10 acres containing one residence (existing barn to be removed), surplus to the needs of the owner. The owners are retaining 20.310 hectares (50.187 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Open Space Zone 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin - no concerns subject to the recommended conditions.

County Engineering – no concerns subject to the provided conditions related to road widening and entrance permits.

Conservation Authority – no comments.

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 (0.4456 hectares/1.10 acres) will contain an existing dwelling, barns to be removed, and the existing private servicing (privately owned and operated individual well 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 Aggregate and Petroleum Resources 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 portion of the lands containing the Aggregate overlay will maintain its current use and will be farmed. Staff is satisfied the proposed application will have no negative affects on this resource.

The Applicant has previously indicated that the retained lands (20.310 hectares/50.187 acres) will maintain their existing agricultural use. The proposed severance (0.4456 hectares/1.10 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.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule A – Land Use Plan in the Municipality of Central Elgin Official Plan. A consent for the purposes of a surplus farm dwelling is permitted provided it is rendered surplus as a result of farm consolidation.

The subject lands are within the Open Space Zone 1 of the Township of Yarmouth Zoning By-law. Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses.

The application complies with both the Municipality of Central Elgin's Official Plan and Zoning By-law.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation 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/parcels up to 15m from the centerline of construction of Elm Line County road (56) to the County of Elgin for the purposes of road widening if the right of way is not already to the 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 Central Elgin be included as conditions for consent:

1. Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. Written confirmation from a licensed well installer that a well has been constructed on the severed lot and provides the quality of potable water required by Provincial standard;
3. A copy of the reference plan be provided to the Municipality of Central Elgin; and
4. A drainage reassessment be done, if necessary, at the owner's expense.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 66-21**

**PART OF LOTS 12, 13 & 14
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 44581 ELM LINE**

TAKE NOTICE that an application has been made by **Penhale Farms Ltd.**, 9922 Penhale Road, Aylmer ON N5H 2R6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 44581 Elm Line, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 484.69 metres (1590.19 feet) along Elm Line by a depth of 836.13 metres (2743.20 feet) and an area of 40.48 hectares (100.3 acres) and to retain 64.9 hectares (160.4 acres), both 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 SEPTEMBER 22, 2021 AT 9:40 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.

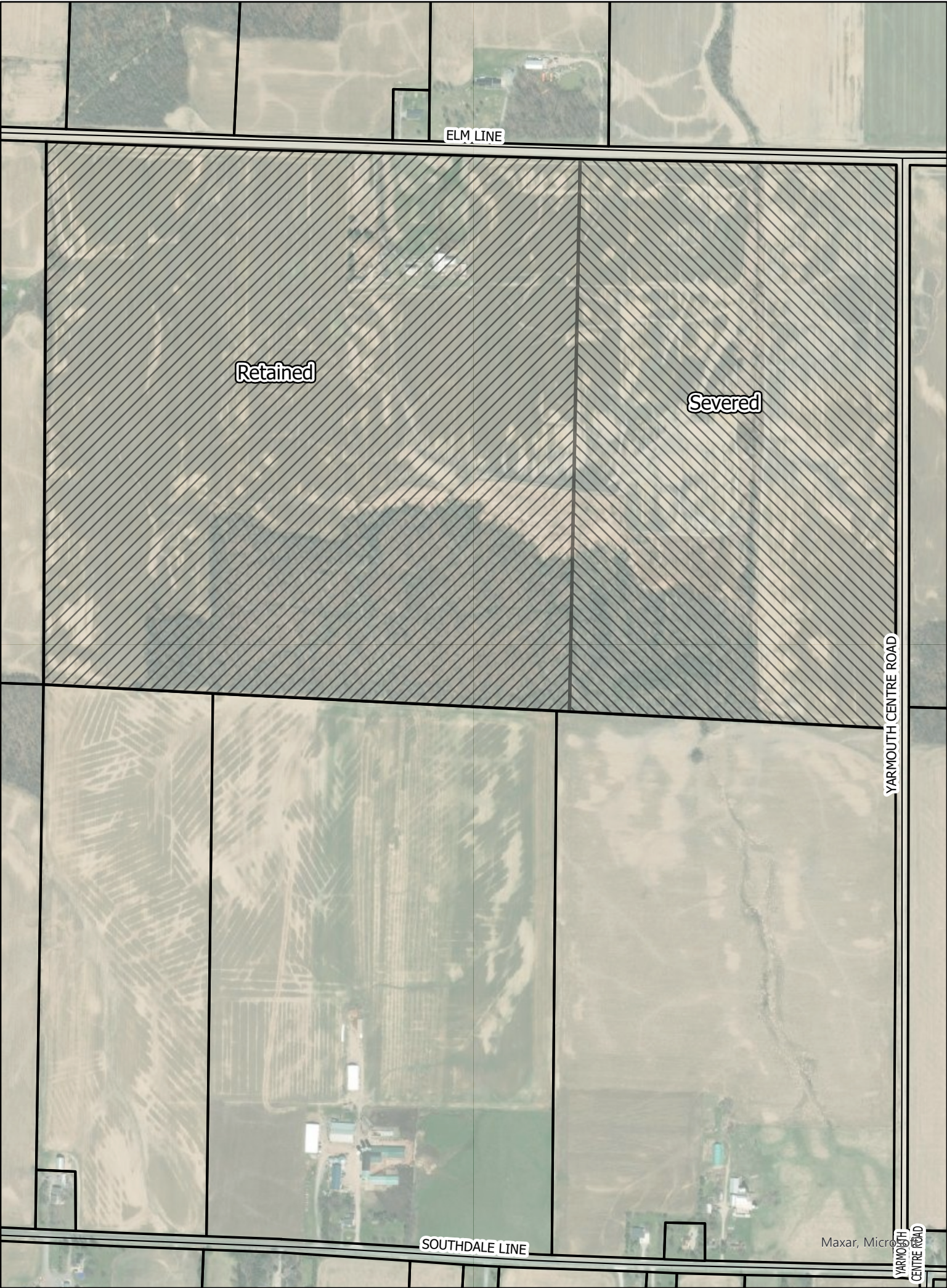
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 26th day of August, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

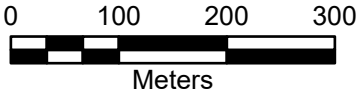
**County of Elgin
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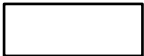
Location Map

Subject Site: 44581 Elm Line
File Number: E66-2021
Owner: Penhale Farms
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

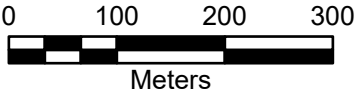


Location Map

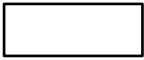






Subject Site: 44581 Elm Line
File Number: E66-2021
Owner: Penhale Farms
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend

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



September 14, 2021

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

Re: Land Division Application E 66/21 – Penhale Farms Ltd., 44581 Elm Line

Dear Ms. Pasato:

Please be advised that Council discussed the above noted application at their Regular Meeting of Council dated Monday, September 13th, 2021 and the following resolution was passed:

THAT Report CEP 39.21 be received;
AND THAT Council has no objections to consent application E66/21 – Penhale Farms, 44581 Elm Line subject to the following recommended conditions:

- The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
- A copy of the reference plan be provided to the Municipality of Central Elgin; and
- A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions regarding this matter.

Yours truly

Dianne Wilson
Deputy Clerk/Records Management Coordinator

c.c Penhale Farms Ltd., Owner
Helen R. Button, Gunn & Associates, Agent
S. Craig, Senior Planner, CEPO
A. Laverty, Planning Technician/Secretary-Treasurer County of Elgin Land Division

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.39.21
CEPO FILE NO. E66/21
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 44581 Elm Line
Applicant – Penhale Farms Ltd.
DATE September 13, 2021

RECOMMENDATION

THAT Report CEP.39.21 be received for information;

AND THAT Should Council pass a resolution in support of consent application E66/21 to the Land Division Committee, staff recommends the following conditions:

1. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
2. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

REPORT

Background:

Consent Application E66/21 has been filed for the purpose of creating one new agricultural lot.

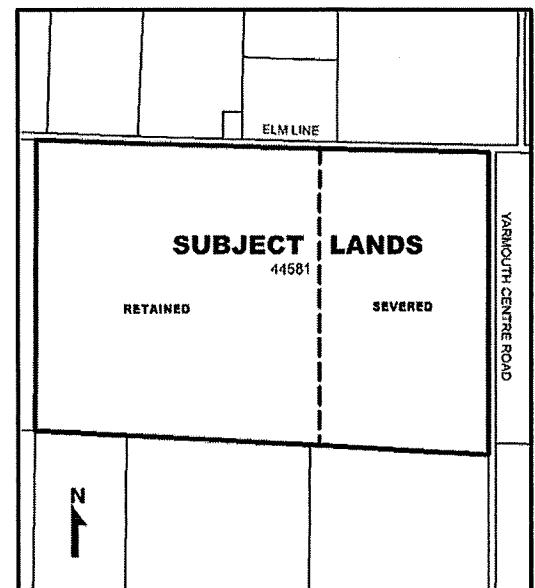
Location:

The subject lands are on the southwest corner of Elm Line and Yarmouth Centre Road. The lands are described as, North Part of Lots 12-14, Concession 7, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a vacant lot with frontage of 473.93m on Elm Line and an area of 40.48ha. It is proposed that the lands to be severed will continue to be used for agricultural purposes. The applicant is proposing to retain a lot with frontage of 791.31m along Elm Line and an area of

Location Plan:



64.9ha, containing three barns. It is proposed that the lands to be retained will continue to be used for agricultural purposes.

Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- Where land being conveyed is for agricultural purposes the following criteria shall apply (4.1.4(a)):
 1. To discourage the severance of small holdings from larger parcels, the parcel being created, and the parcel being retained shall have a minimum lot area of 40 hectares. A lesser lot area, however, may be considered without amendment to this Plan if the parcels being severed and retained are of an appropriate size for the type of agricultural uses common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of farm operation;
 2. Agriculture must be the intended use of the parcel being conveyed.
 3. The parcel complies with the applicable regulations of the zoning by-law.


2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1) and Open Space Zone 2 (OS2) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses of the OS1 zone include farm uses (8.2.1.1). The minimum lot area required for farm uses is 10.11ha (2.52(a)) and the minimum lot frontage required is 30.48m (8.2.1.4).
- Permitted uses of the OS2 zone include farm uses (8.3.1.1). The minimum lot area for farm uses is 25 acres (8.3.1.4(a)) and the minimum lot frontage is 500ft (8.3.1.6(a)).

3. County of Elgin Official Plan:


- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (a)): the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents.

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: September 5, 2021 ELGIN COUNTY ROAD NO.: 56 - 44581 Elm Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 66-21

OWNER: Penhale Farms Ltd.

PROPERTY: LOT NO. Pt of Lots 12, 13 & 14 CONCESSION:

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Elm Line County Road (56) 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.....
- 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: Elgin County Planning Division
Date: September 22, 2021
Application: E 66-21

Owner:
Penhale Farms Ltd.
9922 Penhale Road
Aylmer ON N5H 2R6

Agent:
Helen Button, Gunn & Associates
108 Centre Street
St. Thomas ON N5R 2Z7

Location: 44581 Elm Line, legally described as Pt Lots 12,13 & 14, Concession 7 Yarmouth, Municipality of Central Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 484.69 metres (1590.190 feet) along Elm Line by a depth of 836.13 metres (2743.208 feet) and an area of 40.48 hectares (100.3 acres) and retain a parcel with a frontage of 799.40 (2622.703 feet) metres along Elm Line by a depth of 836.13 metres (2743.208 feet) and an area of 64.9 hectares (160.4 acres), both proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture
Natural Heritage

**Local Municipality Zoning
By-law**
Open Space Zone 1 (OS1)
Open Space Zone 2 (OS2)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin - no concerns subject to the recommended conditions.

County Engineering – no concerns subject to the included road widening condition.

Conservation Authority – no comments.

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 lot creation 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, subject to specific criteria. Lot creation for agricultural uses is permitted provided both the severed and retained parcels are of an appropriate size for the type of agriculture in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.

The Applicant has indicated that the severed and retained lands will maintain their current agricultural use. The severed lands are vacant. In addition to each lot being larger than 40 hectares, the retained lands currently contain 3 barns; no new buildings or uses are proposed; and both proposed lots are un-serviced and no servicing is proposed.

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 of the County OP. In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if 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. Both the severed and retained lots are over 40 hectares, 40.48 and 64.9 hectares, respectively.

The portion of the lands containing the Woodland overlay will be maintained as it currently exists. As no development apart from the creation of a new lot is being proposed, staff is satisfied the proposed application will have no negative affects on this resource. The Applicant has previously indicated that both the severed and retained lands will maintain their existing agricultural use.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule A – Land Use Plan in the Municipality of Central Elgin Official Plan. Where land is being conveyed for agricultural purposes, the criteria of Section 4.1.4a must be met including that the severed and retained parcels both have an area of 40 hectares, at minimum; the intended use for both the severed and retained parcels must agriculture; and the parcels comply with application zoning regulations.

The subject lands are within the Open Space Zone 1 (OS1) and Open Space Zone 2 (OS2) of the Township of Yarmouth Zoning By-law. Permitted uses include farm uses.

The application complies with both Central Elgin's Official Plan and Zoning By-law.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in 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/parcels up to 15m from the centerline of construction of Elm Line County Road 56 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
2. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
3. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed: and
4. 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 Central Elgin be included as conditions for consent:

1. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
2. A copy of the reference plan be provided to the Municipality of Central Elgin; and
3. A drainage reassessment be done, if necessary, at the owner's expense.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 67-21**

**PT LOT 13, CONCESSION 10
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 20183 MARSH LINE**

TAKE NOTICE that an application has been made by **John Lamb**, 20183 Marsh Line, Rodney ON N0L 2C0 a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 20183 Marsh Line, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 77.26 metres (253.47 feet) along Marsh Line by a depth of 104.54 metres (342.97 feet) and an area of 0.8093 hectares (1.99 acres) containing one residence, barn and shed, surplus to the needs of the purchasing farmer. The owners are retaining 13.2 hectares (32.6 acres) proposed to be added to the neighbouring farm property, 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 SEPTEMBER 22, 2021 AT 9:50 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 26th day of August, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

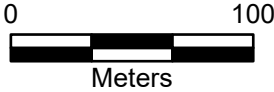
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map

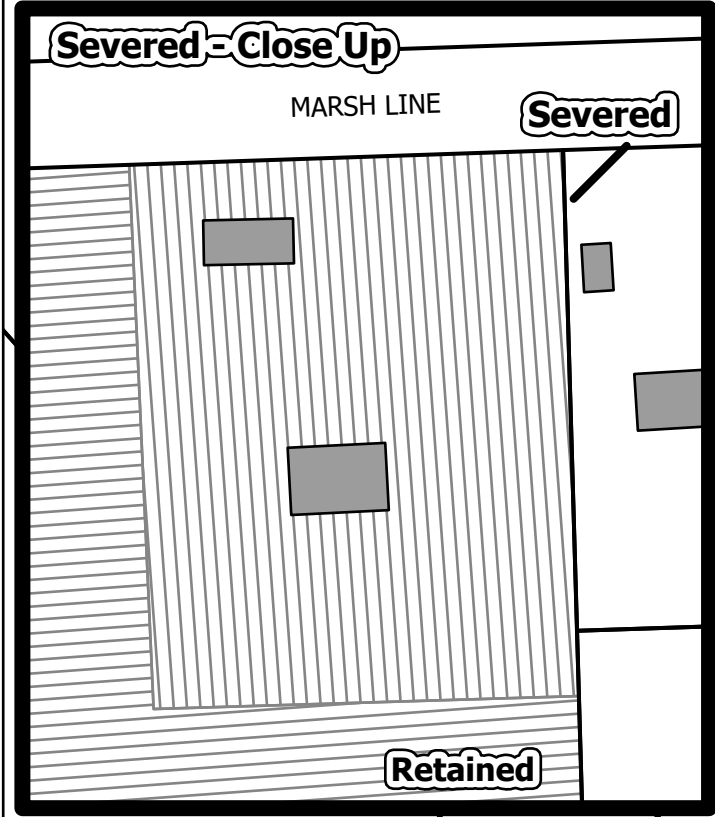
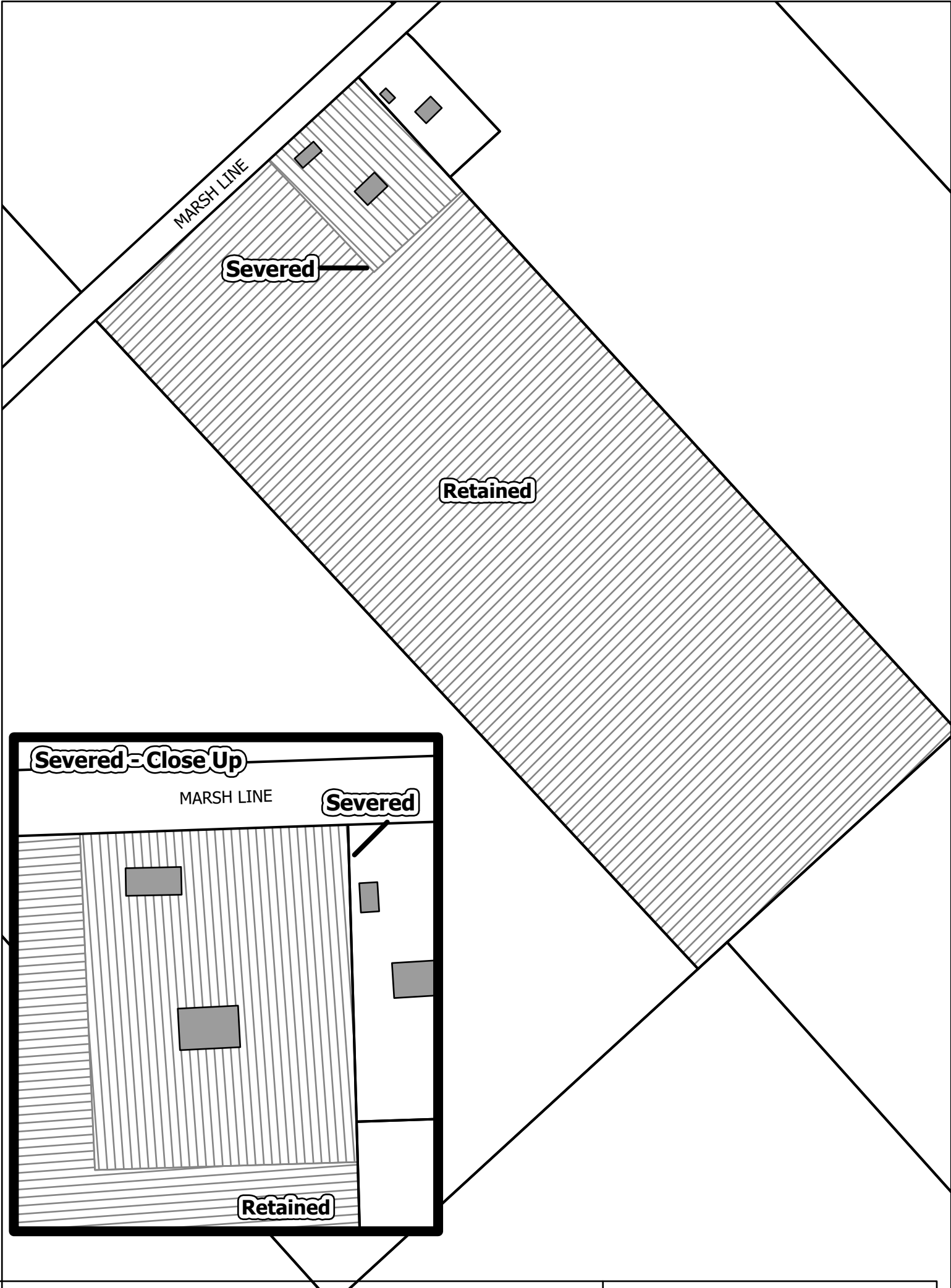
Subject Site: 20183 Marsh Line
File Number: 67-2021
Owner: John Lamb
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend

