

ELGIN COUNTY LAND DIVISION COMMITTEE

Meeting Minutes – September 22, 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 (August 25, 2021):

Moved by: Jack Van Kasteren

Seconded by: John Andrews

That the minutes of the meeting held August 25, 2021 be adopted.

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

- Carried

Items for Consideration:

Signs

Committee Comments:

- LDC members want to ensure proper notice for all applications and suggest more signs be provided to applications on corner lots so traffic on both roads is aware of the application.
- This is especially important in contentious applications.

Items for Consideration:

OACA Training Videos – Discussion on potential participation for LDC members

Committee Comments:

- LDC members expressed an interest in participating in this OACA training.
- Most members would prefer to watch the videos as a group, at the County Admin Building, to facilitate discussion.
- Secretary-Treasurer to contact OACA to see if the three week time span these videos are provided could be extended to ensure everyone has a chance to see them.
- It was proposed by Committee members that a special meeting take place on November 24th, 2021, after the regularly scheduled LDC meeting, in the afternoon to participate as a group in this training exercise.
- All LDC members in agreement.

Items for Consideration:

Revised Application Form

Committee Comments:

- Site Visits – LDC members agree that site visits are important and necessary. However, site visits should not include discussing the application with the land owner/applicant.
- Questions 23/24/25 – this is technical/planning knowledge the average person may not know. Where do they get this information? Through consultation with the lower-tier municipality and/or the County.
- Proof of farm status – this is very important and must be provided somewhere on the form. Farm business registration numbers, OFA number, or tax confirmation, rather than just owning other lands.
- 16 – the term “grantee” could be revised to read “who the parcel was granted to” for clarity
- Checklist should be the very first page
- Affidavit and Authorization – blanks could be labelled to help applicant correctly fill in the form.
- LDC members inquired on if there is a way through the application to allow for flexibility to keep rural homes, rather than knock them down, if they don't qualify as surplus farm dwellings.
- No, there is not. There is no one size fits all policy for lot creation.

9:20am - Application E 51-21

John and David Loewen, 51432 Woolleyville 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.

Agent David Roe was present electronically.
Applicant John Loewen was present electronically.

Written submissions were received from the following:

1. **Township of Malahide** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – indicated this proposal is not on a County road.
3. **Elgin County Planning Division** – 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: John Andrews

Seconded by: Rosemary Kennedy

That severance application E 51-21 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 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.

Recorded Vote E 51-21	<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 surplus farm dwelling lot.

9:25am - Application E 52-21

John and David Loewen, 51432 Woolleyville Line, Aylmer, ON N5H 2R3

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.

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.
Applicant John Loewen was present electronically

Written submissions were received from the following:

1. **Township of Malahide** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – indicated this proposal is not on a County road.
3. **Elgin County Planning Division** – 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: Rosemary Kennedy

Seconded by: Dennis O'Grady

That severance application E 52-21 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.
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, 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.

Recorded Vote E 52-21

	<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: Lot Adjustment

9:32am - Application E 65-21

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

The applicants propose to sever a parcel with a frontage of 67 metres (219.816 feet) along Elm Line by a depth of 68metres (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.

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

Applicant Jim Crane present electronically. He explained the proposed retained driveway location, that a new well is to be installed and no one is currently living in the house while it is being updated.

Written submissions were received from the following:

1. **Municipality of Central Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – no concerns subject to the provided conditions related to road widening and entrance permits.
3. **Elgin County Planning Division** – 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: Dennis O'Grady

Seconded by: John Andrews

That severance application E 65-21 be approved 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.

Additionally, 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

Recorded Vote E 65-21

	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 surplus farm dwelling lot.

9:42am - Application E 66-21:

Penhale Farms Ltd., 9922 Penhale Road, Aylmer ON N5H 2R6

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.

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

Agent: Helen Button was present electronically.

Written submissions were received from the following:

1. **Municipality of Central Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – no concerns subject to the provided conditions related to road widening.
3. **Elgin County Planning Division** – 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: Dennis O'Grady

Seconded by: Jack Van Kasteren

That severance application E 66-21 be approved 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.

Additionally, 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.

Recorded Vote E 66-21

	<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 new agricultural lot.

9:50am - Application E 67-21

John Lamb, 20183 Marsh Line, Rodney ON N0L 2C0

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.

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

Agent (and purchasing farmer): Ed Dewild was present in the Council chambers.

- States he has a sale agreement in place but is not the current owner.

Written submissions were received from the following:

1. **Municipality of West Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – no concerns subject to the provided conditions related to road widening.
3. **Elgin County Planning Division** – Recommends deferral of this application.
4. **Lower Thames Valley Conservation Authority** – no concerns.

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

Moved by: Dennis O'Grady

Seconded by: John Andrews

That severance application E 67-21 be deferred at no additional cost to the applicant.

Recorded Vote E 67-21

Yes	No
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John Andrews (Southwold)

Yes

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

- **Carried**

Reasons: Application is not consistent with PPS or County OP policies related to surplus farm dwellings.

10:10am - Application E 68-21:

Pioneer Hay Sales, 29013 Pioneer Line, Dutton ON N0L 1J0

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).

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

Agent: Dan McKillop was present electronically.

Member of the Public: Alec Boekhoven – neighbour across the road where barns are located. MDS was dealt with during the construction of his barns. Inquired on ability to sever two surplus dwellings on one property (which is permitted through OP policies of West Elgin).

Written submissions were received from the following:

1. **Municipality of West Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – no concerns subject to the provided conditions related to road widening and entrance permits.
3. **Elgin County Planning Division** – 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: John Andrews

Seconded by: Dugald Aldred

That severance application E 68-21 be granted subject to the following conditions:

That the requirements of the County of Elgin are met, including the following:

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.

That the requirements of the Municipality of West Elgin 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 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*.

Recorded Vote E 68-21

	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 surplus farm dwelling lot.

10:26am - Application E 69-21

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

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.

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** – Council recommends approval of this application subject to the conditions provided.
2. **Engineering Services** – no concerns subject to the provided conditions related to road widening and entrance permits.
3. **Elgin County Planning Division** – 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: Rosemary Kennedy

That severance application E 69-21 be granted 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.

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

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.

Recorded Vote E 69-21

	<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 surplus farm dwelling lot.

11:10pm - Adjournment

The Chair adjourned the meeting at 11:10 am.



Aisling Lavery, Secretary-Treasurer

John "Ian" Fleck, Chair



CORPORATION OF THE COUNTY OF ELGIN
Revised NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 54-21

CON 12; LOT 23
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 47148 RON MCNEIL LINE

TAKE NOTICE that an application has been made by **Margaret Alice Goodhue**, 44912 Edgeware Line, St. Thomas, ON N5P 3T3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 47148 Ron McNeil Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.607 hectares (1.5 acres) containing one residence, one frame barn and one shed, surplus to the needs of the owner. The owners are retaining 43.16 hectares (106.65 acres) proposed to remain in agricultural use.

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

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

WEDNESDAY OCTOBER 27TH, 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.

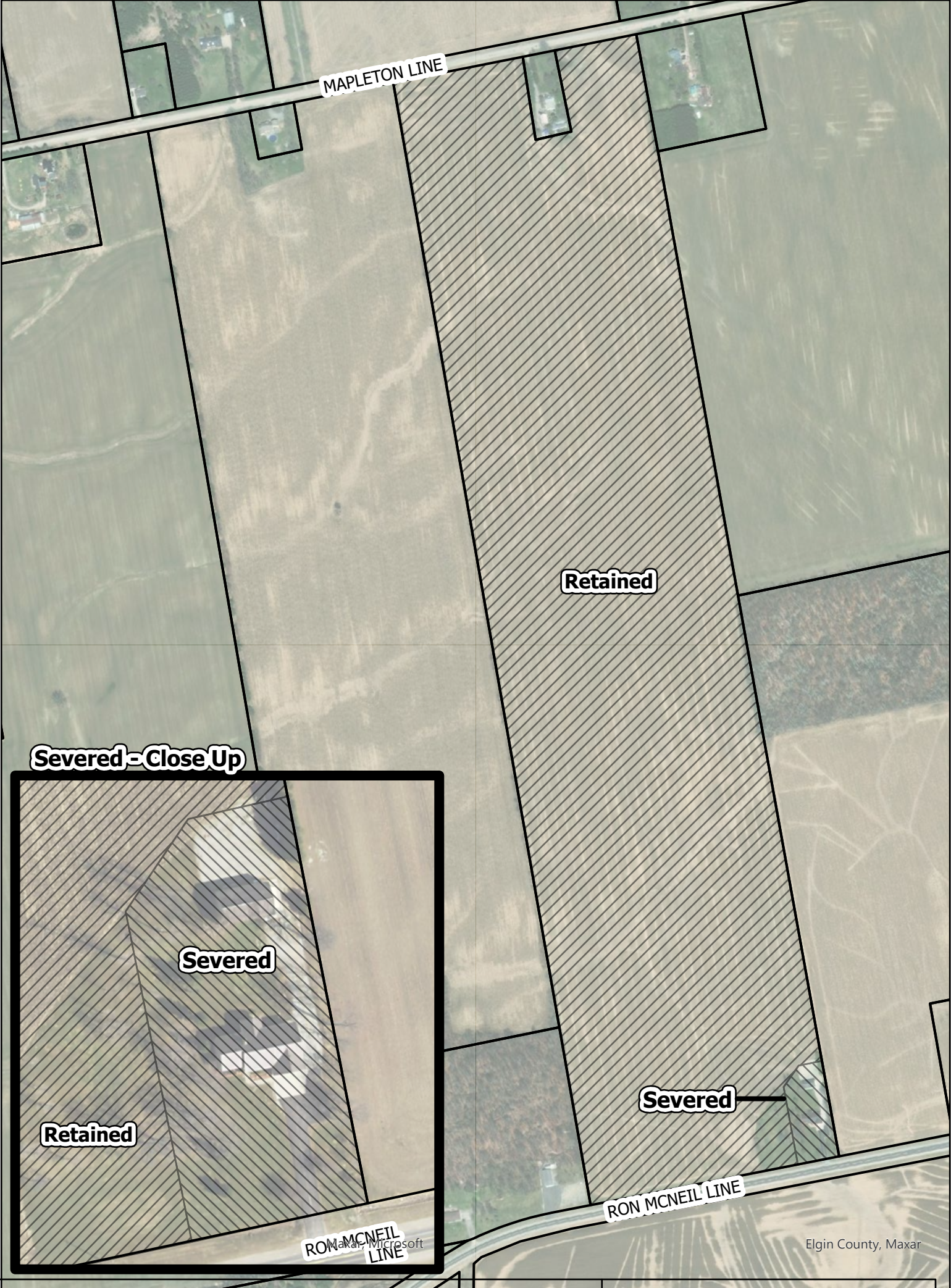
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 23rd day of September, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

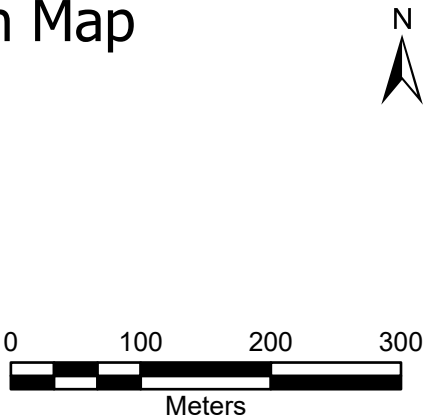
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



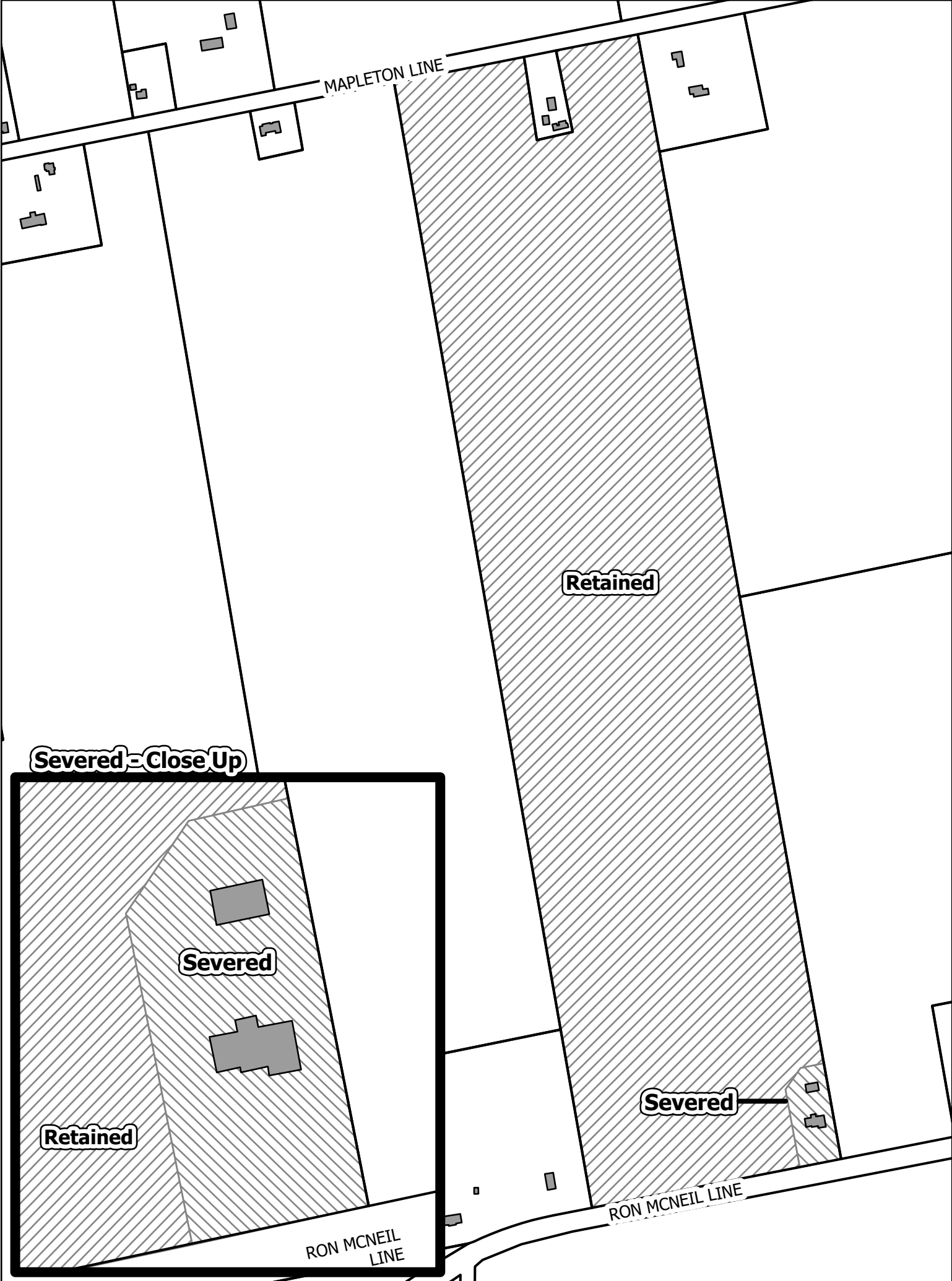
Location Map

Subject Site: 47148 Ron McNeil Line
File Number: 54-2021
Owner: Margaret Goodhue
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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



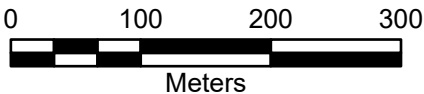
- Legend
- Subject Site
 - Severed
 - Retained
 - Elgin Road Network
 - Buildings



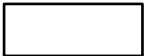
Location Map

Subject Site: 47148 Ron McNeil Line
File Number: 54-2021
Owner: Margaret Goodhue
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



October 22, 2021.

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

Dear Committee Members:

RE: Land Severance Application E54/21-Amended – Margaret Goodhue

The Malahide Township Council passed the following Resolutions on October 21, 2021:

THAT the Malahide Township Council has no objection to the Amended Land Severance No. E54/21 in the name of Margaret Goodhue, relating to the property located at Part Lot 23, Concession 12, Geographic Township of South Dorchester, subject to the following conditions:

- (i) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- (ii) That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- (iii) That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
- (iv) Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
- (v) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

- (viii) That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-21-48 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, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
Margaret Goodhue



Report to Council

REPORT NO.: DS-21-48
DATE: October 21, 2021
ATTACHMENT: Report Photo and Application
SUBJECT: **Revised Application for Consent to Sever of Margaret Goodhue (Authorized Agent: Helen R. Button - Gunn & Associates)**
LOCATION: East Part of Lot 23, Concession 12 (Geographic Township of South Dorchester) (47148 Ron McNeil Line)

Recommendation:

THAT Report No. DS-21-33 entitled “Revised Application for Consent to Sever of Margaret Goodhue” be received;

AND THAT the Application for Consent to Sever No. D10-E54-21 as submitted by Margaret Goodhue, relating to the property located at East Part of Lot 23, Concession 12, (Geographic Township of South Dorchester), and known municipally as 47148 Ron McNeil 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;

AND THAT the conditions previously imposed, and forwarded to the Land Division Committee dated July 9th, 2021 remain unchanged.

Background/Comments:

The revised subject application for Consent to Sever (the “Application”) has been submitted by Helen R. Button of Gunn & Associates, on behalf of Margaret Goodhue in order to sever an existing dwelling as a result of a farm consolidation. The Council considered and supported the original application on July 8th, 2021 (Report No. DS-21-33).

The application was denied by the Land Division Committee on July 28th, 2021 on the basis that the proposed surplus dwelling lot was too large. The revised application proposes to reduce the frontage and area of the severed lot from the original application. The original and revised applications propose the following with regard to lot frontage and lot area.

Application	Proposed Severed parcel Lot Frontage	Proposed Severed parcel Lot Area
Original application	95.8 m (314.3 ft)	0.930 ha (2.3 acres)
Revised application	52.5 m (172.2 ft)	0.607 ha (1.5 acres)

A report photo representative of the proposed severance is attached for the Council's reference.

In all other respects the conditions put forward by Township Council previously remain.

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".

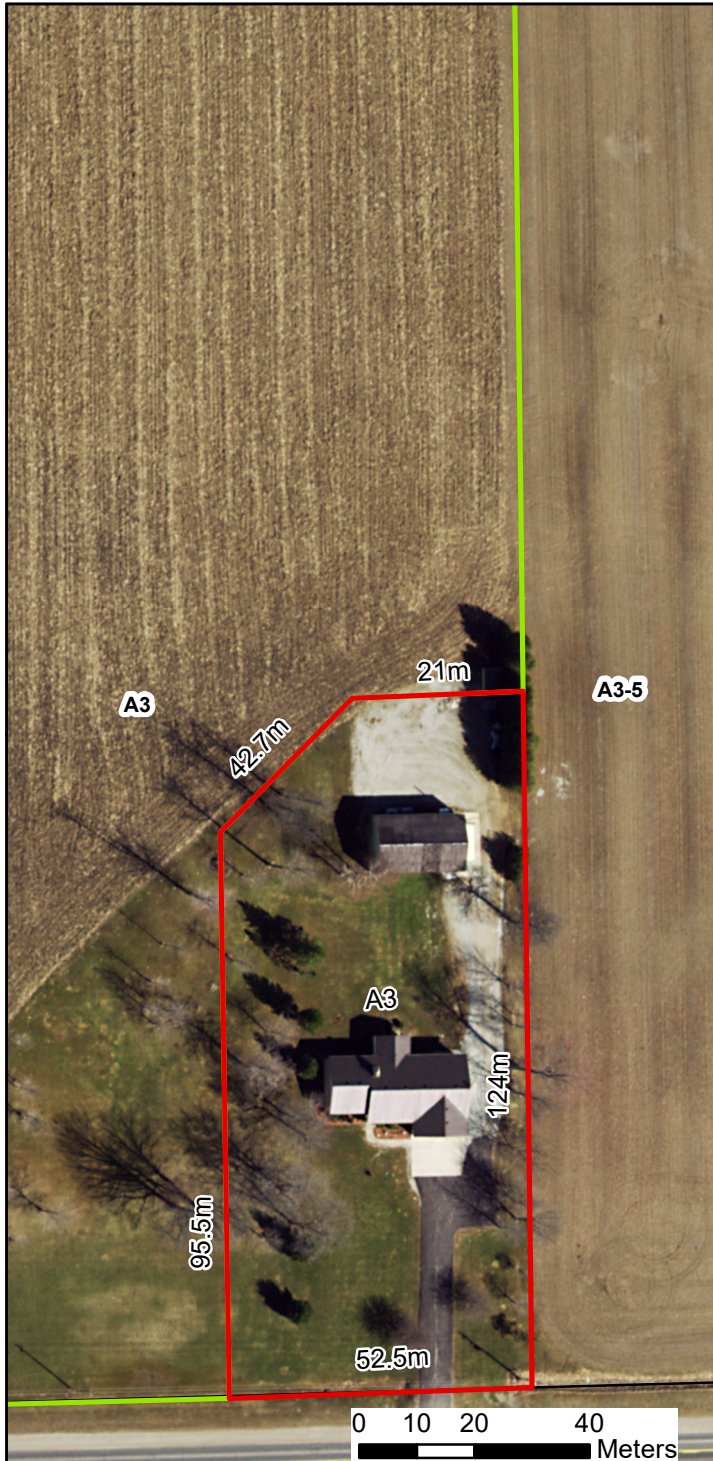
New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Approved by:
Christine Strupat, CPT Development Services Technician/ Assistant Planner	Adam Betteridge, MCIP, RPP Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Helen Button, Gunn & Associates, agent for Margaret Goodhue


47148 Ron McNeil Line
Part Lot 23, Concession 12 Southern Division
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A3 Large Lot Agricultural

 LANDS TO BE SEVERED

 LANDS TO BE RETAINED



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 E54-21-amended

Applicant Margaret Goodhue

Location CON 12 E PT LOT 23

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 July 9, 2021

From: [Tony Difazio](#)
To: [Aisling Lavery](#)
Subject: July 28, 2021 Consent Applications
Date: July 21, 2021 2:05:59 PM

Hi Aisling,

We (CCCA) have no concerns with Consent Applications E48-21 (Friesen); E53-21 (Sebok); E54-21 (Goodhue), E56,57,58-21 (Glinski) and E60-21 (Dyck).

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

Regards,

A handwritten signature in cursive script, reading "Tony Difazio".

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 30, 2021 ELGIN COUNTY ROAD NO.: 52 - 47148 RON MCNEIL LINE

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 54-21

OWNER: Margaret Alice Goodhue

PROPERTY: LOT NO. LOT 23 CONCESSION: 12

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 Ron McNeil Line County Road (52) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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 lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports
- 8) That, if necessary, an entrance permit be obtained from Elgin County for 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 lot.....
- 10) The County has no concerns.....
- 11) Not on County Road
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 54-21 – Deferred from July 28, 2021 Meeting

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

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

Location: 47148 Ron McNeil Line, legally described as CON 12; LOT 23, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.607 hectares (1.5 acres) containing one residence, one frame barn and one shed, surplus to the needs of the owner. The owners are retaining 43.16 hectares (106.65 acres) proposed to remain in agricultural use

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Large Lot Agricultural (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - the Malahide Township Council has no objection to the Land Severance No. E54/21 subject to the provided conditions.

Catfish Creek Conservation Authority – no concerns.

County Engineering – supports the application subject to the provided conditions related to road widening and entrance permits.

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 (43.16 hectares/106.65 acres) 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 (0.607 hectares/1.5 acres) will contain an existing dwelling and frame building. The existing shed, septic bed and frame building (shed) are all located on the north side of the dwelling and the proposed severed lot does not remove any farm lands.

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. The severed lands, which contain a residence deemed surplus to the farming operation, are a sufficient size to accommodate the existing single detached dwelling, frame building and existing private services (privately owned and operated individual septic tank and well), without taking away from the agricultural lands.

The originally proposed severed lot was larger (0.935 hectares/2.31 acres) than typically permitted for a surplus farm dwelling and contained an existing dwelling and shed, as well as a treed area to the west of the dwelling. At the July 2021 Land Division Committee meeting, this application was deferred to encourage the applicant to explore options related to creating a more regularly shaped lot of a smaller size.

The applicant has indicated the revised severed lot will have an area of 0.607 hectares (1.5 acres) and will retain 43.16 hectares (106.65 acres) for agricultural use. The reduction in lot size is supported by County planning staff.

Local Municipality Official Plan and Zoning By-law

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 17 of Schedule “A” to the Township’s Zoning By-law No. 22-18. Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Small Lot Agricultural (A4) Zone” zone. The proposed retained farm lot will be placed into the “Special Agricultural (A2) Zone” zone.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. Planning staff recommends the following conditions:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Ron McNeil Line County Road 52 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
2. That if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
5. 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. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 71-21**

**LOTS 6 AND 7, CONCESSION 5 N OF CON A DUNWICH
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 11714 COYNE ROAD**

TAKE NOTICE that an application has been made by **Barbara Farms Inc.**, 33812 Fingal Line, Fingal ON N0L 1K0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11714 Coyne Road, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 64 metres (209.974 feet) along Coyne Road by a depth of 106 metres (347.769 feet) and an area of 0.68 hectares (1.68 acres) containing one residence and one small drive shed, surplus to the needs of the purchasing farmer. The applicants are retaining 40 hectares (98.84 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 OCTOBER 27, 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.

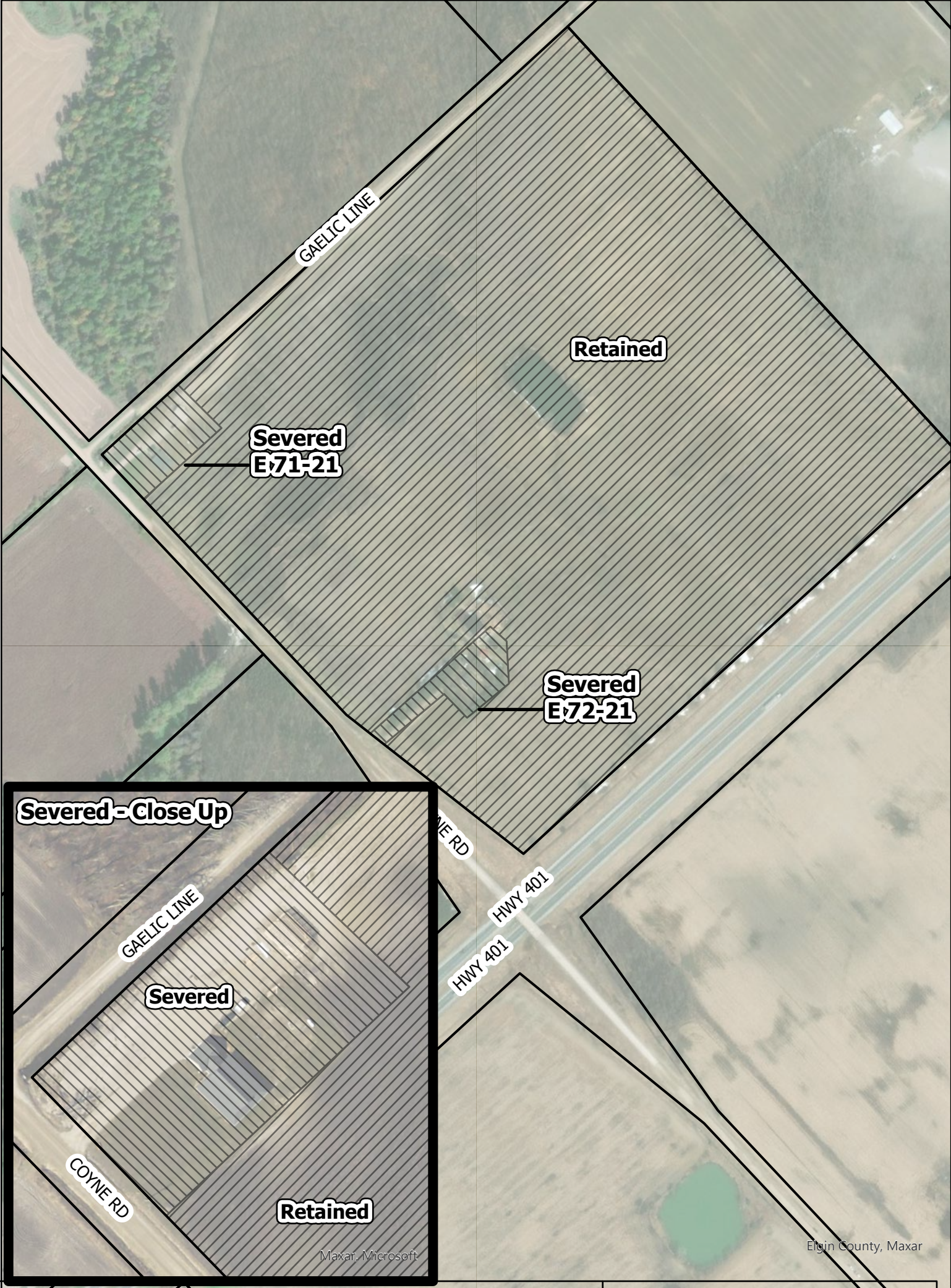
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 23rd day of September, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

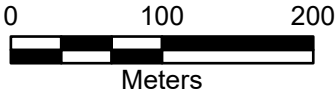
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



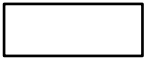




Location Map

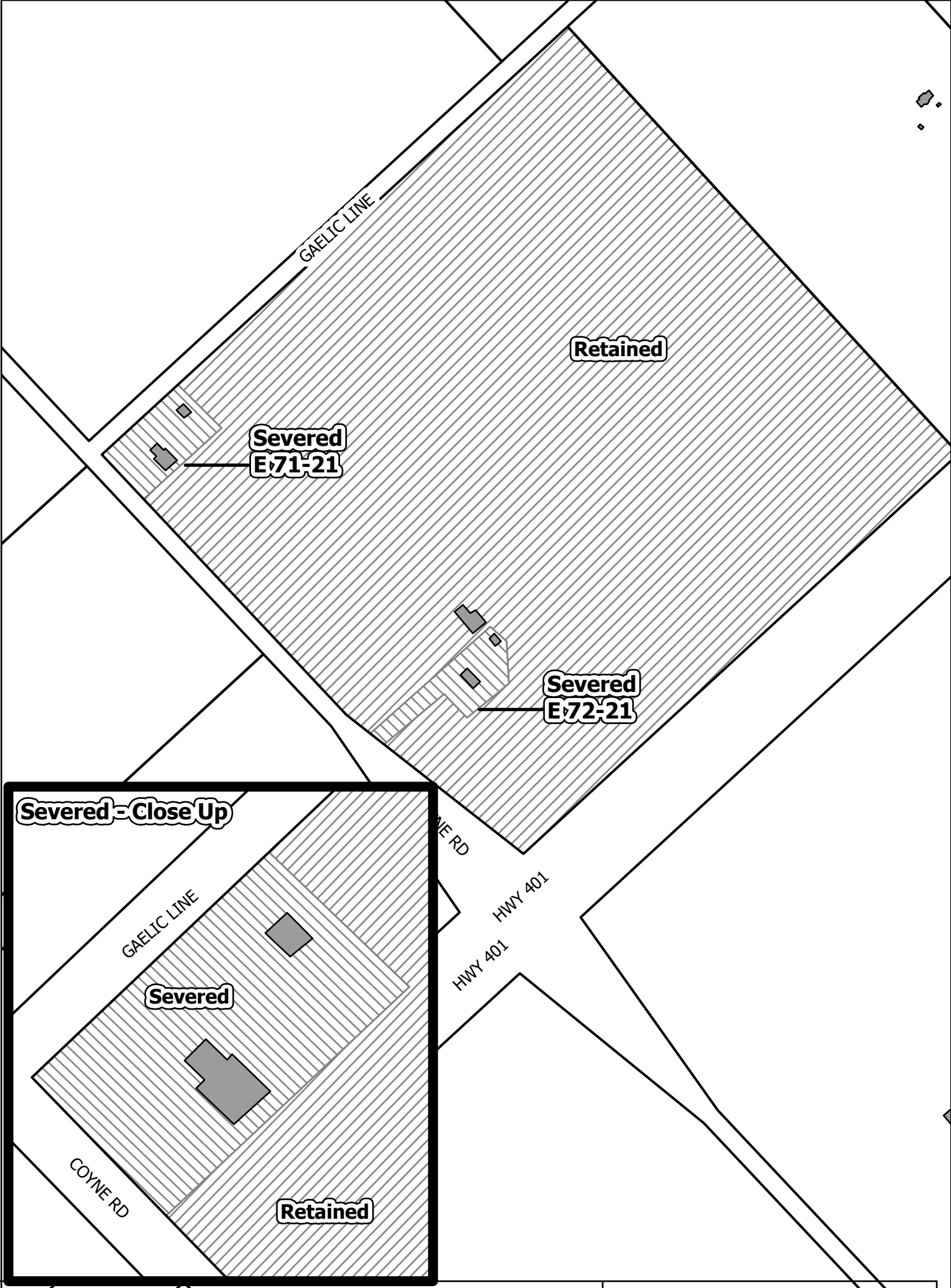
Subject Site: 11714 Coyne Road
File Number: 71-2021
Owner: Barbara Farms Inc.
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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



Legend

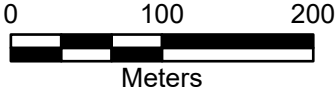
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings



Location Map

Subject Site: 11714 Coyne Road
File Number: 71-2021
Owner: Barbara Farms Inc.
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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



Legend	
	Subject Site
	Severed
	Retained
	Elgin Road Network
	Buildings



COUNCIL RESOLUTION



Res: 2021.18. 08

Wednesday, September 22, 2021

Moved by: _____ Loveland _____

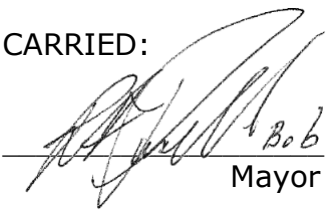
Seconded by: _____ Drouillard _____

THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E71/21 for 11714 Coyne Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality;
- j) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.

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

CARRIED:


Bob
Mayor

DEFEATED:

Mayor



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: September 22, 2021

SUBJECT: Application for Severance – 11714 Coyne Road (E71/21), Municipality of Dutton Dunwich – Barbara Farms Inc.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E71/21 for 11714 Coyne Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E71/21) by Barbara Farms Inc., the owner of the subject property.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land to be conveyed to Barbara Farms Inc.

The subject parcel is legally described as Concession 5 North of A, North Part Lots 6 and 7, locally known as 11714 Coyne Road, Municipality of Dutton Dunwich.

The subject lands are located along the northeast side of Coyne Road and Hwy 401 (see area in blue on the attached Key Map).

The proposed severed parcel will have an area of 0.68 ha, a depth of 106 m and a frontage of 64 m. Access to the subject property will be from a municipal road. The proposed severed parcel is used for rural residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 40 ha, a depth of 633 m and a frontage of 634 m. Access to the subject property will be from a municipal road. The proposed retained parcel is used for rural residential and agricultural purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services (see attached Sketch).

The David Bennett Drain and the Mennie Drain run along portion of the subject property and are regulated by the Lower Thames Valley Conservation Authority (LTVCA). In addition, a small woodlot is located in the centre of the property.

Agricultural and rural residential uses surround the subject lands.

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

The severance application is also part of LDC E72/21.

Planning Policy Review

Provincial Policy Statement

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan

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

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

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

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

Lot creation is considered development and is within and adjacent to the woodlands area, however, no new development is proposed.

The proposed severance conforms to the intent of the COP.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*

Records indicate that the dwelling has been in existence for more than five years.

- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*

The proposed lot has access to services.

- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*

The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.

- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*

The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.

- e) *The retained agricultural lands complies with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*

The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.

- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*

There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.

- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*

- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*

Section 5.3.5 sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Comments: The above-noted land division criteria can be complied with. The proposed severance application conforms to the intent of the OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 5 with a portion subject to LTVCA Regulation Limit.

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

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

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

CONCLUSION:

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

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

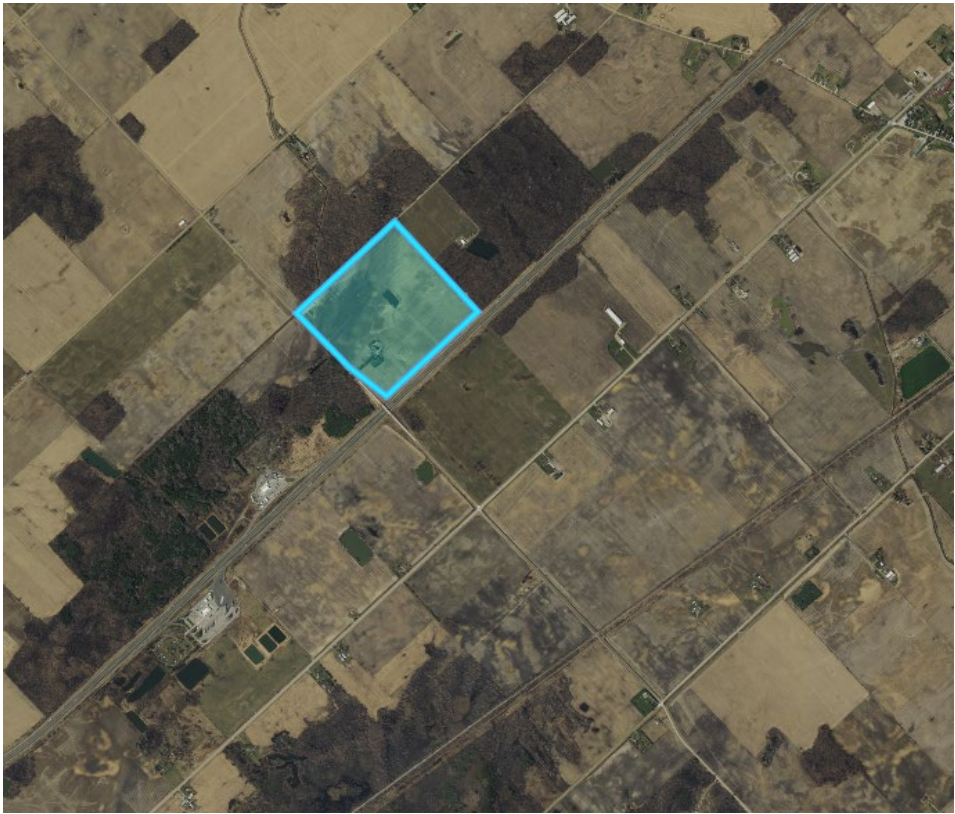
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

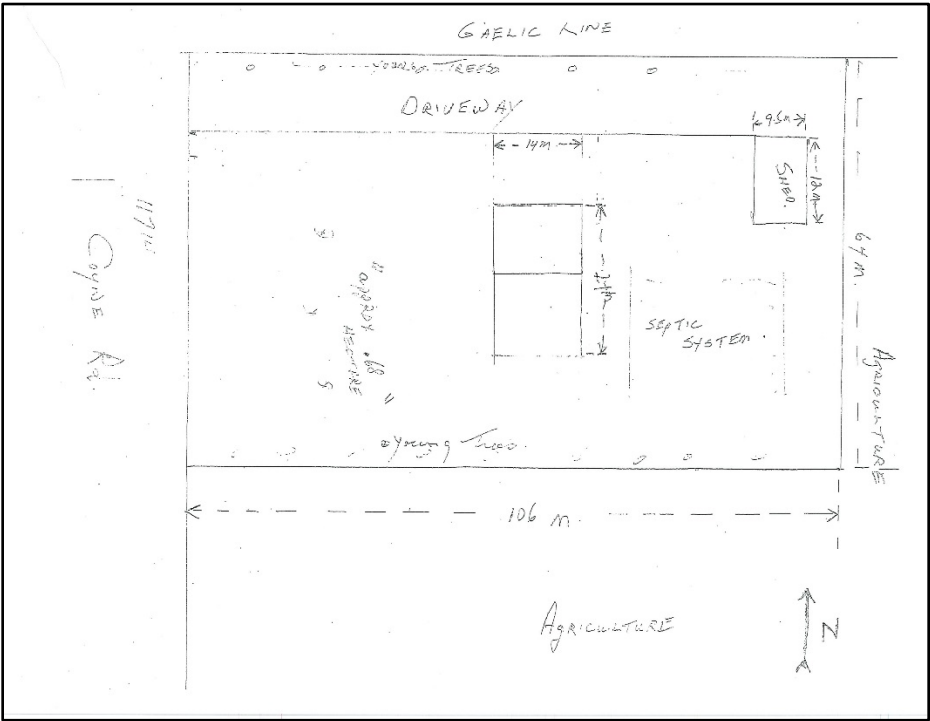
Approved for Submission

Heather Bouw
CAO/Clerk

KEY MAP



SKETCH



MUNICIPAL APPRAISAL SHEET

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

Submission E 71 21

Applicant Barbara Farms Inc.

Location 11714 Coyne Road

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan.

Policies: an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

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

OTHER

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

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

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

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

Resolution and staff report to be forwarded.



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: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 71-21 & E 72-21

Owner:

Hodder Robert Norman
Hodder Georgina June
11552 Coyne Road RR #1
Dutton ON N0L 1J0

Location: 11714 & 11552 Coyne Road, legally described as Lots 6 and 7, Concession 5 N of Con A Dunwich, Municipality of Dutton Dunwich.

PROPOSAL

E 71-21 - The applicants propose to sever a parcel with a frontage of 64 metres (209.974 feet) along Coyne Road by a depth of 106 metres (347.769 feet) and an area of 0.68 hectares (1.68 acres) containing one residence and one small drive shed, surplus to the needs of the purchasing farmer. The applicants are retaining 40 hectares (98.84 acres) proposed to remain in agricultural use.

E 72-21 - The applicants propose to sever a parcel with a frontage of 30 metres (98.42 feet) along Coyne Road by a depth of 172 metres (564.30 feet) and an area of 0.70 hectares (1.72 acres) containing one residence, a small shed and a barn, surplus to the needs of the purchasing farmer. The applicants are retaining 40 hectares (98.84 acres) proposed to remain in agricultural use.

COMMITTEE INFORMATION:

The acceptance of applications E 71-21 and E 72-21 occurred prior to legal interpretation being provided to the Land Division Committee regarding consent applications specifically related to surplus farm dwellings. Shortly after this interpretation was provided, prior to any discussion taking place, the Council of Dutton Dunwich recommended approval of the applications.

The application lists Barbara Farms Inc. as the owner of the subject lands. Municipal records confirm the owner is not Barbara Farms Inc. As such, the current owner cannot demonstrate how they meet the surplus farm dwelling criteria contained within the County Official Plan.

Due to both the acceptance and recommended approval from Dutton-Dunwich, the Planning Division of Elgin County recommends either deferral of these applications until such time as the applications are corrected to meet County and PPS policy (surplus farm dwelling as a result of farm consolidation by the owner), or refusal.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning By-
law**

Large Lot Agricultural (A3) Zone

RECOMMENDATION:

As applications E 71-21 & E 72-21 *do not meet* the criteria of the Elgin County Official Plan or the Provincial Policy Statement (PPS), as the surplus dwellings would not be created as a result of farm consolidation, as the owner is not the applicant. In addition, the owner information provided on both applications was incorrect.

As such, planning staff recommend either deferral or refusal of both applications E 71-21 & E 72-21, as the owner cannot demonstrate the severance of a surplus farm dwelling(s) based on consolidation, as required through the PPS, and the County of Elgin Official Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 72-21**

**LOTS 6 AND 7, CONCESSION 5 N OF CON A DUNWICH
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 11552 COYNE ROAD**

TAKE NOTICE that an application has been made by **Barbara Farms Inc.**, 33812 Fingal Line, Fingal ON N0L 1K0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11552 Coyne Road, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 30 metres (98.42 feet) along Coyne Road by a depth of 172 metres (564.30 feet) and an area of 0.70 hectares (1.72 acres) containing one residence, a small shed and a barn, surplus to the needs of the purchasing farmer. The applicants are retaining 40 hectares (98.84 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 OCTOBER 27, 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.

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.