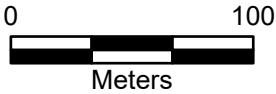
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| | Subject Site |
| | Severed |
| | Retained |
| | Elgin Road Network |
| | Buildings |



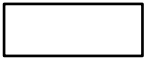
Location Map

Subject Site: 20183 Marsh Line
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Prepared By: Planning and Development



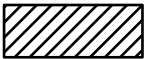
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

VIA E-MAIL ONLY

September 14, 2021

County of Elgin
c/o Aisling Lavery, Secretary-Treasurer
County of Elgin Land Division Committee
450 Sunset Drive
St. Thomas, Ontario N5R 5V1
E-mail: alavery@elgin.ca

Ms. Lavery:

RE: Municipality of West Elgin Severance (Consent) Application - Comments to the County of Elgin
County File Number: E67-21
Legal Description: Part Lot B, Concession 10
Civic Address: 20183 Marsh Line

Please be advised that the Municipality of West Elgin have reviewed the above noted application. Please find attached the following documentation, as it relates to the above noted files:

1. West Elgin Council Resolution 2021-284, dated September 14, 2021;
2. Planning Staff Report 2021-26: Severance Application E67-21 – Comments to County of Elgin, dated September 9, 2021; and
3. E67-21 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
Municipality of West Elgin
22413 Hoskins Line
Rodney ON N0L 2C0
Phone: (519) 785-0560
Cell: (519) 280-1028
Fax: (519) 785-0644
Email: planning@westelgin.net

cc. Nancy Pasato, Manager of Planning Services, County of Elgin (Email: npasato@elgin.ca)
Ed Dewild, Applicant (Email: eddewild@gmail.com)
John Lamb, Owner (Email: johnlamb1962@icloud.com)



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

September 14, 2021

At the Regular Meeting of Council on September 9, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 284

Moved: Councillor Tellier

Seconded: Councillor Cammaert

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E67-21 – Comments to County of Elgin (Planning Report 2021-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E67-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Carried

Jana Nethercott
Clerk



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-09-09

Subject: Severance Application E67-21 – Comments to County of Elgin (Planning Report 2021-26)

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E67-21 – Comments to County of Elgin (Planning Report 2021-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E67-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E67-21, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the lot creation of a surplus farm dwelling that is part of a farm consolidation within our agricultural area, on Marsh Line.

Background:

Below is background information, in a summary chart:

Application	E67-21
Owner	John Lamb
Applicant	Ed Dewild
Legal Description	Part Lot B, Concession 10
Civic Address	20183 Marsh Line
Entrance Access	Marsh Line
Water Supply	Privately owned and operated individual well
Sewage Supply	Private on-site individual septic system
Existing Land Area	14.00 ha (34.60 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
E67-21	77.26 m (253.48 ft)	104.74 m (343.64 ft)	8,093 sqm (2.00 ac)	160 m (524.93 ft)	590 m (1,935.70 ft)	13.2 ha (32.62 ac)

The Public Hearing is scheduled for September 22, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Lamb Lands.



The severance sketch, showing E67-21 is attached to this report as Appendix One for reference purposes.

Financial Implications:

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

Policies/Legislation:

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

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

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are no livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect and there are no existing livestock facilities on the retained parcel.

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 Agricultural Area on Schedule 'A' Land Use in the CEOP. A portion of the proposed retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas in the CEOP.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. In this instance the purchasing farmer's intent is to merge the retained parcel with the lands to the west, thereby achieving the same purpose. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks as there are no barns capable of housing livestock. The residence is connected to the municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) and natural hazard (Section D3.1) portions of the property.

Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- The remnant parcel would be consolidated with the vacant property to the west, also owned by the purchasing farmer, so no new development potential is being considered;
- There are no livestock operations affecting the proposal, with respect to MDS I;
- The proposed severed parcel is minimizing the loss of the productive farmlands to the best of its abilities with existing site features; and
- There are no farm buildings that area deteriorated, derelict or abandoned for consideration of removals.

No development is proposed within the natural heritage and natural hazard portions of the property.

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

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 53 of the ZBL, as depicted in Figure Two to the right.

Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

The proposed severed parcel area is approximately 8,093 square metres (2.00 acres), with a lot frontage of 77.26 metres (253.48 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural (A3) Zone has a minimum lot area of 4000 square metres and a minimum lot frontage of 30 metres respectively.

The proposed retained parcel would stay in the General Agricultural (A1) Zone, since it is to be amalgamated with the property to the west, also owned by the purchasing farmer.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment was obtained for the severed parcel, that can be addressed through a condition of the consent application.

Interdepartmental Comments:

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

Drainage:

Drainage Department noted the following:

- The subject lands are within the Kruppe Drain, Schweitzer Drain, and Hampton Drain municipal drainage areas.



Planning Staff notes that this can be addressed as condition of approval for reassessment processes.

Utilities:

Utilities Department noted the following:

- No issues of concern, as no municipal water and sewer fronts this subject lands.

Public Works:

Public Works Department noted the following:

- If the applicant wishes to put a new entrance in for farm access, an entrance permit would be required. Alternatively, entrance access may be obtained from the existing entrance access farmlands to the west.

Planning Staff notes that the intent is to obtain entrance access from the lands to the west, since the retained parcel would be merged with the lands to the west.

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

Summary:

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

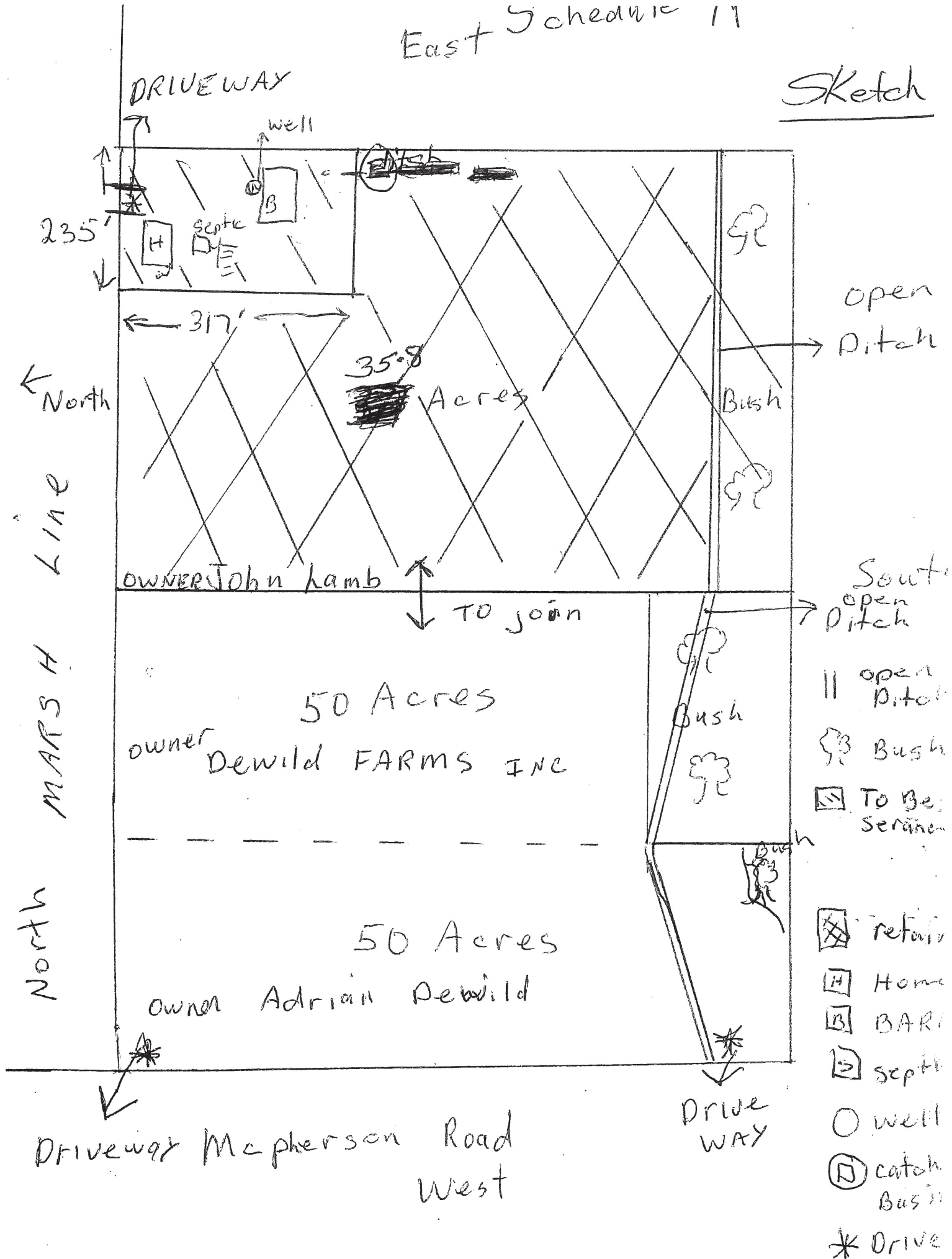
The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making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

Respectfully Submitted,

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

"NO AERIAL HYDRO LINES"





Planning Report 2021-26: Severance Report E67-21 –
Comments to the County of Elgin

Appendix Two: Severance Application E67-21 Conditions

Severance Application E67-21 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 for the 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 shall have a private water well assessment completed on the severed parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. That the Applicant's Solicitor provided an undertaking to the Municipality, to provide a copy of the registered deed for the retained parcel prior to the transfer of the severed parcel, by transferring retained parcel to the purchasing farmer as part of a farm consolidation with the abutting lands to the west, once the transaction has occurred to 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 – 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 E67-21

Owner: John Lamb Applicant/Agent: Ed Dewild

Location: Part Lot B, Concession 10

PART 1 - 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 – West Elgin Official Plan

Policies: Section 6.2 and 10.4.1 (West Elgin Official Plan)

PART 2 - 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:

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

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 (☐)

10. Does the municipality have other concerns that should be considered by the Committee?
All local municipal interests are contained within the West Elgin Planning Staff Report 2021-26.