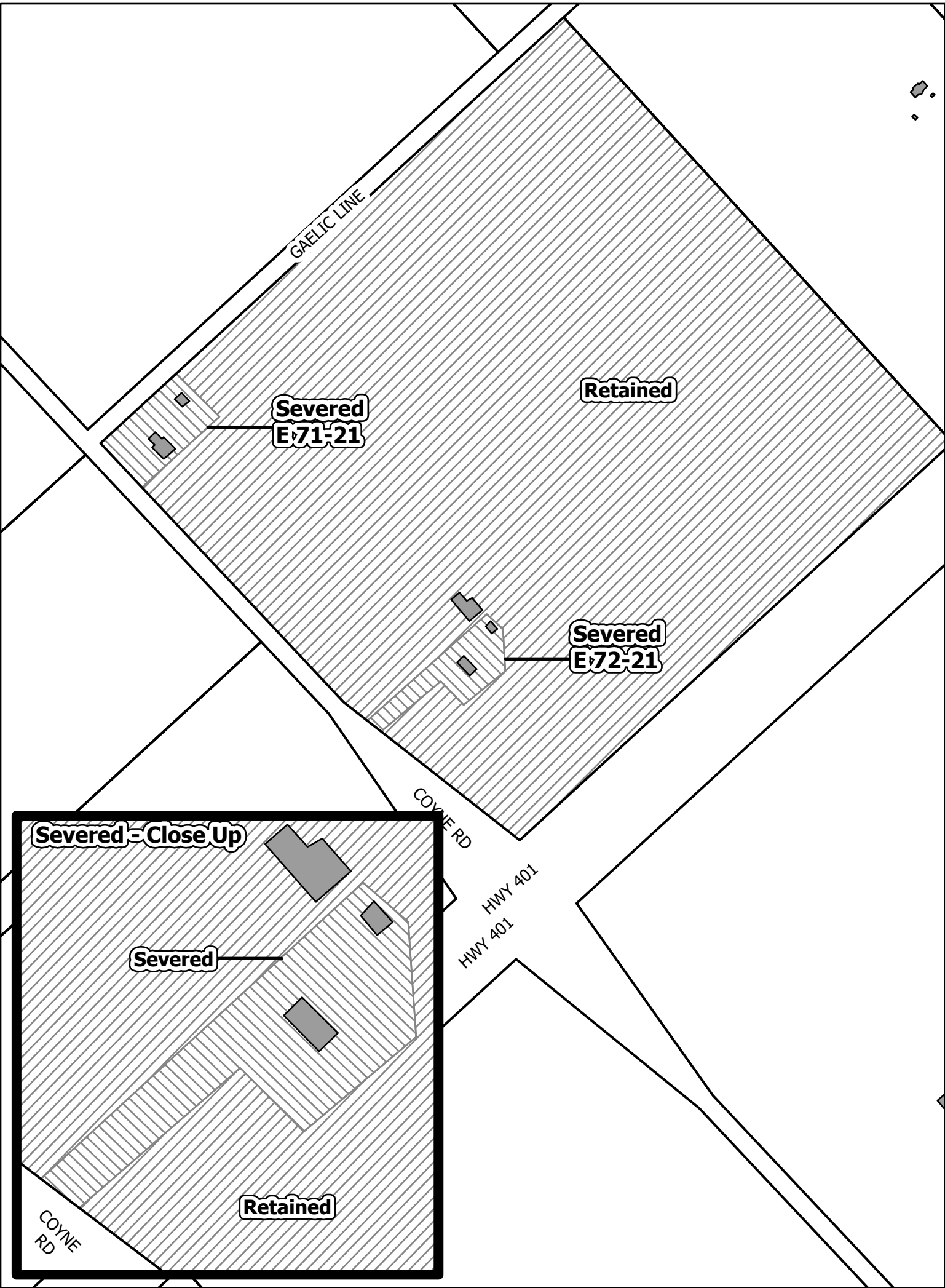
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 23rd day of September, 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





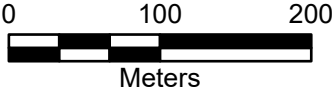
Location Map



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

Subject Site: 11552 Coyne Road
File Number: 72-2021
Owner: Barbara Farms Inc.
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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





COUNCIL RESOLUTION



Res: 2021.18. 10

Wednesday, September 22, 2021

Moved by: _____Drouillard_____

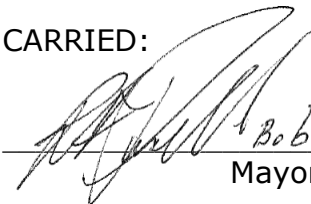
Seconded by: _____Hentz_____

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 E72/21 for 11552 Coyne Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality;
- j) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.

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

CARRIED:


Bob
Mayor

DEFEATED:

Mayor



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: September 22, 2021

SUBJECT: Application for Severance – 11552 Coyne Road (E72/21), Municipality of Dutton Dunwich – Barbara Farms Inc.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E72/21 for 11552 Coyne Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E72/21) by Barbara Farms Inc., the owner of the subject property.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land to be conveyed to Barbara Farms Inc.

The subject parcel is legally described as Concession 5 North of A, North Part Lots 6 and 7, locally known as 11552 Coyne Road, Municipality of Dutton Dunwich.

The subject lands are located along the northeast side of Coyne Road and Hwy 401 (see area in blue on the attached Key Map).

The proposed severed parcel will have an area of 0.70 ha, a depth of 172 m and a frontage of 30 m. Access to the subject property will be from a municipal road. The proposed severed parcel is used for rural residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 40 ha, a depth of 633 m and a frontage of 634 m. Access to the subject property will be from a municipal road. The proposed retained parcel is used for agricultural purposes and has 1 accessory building and is serviced by municipal water and no septic services (see attached Sketch).

The David Bennett Drain and the Mennie Drain run along a portion of the subject property and are regulated by the Lower Thames Valley Conservation Authority (LTVCA). In addition, a small woodlot is located in the centre of the property.

Agricultural and rural residential uses surround the subject lands.

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

The severance application is also part of LDC E71/21.

Planning Policy Review

Provincial Policy Statement

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan

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

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

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

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

Lot creation is considered development and is within and adjacent to the woodlands area; however, no new development is proposed.

The proposed severance conforms to the intent of the COP.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*

Records indicate that the dwelling has been in existence for more than five years.

- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*

The proposed lot has access to services.

- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*

The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.

- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*

The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.

- e) *The retained agricultural lands complies with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*

The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.

- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*

There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.

- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*

- h) A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.

Section 5.3.5 sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Comments: The above-noted land division criteria can be complied with. The proposed severance application conforms to the intent of the OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 5 with a portion subject to LTVCA Regulation Limit.

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

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

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

CONCLUSION:

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

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

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

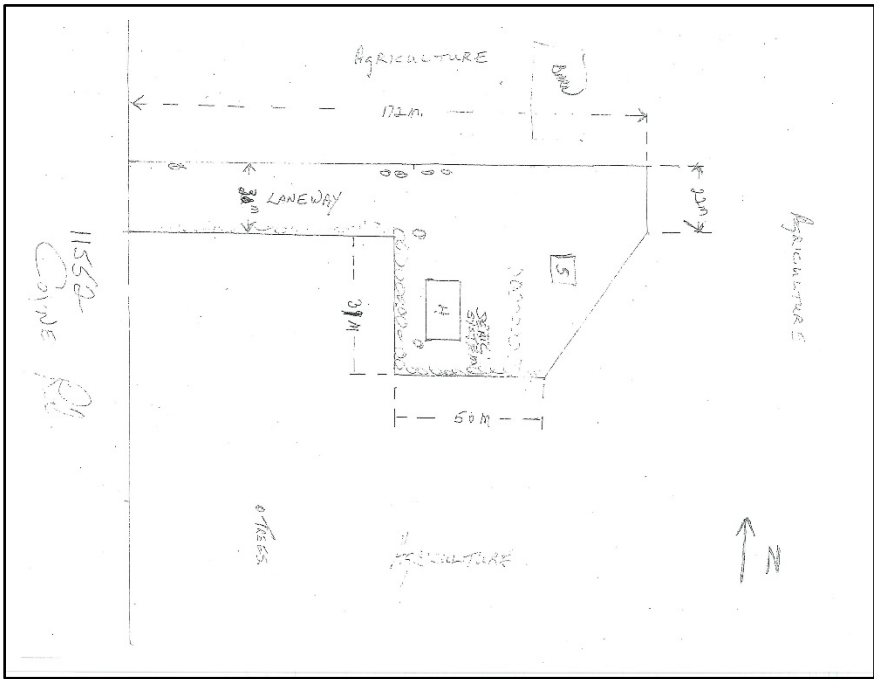
Approved for Submission

Heather Bouw
CAO/Clerk

KEY MAP



SKETCH



MUNICIPAL APPRAISAL SHEET

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

Submission E 72 21

Applicant Barbara Farms Inc.

Location 11552 Coyne Road

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan.

Policies: an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

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

OTHER

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

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

Yes (X)No ()

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

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

Resolution and staff report to be forwarded.



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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: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 71-21 & E 72-21

Owner:

Hodder Robert Norman
Hodder Georgina June
11552 Coyne Road RR #1
Dutton ON N0L 1J0

Location: 11714 & 11552 Coyne Road, legally described as Lots 6 and 7, Concession 5 N of Con A Dunwich, Municipality of Dutton Dunwich.

PROPOSAL

E 71-21 - The applicants propose to sever a parcel with a frontage of 64 metres (209.974 feet) along Coyne Road by a depth of 106 metres (347.769 feet) and an area of 0.68 hectares (1.68 acres) containing one residence and one small drive shed, surplus to the needs of the purchasing farmer. The applicants are retaining 40 hectares (98.84 acres) proposed to remain in agricultural use.

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COMMITTEE INFORMATION:

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The application lists Barbara Farms Inc. as the owner of the subject lands. Municipal records confirm the owner is not Barbara Farms Inc. As such, the current owner cannot demonstrate how they meet the surplus farm dwelling criteria contained within the County Official Plan.

Due to both the acceptance and recommended approval from Dutton-Dunwich, the Planning Division of Elgin County recommends either deferral of these applications until such time as the applications are corrected to meet County and PPS policy (surplus farm dwelling as a result of farm consolidation by the owner), or refusal.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning By-
law**

Large Lot Agricultural (A3) Zone

RECOMMENDATION:

As applications E 71-21 & E 72-21 *do not meet* the criteria of the Elgin County Official Plan or the Provincial Policy Statement (PPS), as the surplus dwellings would not be created as a result of farm consolidation, as the owner is not the applicant. In addition, the owner information provided on both applications was incorrect.

As such, planning staff recommend either deferral or refusal of both applications E 71-21 & E 72-21, as the owner cannot demonstrate the severance of a surplus farm dwelling(s) based on consolidation, as required through the PPS, and the County of Elgin Official Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 73-21**

**LOT 1, CONCESSION 1
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 49485 NOVA SCOTIA LINE**

TAKE NOTICE that an application has been made by Anna and Isaak Giesbrecht 49485 Nova Scotia Line, Aylmer ON N5H 2R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 149485 Nova Scotia Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 37.717 metres (123.68 feet) along Nova Scotia Line by a depth of 68.575 metres (224.98 feet) and an area of 0.26 hectares (0.64 acres) for future residential use (conversion of the barn into a dwelling). The applicants are retaining a parcel with a frontage of 32.465m (106.51 feet) along Nova Scotia Line by a depth of 68.58m (215.15 feet) and an area of 0.22 hectares (0.54 acres) proposed to remain in residential use.

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

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

**WEDNESDAY OCTOBER 27, 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 23rd day of September, 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

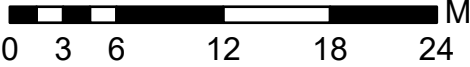


Location Map

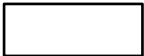


Subject Site: 49485 Nova Scotia Line
File Number: 73-2021
Owner: Anna and Isaak Giesbrecht
Planner: Nancy Pasato
Created By: AL
Date: 009/07/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

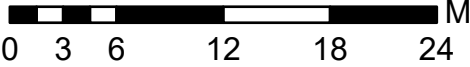


Location Map

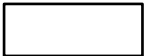


Subject Site: 49485 Nova Scotia Line
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Owner: Anna and Isaak Giesbrecht
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Created By: AL
Date: 009/07/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



October 22, 2021.

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

Dear Committee Members:

RE: Land Severance Application E73/21 – Anna and Isaak Giesbrecht

The Malahide Township Council passed the following Resolutions on October 21, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E73/21 in the name of Anna and Isaak Giesbrecht (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Part of Lot 11, Concession 1 (Geographic Township of Malahide), subject to the following conditions:

- (i) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- (ii) That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
- (iii) That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
- (iv) 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, including, that the Township be satisfied that all accessory structures are located and situated in accordance with applicable zoning by-law regulations.
- (v) That the existing asphalt laneway which crosses-over the proposed new lot line be removed & returned to sod.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement with the Township of Malahide in accordance with section 53 of the Ontario Planning Act, R.S.O. 1990 to ensure the conversion of the existing barn to residence occurs in accordance with the Ontario Building Code and within a specified period of time.

- (vii) Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
- (viii) The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
- (ix) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (x) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (xi) That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-21-45 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

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

ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
David Roe c/o Civic Planning Solutions Inc.



Report to Council

REPORT NO.: DS-21-45
DATE: October 21, 2021
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Anna and Isaak Giesbrecht, (Authorized Agent: David Roe c/o Civic Planning Solutions Inc)**
LOCATION: Part of Lot 11, Concession 1 (Geographic Township of Malahide)
(49485 Nova Scotia Line)

Recommendation:

THAT Report No. DS-21-45 entitled “Application for Consent to Sever of Anna and Isaak Giesbrecht” be received;

AND THAT the Application for Consent to Sever of Anna and Isaak Giesbrecht relating to the property located at Part of Lot 11, Concession 1, (Township of Malahide), and known municipally as 49485 Nova Scotia 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 c/o Civic Planning Solutions Inc, on behalf of Anna and Isaak Giesbrecht in order to create one new residential parcel in the Hamlet of Copenhagen. The Application relates to the property located at Part of Lot 11, Concession 1, and known municipally as 49485 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 27, 2021.

Comments/Analysis:

The subject property is approximately 0.48 hectares (1.1 acres) in area, and has approximately 70 metres (229.98 feet) of frontage along Nova Scotia Line. The subject property is developed with a single unit dwelling, a shop, a “pack barn” (proposed to be converted to a residence on the proposed severed lot, and 5 smaller accessory sheds.

The Application proposes to create one new residential lot to the west of the single unit dwelling. The new residential lot would contain the existing pack barn, which as mentioned above is proposed to be converted to a single unit dwelling and attached garage. The subject property is bound by residential uses to the north, east and west, and agricultural uses to the south.

County of Elgin Official Plan

The subject property is designated “Tier 2 - Copenhagen” on Schedule ‘A’, Land Use Plan. The subject property is identified as having frontage along a “County Minor Arterial” on Schedule ‘B’, “Transportation Plan”, and has no noted areas on Schedule ‘C’ (Aggregate and Petroleum Resources) or Appendix 1 (Environmental Resource Areas) of the County Official Plan.

Malahide Official Plan

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan) and Schedule ‘A2’ (Constraints Plan). The Residential policies of Section 4 of the Official Plan applies to this development. The proposed development is in conformity with these policies.

Malahide Zoning By-law No. 18-22

The subject property is within the “Hamlet Residential (HR) Zone” on Key Map N of Schedule “A” to the Township’s Zoning By-law No. 18-22. The retained and severed lots will remain in the HR zone.

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

“HR” Zone	Required:	Proposed Severed Lot	Proposed Retained Lot
Min. Lot Area	1,850 m ²	2,600 m ²	2,200m ²
Min. Lot Frontage	25m	37.7m	32.4m

One accessory building on retained lot is closer than required 2m to proposed side lot line; a condition has been added that requires the shed to be removed or relocated in accordance with the Zoning By-law.

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 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 (1 Split, McDonald Drain); and,
 - a new or relocation of a municipal drain is required in accordance with the Drainage Act, RSO 1990.
- The Township's Roads & Construction Manager has advised that an engineered lot and ditch grading plan prepared in accordance with good engineering practices is required.

The Township's CAO has reviewed and recommends that the following be required by Township Council:

- a) Pertaining to the existing barn proposed to remain on the severed lot and be converted to a dwelling/residence, a development agreement should be executed with the Township as a condition of consent. This will ensure that the conversion indeed happens, given that a barn is not considered a residential accessory building. If it is not converted to become a residence, then it should be removed entirely or reduced in size in accordance with zoning regulations. Financial securities may be held by the Township to ensure such occurs;
- b) The existing asphalt laneway which crosses-over the proposed new lot line should be removed & returned to sod; and,
- c) The location of the existing septic system on the retained parcel will need confirmed to ensure it is entirely contained on retained parcel and in accordance with the Ontario Building Code.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

Submitted by:	Approved by:
Christine Strupat, CPT Development Services Technician/Assistant Planner	Adam Betteridge, MCIP, RPP Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER

David Roe, Civic Planning Solutions Inc, agent for Anna and Isaak Giesbrecht

49485 Nova Scotia Line
Part Lot 11, Concession 1
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Hamlet

ZONING
HR Hamlet Residential



LANDS TO BE SEVERED



LANDS TO BE RETAINED



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 E73-21

Applicant David Roe on behalf of Giesbrecht

Location 49485 Nova Scotia 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 (X) | No () |

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 (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 July 9, 2021

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.: 42 – 49485 Nova Scotia Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 73-21

OWNER: Anna and Isaak Giesbrecht

PROPERTY: LOT NO. Lot 1 CONCESSION: 1

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 Nova Scotia Line County Road (42) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

X
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: October 27, 2021
Application: E 73-21

Owner:
Anna and Isaak Giesbrecht
49485 Nova Scotia Line
Aylmer ON N5H 2R2

Agent:
David Roe, Civic Planning Solutions Inc.
61 Trailview Drive
Tillsonburg, ON N4G 0C6

Location: 49485 Nova Scotia Line, legally described as CON 1; LOT 1, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 37.717 metres (123.68 feet) along Nova Scotia Line by a depth of 68.575 metres (224.98 feet) and an area of 0.26 hectares (0.64 acres) for future residential use (conversion of the barn into a dwelling). The applicants are retaining a parcel with a frontage of 32.465m (106.51 feet) along Nova Scotia Line by a depth of 68.58m (215.15 feet) and an area of 0.22 hectares (0.54 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**
Settlement Area Tier 2

**Local Municipality Official
Plan**
Hamlet

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – no objections subject to the provided conditions.

Catfish Creek Conservation Authority – no comments.

County Engineering – supports the application subject to the provided conditions related to road widening, direct connection to legal outlet, lot grading and entrance permits.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 outlines that settlement areas are to be the focus of growth and development within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses.

The Applicant has indicated the severed portion of the lands (0.26 hectares/0.64 acres) will be created for future residential use (conversion of the existing barn to a dwelling). The retained parcel (0.22 hectares/0.54 acres) contains a single detached dwelling, and will continue to be used as residential. Both the proposed severed and retained parcels are within a settlement area.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Copenhagen) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development is permitted in these settlement areas given the absence of full municipal services.

Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

The proposed severed and retained lands will be partially serviced (publicly owned and operated piped water system and privately owned and operated individual septic tank).

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

Local Municipality Official Plan and Zoning By-law

The subject property is designated Hamlet through the Malahide Official Plan. The proposed development is in conformity with applicable Section 4 policies of the Official Plan.

The subject property is within the Hamlet Residential Zone in the Township's Zoning By-law. The proposed development meets the requirements of the Zoning By-law, with the exception

of one accessory building located on the retained lots which will need to be removed or relocated to achieve the requirements as a condition of this consent.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. If approved, planning staff recommend the following conditions be included as conditions for consent:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Nova Scotia Line County Road 42 to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
2. 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.
3. That if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.
4. Lot grading plan is required for the severed and retained lots.
5. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.
6. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
7. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed; and
8. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
 - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impact; and
 - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance

- with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
 3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
 4. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled, including, that the Township be satisfied that all accessory structures are located and situated in accordance with applicable zoning by-law regulations.
 5. That the existing asphalt laneway which crosses-over the proposed new lot line be removed & returned to sod.
 6. That the applicants initiate and assume the full cost associated with the required Development Agreement with the Township of Malahide in accordance with section 53 of the Ontario Planning Act, R.S.O. 1990 to ensure the conversion of the existing barn to residence occurs in accordance with the Ontario Building Code and within a specified period of time.
 7. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
 8. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
 9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
 10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
 11. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 74-21**

**CANADA SOUTHERN RAILWAY GROUNDS
CON 9 PT LOTS 16 TO;18 PLAN 18 PT LOTS 7 AND 8 W; EAST ST PT LOTS 8 AND
9 E; MILL ST PT MILL ST PT JAMES; ST PLAN 120 PT STATION
TOWNSHIP OF MALAHIDE**

TAKE NOTICE that an application has been made by **181711 Ontario Inc. (B and S Carrel)**, 49934 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 Canadian Southern Railway Grounds, Township of Malahide.

The applicants propose to sever a parcel with a width of 2.592metres (8.5 feet) by a depth of 63.316 metres (207.316 feet) and an area of 0.098 hectares (0.04 acres) for future residential use, to be conveyed to Lots 46, 47, 48, 49 Courtright Avenue, as seen on the provided plan. The applicants are retaining a parcel with an area of 3.326 hectares (8.22 acres) for future residential use.