August 31, 2021

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

Attn: **Nancy Pasato**


Re: **Consent Application E 67/21**
20183 Marsh Line (Lamb)
Part Lot 13, Concession 10
Municipality of West Elgin

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

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

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

Yours truly



Valerie Towsley
Resource Technician

August 31, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E 68/21**
21934 Johnston Line (Pioneer Hay Sales Ltd.)
Part Lot 9, Concession 2
Municipality of West Elgin

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

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

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

Yours truly



Valerie Towsley
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 67-21

OWNER: John Lamb

PROPERTY: LOT NO. Pt Lot 13 CONCESSION: 10

REG'D PLAN: MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required
[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 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: Elgin County Planning Division
Date: September 22, 2021
Application: E 67-21

Owner:
John Lamb
20183 Marsh Line
Rodney ON N0L 2C0

Agent:
Ed Dewild
19911 Pioneer Line
Rodney ON N0L 1H0

Location: 20183 Marsh Line, legally described as Pt Lot 13, Concession 10, Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 77.26 metres (253.47 feet) along Marsh Line by a depth of 104 metres (341.207 feet) and an area of 0.8093 hectares (1.99 acres) containing one residence, barn and shed, surplus to the needs of the purchasing farmer. The applicants are retaining 13.2 hectares (32.617 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 West Elgin - Recommends approval subject to the provided conditions.

County Engineering – indicated this application is not on a County road.

Lower Thames Valley 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 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 (0.8093 hectares/1.99 acres) will contain an existing dwelling, shed and barn, and the existing private servicing (privately owned and operated individual well and privately owned and operated individual septic tank). The applicant has further indicated that the proposed severance is not the result of a farm consolidation and therefore, does not meet the criteria for lot creation in agricultural areas, as outlined in the PPS.

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 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 portion of the lands containing the Woodland overlay will not be fragmented or impacted by this application.

The Applicant has previously indicated that the retained lands (13.2 hectares/32.617 acres) will maintain their existing agricultural use. However, this application is not a result of a farm consolidation and therefore, does not meet the policies of the County Official Plan regarding agricultural lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the West Elgin Official Plan. Agricultural land use policies permit farm dwellings on the farm operation. Lot creation for purposes of disposing of a dwelling considered surplus as a result of farm consolidation, is permitted as per Section 6.2.9 criteria.

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 53 of the Zoning By-law. Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The proposed severed parcel would need to be re-zoned, as a condition of approval, to acknowledge the reduced lot area.

The application appears to conform with both the Official Plan and Zoning By-law of West Elgin.

RECOMMENDATION:

This application for consent is not consistent with either the 2020 Provincial Policy Statement or 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 be deferred to allow the purchasing farmer an opportunity to purchase all lands (i.e. the proposed severed and retained parcels, as they exist now) and amend the application to reflect that the dwelling meets applicable Municipal and Provincial policies.

Should the Land Division Committee support the application, the following conditions are recommended by Elgin County:

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.

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

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 for the 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 shall have a private water well assessment completed on the severed parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant's Solicitor provided an undertaking to the Municipality, to provide a copy of the registered deed for the retained parcel prior to the transfer of the severed parcel, by transferring retained parcel to the purchasing farmer as part of a farm consolidation with the abutting lands to the west, once the transaction has occurred to 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 68-21**

**PT LOT 9, CONCESSION 2
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 21934 JOHNSTON LINE**

TAKE NOTICE that an application has been made by **Pioneer Hay Sales LTD**, 29013 Pioneer Line, Dutton ON N0L 1J0 a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 21934 Johnston Line, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 19.65 metres (64.46 feet) along Johnston Line by a depth of 218.94 metres (718.31 feet) and an area of 0.6082 hectares (1.50 acres) containing one residence, a shop and a garden shed, surplus to the needs of the owners. The owners are retaining 24.57 hectares (60.73 acres) to remain in agricultural use.

Additionally, there are two easements on the subject lands: one for an underground hydro line and one for an underground water line, each across the retained lands, in favour of the severed lands (as seen on the provided sketches).

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 SEPTEMBER 22, 2021 AT 10:00 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.

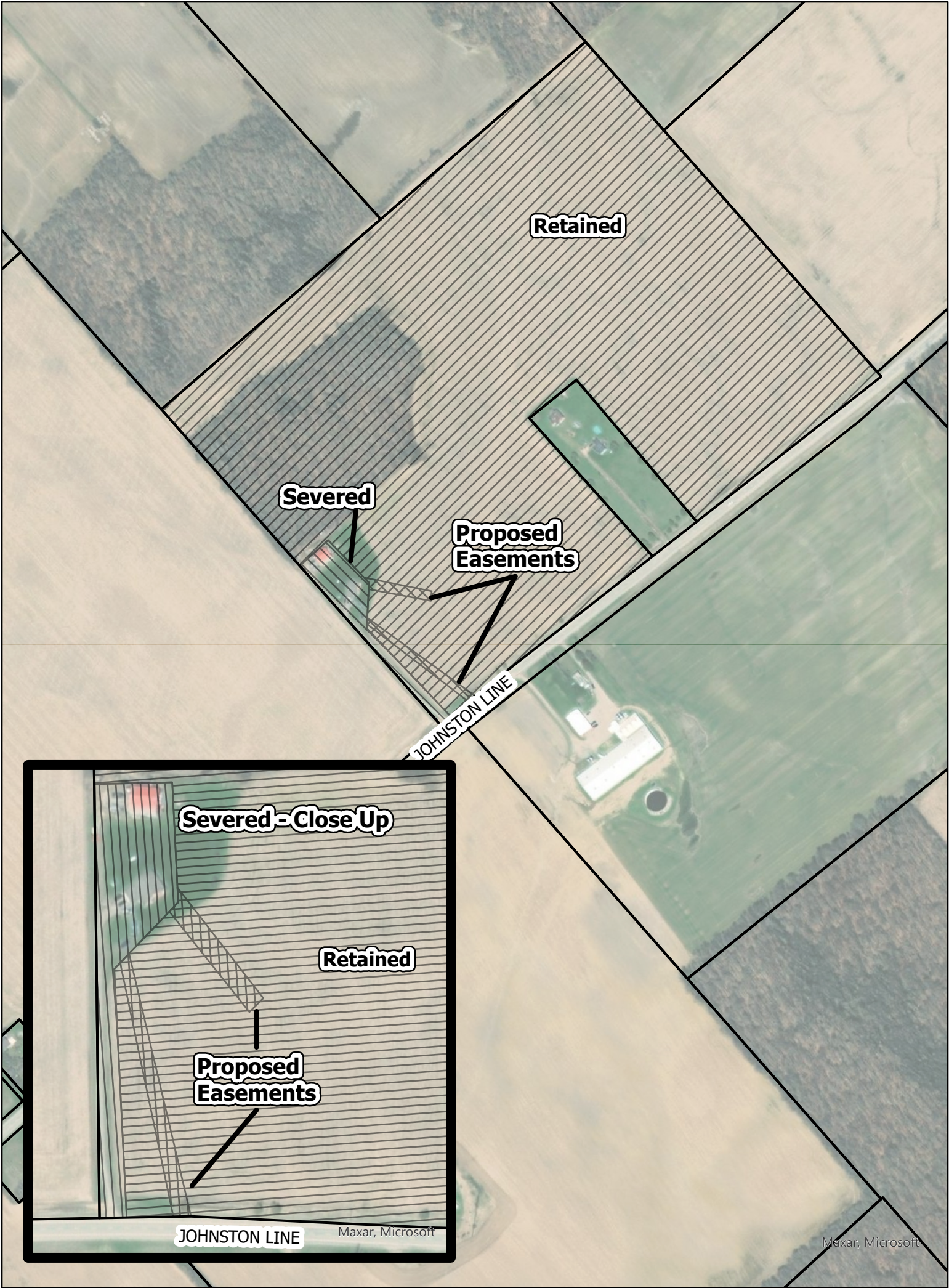
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 26th day of August, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

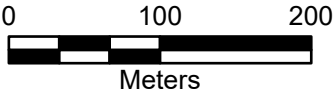
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