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

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

**WEDNESDAY OCTOBER 27, 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.

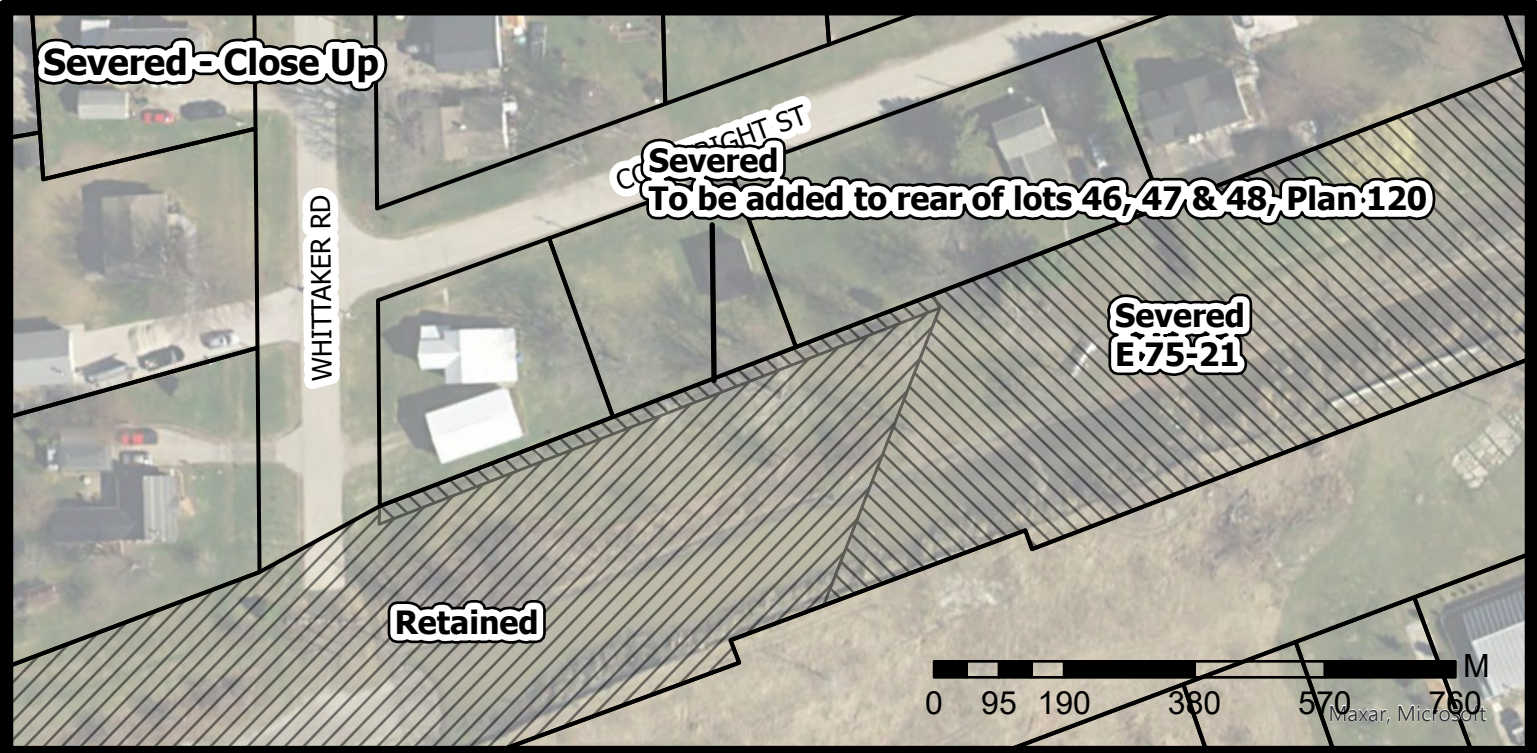
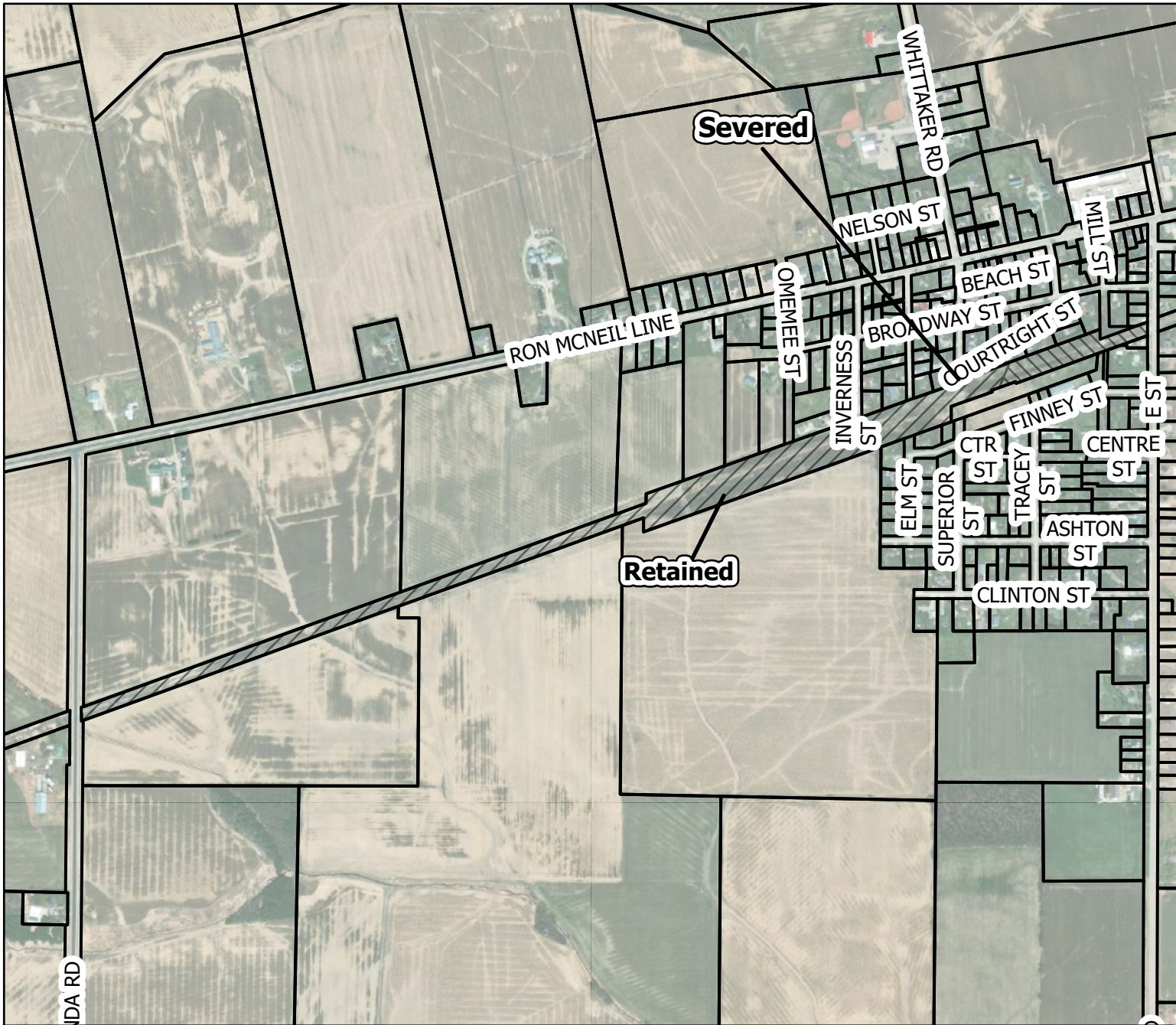
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 23rd day of September, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

**County of Elgin
Planning Department**
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Fax: 519-631-4549
www.progressivebynature.com



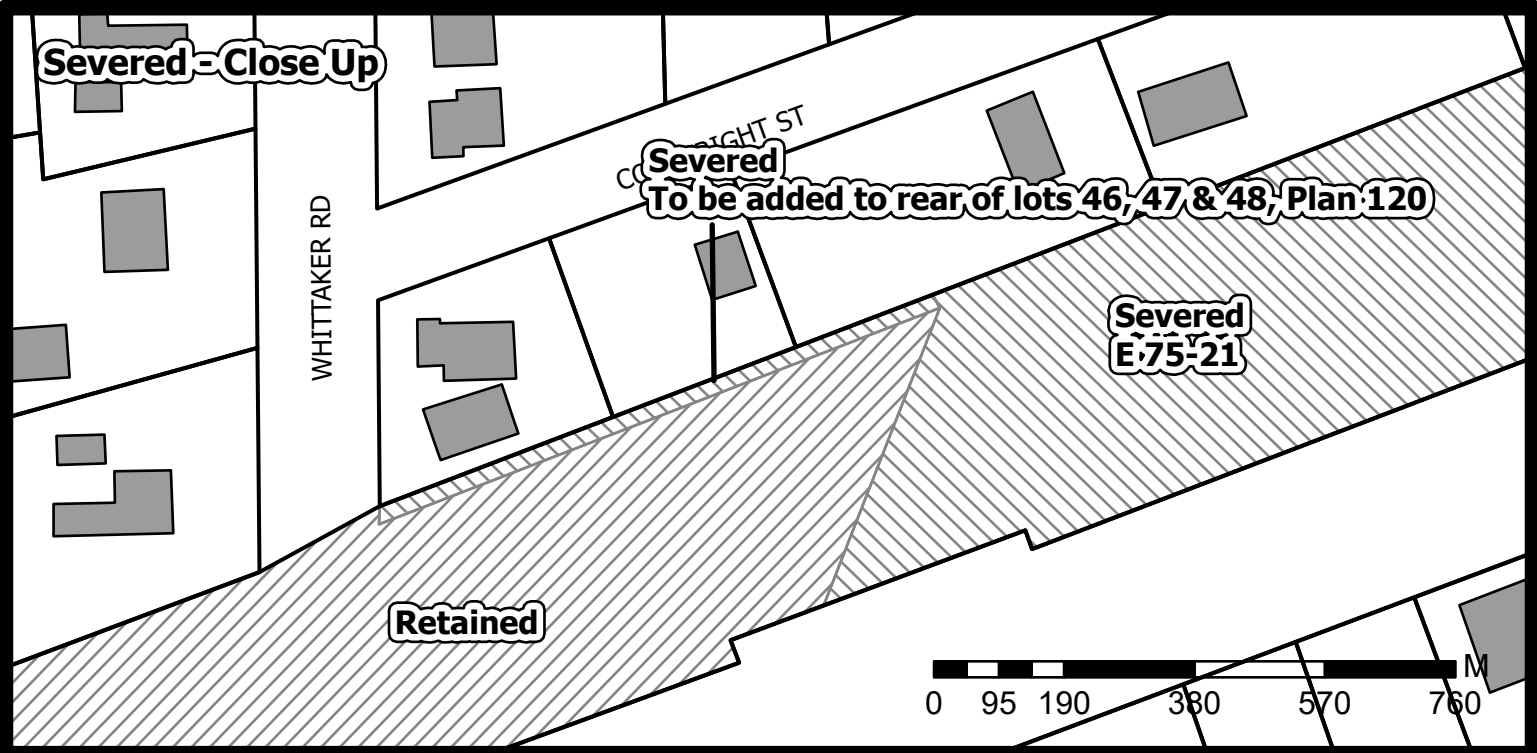
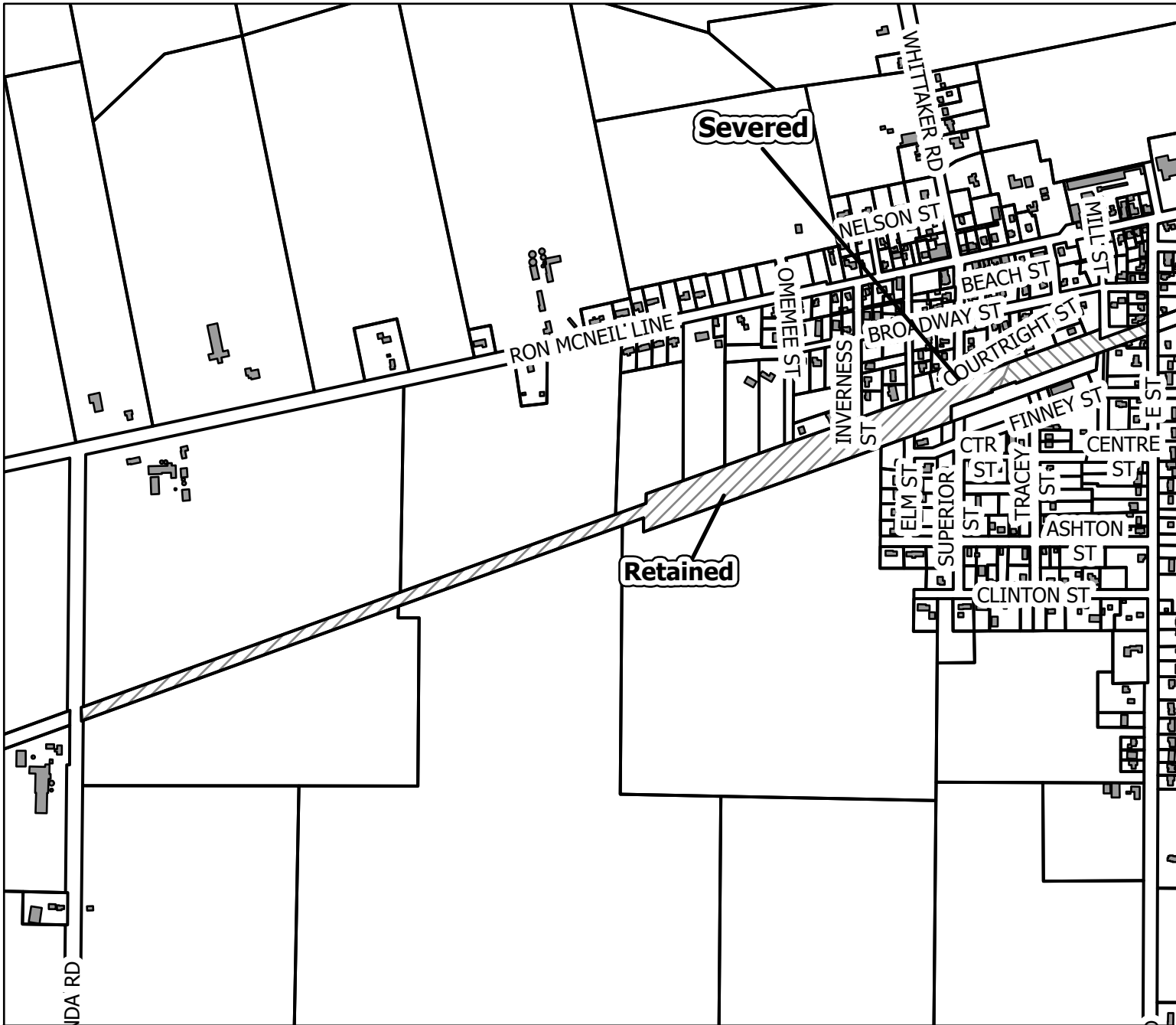
Location Map

Subject Site: Springfield Road -
Canadian Southern Railway Grounds
File Number: E 74-21
Owner: 181711 Ontario Inc (B and S Carrel)
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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



Legend	
	Subject Site
	Severed
	Retained
	Elgin Road Network
	Buildings



Location Map

Subject Site: Springfield Road -
Canadian Southern Railway Grounds
File Number: E 74-21
Owner: 181711 Ontario Inc (B and S Carrel)
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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

N

Legend

	Subject Site
	Severed
	Retained
	Elgin Road Network
	Buildings

From: [David Roe](#)
To: [Aisling Lavery](#); [Nancy Pasato](#)
Cc: [Dan Smith](#); [Christine Strupat](#); [Bob and Suzanne Carrel](#)
Subject: Bob and Suzanne Carrel - Springfield Severance E74-21
Date: October 7, 2021 9:29:06 AM

Aisling and Nancy, we are requesting that File E74-21 be deferred. We will need clarification for the adjoining owner in order to proceed. thanks David

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 74-21

OWNER: 181711 Ontario Inc. (B and S Carrel)

PROPERTY: LOT NO. CONCESSION: REG'D PLAN: MUNICIPALITY: Malahide

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES

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: October 27, 2021
Application: E 74-21

Owner:
181711 Ontario Inc. (B and S Carrel)
49934 Glencolin Line
Aylmer ON N5H 2R3

Agent:
David Roe, Civic Planning Solutions Inc.
61 Trailview Drive
Tillsonburg, ON N4G 0C6

Location: Canada Southern Railway Grounds, legally described as CON 9 PT LOTS 16 TO; 18 PLAN 18 PT LOTS 7 AND 8 W; EAST ST PT LOTS 8 AND 9 E; MILL ST PT MILL ST PT JAMES; ST PLAN 120 PT STATION, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a width of 2.592 metres (8.5 feet) by a depth of 63.316 metres (207.316 feet) and an area of 0.098 hectares (0.04 acres), to be conveyed to Lots 46, 47, 48, 49 Courtright Avenue. The applicants are retaining a parcel with an area of 3.326 hectares (8.22 acres) for future residential use.

**County of Elgin Official
Plan**
Settlement Area Tier 2

**Local Municipality Official
Plan**

**Local Municipality Zoning
By-law**

REVIEW & ANALYSIS:

Public and Agency Comments
Township of Malahide -

Catfish Creek Conservation Authority – no comments.

County Engineering – not on a County Road.

Public Comments – two comments were received from members of the public regarding this application and potential impacts on the neighbourhood.

- *Kimberly Darling – has questions regarding a future road extension between Whittaker and Superior Street as well as current and proposed zoning. Additionally, as per the letter that was circulated to residents of the area, there are traffic concerns related to an industrial use, as well as concerns related to water/well capacity, environmental impacts, drainage impacts, and heritage (the railway bridge constructed in 1890).*



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450 Sunset Drive
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N5R 5V1 Canada
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Fax: 519-633-7661
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- *Bill MacIntyre* – inquired as to the purpose of the proposed severances, as well as traffic and connectivity considerations related to connecting the amenities of the north, to the south side of these lands.

Agent, David Roe – the agent has requested deferral of this application to provide clarification for the adjoining land owners prior to proceeding. Any revisions may require a recirculation of this application.

RECOMMENDATION:

Elgin County planning staff recommends deferral of this application, noting any revisions to this application may require recirculation.

From: [Adam Betteridge](#)
To: [Aisling Lavery](#)
Cc: [Christine Strupat](#); dsmith@mbpc.ca
Subject: FW: Post office letter - E74 & E75 2021
Date: October 15, 2021 9:09:30 AM

Hello Aisling, for E74 & E75 (I know E74 is deferred) there is the attached letter that has been post at the Springfield Post Office. It is causing some confusion in the village- I've received the below email that had this image attached. I've encouraged Bill (below email sender) that comments should most importantly be sent to you at the LDC.

Our planning consultants from MBPC are providing planning comments on behalf of the Township, but I'm wondering if you've received comments that they should be aware of?

Thanks,

Adam Betteridge, MCIP, RPP
Office: 519.773.5344 x223

From: Bill MacIntyre <bnsmacintyre@hotmail.com>
Sent: October 14, 2021 10:58 AM
To: Adam Betteridge <ABetteridge@malahide.ca>
Cc: mingyrak@gmail.com
Subject: Post office letter

Adam and Rosemary Kennedy

This seems to be a land severance issue with possible zoning implications

I am just wondering what the purpose of this severance is?

As I previously mentioned to you a second road connecting the north and south Of Springfield would be beneficial use for emergency purposes, give township right of way to connection sewer water hydro etc, and allow south residence access to north Area of town for library, malahide place, post office, churches schools. A second route also would reduce traffic congestion at the corner of Springfield Rd and Ron McNeil Line. The cost of developing this new road extension could be purchased using lot development fees and not impact the township budget.

Tks

Bill MacIntyre. 519-615-2263

Sent from my iPad

PLEASE HELP!

We are all a part of the great village of Springfield so let your voice be heard!

You may not be aware that Elgin County recently notified some residents of Springfield of two *Applications for Consent* (E74-21 & E75-21). The application relates to property formerly known as the Canada Southern Railway Grounds. Basically, this is a parcel of land north and south of the old railway track and for the purposes of this information, involves the property from Springfield Road to Hacienda Road.

Application E74-21 involves property from Courtright Street (Lot 48) West. The intention with this property is for **future residential use**. It is extremely important to note that there is a section of this currently zoned “general industrial” so designation under the application as residential use may not be guaranteed. Application E75-21 involves property from Courtright Street (Lot 48) East to Springfield Road (except for a parcel of land which encompasses a portion of the Simpson Drain and the bridge). The intention for this piece is for **future industrial use**.

Please consider the following:

- Are you concerned about increase traffic including trucks for the industrial portion?
- How will increased traffic impact safety of children who walk to and from school?
- Will this impact water with more properties accessing underground water for wells?
- Are you concerned about resulting environmental impacts including increased noise and pollution, and remediation of the old railway track area?
- Are you concerned about zoning changing from an area of “general industrial” to residential?
- Do we want industry in the middle of Springfield?
- Will this impact drainage and the capacity for the Simpson Drain or other drains?
- What is the planned access to the industrial property?
- Do you enjoy being able to readily access the current trail down the old railway line?
- Are you concerned about protecting the heritage railway bridge erected in 1890?

If you are concerned, there is action you can take now!

You can contact Elgin County in writing (To make this part easy, a letter/template will be prepared which you can customize– just email kd4happiness@gmail.com to request a copy or if you have any questions), notify the Township of Malahide and our local Councillor (contact information below). There is a meeting scheduled for **October 27 at 10:00 am**. To attend or participate, please contact Aisling Lavery. Feel free to share this communication and talk to your neighbours and friends who call this beautiful village home

Together we can make a difference!

County of Elgin

Aisling Lavery, Secretary-Treasurer Land Division Committee, Elgin County (alavery@elgin.ca)

Township of Malahide

Adam Betteridge, Chief Administrative Officer & Director, Development Services
(abetteridge@malahide.ca)

Christine Strupat, Development Services Technician/Assistant Planner (cstrupat@malahide.ca)

Municipal Councillor

Max Moore (mmoore@malahide.ca); 519.765.4088

From: [Aisling Lavery](#)
To: ["Adam Betteridge"](#)
Subject: FW: Application E74-21 & E75-21
Date: October 15, 2021 9:21:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Adam,

See below for comments received related to E 74-21 & 75-21. I also spoke to this woman on the phone and explained this notice was for a lot creation application. Yes, all comments should be provided to myself to make sure LDC members get them. If you receive any more, forward them on to myself and/or let the member of the public know so they can send to me.

After seeing that image, I'm actually surprised I haven't been flooded with public comments. This is the only one received so far.

Thanks,
Aisling

From: Aisling Lavery
Sent: October 7, 2021 11:41 AM
To: 'K Darling' <kd4happiness@gmail.com>
Subject: RE: Application E74-21 & E75-21

Hi Kimberly,

Please see below links re: zoning information in Malahide.

Malahide Planning Webpage:

<https://www.malahide.ca/en/municipal-office/planning-zoning-by-law.aspx#Zoning-By-law-Consolidated>

Malahide Zoning By-law:

<https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/2021-02-01---Consolidated-Zoning-By-law-18-22.pdf>

Relevant Zoning Maps:

https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/Zoning-By-law-18-22-Consolidated-2021_MapD3.pdf

https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/Zoning-By-law-18-22-Consolidated-2021_MapD1.pdf

Thanks,

Aisling “Ashleen” Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee

PLEASE NOTE: As of August 25th, 2021, the deadline for Consent Applications to be submitted to the County is moving from 6 weeks prior to the hearing date, to 8 weeks prior to the hearing date.



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



From: K Darling <kd4happiness@gmail.com>

Sent: October 7, 2021 11:06 AM

To: Aisling Lavery <alaverty@ELGIN.ca>

Subject: Re: Application E74-21 & E75-21

Aisling,

Can you confirm if Logs 63 through 74 are zoned residential or industrial?
Are the Station Grounds shown on the diagram zoned residential or industrial?

The diagram is confusing as the street names are not correct (based on our street signs); for example, Whittaker is not shown and there is no Thomson currently.

Thank you!

On Thu, Oct 7, 2021 at 11:00 AM K Darling <kd4happiness@gmail.com> wrote:

Thank you!

On Thu, Oct 7, 2021 at 8:57 AM Aisling Lavery <alaverty@elgin.ca> wrote:

Good morning Kimberly,

- Please see attached sketch of where lots 46/47/48 are. Apologies for not having labelled that on the Notice. It is simply a small strip that is being added to the back yards of these lots.
- The parcel from Whittaker Road to Springfield Road is zoned Industrial (M1) as per the Malahide Zoning By-law.
- There are no plans associated with this application apart from the creation of a new lot.

Thanks,

Aisling “Ashleen” Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee

PLEASE NOTE: As of August 25th, 2021, the deadline for Consent Applications to be submitted to the County is moving from 6 weeks prior to the hearing date, to 8 weeks prior to the hearing date.



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From: K Darling <kd4happiness@gmail.com>

Sent: October 6, 2021 3:59 PM

To: Aisling Lavery <alavery@ELGIN.ca>

Subject: Application E74-21 & E75-21

Hi Aisling!

Thank you for your assistance the other day.

I have a few more questions.

Where are lots 46, 47, 48, and 49?

Which area exactly is currently zoned industrial?

Are there plans for a through road joining Whittaker and Superior Street

Thank you!

Kimberly Darling

--

Kimberly Darling

I am a worthy, bold, creative, and open woman.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 75-21**

**CANADA SOUTHERN RAILWAY GROUNDS
CON 9 PT LOTS 16 TO;18 PLAN 18 PT LOTS 7 AND 8 W; EAST ST PT LOTS 8 AND
9 E; MILL ST PT MILL ST PT JAMES; ST PLAN 120 PT STATION
TOWNSHIP OF MALAHIDE**

TAKE NOTICE that an application has been made by **181711 Ontario Inc. (B and S Carrel)**, 49934 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 Canadian Southern Railway Grounds, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 29.2 metres (95.80 feet) by a depth of 304.352 metres (998.352 feet) and an area of 1.2 hectares (2.965 acres) for future industrial use. The applicants are retaining a parcel with an area of 8.22 hectares (20.31 acres) to remain as vacant railway lands.

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

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

**WEDNESDAY OCTOBER 27, 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.

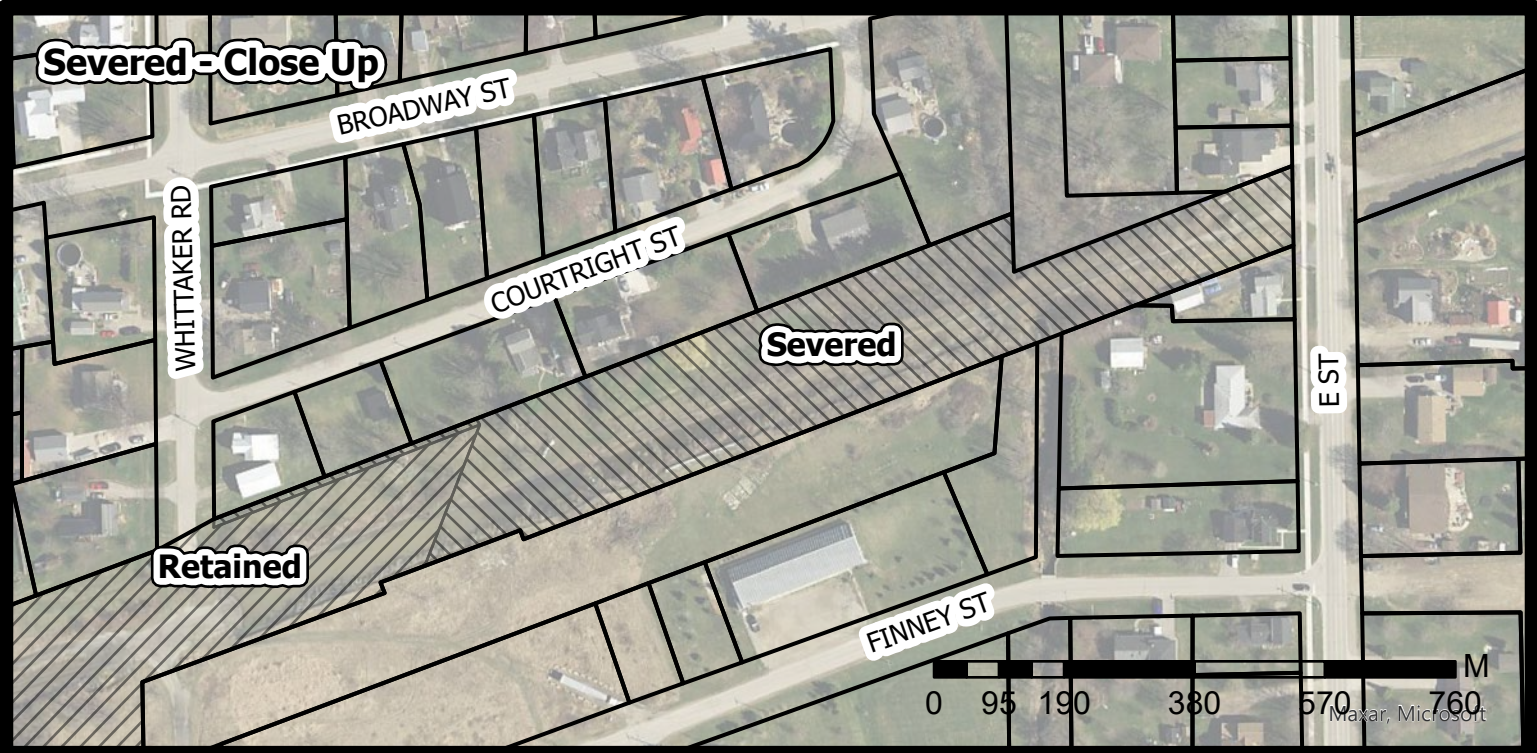
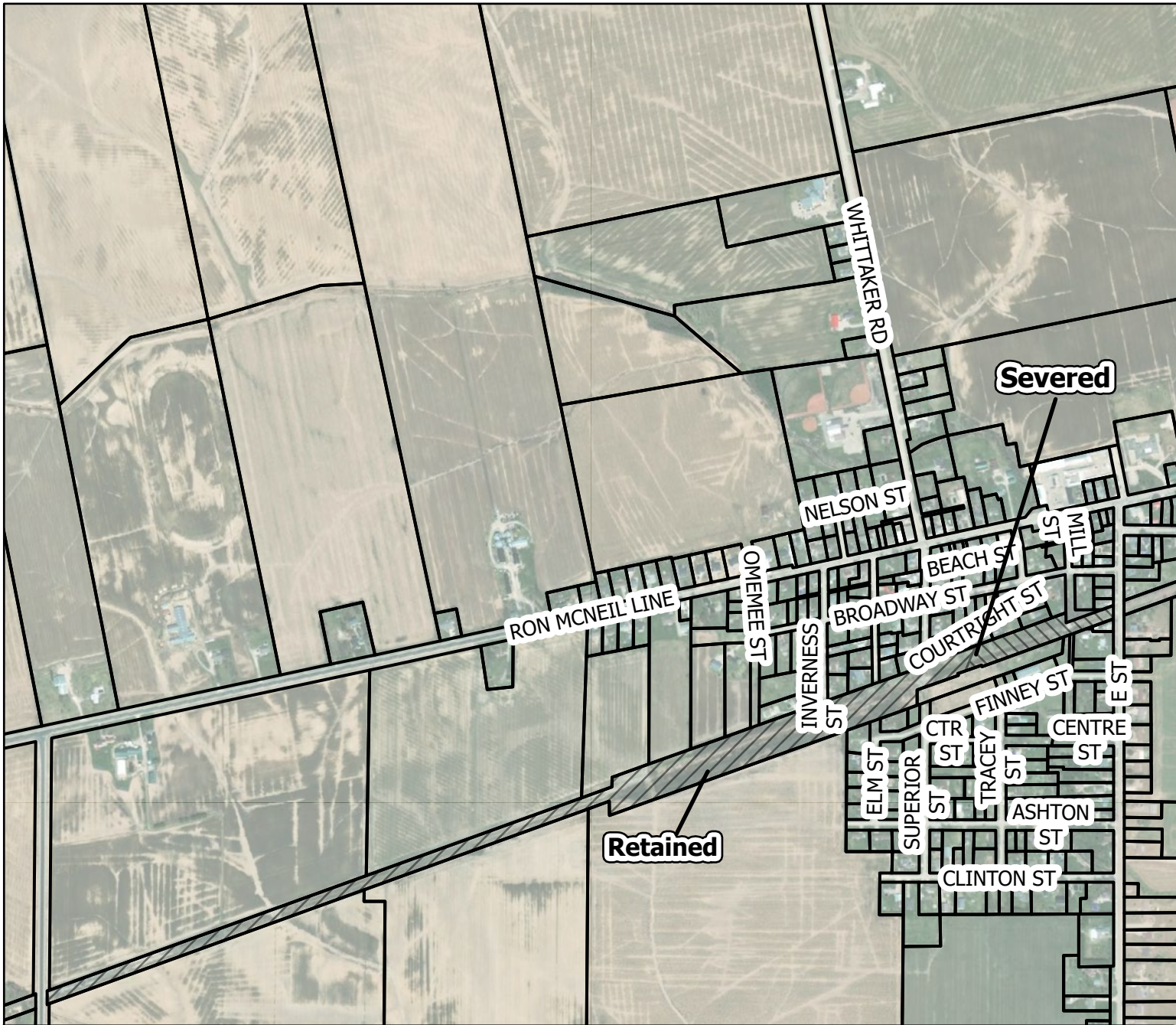
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 23rd day of September, 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
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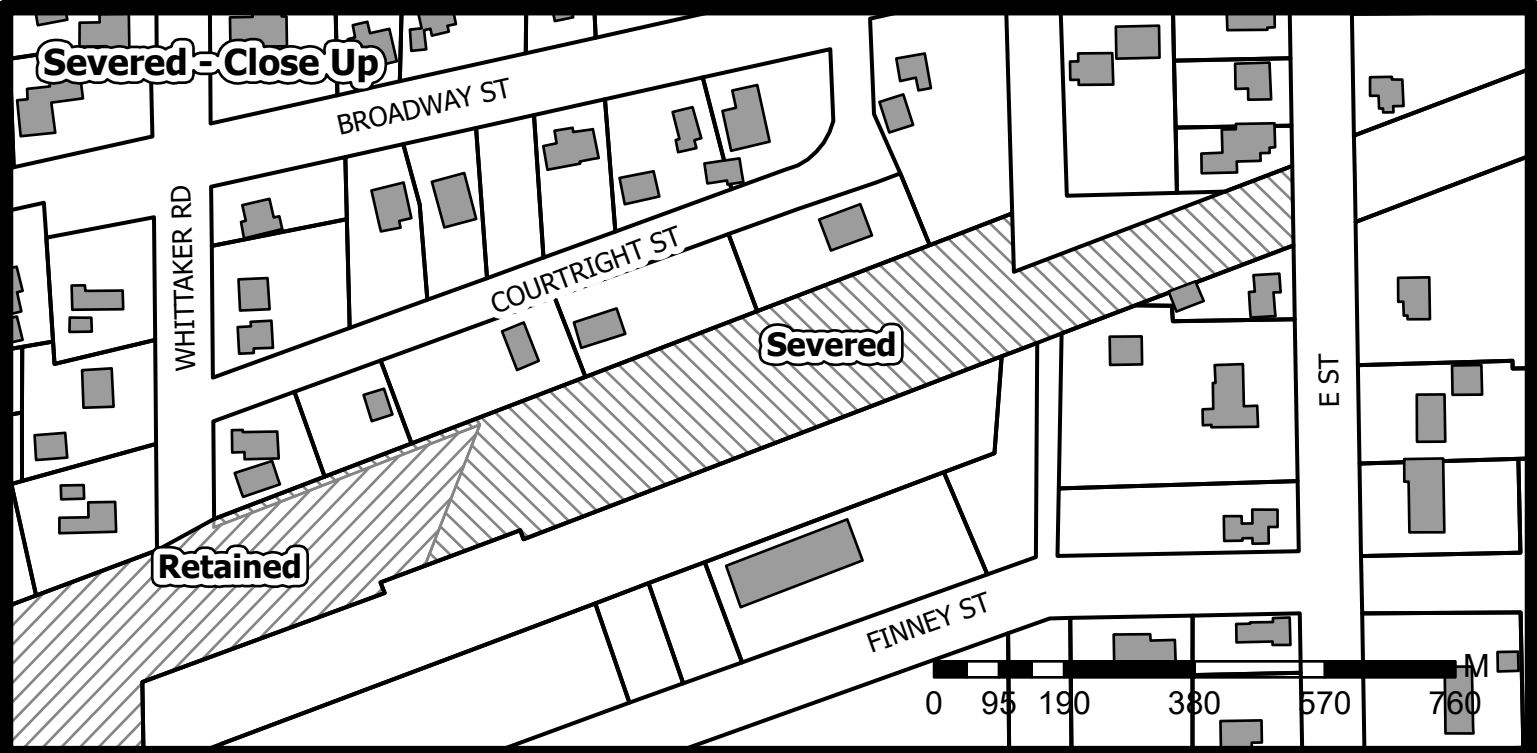
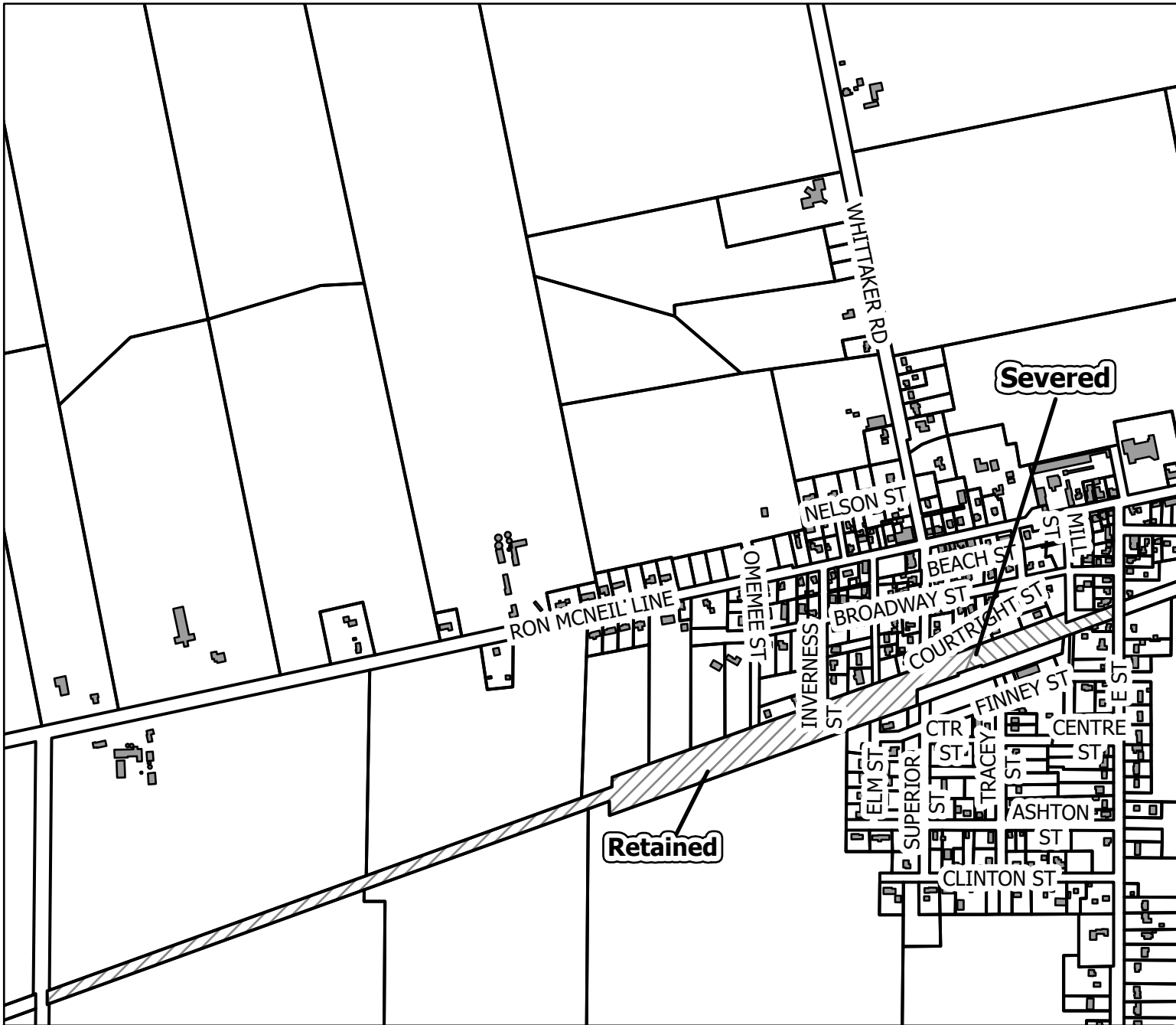
Location Map

Subject Site: Springfield Road -
Canadian Southern Railway Grounds
File Number: E 75-21
Owner: 181711 Ontario Inc (B and S Carrel)
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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



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



Location Map

Subject Site: Springfield Road -
Canadian Southern Railway Grounds
File Number: E 75-21
Owner: 181711 Ontario Inc (B and S Carrel)
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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



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



October 22, 2021

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

Dear Committee Members:

RE: Land Severance Application E75-21 – Canada Southern Railway grounds - 181711 Ontario Inc.

The Malahide Township Council passed the following Resolutions on October 21, 2021:

THAT Report No. DS-21-46 entitled “Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of 181711 Ontario Inc (B. & S. Carrel)” be received;

AND THAT the Application for Consent to Sever No. E75-21 of Civic Planning Solutions Inc. (David Roe), on behalf of 181711 Ontario Inc (B. & S. Carrel), Application E 75-21, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as Canadian Southern Railway Lands, deferred for the reasons set out in this Report;

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

We enclose Municipal Appraisal together with Municipal Report DS-21-46 for your records.

Yours very truly,
TOWNSHIP OF MALAHIDE

ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy - John Seldon
Rosemary Kennedy
David Roe c/o Civic Planning Solutions Inc.

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 E75-21

Applicant David Roe on behalf of 181711 Ontario Inc (B S Carrel)

Location Canadian Southern Railway Lands, (Registered Plan 120) Part of Lot 16 through Lot 18 inclusive, Concession 9, (Geographic Township of Malahide)

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:		

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 ()	No ()
9. Does Council recommend the application?	Yes ()	No (X)
10.Does the municipality have other concerns that should be considered by the Committee?		

Deferred



Report to Council

REPORT NO.: DS-21-46

DATE: October 21, 2021 (Report prepared October 13, 2021)

ATTACHMENT: Report Photo, Application, and Draft Conditions

SUBJECT: **Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of 181711 Ontario Inc (B. & S. Carrel), Application E 75-21**

LOCATION: Canadian Southern Railway Lands, (Registered Plan 120 (Geographic Township of Malahide) – Village of Springfield

Recommendation:

THAT Report No. DS-21-46 entitled “Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of 181711 Ontario Inc (B. & S. Carrel)” be received;

AND THAT the Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of 181711 Ontario Inc (B. & S. Carrel), relating to the property located in Part of Lot 16 through Lot 18 inclusive, Concession 9, (Geographic Township of Malahide), be deferred for the reasons set out herein;

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

The recommendations are based on updated information and at the request of Township administration.

Background:

The subject application (E 75-21) for Consent to Sever (the “Application”) has been submitted by David Roe, authorized agent of 181711 Ontario Inc. (B. & S. Carrel), in order to create one new industrial parcel. The applicant has requested that an accompanying application related to the subject parcel (E 74-21) be deferred pending an investigation into a possible deeming by-law.

The Application relates to the property located in part of lot 16 through Lot 18 inclusive,

Concession 9, (Geographic Township of Malahide).

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 27, 2021.

Comments/Analysis:

The subject property comprises railway lands formerly owned and operated by Canadian Southern Railway Co, lands which have been abandoned for railway usage for a considerable period of time and where the rails and support ties have been removed. The parcel in questions extends between Hacienda Road and Springfield Road. The lands proposed to be severed are situated entirely within the Village of Springfield while the lands being retained are, for the most part, situated in the rural area lying west of Springfield.

The lands proposed to be severed (conveyed) comprise an area of approximately 1.2 hectares (2.97 ac) with a depth of approximately 304 metres (998.5 ft) and a frontage of approximately 29.2 metres (95.8 ft) on Springfield Road. Existing buildings and structures on the lands are described as a small shed. It is proposed that these lands be developed and used for as yet unspecified industrial purposes.

The lands proposed to be retained comprise an area of approximately 8.22 hectares (20.3 ac) with a depth of approximately 1,700 metres (5,577 ft) and a frontage of approximately 29.3 metres (96 ft) on Hacienda Road. The parcel is devoid of buildings and structures and comprises vacant railway lands where no change in use is proposed.

The lands proposed to be conveyed are situated in an area characterized by existing low density residential development and some limited industrial development (storage) along the north side of Finney Street. The lands proposed to be retained are situated partially within Springfield with the majority of the parcel being situated in an agricultural area characterized primarily by lands under crop production.

County of Elgin Official Plan

The subject property is identified as being situated within a combination of “Tier 2 - Springfield” and ‘Agricultural 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 has frontage on Springfield Road and Hacienda Road, both of which are identified as “County Collector” roads on Schedule ‘B’, “Transportation Plan”.

Malahide Official Plan

The subject property is situated within the designated settlement area of the Village of Springfield on Schedule ‘A1’ (Land Use Plan) and is designated, in part, ‘Residential’ on

Schedule 'B'. The majority of the lands are designated 'Agricultural'. Portions of the lands lie within constraint areas which include 'Hazard Land' and 'Flood Fringe'

The Residential policies of Section 4 of the Official Plan are not readily applicable in this instance insofar as an industrial zoning applies to the lands proposed to be developed for industrial purposes. By virtue of the applicable zoning, the lands are 'deemed to conform' to the Official Plan through reference to and reliance upon Section 24(4) of the Planning Act as follows:

Deemed conformity

(4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 2017, c. 23, Sched. 5, s. 90.

With respect to non-conforming uses, the Malahide Official Plan states:

8.4.2 Non-conforming Uses

Some uses of land existing at the date of adoption of this Plan may not satisfy all the land use policies set out in the Plan. In response to these situations and notwithstanding the land use policies and designations, such uses may be zoned in the Zoning By-law in accordance with their present use provided that:

- a) The zoning will not allow any change of use which will be detrimental to adjacent complying uses;*
- b) The use does not constitute a danger or a nuisance to surrounding uses by the traffic, noise, odours, dust or visual impact which the use may generate;*
- c) Where the use is discontinued, rezoning may only take place if the new use is more compatible with or is in accordance with the policies and the spirit and intent of this Plan.*

A change in use is not proposed in this instance.