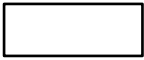




Location Map

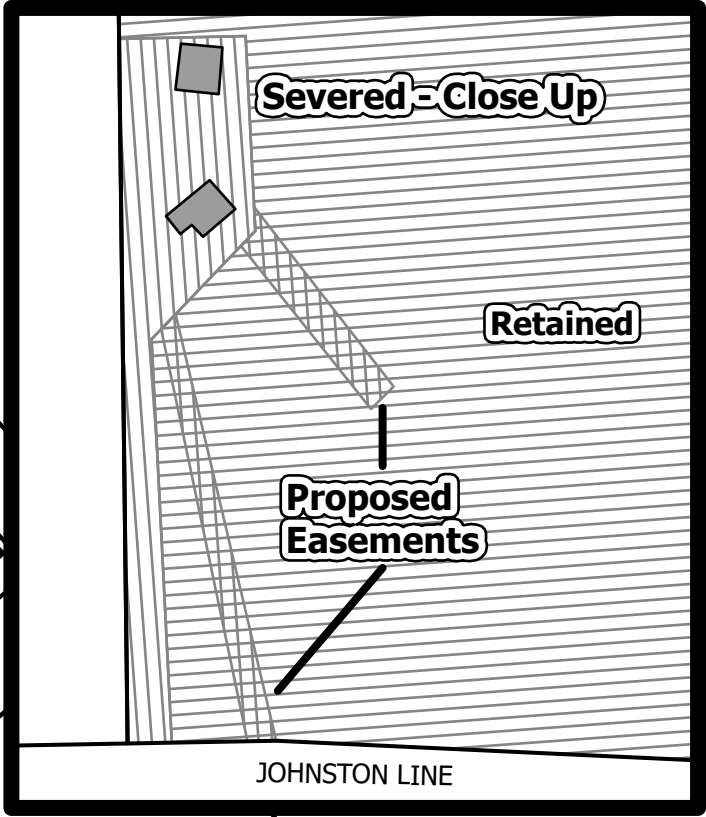
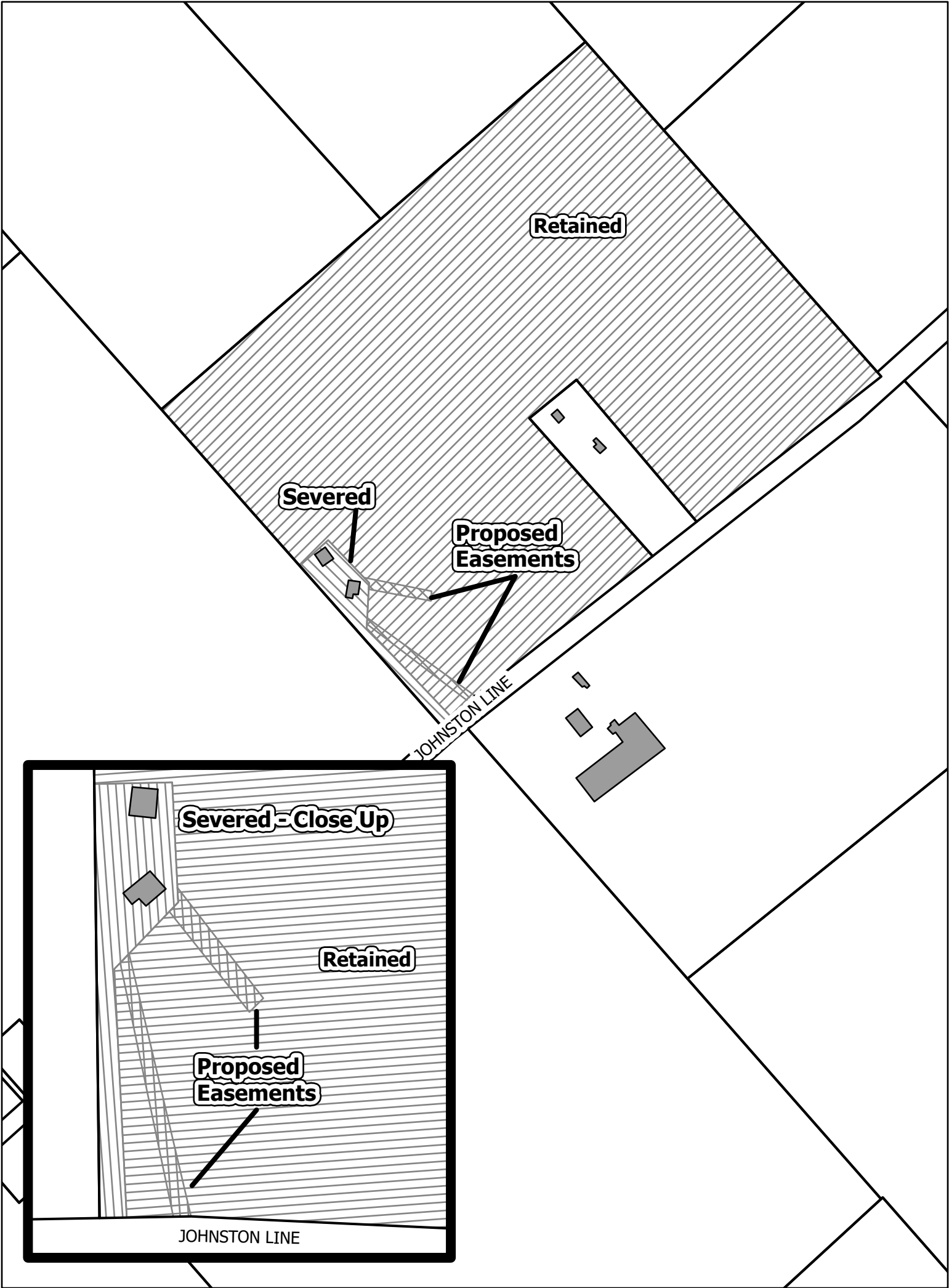
Subject Site: 21934 Johnston Line
File Number: 68-2021
Owner: Pioneer Hay Sales Ltd.
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend

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

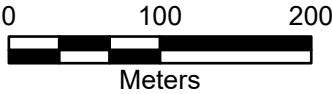


Location Map

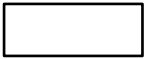


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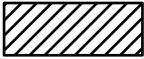
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

VIA E-MAIL ONLY

September 14, 2021

County of Elgin
c/o Aisling Lavery, Secretary-Treasurer
County of Elgin Land Division Committee
450 Sunset Drive
St. Thomas, Ontario N5R 5V1
E-mail: alavery@elgin.ca

Ms. Lavery:

RE: Municipality of West Elgin Severance (Consent) Application - Comments to the County of Elgin
County File Number: E68-21
Legal Description: West Part Lot 9, Concession 2
Civic Address: 21934 Johnston Line

Please be advised that the Municipality of West Elgin have reviewed the above noted application. Please find attached the following documentation, as it relates to the above noted files:

1. West Elgin Council Resolution 2021-285, dated September 14, 2021;
2. Planning Staff Report 2021-27: Severance Application E68-21 – Comments to County of Elgin, dated September 9, 2021; and
3. E68-21 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
Municipality of West Elgin
22413 Hoskins Line
Rodney ON N0L 2C0
Phone: (519) 785-0560
Cell: (519) 280-1028
Fax: (519) 785-0644
Email: planning@westelgin.net

cc. Nancy Pasato, Manager of Planning Services, County of Elgin (Email: npasato@elgin.ca)
Dan McKillop, Applicant (Email: danmckillop2012@hotmail.ca)
Brett Fleming, Pioneer Hay Sales Ltd., Owner (Email: fleming@hayadngrainltd.net)



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

September 14, 2021

At the Regular Meeting of Council on September 9, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2021- 285

Moved: Deputy Mayor Leatham

Seconded: Councillor Rowe

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E68-21 – Comments to County of Elgin (Planning Report 2021-27);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E68-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Carried

Jana Nethercott
Clerk



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-09-09

Subject: Severance Application E68-21 – Comments to County of Elgin (Planning Report 2021-27)

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E68-21 – Comments to County of Elgin (Planning Report 2021-27);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E68-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E68-21, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the lot creation of a surplus farm dwelling that is part of a farm consolidation within our agricultural area, on Johnston Line.

Background:

Below is background information, in a summary chart:

Application	E68-21
Owner	Pioneer Hay Sales Ltd
Applicant	Dan McKillop
Legal Description	West Part Lot 9, Concession 2
Civic Address	21934 Johnston Line
Entrance Access	Johnston Line
Water Supply	Privately owned and operated individual well
Sewage Supply	Private on-site individual septic system
Existing Land Area	26.8 ha (66.2 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
E68-21	19.65 m (64.47 ft)	218.94 m (718.31 ft)	6,082.3 sqm (1.5 ac)	526 m (1,725 ft)	453 m (1,486 ft)	26.2 ha (64.7 ac)

The Applicant has acknowledged in their application that they will need two easements, as detailed below and depicted in the severance (consent) sketch. It is noted that no Planning Act consent applications for easements have been applied for, but an easement can be created for terms outside of Planning Act approval (21 years).

The first easement is for the existing privately owned and operated individual well and associated private waterline. The existing water well is approximately 100 metres (328 feet) southeast of the existing house in the middle of the field that is planted in crops. The extent of the easement would be from approximately 6 metres (20 feet) around the existing water well to the proposed severed parcel, being approximately 90 metres (295 feet) by approximately 6 metres (20 feet) wide. This would save the Owner the cost of relocating the well onto the severed parcel; if there is a water vein to tap into; and is an already established water supply source. Planning Staff acknowledges that crop damage could occur within the easement lands should infrastructure issues arise, water consumption quality issues could also arise with agricultural practices, and infrastructure damage could with agricultural practices.

The second easement is for the existing private underground hydro line between Hydro Ones distribution lines of overhead hydro on the north side of Johnston Line to the existing dwelling. The extent of the easement would be from the front lot line to the proposed severed parcel, being approximately 140 metres (459 feet) by approximately 6 metres (20 feet) wide. This would save the Owner the cost of relocating the hydro onto the severed parcel and aligns with the existing Hydro One pole. Planning Staff acknowledge that crop damage could occur within the easement lands should infrastructure issues arise, and infrastructure damage could with agricultural practices with the current site location.