Malahide Zoning By-law No. 18-22

The subject property is zoned General Industrial (M1) and Village Residential One (VR1) on Schedule 'D', Map No. D3 and General Agricultural (A1), Special Agricultural (A2) and Large Lot Agricultural (A3) on Schedule 'A', Map No. 28 to the Township's Zoning By-law No. 18-22.

Lots within the General Industrial (M1) Zone require the following:

General Industrial (M1) Zone	Lot Proposed to be Severed
Minimum Lot Area: 800 m ²	1.2 ha
Minimum Lot Frontage: 30 m	29.2 m
Front Yard Depth: 15 m	to be determined by new construction
Lot Depth: 30 m	304 m
Side Yard Width: 15 m/7.5 m	to be determined by new construction
Rear Yard Depth: 15 m/7.5 m	to be determined by new construction
Maximum Lot Coverage: 40%	to be determined by new construction
Maximum Height: 12 m	to be determined by new construction
Minimum Landscaped Open Space: 10%	to be determined by new construction

General Comments

The Township's Development Services Staff has also received comments provided by other internal departments and external commenting agencies, 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 (1 split, the Simpson Drain 2021);
- The Township's Water/Wastewater Operations Manager advised that the applicant should install a connection to the municipal sanitary sewer; and,
- The Township's Roads & Construction Manager has advised that an engineered lot and ditch grading plan prepared in accordance with good engineering practices is required.

As of the date of writing there have been no general comments received from the surrounding property owners.

The Township's Consulting Planner has also reviewed and generally has no concerns with the proposal, but does provide the following comments:

Upon the granting of the severance, both the lands being severed and lands being retained forfeit their "existing" status. The slightly deficient frontage of the lands proposed to be severed would need to be acknowledged either through a Minor Variance application or a re-zoning approved. For the lands being retained, recognition of a parcel having less than the minimum lot area and lot frontage standards of the A1, A2 and A3 zones is required and should be addressed through the application of "site-specific" (A1-#, A2-# and A3-#) zoning.

The Ministry of the Environment and Climate Change (MOECC), now the Ministry of Environment, Conservation and Parks (MECP), had previously advised/confirmed in a letter dated April 11, 2017 that a Record of Site Condition is required only where industrial/commercial lands are being changed in use to residential. The Ministry considers railway lands to be an industrial use.

The Consulting Planner notes that site plan control would apply to any new industrial use on the lands proposed to be severed, including the preparation of a detailed site plan and entering into a site plan agreement with the Township. Until such time as a specific development proposal is proposed, application of the holding (H) symbol should be considered to the General Industrial (M1) zoning, with its removal contingent upon completion of the site plan process.

It is recommended that the Application be deferred for the following reasons:

1. Deferral of the Application would provide the opportunity for the Township and the owner to review and discuss the highest and best order of use on the lands proposed to be retained;
2. Deferral of the application would provide the opportunity for the Township and the owner to review and discuss potential future severances on the lands proposed to be retained in exchange for the Township securing the necessary road allowances for connections to future development.

Recommended conditions have been prepared in the event the Application is approved.

Financial Implications to Budget:

The full cost of the consent and associated rezoning and site plan approval 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 (i.e. Village of Springfield) through its support of this proposal, the Council is achieving this goal.

Submitted by:	Reviewed by:
Dan Smith, MA Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER

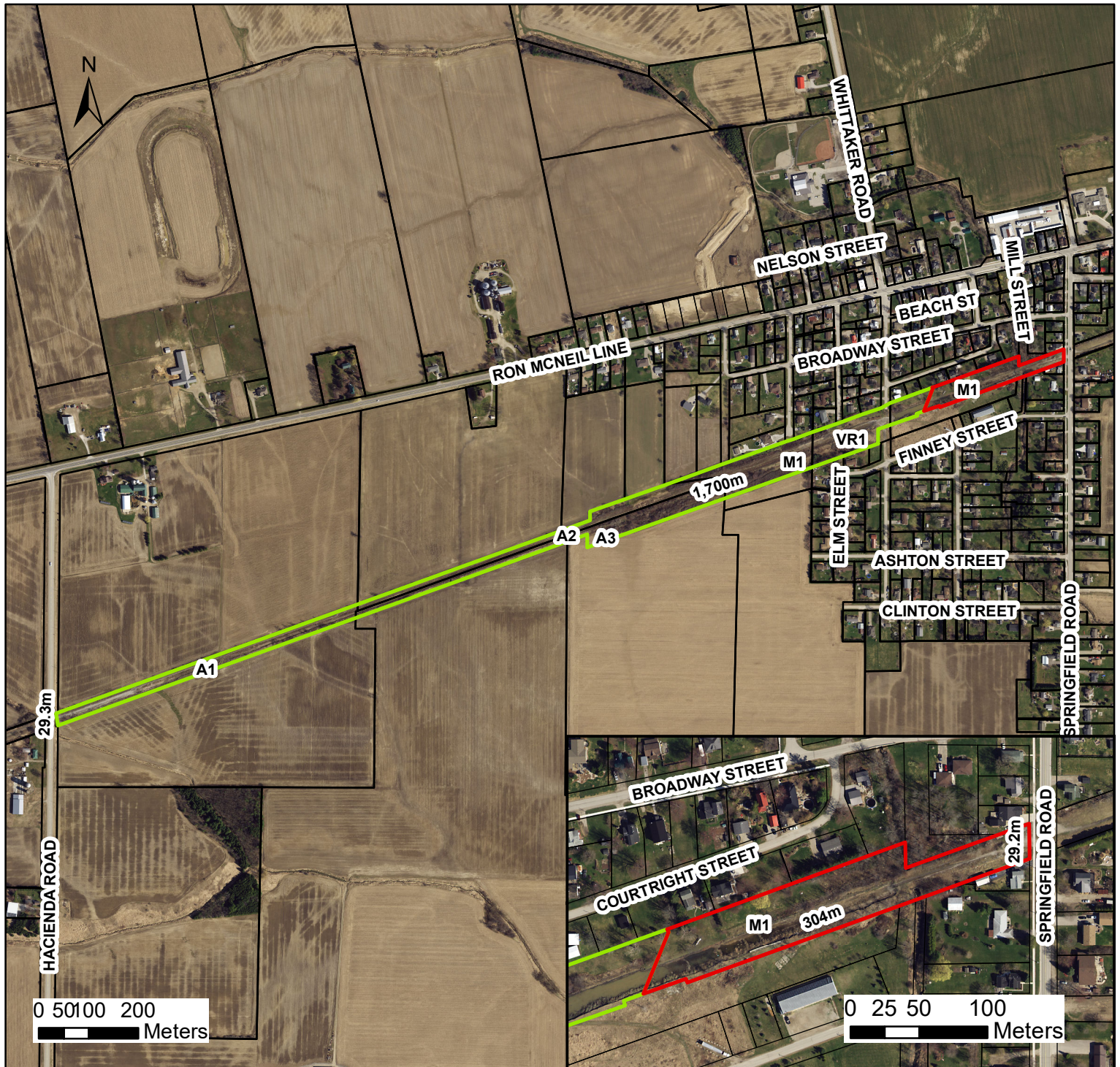
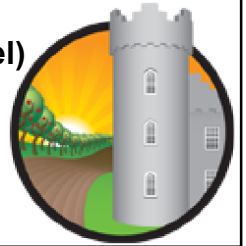
David Roe, Civic Planning Solutions Inc, agent for 181711 Ontario Inc (B. & S. Carrel)

Part of Lot 16 through Lot 18 inclusive, Concession 9

(Geographic Township of Malahide

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION

Residential
Agriculture

ZONING

M1 General Industrial
VR1 Village Residential One
A1 General Agricultural
A2 Special Agricultural
A3 Large Lot Agricultural



LANDS TO BE SEVERED



LANDS TO BE RETAINED

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 75-21

OWNER: 181711 Ontario Inc. (B and S Carrel)

PROPERTY: LOT NO. CONCESSION:
REG'D PLAN: MUNICIPALITY: Malahide

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Elgin County Planning Division
Date: October 27, 2021
Application: E 75-21

Owner:
181711 Ontario Inc. (B and S Carrel)
49934 Glencolin Line
Aylmer ON N5H 2R3

Agent:
David Roe, Civic Planning Solutions Inc.
61 Trailview Drive
Tillsonburg, ON N4G 0C6

Location: Canada Southern Railway Grounds, legally described as CON 9 PT LOTS 16 TO; 18 PLAN 18 PT LOTS 7 AND 8 W; EAST ST PT LOTS 8 AND 9 E; MILL ST PT MILL ST PT JAMES; ST PLAN 120 PT STATION, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 29.2 metres (95.80 feet) by a depth of 304.352 metres (998.352 feet) and an area of 1.2 hectares (2.965 acres) for future industrial use. The applicants are retaining a parcel with an area of 8.22 hectares (20.31 acres) to remain as vacant railway lands.

**County of Elgin Official
Plan**
Settlement Area Tier 2

**Local Municipality Official
Plan**
Residential
Agricultural

**Local Municipality Zoning
By-law**
General Industrial (M1)
General Agricultural (A1)
Special Agricultural (A2)
Large Lot Agricultural (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - It is recommended that the Application be deferred for the following reasons:

1. Deferral of the Application would provide the opportunity for the Township and the owner to review and discuss the highest and best order of use on the lands proposed to be retained; and
2. Deferral of the application would provide the opportunity for the Township and the owner to review and discuss potential future severances on the lands proposed to be retained in exchange for the Township securing the necessary road allowances for connections to future development.

Catfish Creek Conservation Authority – no comments.

County Engineering – not on a County Road.

Public Comments - two comments were received from members of the public regarding this application and potential impacts on the neighbourhood.

- *Kimberly Darling* – has questions regarding a future road extension between Whittaker and Superior Street as well as current and proposed zoning. Additionally, as per the letter that was circulated to residents of the area, there are traffic concerns related to an industrial use, as well as concerns related to water/well capacity, environmental impacts, drainage impacts, and heritage (the railway bridge constructed in 1890).
- *Bill MacIntyre* – inquired as to the purpose of the proposed severances, as well as traffic and connectivity considerations related to connecting the amenities of the north, to the south side of these lands.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 outlines that settlement areas are to be the focus of growth and development within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses.

The Applicant has indicated the severed portion of the lands (1.2 hectares/2.965 acres) will be created for future industrial use. The retained parcel of lands (8.22 hectares/20.31 acres) is proposed to remain in its current use, being vacant railway lands. Both the proposed severed and the retained parcels are currently vacant and are within a settlement area.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Springfield) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development (including lot creation) is permitted in these settlement areas given the absence of full municipal services.

The applicant has indicated that the proposed development (i.e. lot creation) is vacant and currently not serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting;

the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Settlement Area of Village of Springfield and designated in part Residential and Agricultural. Portions of the lands contain Hazard Land and Flood Fringe as per Malahide's Official Plan.

The subject lands are zoned General Industrial (M1), General Agricultural (A1), Special Agricultural (A2) and Large Lot Agricultural (A3) within the Township's Zoning By-law.

RECOMMENDATION:

County planning staff support the recommendation of the Township of Malahide for deferral of this application to provide opportunity for discussion between the Township and the applicant regarding the future development and use of these lands.

From: [Adam Betteridge](#)
To: [Aisling Lavery](#)
Cc: [Christine Strupat](#); dsmith@mbpc.ca
Subject: FW: Post office letter - E74 & E75 2021
Date: October 15, 2021 9:09:30 AM

Hello Aisling, for E74 & E75 (I know E74 is deferred) there is the attached letter that has been post at the Springfield Post Office. It is causing some confusion in the village- I've received the below email that had this image attached. I've encouraged Bill (below email sender) that comments should most importantly be sent to you at the LDC.

Our planning consultants from MBPC are providing planning comments on behalf of the Township, but I'm wondering if you've received comments that they should be aware of?

Thanks,

Adam Betteridge, MCIP, RPP
Office: 519.773.5344 x223

From: Bill MacIntyre <bnsmacintyre@hotmail.com>
Sent: October 14, 2021 10:58 AM
To: Adam Betteridge <ABetteridge@malahide.ca>
Cc: mingyrak@gmail.com
Subject: Post office letter

Adam and Rosemary Kennedy

This seems to be a land severance issue with possible zoning implications

I am just wondering what the purpose of this severance is?

As I previously mentioned to you a second road connecting the north and south Of Springfield would be beneficial use for emergency purposes, give township right of way to connection sewer water hydro etc, and allow south residence access to north Area of town for library, malahide place, post office, churches schools. A second route also would reduce traffic congestion at the corner of Springfield Rd and Ron McNeil Line. The cost of developing this new road extension could be purchased using lot development fees and not impact the township budget.

Tks

Bill MacIntyre. 519-615-2263

Sent from my iPad

PLEASE HELP!

We are all a part of the great village of Springfield so let your voice be heard!

You may not be aware that Elgin County recently notified some residents of Springfield of two *Applications for Consent* (E74-21 & E75-21). The application relates to property formerly known as the Canada Southern Railway Grounds. Basically, this is a parcel of land north and south of the old railway track and for the purposes of this information, involves the property from Springfield Road to Hacienda Road.

Application E74-21 involves property from Courtright Street (Lot 48) West. The intention with this property is for **future residential use**. It is extremely important to note that there is a section of this currently zoned “general industrial” so designation under the application as residential use may not be guaranteed. Application E75-21 involves property from Courtright Street (Lot 48) East to Springfield Road (except for a parcel of land which encompasses a portion of the Simpson Drain and the bridge). The intention for this piece is for **future industrial use**.

Please consider the following:

- Are you concerned about increase traffic including trucks for the industrial portion?
- How will increased traffic impact safety of children who walk to and from school?
- Will this impact water with more properties accessing underground water for wells?
- Are you concerned about resulting environmental impacts including increased noise and pollution, and remediation of the old railway track area?
- Are you concerned about zoning changing from an area of “general industrial” to residential?
- Do we want industry in the middle of Springfield?
- Will this impact drainage and the capacity for the Simpson Drain or other drains?
- What is the planned access to the industrial property?
- Do you enjoy being able to readily access the current trail down the old railway line?
- Are you concerned about protecting the heritage railway bridge erected in 1890?

If you are concerned, there is action you can take now!

You can contact Elgin County in writing (To make this part easy, a letter/template will be prepared which you can customize— just email kd4happiness@gmail.com to request a copy or if you have any questions), notify the Township of Malahide and our local Councillor (contact information below). There is a meeting scheduled for **October 27 at 10:00 am**. To attend or participate, please contact Aisling Lavery. Feel free to share this communication and talk to your neighbours and friends who call this beautiful village home

Together we can make a difference!

County of Elgin

Aisling Lavery, Secretary-Treasurer Land Division Committee, Elgin County (alavery@elgin.ca)

Township of Malahide

Adam Betteridge, Chief Administrative Officer & Director, Development Services
(abetteridge@malahide.ca)

Christine Strupat, Development Services Technician/Assistant Planner (cstrupat@malahide.ca)

Municipal Councillor

Max Moore (mmoore@malahide.ca); 519.765.4088

From: [Aisling Lavery](#)
To: ["Adam Betteridge"](#)
Subject: FW: Application E74-21 & E75-21
Date: October 15, 2021 9:21:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Adam,

See below for comments received related to E 74-21 & 75-21. I also spoke to this woman on the phone and explained this notice was for a lot creation application. Yes, all comments should be provided to myself to make sure LDC members get them. If you receive any more, forward them on to myself and/or let the member of the public know so they can send to me.

After seeing that image, I'm actually surprised I haven't been flooded with public comments. This is the only one received so far.

Thanks,
Aisling

From: Aisling Lavery
Sent: October 7, 2021 11:41 AM
To: 'K Darling' <kd4happiness@gmail.com>
Subject: RE: Application E74-21 & E75-21

Hi Kimberly,

Please see below links re: zoning information in Malahide.

Malahide Planning Webpage:

<https://www.malahide.ca/en/municipal-office/planning-zoning-by-law.aspx#Zoning-By-law-Consolidated>

Malahide Zoning By-law:

<https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/2021-02-01---Consolidated-Zoning-By-law-18-22.pdf>

Relevant Zoning Maps:

https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/Zoning-By-law-18-22-Consolidated-2021_MapD3.pdf

https://www.malahide.ca/en/business-and-development/resources/Planning-/Zoning-By-law-Consolidated-/2021---18-22/Zoning-By-law-18-22-Consolidated-2021_MapD1.pdf

Thanks,

Aisling “Ashleen” Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee

PLEASE NOTE: As of August 25th, 2021, the deadline for Consent Applications to be submitted to the County is moving from 6 weeks prior to the hearing date, to 8 weeks prior to the hearing date.



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



From: K Darling <kd4happiness@gmail.com>

Sent: October 7, 2021 11:06 AM

To: Aisling Lavery <alaverty@ELGIN.ca>

Subject: Re: Application E74-21 & E75-21

Aisling,

Can you confirm if Logs 63 through 74 are zoned residential or industrial?
Are the Station Grounds shown on the diagram zoned residential or industrial?

The diagram is confusing as the street names are not correct (based on our street signs); for example, Whittaker is not shown and there is no Thomson currently.

Thank you!

On Thu, Oct 7, 2021 at 11:00 AM K Darling <kd4happiness@gmail.com> wrote:

Thank you!

On Thu, Oct 7, 2021 at 8:57 AM Aisling Lavery <alaverty@elgin.ca> wrote:

Good morning Kimberly,

- Please see attached sketch of where lots 46/47/48 are. Apologies for not having labelled that on the Notice. It is simply a small strip that is being added to the back yards of these lots.
- The parcel from Whittaker Road to Springfield Road is zoned Industrial (M1) as per the Malahide Zoning By-law.
- There are no plans associated with this application apart from the creation of a new lot.

Thanks,

Aisling “Ashleen” Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee

PLEASE NOTE: As of August 25th, 2021, the deadline for Consent Applications to be submitted to the County is moving from 6 weeks prior to the hearing date, to 8 weeks prior to the hearing date.



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(519) 631-1460 ext. 122 | 226-377-6670
www.elgincounty.ca



From: K Darling <kd4happiness@gmail.com>

Sent: October 6, 2021 3:59 PM

To: Aisling Lavery <alavery@ELGIN.ca>

Subject: Application E74-21 & E75-21

Hi Aisling!

Thank you for your assistance the other day.

I have a few more questions.

Where are lots 46, 47, 48, and 49?

Which area exactly is currently zoned industrial?

Are there plans for a through road joining Whittaker and Superior Street

Thank you!

Kimberly Darling

--

Kimberly Darling

I am a worthy, bold, creative, and open woman.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 76-21**

**PLANK ROAD
CON 8 PT LOT 22 PLAN;258 PT LOT 11 RP 11R5625 PT; PART 1
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Greg Mitchell and Scott Gilvesy**, 13 Ridout Street West, Tillsonburg ON N4G 2C8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Plank Road, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 26.33 metres (86.38 feet) by a depth of 40.59 metres (133.16 feet) and an area of 0.10 hectares (0.25 acres) for future residential use. The applicants are retaining a parcel with an area of 4.18 hectares (10.34 acres) to remain as agricultural lands.

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

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

**WEDNESDAY OCTOBER 27, 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 23rd day of September.

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



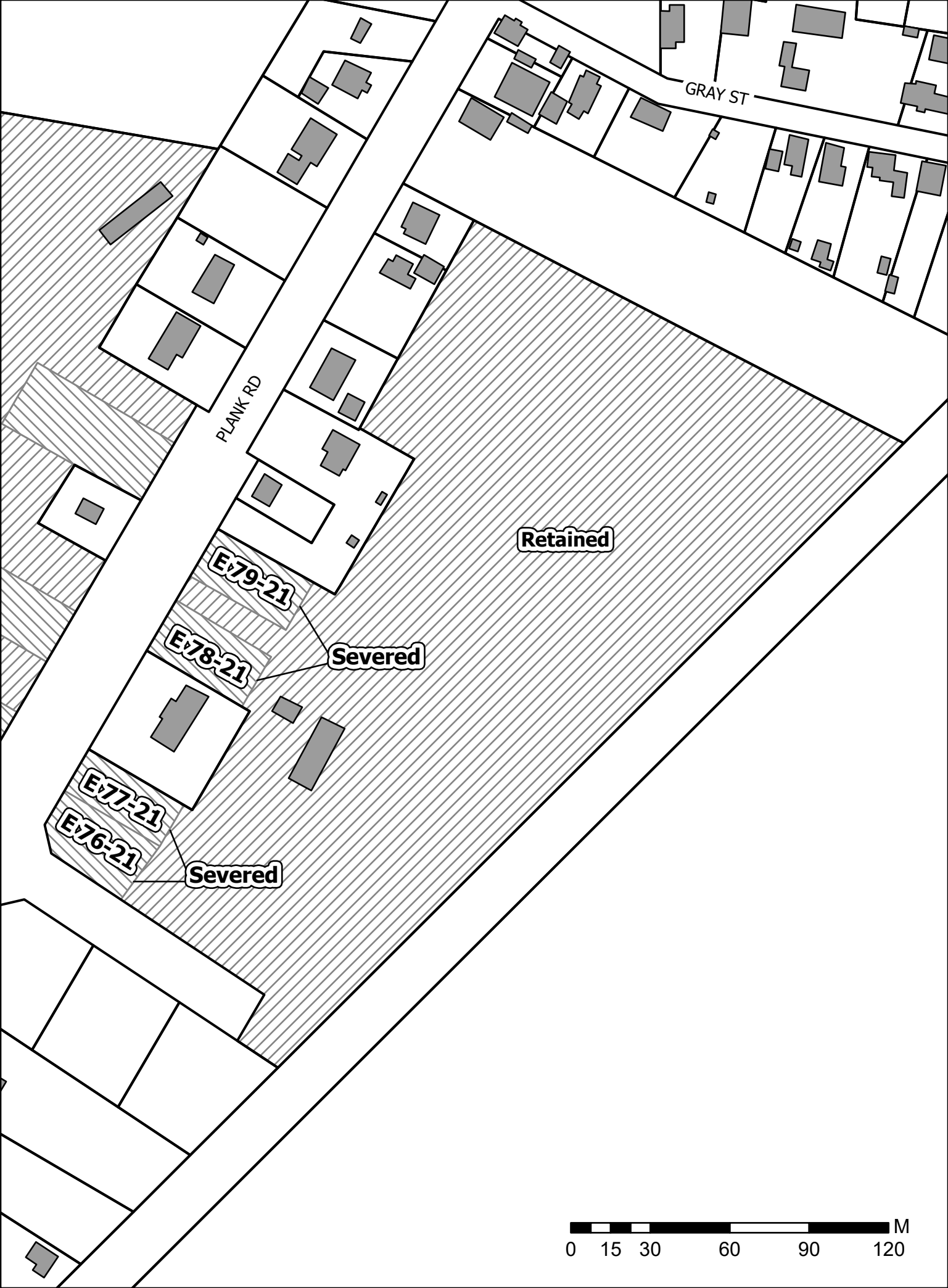
- Legend
- Subject Site

Severed

Retained






Elgin Road Network

Buildings
- Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021
- The Corporation of the County Elgin
Prepared By: Planning and Development



Location Map



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

Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 7, 2021

Aisling Lavery, Secretary Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Lavery,

Re: Applications for Consent No. E76/21 – E79/21 Mitchell and Gilvesy

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 7, 2021 meeting:

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

- 1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety**
- 2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation**
- 3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots**
- 4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed**
- 5. Digital copy of the registered plan of survey**
- 6. Cash in Lieu of Parkland Dedication fee for each of four created lots**
- 7. Purchase civic number signs for each of four created lots**
- 8. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheet and Staff Report DS-59/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Margaret Underhill', is written over a light blue horizontal line.

Margaret Underhill, Deputy Clerk|Planning Coordinator

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 76/21 – E79/21

Applicant Mitchell Gilvesy

Location Bayham – Concession 8 Part lot 22

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: Hamlets, Existing Petroleum Well

Policies: Section 4.4.2 and Section 2.5

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: Zoning: Hamlet Residential Holding (HR(h2))

Rezoning required to remove the holding provision Sections 9 and 3.3 b)

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

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |
| 10. Does the municipality have other concerns that should be considered by the Committee? | | |

Staff Report and Resolution included – Council meeting held October 7, 2021



- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2

Residential Uses

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

purposes specified in Subsection 2.4.1.1 of this Plan. Rehabilitation in prime agricultural areas will ensure that substantially the same area and same average soil quality for agriculture are restored and the types of subsequent agricultural uses are consistent with surrounding agricultural uses, unless the depth of mineral aggregate extraction makes such rehabilitation unfeasible, or an amendment to the Official Plan is obtained in accordance with all other applicable policies of the Plan.

2.4.2 **Development Applications**

2.4.2.1 After rehabilitation has been completed, an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.4.1.1 of this Plan will be given due consideration, but only after documentation has been prepared and presented by the operator/applicant which shows that the licence has been surrendered, and:

- a) The subject lands have been exhausted of all aggregate resources; or,
- b) Any aggregate material remaining on-site is not capable of being extracted economically and/or feasibly; or,
- c) The proposed land use or development serves a greater long-term public interest; and
- d) Issues of public health and safety, and environmental impact are addressed.

2.4.2.2 Notwithstanding Section 2.4.1.3 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or levelling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. Such removal sites are to be used on a temporary basis only. The Ministry of Natural Resources and Forestry must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

2.5

PETROLEUM AND SALT RESOURCES

2.5.1 **General**

2.5.1.1 The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Urban Areas. All exploration and production activities are to be in

compliance with the Oil, Gas, and Salt Resources Act, and the regulations and operating standards thereto. Existing petroleum features are identified on Schedule "A1" to the Plan as "Natural Gas Reservoir".

- 2.5.1.2 The municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in the Official Plan.
- 2.5.1.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 2.5.1.4 New development shall be set back 75 metres from existing petroleum wells. Known petroleum wells are identified on Schedule "A2". This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 2.5.1.5 The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural heritage feature or cultural heritage landscape*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location.
- 2.5.1.6 Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the land-use designation where the well sites are located. Upon cessation of production from wells in *prime agricultural areas*, rehabilitation shall restore the site so it can be used for agricultural purposes.
- 2.5.1.7 As a condition of approving subsequent development on former petroleum resource areas, the municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with provincial requirements. Buildings and

structures shall be located away from possible well sites, unless it can be proven that development can safely occur. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely.

2.5.1.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.6 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize, restore, enhance and preserve the *built heritage resources* and *cultural heritage landscapes* of the Municipality. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest; cemeteries; groups of buildings and structures which are of interest and value in the landscape; and entire agricultural and urban landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

2.6.1 Cultural Heritage Policies

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Municipality.
- d) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Cemeteries Act.

2.6.2 Implementation

- a) Municipal Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation.

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 Minimum Lot Area

No public water supply or sanitary sewage disposal service: 1,390 m²

Z698-2020

Public water supply, but no sanitary sewage disposal service: 1,100 m²

Public sanitary sewage disposal service, but no public water supply: 900 m²

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.

b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.

c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.

d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.

Z655-2016

e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.

Z701-2020

f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: October 7, 2021
REPORT: DS-59/21 **FILE NO. C-07 / D09.21GILV**
Roll # 3401-000-006-06700

SUBJECT: Four Consent Applications E76/21 – E79/21 Gilvesy Mitchell - Eden

BACKGROUND:

Four consent applications E76/21 – E79/21 were received from the Elgin County Land Division Committee submitted by Appointed Agent Andrew Gilvesy on behalf of Greg Mitchell and Scott Gilvesy proposing to sever four lots with lot areas varying from 903 m² – 985.8 m² (0.22 – 0.24 ac) for residential purposes. The owner would retain 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft.) on Plank Road and lot frontage of approximately 80m (262.5 ft.) on Right-of-Way (ROW) Part 8 Plan 11R-6179 and irregular lot depth.

The subject land is described as Concession 8 Part of Lot 22, south of Gray Street, on the east side of Plank Road. The land is within the boundary of the Hamlet of Eden. Lands are designated “Hamlets” on Schedule ‘A1’ Municipality of Bayham Land Use and “Existing Petroleum Well” identified on Schedule “A2” Constraints in the Official Plan. Lands are zoned Hamlet Residential Holding (HR(h2)) Zone in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on October 27, 2021.

DISCUSSION:

The four lots may be considered as infilling in a settlement area with the retained lands subject to a future plan of subdivision. When considering multiple lot development, careful consideration must be given to the overall development, potential servicing, surface water management and drainage.

The lots will require private wells and will connect to the existing sanitary sewer across the road. The owner will have to provide acceptable water quality and quantity testing results meeting provincial standards for residential use. An Engineer / Surveyor designed overall lot

grading/drainage plan with a direct connection to the existing municipal drain is required showing as much surface water as possible directed to the drain. Fire Services encourages all homebuilders to install residential sprinklers for health and safety.

The severed lands require rezoning to remove the Holding (h2) Zoning by entering into a Subdivision Agreement with the municipality. In addition, our standard conditions are to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design lot grading/drainage plan.

Staff and municipal planner recommend Council support of the consent applications for the creation of four lots.

ATTACHMENTS

1. Consent Applications E76/21 – E79/21 Mitchell Gilvesy (complete E76-21 application; E77-21 – E79-21 only portions of application attached)
2. IBI Group Memorandum dated September 29, 2021

RECOMMENDATION

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created lots
8. Planning Report fee payable to the Municipality

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk/Planning Coordinator

Reviewed by:



Thomas Thayer
CAO/Clerk



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Memorandum

To/Attention	Municipality of Bayham	Date	September 29, 2021
From	Paul Riley, BA, CPT	Project No	3404-839
cc	William Pol, MCIP, RPP		
Subject	Greg Mitchell and Scott Gilvesy - Concession 8, Part Lot 22, Part of Lot 11, Registered Plan 258, Plank Road, Eden - Applications for Consent E76/21 - 79/21		

1. We have completed our review of Consent Applications E76/21 – E79/21 submitted by Andrew Gilvesy (CJDL Engineering) on behalf of his client, Greg Mitchell and Scott Gilvesy, for lands legally known as Part of Lot 22 Concession 8 Bayham, Part of Lot 11, Registered Plan 258, south of Gray Street, on the east side of Plank Road. The applicant is requesting Consent to sever four (4) 903 m² – 985.8 m² (0.22 – 0.24 ac) parcels of land for residential purposes and to retain the remainder as vacant farmland. The lands are designated Hamlets on Schedule 'A1' and there is an "Existing Petroleum Well" identified on Schedule "A2" Constraints of the Official Plan. The lands are zoned Holding Hamlet Residential Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The existing lot is 4.28 ha (10.59 ac) in area with 127.6 m (418 ft) of frontage on Plank Road. These lands are currently vacant and farmed. Surrounding uses are residential to the north, west and south and agricultural to the east.
3. Consent application E76/21 (Part A) will have lot area of 985.8 m² (0.24 ac), lot frontage of 26.3 m (86.3 ft) and lot depth of 40.6 m (133.2 ft). Consent applications E77/21 (Part B) will have lot area of 909.0 m² (0.22 ac), lot frontage of 22.0 m (72.2 ft) and lot depth of 42.0 m (137.8 ft). Consent application E78/21 (Part C) will have lot area of 904.4 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). Consent application E79/21 (Part D) will have lot area of 903.0 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). The retained parcel will have lot area of 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft) on Plank Road and lot frontage of approximately 80 m (262.5 ft) on Right-of-Way (ROW) Part 8, Plan 11R - 6179 and irregular lot depth.
4. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Consents will generally be discouraged and only granted when a Plan of Subdivision is not required to protect the public interest.

Municipality of Bayham – September 29, 2021

The proposal to create four lots with frontage on Plank Road and where municipal sanitary sewers are available would not require Plan of Subdivision, therefore, creation of these lots by Consent is appropriate.

5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, outlined below:

- a) There is an existing municipal sewer line along Plank Road, therefore, no extension of municipal services is required. The owner will connect the new dwellings to the existing municipal sewer line.
- b) The proposed residential lots front on Plank Road, an adequate existing road.
- c) The lands are within the hamlet and have the effect of infilling in an existing developed area.
- d) The size of the proposed lots is appropriate for residential purposes. The proposed lots meet the minimum frontage and lot area regulations of the HR zone, have adequate area to develop private water services (well) and is of adequate configuration and size to accommodate the required setbacks.
- e) Within the hamlet area Plank Road has reduced traffic speeds and the proposed accesses directly to Plank Road are in keeping with the existing pattern of development in Eden.
- f) Based on a desktop review of streetview and aerial images of Plank Road at the subject lands, the road appears flat and straight which suggests that no traffic hazard due to sightlines would be created.
- g) The creation of the lots will not interfere with subsequent access to the retained lands as the conceptual subdivision plan shows a retained access to the south of Part A on an undeveloped municipal ROW known as Part 8, Plan 11R – 6179 which has adequate frontage on Plank Road for future development of a municipal roadway for subsequent development of the retained lands for residential purposes. The retained frontage on Plank Road of 9.9 m is intended to accommodate future access to a proposed stormwater management block to be created by way of future Plan of Subdivision application.
- h) Not applicable.

Based on a review of the above criteria, the proposed lots have adequate frontage on an existing roadway where traffic hazards are not created, there is a municipal sewer line to connect the new dwellings at the roadway, the severed and retained lots meet the minimum lot area requirements of the Zoning By-law and can accommodate single-detached dwellings meeting the setback requirements of the HR zone and access to the interior lands is adequate. Development of the severed lands for residential purposes will require the applicant to connect to the existing municipal

Municipality of Bayham – September 29, 2021

sewer services and to construct a private water service (well). The proposed residential lots are over 110 m (361 ft) from the existing petroleum well identified on Schedule 'A2' which is more than the 75 m (246 ft) required setback in Section 2.5.1.4. The proposed Consent(s) are in conformity to the Official Plan.

6. The subject lands are zoned HR(h2) in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The minimum lot frontage in the HR zone is 20.0 m (65.6 ft) and the minimum lot area is 900 m² (0.22 ac) for lots with municipal sewer services and private water services. The proposed lots and retained lot frontage and area exceed the minimum requirements of the HR zone. The proposed lots will be developed in compliance to the regulations of the Zoning By-law for setbacks and required yards.
7. The purpose of the "h2" holding symbol is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, prior to the removal of the holding symbol. The proposed Consent(s) comply to the Zoning By-law provided the applicant apply to remove the h2 holding symbol and enter into an agreement with the Municipality. The Agreement with the Municipality will be for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
8. Based on the above review of Consent Applications E76/21 – E79/21, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the owner rezones the severed lands to remove the Holding (h2) Zoning by entering into an Agreement with the Municipality for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
 - b) That the owner provides a survey of the lands.
 - c) That the owner provides private well test results confirming adequate water quality and quantity for residential use that meets provincial standards for the severed lots.
 - d) That the owner provides preliminary lot grading plans to demonstrate that the proposed residential lots will not have a negative drainage impact on abutting lots.
 - e) Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation.
 - f) That the applicant applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provides a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provides parkland dedication fee of \$2,000.00 to the Municipality of Bayham for each new lot in accordance with By-Law 2020-053.

Municipality of Bayham – September 29, 2021

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 76-21 to E 79-21

OWNER: Greg Mitchell and Scott Gilvesy

PROPERTY: LOT NO. _____ CONCESSION: _____

REG'D PLAN: 11R5625 PT, Part 1 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 76-21

Owner:
Greg Mitchell and Scott Gilvesy
13 Ridout Street West
Tillsonburg ON N4G 2C8

Agent:
Andrew Gilvesy
261 Broadway P.O. Box 460
Tillsonburg ON N4G 4H8

Location: Plank Road, know legally as CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP
11R5625 PT; PART 1, Municipality of Bayham.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 26.33 metres (86.38 feet) by a depth of 40.59 metres (133.16 feet) and an area of 0.10 hectares (0.25 acres) for future residential use. The applicants are retaining a parcel with an area of 4.18 hectares (10.34 acres) to remain as agricultural lands.

**County of Elgin Official
Plan**

Settlement Area Tier 2

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR(h2))

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.

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 1.1.4. outlines that settlement areas are to be the focus of growth and development

within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses.

The Applicant has indicated the severed lot (0.10 hectares/0.25 acres) will be created for future residential use. The retained parcel (4.18 hectares/10.34 acres) will be used for existing agriculture. Both the proposed severed and retained lots are within a settlement area (Eden).

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Eden) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development (including lot creation) is permitted in these settlement areas given the absence of full municipal services.

The applicant has indicated that the proposed development (i.e. lot creation) will be partially serviced (privately owned and operated individual water system and a publicly owned and operated sewage system).

Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

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

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principle land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Section 4.4.2.2 of the Official Plan sets out criteria for consents in this designation. Based on a review of this criteria, the proposed lot creations are in conformity with the policies.

The subject lands are zoned HR(h2) within the municipal Zoning By-law, where single detached dwellings are a permitted use. The proposed lots meet the provisions of the by-law related to lot area and frontage, and are in compliance with the Zoning By-law. The h2 holding provision is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the municipality, which addresses financial and servicing impacts of new development to the municipality, prior to removal of the holding provision.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. Direct connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
5. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.
6. A lot grading plan is required for the severed lot; and
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
 - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impact; and
 - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.

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

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.

2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicant's cost for permits and installation.
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots.
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed.
5. Digital copy of the registered plan of survey.
6. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
7. Purchase civic number signs for each of the four created lots.
8. Planning Report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 77-21**

**PLANK ROAD
CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP 11R5625 PT; PART 1
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Greg Mitchell and Scott Gilvesy**, 13 Ridout Street West, Tillsonburg ON N4G 2C8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Plank Road, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 22.00 metres (72.17 feet) by a depth of 42.05 metres (137.96 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 4.09 hectares (10.12 acres) to remain as agricultural lands.

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

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

**WEDNESDAY OCTOBER 27, 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 23rd day of September, 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



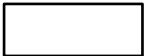
Location Map



Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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

Legend



Subject Site



Severed



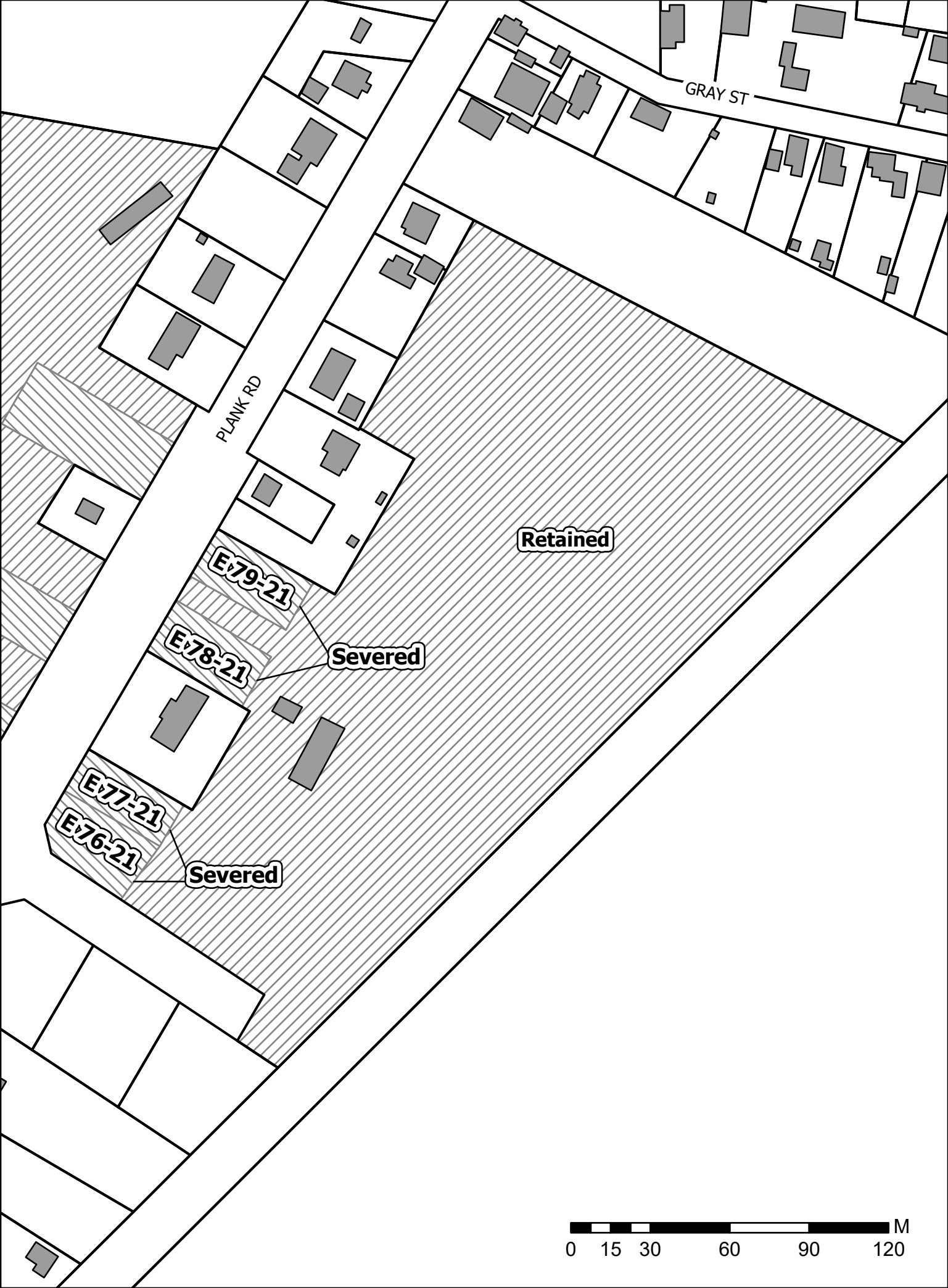
Retained



Elgin Road Network



Buildings



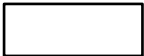
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Subject Site: Plank Road
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Owner: Greg Mitchell and Scott Gilvesy
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Date: 09/08/2021

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

Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 7, 2021

Aisling Lavery, Secretary Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Lavery,

Re: Applications for Consent No. E76/21 – E79/21 Mitchell and Gilvesy

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 7, 2021 meeting:

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

- 1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety**
- 2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation**
- 3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots**
- 4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed**
- 5. Digital copy of the registered plan of survey**
- 6. Cash in Lieu of Parkland Dedication fee for each of four created lots**
- 7. Purchase civic number signs for each of four created lots**
- 8. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheet and Staff Report DS-59/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Margaret Underhill', is written over a faint, larger blue ink signature.

Margaret Underhill, Deputy Clerk|Planning Coordinator

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 76/21 – E79/21

Applicant Mitchell Gilvesy

Location Bayham – Concession 8 Part lot 22

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: Hamlets, Existing Petroleum Well

Policies: Section 4.4.2 and Section 2.5

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: Zoning: Hamlet Residential Holding (HR(h2))

Rezoning required to remove the holding provision Sections 9 and 3.3 b)

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

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |
| 10. Does the municipality have other concerns that should be considered by the Committee? | | |

Staff Report and Resolution included – Council meeting held October 7, 2021



- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2

Residential Uses

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

purposes specified in Subsection 2.4.1.1 of this Plan. Rehabilitation in prime agricultural areas will ensure that substantially the same area and same average soil quality for agriculture are restored and the types of subsequent agricultural uses are consistent with surrounding agricultural uses, unless the depth of mineral aggregate extraction makes such rehabilitation unfeasible, or an amendment to the Official Plan is obtained in accordance with all other applicable policies of the Plan.

2.4.2 **Development Applications**

2.4.2.1 After rehabilitation has been completed, an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.4.1.1 of this Plan will be given due consideration, but only after documentation has been prepared and presented by the operator/applicant which shows that the licence has been surrendered, and:

- a) The subject lands have been exhausted of all aggregate resources; or,
- b) Any aggregate material remaining on-site is not capable of being extracted economically and/or feasibly; or,
- c) The proposed land use or development serves a greater long-term public interest; and
- d) Issues of public health and safety, and environmental impact are addressed.

2.4.2.2 Notwithstanding Section 2.4.1.3 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or levelling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. Such removal sites are to be used on a temporary basis only. The Ministry of Natural Resources and Forestry must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

2.5

PETROLEUM AND SALT RESOURCES

2.5.1 **General**

2.5.1.1 The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Urban Areas. All exploration and production activities are to be in

compliance with the Oil, Gas, and Salt Resources Act, and the regulations and operating standards thereto. Existing petroleum features are identified on Schedule "A1" to the Plan as "Natural Gas Reservoir".