The Public Hearing is scheduled for September 22, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Pioneer Hay Sales Lands.



The severance sketch, showing E68-21 is attached to this report as Appendix One for reference purposes.

Financial Implications:

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

Policies/Legislation:

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

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

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect and there are no existing livestock facilities on the retained parcel.

No development is proposed within the natural heritage (Section 2.3) portion of the property.

This proposal appears to be consistent with the PPS.

CEOP:

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

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks as there are no barns capable of housing livestock. The residence is connected to the municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) portion of the property.

Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- The remnant parcel would be rezoned to prohibit a dwelling;
- There are no livestock operations affecting the proposal, with respect to MDS I;
- The proposed severed parcel is minimizing the loss of the productive farmlands to the best of its abilities with existing site features; and
- There are no farm buildings that area deteriorated, derelict or abandoned for consideration of removals.

No development is proposed within the natural heritage portion of the property.

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

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 7 of the ZBL, as depicted in Figure Two to the right.

Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

The proposed severed parcel area is approximately 6,082.3 square metres (1.5 acres), with a lot frontage of 19.65 metres (64.47 feet);

and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural Special Provision X (A3-X) Zone, as a condition of approval. The Restricted Agricultural (A3) Zone has a minimum lot area of 4000 square metres and a minimum lot frontage of 30 metres respectively. The Special Provision would be required to reduce the minimum lot frontage from 30 metres to 19.6 metres, in order to minimize agricultural land loss.

The proposed retained parcel would need to be rezoned to the Agricultural (A2) Zone, in order to prohibit a single unit dwelling on the lands, as a condition of approval.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment was obtained for the severed parcel, that can be addressed through a condition of the consent application.

Interdepartmental Comments:

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

Drainage:

Drainage Department noted the following:

- The subject lands are within the Purcell Drain municipal drainage area.



Planning Staff notes that this can be addressed as condition of approval for reassessment processes.

Utilities:

Utilities Department noted the following:

- No issues of concern, as no municipal water and sewer fronts this subject lands.

Building:

Building Department noted the following:

- A permit is required for a new septic system on the subject lands.

Planning Staff notes that this can be addressed as condition of approval for the installation of the new septic system.

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

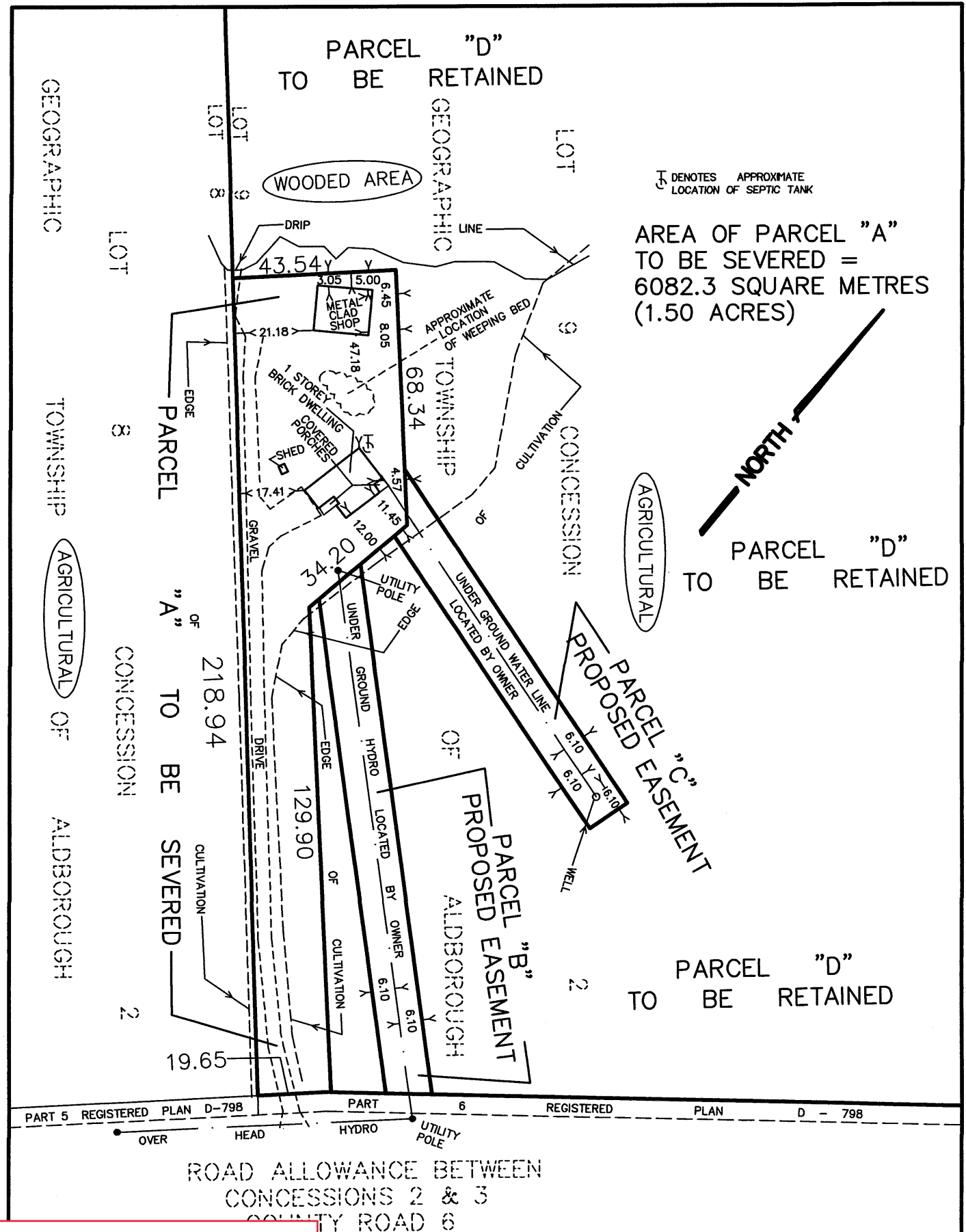
Summary:

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

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

Respectfully Submitted,

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



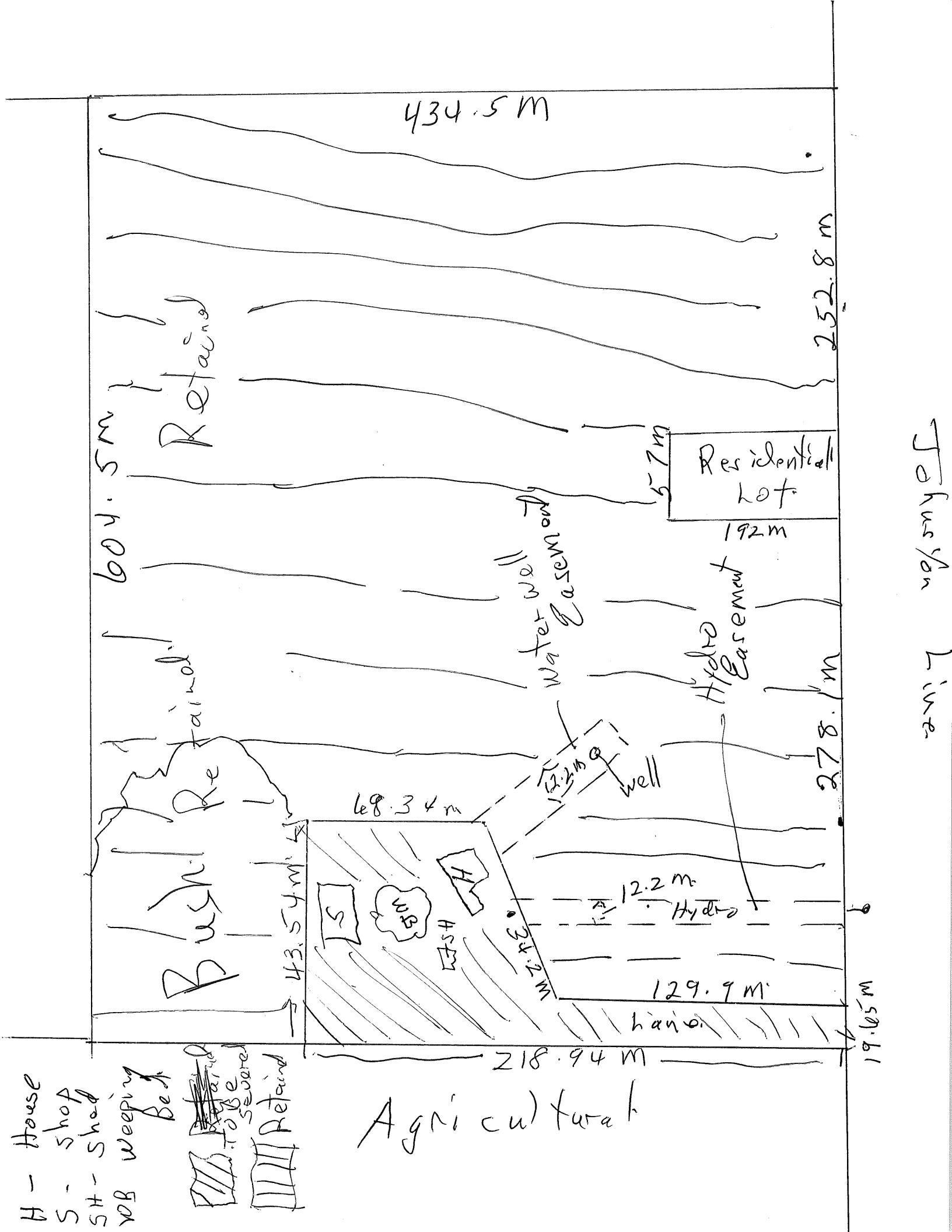
PLANNING REPORT 2021-27
APPENDIX ONE: SEVERANCE
(CONSENT) SKETCH - E68-21

H - House
 S - Shop
 SH - Shed
 WB weeping
 Bed

~~Retain~~
 Retain
 Retain

Agricultural

Johnson Line



Planning Report 2021-27: Severance Report E68-21 –
Comments to the County of Elgin

Appendix Two: Severance Application E68-21 Conditions

Severance Application E68-21 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 for the severed parcel and retained 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 shall have a private water well assessment completed on the retained parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall engage a qualified designer and contractor to install a new septic system on the proposed severed parcel through the building permit process pursuant to the Building Code Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed and retained parcels for the existing privately owned and operated individual well and associated private waterline, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.
10. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered Notice of Easement for the water well and waterline once the transaction has occurred to the Municipality.

11. That the Applicant's Solicitor prepare an Easement Agreement between the severed and retained parcels for the existing private underground hydro line, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.
12. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered Notice of Easement for the hydro line once the transaction has occurred to the Municipality.
13. 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.
14. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

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 E68-21

Owner: Pioneer Hay Sales Ltd

Applicant/Agent: Dan McKillop

Location: West Part Lot 9, Concession 2

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agricultural – West Elgin Official Plan

Policies: Section 6.2 and 10.4.1 (West Elgin Official Plan)

PART 2 - ZONING

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

Comments:

Relief to the Zoning By-law is required for the severed and retained parcels.

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

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

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

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

All local municipal interests are contained within the West Elgin Planning Staff Report 2021-27.

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 2021 ELGIN COUNTY ROAD NO.: 6 - 21934 Johnston Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 68-21

OWNER: Pioneer Hay Sales Ltd.

PROPERTY: LOT NO. Pt Lot 9 CONCESSION: 2

REG'D PLAN: MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required
[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 Johnston Line County Road (6) 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.....
- 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.....
- 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: Elgin County Planning Division
Date: September 22, 2021
Application: E 68-21

Owner:
Pioneer Hay Sales
29013 Pioneer Line
Dutton ON N0L 1J0

Agent:
Dan McKillop
29094 Silver Clay Line
Dutton ON N0L 1J0

Location: 21934 Johnston Line, legally described as Pt Lot 9, Concession 2, Municipality of West Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 19.65 metres (64.46 feet) along Johnston Line by a depth of 218.94 metres (718.31 feet) and an area of 0.6082 hectares (1.50 acres) containing one residence, a shop and a garden shed, surplus to the needs of the owners. The owners are retaining 24.57 hectares (60.73 acres) to remain in agricultural use.

Additionally, there are two easements on the subject lands: one for an underground hydro line and one for an underground water line, each across the retained lands, in favour of the severed lands (as seen on the provided sketches).

**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 West Elgin – no concerns subject to the provided conditions.

County Engineering – no concerns subject to the provided conditions related to road widening and entrance permits.

Conservation Authority – no comments.

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 (0.6082 hectares/1.99 acres) will contain an existing dwelling, shop and garden shed, and the existing private servicing (privately owned and operated individual well and privately owned and operated individual septic tank). The private servicing will require an easement across the retained lands, in favour of the severed lands.

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 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 portion of the lands containing the Woodland overlay will not be fragmented or impacted by this application.

The Applicant has previously indicated that the retained lands (24.58 hectares/60.72 acres) maintain their existing agricultural use. The proposed severance 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.

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 and hydro 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 as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation. Lot creation for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, will comply with the policies of Section 6.2.9 of the Official Plan. There is no development proposes within the Natural Heritage portion of the property.

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 7 of the ZBL. Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The severed parcel would require a zoning by-law amendment to recognize the reduced lot frontage, as a condition of consent.

The Applicant has acknowledged in their application that they will need two easements. It is noted that no Planning Act consent applications for easements have been applied for, but an easement can be created for terms outside of Planning Act approval (21 years).

The application conforms with both the Official Plan and Zoning By-law of West Elgin.

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/parcels up to 15 metres from the centerline of construction of Johnston Line County Road 6, 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 West Elgin be included as conditions for consent:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed parcel and retained 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 shall have a private water well assessment completed on the retained parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall engage a qualified designer and contractor to install a new septic system on the proposed severed parcel through the building permit process pursuant to the Building Code Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed and retained parcels for the existing privately owned and operated individual well and associated private waterline, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.
10. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered Notice of Easement for the water well and waterline once the transaction has occurred to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 69-21**

**LOT 13, CONCESSION 2
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 44598 DEXTER LINE**

TAKE NOTICE that an application has been made by **Lawrence Parker & Sons Ltd.**, 44583 Dexter Line, Union ON N0L 2L0 a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 44589 Dexter Line, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 16.69 metres (54.75 feet) along Dexter Line by a depth of 150.64 metres (494.22 feet) and an area of 0.505 hectares (1.25 acres) containing one residence surplus to the needs of the owners. The owners are retaining 38.81 hectares (95.9 acres) 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 SEPTEMBER 22, 2021 AT 10:10 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.

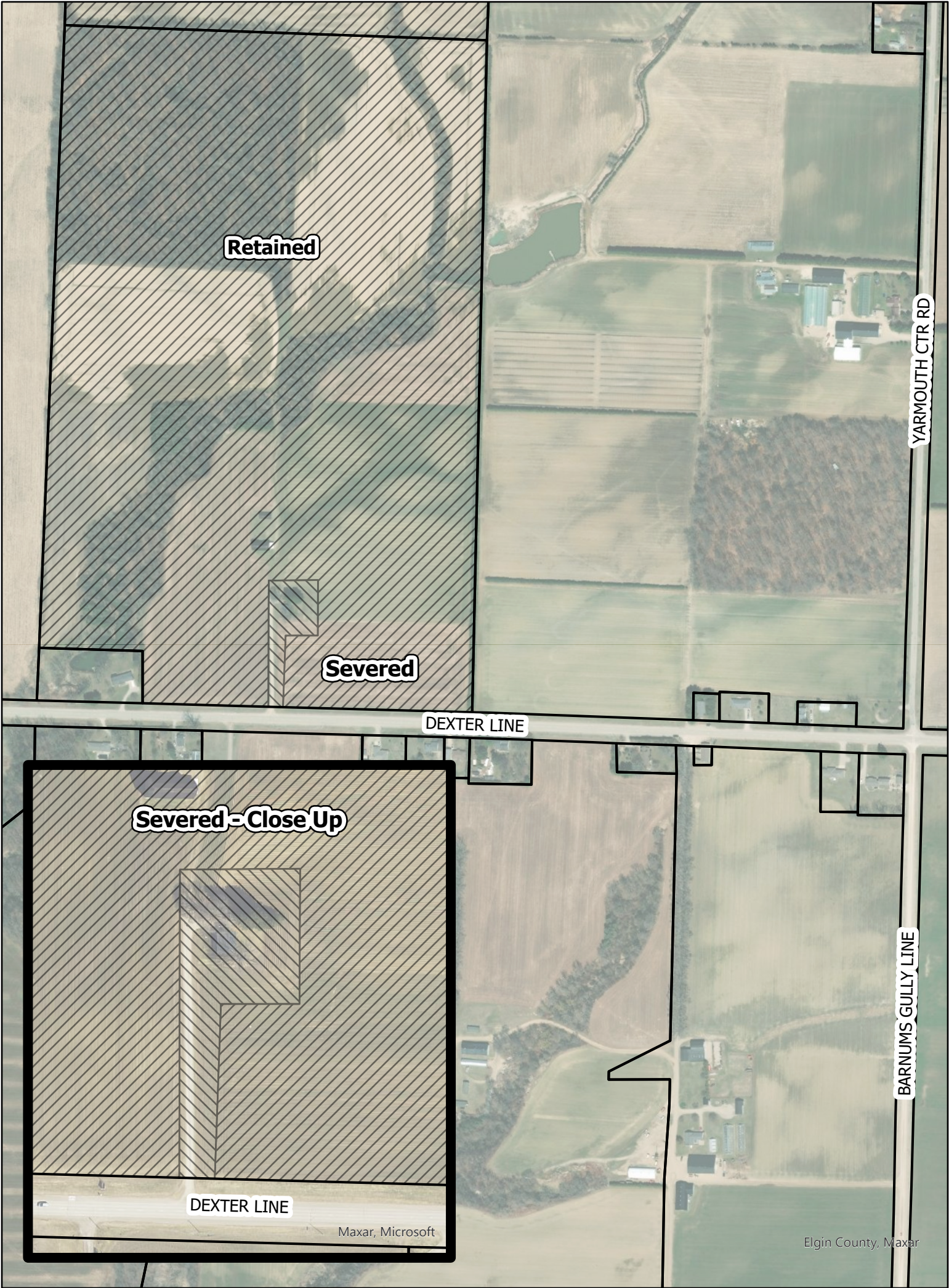
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 26th day of August, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

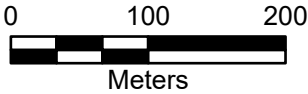
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



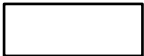
Location Map

Subject Site: 44598 Dexter Line
File Number: 69-2021
Owner: Lawrence Parker & Sons Ltd
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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



Legend



Subject Site



Severed



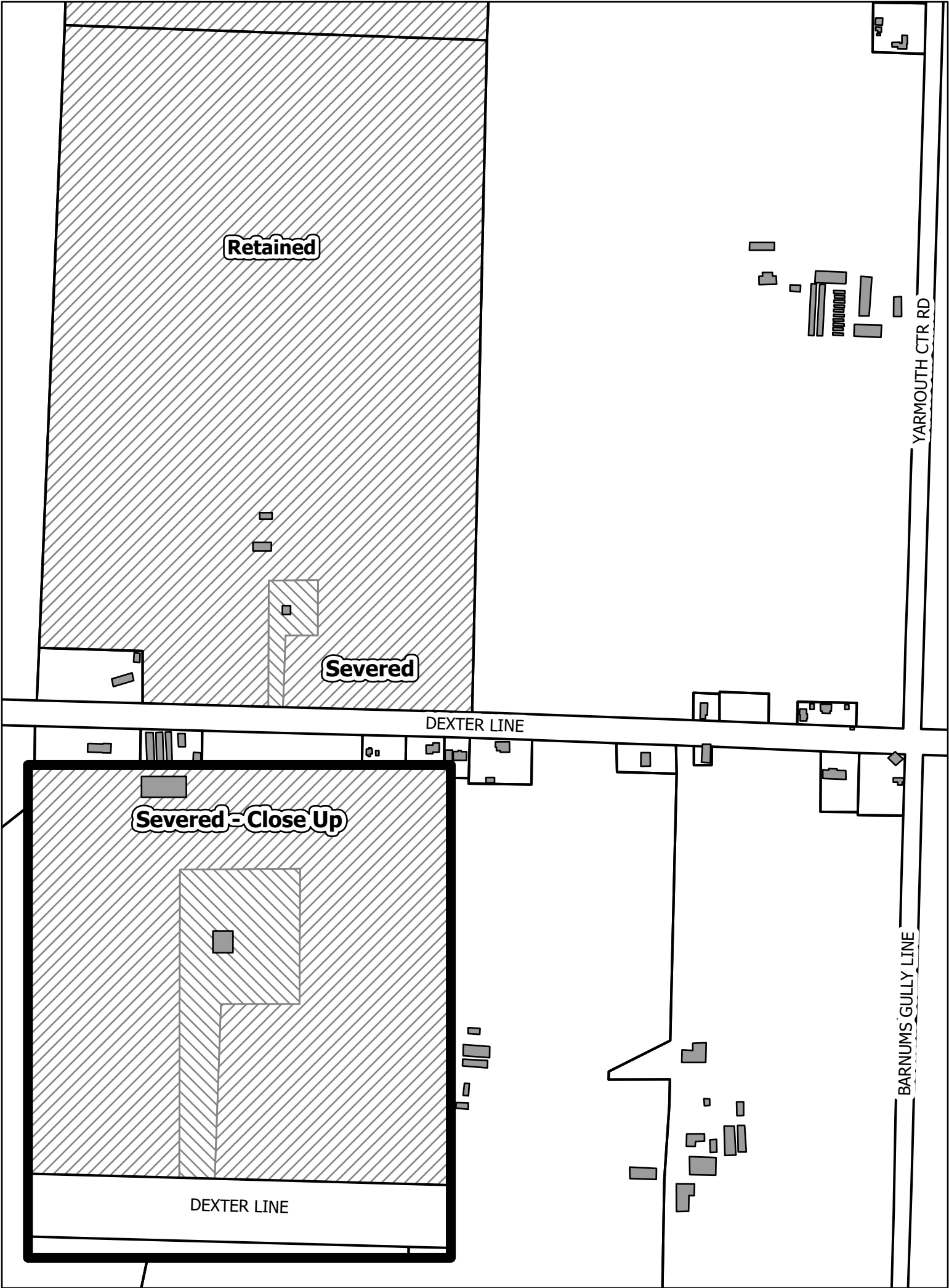
Retained



Elgin Road Network



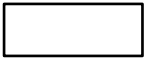
Buildings



Location Map



Legend



Subject Site



Severed



Retained



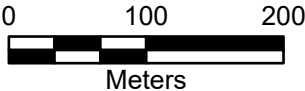
Elgin Road Network



Buildings

Subject Site: 44598 Dexter Line
File Number: 69-2021
Owner: Lawrence Parker & Sons Ltd
Planner: Nancy Pasato
Created By: AL
Date: 08/24/2021

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





September 14, 2021

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

Re: Land Division Application E 69/21 – Lawrence Parker & Sons Ltd.

Dear Ms. Pasato:

Please be advised that Council discussed the above noted application at their Regular Meeting of Council dated Monday, September 13th, 2021 and the following resolution was passed:

THAT Report CEP 39.21 be received;
AND THAT Council has no objections to consent application E69/21 – Lawrence Parker & Sons Ltd., 44598 Dexter Line subject to the following recommended conditions:

- Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
- A copy of the reference plan be provided to the Municipality of Central Elgin; and
- A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions regarding this matter.

Yours truly

A handwritten signature in black ink that reads "Dianne Wilson". The signature is fluid and cursive, with the first name "Dianne" being more prominent than the last name "Wilson".

Dianne Wilson
Deputy Clerk/Records Management Coordinator

c.c Lawrence Parker, Owner
David Roe, Civic Planning Solutions Inc., Agent
S. Craig, Senior Planner, CEPO
A. Laverty, Planning Technician/Secretary-Treasurer County of Elgin Land Division

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.40.21
CEPO FILE NO. E69/21
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 44598 Dexter Line
Applicant – Lawrence Parker & Sons Ltd.
DATE September 13, 2021

RECOMMENDATION

THAT Report CEP-40.21 be received for information;

AND THAT Should Council pass a resolution in support of consent application E69/21 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot; and
2. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

Background:

Consent application E69/21 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

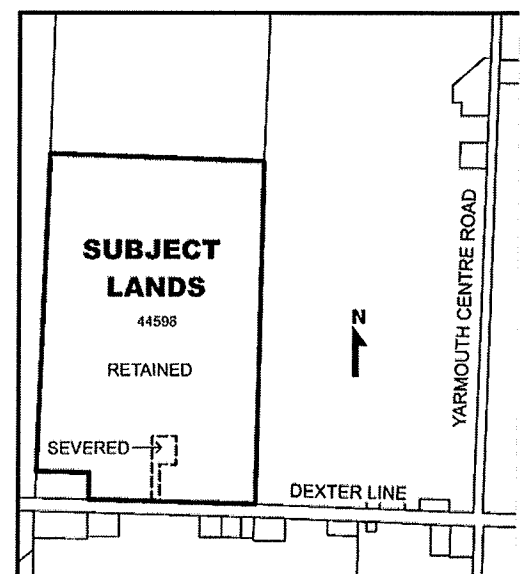
Location:

The subject lands are located on the north side of Dexter Line, west of Yarmouth Centre Road. The lands are described as, Concession 2, South Part Lot 13, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a lot with frontage of 16.69m on Dexter Line, and an area of 5,041.8m², containing one dwelling. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 368m on

Location Plan:



Dexter Line and an area of 38.8ha. The retained lot will continue to be used for agricultural purposes.

Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c):
 1. The lot containing the residence surplus to a farm operation:
 - i) Shall be in compliance with the regulations of the applicable zoning by-law;
 - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
 - iii) Shall be in compliance with the Municipality's property standards by-law;
 - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
 - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
 2. The lot that is being consolidated into the farm operation:
 - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
 - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
 - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
 3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

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 include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m² (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

3. County of Elgin Official Plan:


- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (b)): the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the

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

4. Comments


- In accordance with the official plan policies approval of a zoning by-law amendment is required to prohibit residential dwellings on the retained lot.

Respectfully submitted:

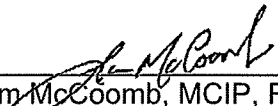


Steve Craig
Sr. Planning Technician

Approved for submission:



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 5, 2021 ELGIN COUNTY ROAD NO.: 24 - 44598 Dexter Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 69-21

OWNER: Lawrence Parker & Sons Ltd.

PROPERTY: LOT NO. 13 CONCESSION: 2

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 15m from the centreline of construction of Dexter Line County Road (24) 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.....
- 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.....
- 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.



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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: Elgin County Planning Division
Date: September 22, 2021
Application: E 69-21

Owner:
Lawrence Parker & Sons Ltd.
44583 Dexter Line
Union ON N0L 2L0

Location: 44598 Dexter Line, legally described as Lot 13, Concession 2, Municipality of Central Elgin.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 16.69 metres (54.75 feet) along Dexter Line by a depth of 150.64 metres (494.22 feet) and an area of 0.505 hectares (1.25 acres) containing one residence surplus to the needs of the owners. The owners are retaining 38.81 hectares (95.9 acres) to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural
Natural Heritage

**Local Municipality
Zoning By-law**
Open Space 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin - no objections subject to the recommended conditions.

County Engineering – no concerns subject to the provided conditions related to road widening and entrance permits.

Conservation Authority – no comments.

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 and contain a barn and a shed. 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 (150.64 metres/494.22 feet) will contain an existing dwelling, 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 Woodlands overlay, as per Appendix 1 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 portion of the lands containing the Woodland overlay will not be fragmented or impacted by this application.

The Applicant has previously indicated that the retained lands (20.310 hectares/50.187 acres) will maintain their existing agricultural use. The proposed severance (0.4456 hectares/1.10 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.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule A – Land Use Plan in the Municipality of Central Elgin Official Plan. A consent for the purposes of a surplus farm dwelling is permitted provided it is rendered surplus as a result of farm consolidation.

The subject lands are within the Open Space Zone 1 of the Township of Yarmouth Zoning By-law. Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses.

The application complies with both the Municipality of Central Elgin's Official Plan and Zoning By-law.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation 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/parcels up to 15m from the centerline of construction of Dexter Line County Road 24 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.
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 Central Elgin be included as conditions for consent:

1. Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. A copy of the reference plan be provided to the Municipality of Central Elgin: and
3. A drainage reassessment be done, if necessary, at the owner's expense.