- 2.5.1.2 The municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in the Official Plan.
- 2.5.1.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 2.5.1.4 New development shall be set back 75 metres from existing petroleum wells. Known petroleum wells are identified on Schedule "A2". This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 2.5.1.5 The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural heritage feature or cultural heritage landscape*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location.
- 2.5.1.6 Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the land-use designation where the well sites are located. Upon cessation of production from wells in *prime agricultural areas*, rehabilitation shall restore the site so it can be used for agricultural purposes.
- 2.5.1.7 As a condition of approving subsequent development on former petroleum resource areas, the municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with provincial requirements. Buildings and

structures shall be located away from possible well sites, unless it can be proven that development can safely occur. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely.

2.5.1.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.6 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize, restore, enhance and preserve the *built heritage resources* and *cultural heritage landscapes* of the Municipality. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest; cemeteries; groups of buildings and structures which are of interest and value in the landscape; and entire agricultural and urban landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

2.6.1 Cultural Heritage Policies

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Municipality.
- d) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Cemeteries Act.

2.6.2 Implementation

- a) Municipal Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation.

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 Minimum Lot Area

No public water supply or sanitary sewage disposal service: 1,390 m²

Z698-2020

Public water supply, but no sanitary sewage disposal service: 1,100 m²

Public sanitary sewage disposal service, but no public water supply: 900 m²

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.

b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.

c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.

d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.

Z655-2016

e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.

Z701-2020

f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: October 7, 2021
REPORT: DS-59/21 **FILE NO. C-07 / D09.21GILV**
Roll # 3401-000-006-06700

SUBJECT: Four Consent Applications E76/21 – E79/21 Gilvesy Mitchell - Eden

BACKGROUND:

Four consent applications E76/21 – E79/21 were received from the Elgin County Land Division Committee submitted by Appointed Agent Andrew Gilvesy on behalf of Greg Mitchell and Scott Gilvesy proposing to sever four lots with lot areas varying from 903 m² – 985.8 m² (0.22 – 0.24 ac) for residential purposes. The owner would retain 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft.) on Plank Road and lot frontage of approximately 80m (262.5 ft.) on Right-of-Way (ROW) Part 8 Plan 11R-6179 and irregular lot depth.

The subject land is described as Concession 8 Part of Lot 22, south of Gray Street, on the east side of Plank Road. The land is within the boundary of the Hamlet of Eden. Lands are designated “Hamlets” on Schedule ‘A1’ Municipality of Bayham Land Use and “Existing Petroleum Well” identified on Schedule “A2” Constraints in the Official Plan. Lands are zoned Hamlet Residential Holding (HR(h2)) Zone in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on October 27, 2021.

DISCUSSION:

The four lots may be considered as infilling in a settlement area with the retained lands subject to a future plan of subdivision. When considering multiple lot development, careful consideration must be given to the overall development, potential servicing, surface water management and drainage.

The lots will require private wells and will connect to the existing sanitary sewer across the road. The owner will have to provide acceptable water quality and quantity testing results meeting provincial standards for residential use. An Engineer / Surveyor designed overall lot

grading/drainage plan with a direct connection to the existing municipal drain is required showing as much surface water as possible directed to the drain. Fire Services encourages all homebuilders to install residential sprinklers for health and safety.

The severed lands require rezoning to remove the Holding (h2) Zoning by entering into a Subdivision Agreement with the municipality. In addition, our standard conditions are to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design lot grading/drainage plan.

Staff and municipal planner recommend Council support of the consent applications for the creation of four lots.

ATTACHMENTS

1. Consent Applications E76/21 – E79/21 Mitchell Gilvesy (complete E76-21 application; E77-21 – E79-21 only portions of application attached)
2. IBI Group Memorandum dated September 29, 2021

RECOMMENDATION

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created lots
8. Planning Report fee payable to the Municipality

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk/Planning Coordinator

Reviewed by:



Thomas Thayer
CAO/Clerk



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

Memorandum

To/Attention	Municipality of Bayham	Date	September 29, 2021
From	Paul Riley, BA, CPT	Project No	3404-839
cc	William Pol, MCIP, RPP		
Subject	Greg Mitchell and Scott Gilvesy - Concession 8, Part Lot 22, Part of Lot 11, Registered Plan 258, Plank Road, Eden - Applications for Consent E76/21 - 79/21		

1. We have completed our review of Consent Applications E76/21 – E79/21 submitted by Andrew Gilvesy (CJDL Engineering) on behalf of his client, Greg Mitchell and Scott Gilvesy, for lands legally known as Part of Lot 22 Concession 8 Bayham, Part of Lot 11, Registered Plan 258, south of Gray Street, on the east side of Plank Road. The applicant is requesting Consent to sever four (4) 903 m² – 985.8 m² (0.22 – 0.24 ac) parcels of land for residential purposes and to retain the remainder as vacant farmland. The lands are designated Hamlets on Schedule 'A1' and there is an "Existing Petroleum Well" identified on Schedule "A2" Constraints of the Official Plan. The lands are zoned Holding Hamlet Residential Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The existing lot is 4.28 ha (10.59 ac) in area with 127.6 m (418 ft) of frontage on Plank Road. These lands are currently vacant and farmed. Surrounding uses are residential to the north, west and south and agricultural to the east.
3. Consent application E76/21 (Part A) will have lot area of 985.8 m² (0.24 ac), lot frontage of 26.3 m (86.3 ft) and lot depth of 40.6 m (133.2 ft). Consent applications E77/21 (Part B) will have lot area of 909.0 m² (0.22 ac), lot frontage of 22.0 m (72.2 ft) and lot depth of 42.0 m (137.8 ft). Consent application E78/21 (Part C) will have lot area of 904.4 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). Consent application E79/21 (Part D) will have lot area of 903.0 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). The retained parcel will have lot area of 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft) on Plank Road and lot frontage of approximately 80 m (262.5 ft) on Right-of-Way (ROW) Part 8, Plan 11R - 6179 and irregular lot depth.
4. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Consents will generally be discouraged and only granted when a Plan of Subdivision is not required to protect the public interest.

Municipality of Bayham – September 29, 2021

The proposal to create four lots with frontage on Plank Road and where municipal sanitary sewers are available would not require Plan of Subdivision, therefore, creation of these lots by Consent is appropriate.

5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, outlined below:

- a) There is an existing municipal sewer line along Plank Road, therefore, no extension of municipal services is required. The owner will connect the new dwellings to the existing municipal sewer line.
- b) The proposed residential lots front on Plank Road, an adequate existing road.
- c) The lands are within the hamlet and have the effect of infilling in an existing developed area.
- d) The size of the proposed lots is appropriate for residential purposes. The proposed lots meet the minimum frontage and lot area regulations of the HR zone, have adequate area to develop private water services (well) and is of adequate configuration and size to accommodate the required setbacks.
- e) Within the hamlet area Plank Road has reduced traffic speeds and the proposed accesses directly to Plank Road are in keeping with the existing pattern of development in Eden.
- f) Based on a desktop review of streetview and aerial images of Plank Road at the subject lands, the road appears flat and straight which suggests that no traffic hazard due to sightlines would be created.
- g) The creation of the lots will not interfere with subsequent access to the retained lands as the conceptual subdivision plan shows a retained access to the south of Part A on an undeveloped municipal ROW known as Part 8, Plan 11R – 6179 which has adequate frontage on Plank Road for future development of a municipal roadway for subsequent development of the retained lands for residential purposes. The retained frontage on Plank Road of 9.9 m is intended to accommodate future access to a proposed stormwater management block to be created by way of future Plan of Subdivision application.
- h) Not applicable.

Based on a review of the above criteria, the proposed lots have adequate frontage on an existing roadway where traffic hazards are not created, there is a municipal sewer line to connect the new dwellings at the roadway, the severed and retained lots meet the minimum lot area requirements of the Zoning By-law and can accommodate single-detached dwellings meeting the setback requirements of the HR zone and access to the interior lands is adequate. Development of the severed lands for residential purposes will require the applicant to connect to the existing municipal

Municipality of Bayham – September 29, 2021

sewer services and to construct a private water service (well). The proposed residential lots are over 110 m (361 ft) from the existing petroleum well identified on Schedule 'A2' which is more than the 75 m (246 ft) required setback in Section 2.5.1.4. The proposed Consent(s) are in conformity to the Official Plan.

6. The subject lands are zoned HR(h2) in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The minimum lot frontage in the HR zone is 20.0 m (65.6 ft) and the minimum lot area is 900 m² (0.22 ac) for lots with municipal sewer services and private water services. The proposed lots and retained lot frontage and area exceed the minimum requirements of the HR zone. The proposed lots will be developed in compliance to the regulations of the Zoning By-law for setbacks and required yards.
7. The purpose of the "h2" holding symbol is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, prior to the removal of the holding symbol. The proposed Consent(s) comply to the Zoning By-law provided the applicant apply to remove the h2 holding symbol and enter into an agreement with the Municipality. The Agreement with the Municipality will be for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
8. Based on the above review of Consent Applications E76/21 – E79/21, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the owner rezones the severed lands to remove the Holding (h2) Zoning by entering into an Agreement with the Municipality for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
 - b) That the owner provides a survey of the lands.
 - c) That the owner provides private well test results confirming adequate water quality and quantity for residential use that meets provincial standards for the severed lots.
 - d) That the owner provides preliminary lot grading plans to demonstrate that the proposed residential lots will not have a negative drainage impact on abutting lots.
 - e) Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation.
 - f) That the applicant applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provides a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provides parkland dedication fee of \$2,000.00 to the Municipality of Bayham for each new lot in accordance with By-Law 2020-053.

Municipality of Bayham – September 29, 2021

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 76-21 to E 79-21

OWNER: Greg Mitchell and Scott Gilvesy

PROPERTY: LOT NO. CONCESSION:

REG'D PLAN: 11R5625 PT, Part 1 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 77-21

Owner:
Greg Mitchell and Scott Gilvesy
13 Ridout Street West
Tillsonburg ON N4G 2C8

Agent:
Andrew Gilvesy
261 Broadway P.O. Box 460
Tillsonburg ON N4G 4H8

Location: Plank Road, know legally as CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP
11R5625 PT; PART 1, Municipality of Bayham.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 22.00 metres (72.17 feet) by a depth of 42.05 metres (137.96 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 4.09 hectares (10.12 acres) to remain as agricultural lands.

**County of Elgin Official
Plan**

Settlement Area Tier 2

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR(h2))

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham - recommends approval subject to the provided conditions.

County Engineering – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.

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 1.1.4. outlines that settlement areas are to be the focus of growth and development

within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses.

The Applicant has indicated the severed lot (0.09 hectares/0.22 acres) will be created for future residential use. The retained parcel (4.09 hectares/10.12 acres) will be used for existing agriculture. Both the proposed severed and retained lots are within a settlement area (Eden).

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Eden) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development (including lot creation) is permitted in these settlement areas given the absence of full municipal services.

The applicant has indicated that the proposed development (i.e. lot creation) will be partially serviced (privately owned and operated individual water system and a publicly owned and operated sewage system).

Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

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

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principle land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Section 4.4.2.2 of the Official Plan sets out criteria for consents in this designation. Based on a review of this criteria, the proposed lot creations are in conformity with the policies.

The subject lands are zoned HR(h2) within the municipal Zoning By-law, where single detached dwellings are a permitted use. The proposed lots meet the provisions of the by-law related to lot area and frontage, and are in compliance with the Zoning By-law. The h2 holding provision is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the municipality, which addresses financial and servicing impacts of new development to the municipality, prior to removal of the holding provision.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. Direct connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
5. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner;
6. A lot grading plan is required for the severed lot; and
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
 - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impact; and
 - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.

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

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.

2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicant's cost for permits and installation.
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots.
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed.
5. Digital copy of the registered plan of survey.
6. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
7. Purchase civic number signs for each of the four created lots.
8. Planning Report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 78-21**

**PLANK ROAD
CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP 11R5625 PT; PART 1
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Greg Mitchell and Scott Gilvesy**, 13 Ridout Street West, Tillsonburg ON N4G 2C8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Plank Road, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 21.50 metres (69.06 feet) by a depth of 42.04 metres (137.92 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 4.00 hectares (9.88 acres) to remain as agricultural lands.

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

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

**WEDNESDAY OCTOBER 27, 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 23rd day of September, 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



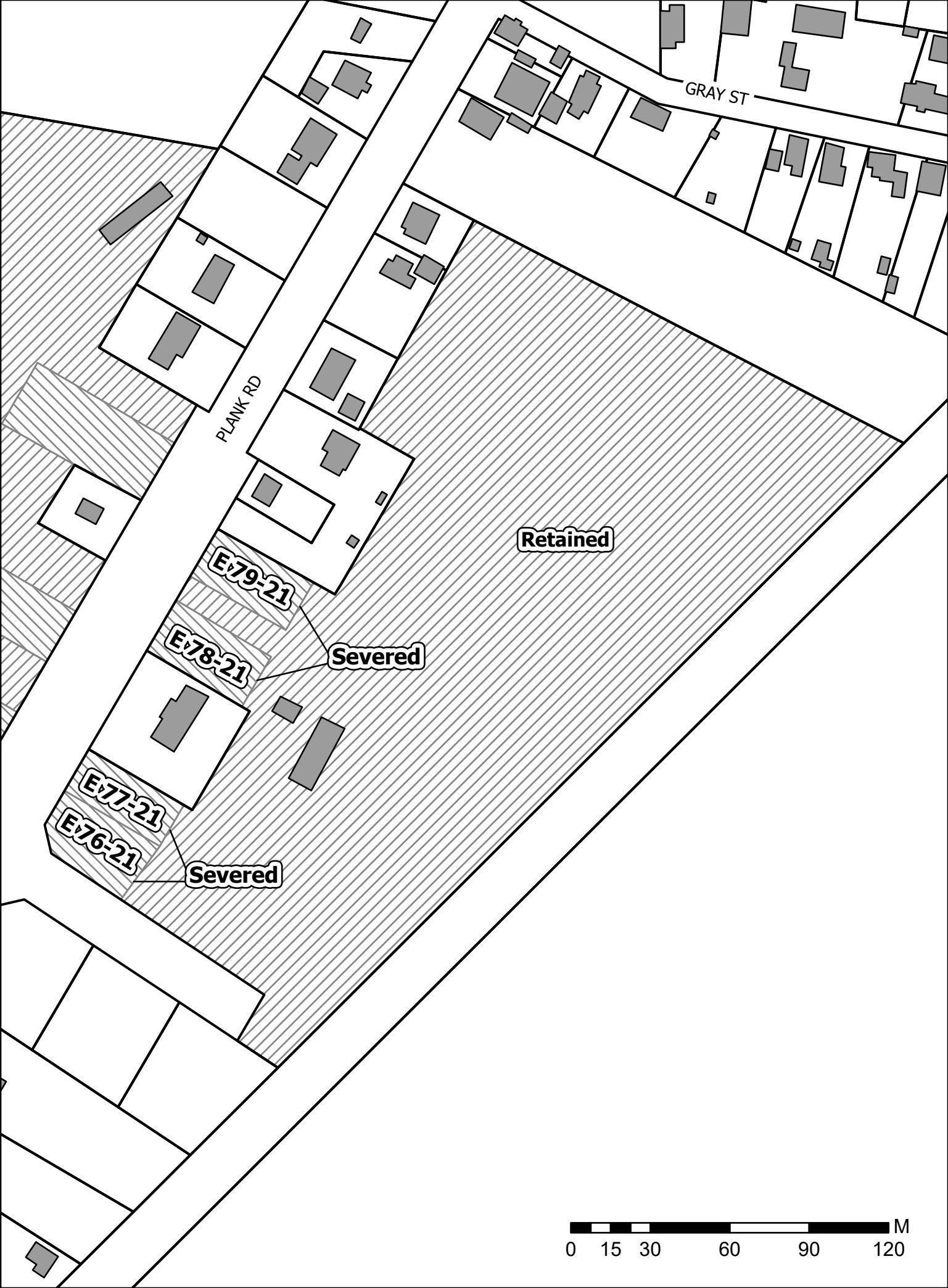
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

Buildings
- Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021
- The Corporation of the County Elgin
Prepared By: Planning and Development



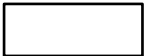
Location Map



Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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

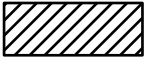
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 7, 2021

Aisling Lavery, Secretary Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Lavery,

Re: Applications for Consent No. E76/21 – E79/21 Mitchell and Gilvesy

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 7, 2021 meeting:

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

- 1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety**
- 2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation**
- 3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots**
- 4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed**
- 5. Digital copy of the registered plan of survey**
- 6. Cash in Lieu of Parkland Dedication fee for each of four created lots**
- 7. Purchase civic number signs for each of four created lots**
- 8. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheet and Staff Report DS-59/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Margaret Underhill', is written over a light blue horizontal line.

Margaret Underhill, Deputy Clerk|Planning Coordinator

D09.Mitchell Gilvesy

Cc: A. Gilvesy, CJDLEngineering (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 76/21 – E79/21

Applicant Mitchell Gilvesy

Location Bayham – Concession 8 Part lot 22

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: Hamlets, Existing Petroleum Well

Policies: Section 4.4.2 and Section 2.5

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: Zoning: Hamlet Residential Holding (HR(h2))

Rezoning required to remove the holding provision Sections 9 and 3.3 b)

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

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |
| 10. Does the municipality have other concerns that should be considered by the Committee? | | |

Staff Report and Resolution included – Council meeting held October 7, 2021



- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2

Residential Uses

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

purposes specified in Subsection 2.4.1.1 of this Plan. Rehabilitation in prime agricultural areas will ensure that substantially the same area and same average soil quality for agriculture are restored and the types of subsequent agricultural uses are consistent with surrounding agricultural uses, unless the depth of mineral aggregate extraction makes such rehabilitation unfeasible, or an amendment to the Official Plan is obtained in accordance with all other applicable policies of the Plan.

2.4.2 **Development Applications**

2.4.2.1 After rehabilitation has been completed, an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.4.1.1 of this Plan will be given due consideration, but only after documentation has been prepared and presented by the operator/applicant which shows that the licence has been surrendered, and:

- a) The subject lands have been exhausted of all aggregate resources; or,
- b) Any aggregate material remaining on-site is not capable of being extracted economically and/or feasibly; or,
- c) The proposed land use or development serves a greater long-term public interest; and
- d) Issues of public health and safety, and environmental impact are addressed.

2.4.2.2 Notwithstanding Section 2.4.1.3 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or levelling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. Such removal sites are to be used on a temporary basis only. The Ministry of Natural Resources and Forestry must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

2.5

PETROLEUM AND SALT RESOURCES

2.5.1 **General**

2.5.1.1 The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Urban Areas. All exploration and production activities are to be in

compliance with the Oil, Gas, and Salt Resources Act, and the regulations and operating standards thereto. Existing petroleum features are identified on Schedule "A1" to the Plan as "Natural Gas Reservoir".

- 2.5.1.2 The municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in the Official Plan.
- 2.5.1.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 2.5.1.4 New development shall be set back 75 metres from existing petroleum wells. Known petroleum wells are identified on Schedule "A2". This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 2.5.1.5 The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural heritage feature or cultural heritage landscape*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location.
- 2.5.1.6 Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the land-use designation where the well sites are located. Upon cessation of production from wells in *prime agricultural areas*, rehabilitation shall restore the site so it can be used for agricultural purposes.
- 2.5.1.7 As a condition of approving subsequent development on former petroleum resource areas, the municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with provincial requirements. Buildings and

structures shall be located away from possible well sites, unless it can be proven that development can safely occur. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely.

2.5.1.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.6 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize, restore, enhance and preserve the *built heritage resources* and *cultural heritage landscapes* of the Municipality. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest; cemeteries; groups of buildings and structures which are of interest and value in the landscape; and entire agricultural and urban landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

2.6.1 Cultural Heritage Policies

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Municipality.
- d) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Cemeteries Act.

2.6.2 Implementation

- a) Municipal Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation.

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 Minimum Lot Area

No public water supply or sanitary sewage disposal service: 1,390 m²

Z698-2020

Public water supply, but no sanitary sewage disposal service: 1,100 m²

Public sanitary sewage disposal service, but no public water supply: 900 m²

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.

b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.

c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.

d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.

Z655-2016

e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.

Z701-2020

f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE: October 7, 2021

REPORT: DS-59/21

FILE NO. C-07 / D09.21GILV

Roll # 3401-000-006-06700

SUBJECT: Four Consent Applications E76/21 – E79/21 Gilvesy Mitchell - Eden

BACKGROUND:

Four consent applications E76/21 – E79/21 were received from the Elgin County Land Division Committee submitted by Appointed Agent Andrew Gilvesy on behalf of Greg Mitchell and Scott Gilvesy proposing to sever four lots with lot areas varying from 903 m² – 985.8 m² (0.22 – 0.24 ac) for residential purposes. The owner would retain 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft.) on Plank Road and lot frontage of approximately 80m (262.5 ft.) on Right-of-Way (ROW) Part 8 Plan 11R-6179 and irregular lot depth.

The subject land is described as Concession 8 Part of Lot 22, south of Gray Street, on the east side of Plank Road. The land is within the boundary of the Hamlet of Eden. Lands are designated “Hamlets” on Schedule ‘A1’ Municipality of Bayham Land Use and “Existing Petroleum Well” identified on Schedule “A2” Constraints in the Official Plan. Lands are zoned Hamlet Residential Holding (HR(h2)) Zone in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on October 27, 2021.

DISCUSSION:

The four lots may be considered as infilling in a settlement area with the retained lands subject to a future plan of subdivision. When considering multiple lot development, careful consideration must be given to the overall development, potential servicing, surface water management and drainage.

The lots will require private wells and will connect to the existing sanitary sewer across the road. The owner will have to provide acceptable water quality and quantity testing results meeting provincial standards for residential use. An Engineer / Surveyor designed overall lot

grading/drainage plan with a direct connection to the existing municipal drain is required showing as much surface water as possible directed to the drain. Fire Services encourages all homebuilders to install residential sprinklers for health and safety.

The severed lands require rezoning to remove the Holding (h2) Zoning by entering into a Subdivision Agreement with the municipality. In addition, our standard conditions are to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design lot grading/drainage plan.

Staff and municipal planner recommend Council support of the consent applications for the creation of four lots.

ATTACHMENTS

1. Consent Applications E76/21 – E79/21 Mitchell Gilvesy (complete E76-21 application; E77-21 – E79-21 only portions of application attached)
2. IBI Group Memorandum dated September 29, 2021

RECOMMENDATION

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created lots
8. Planning Report fee payable to the Municipality

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk/Planning Coordinator

Reviewed by:



Thomas Thayer
CAO/Clerk



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Memorandum

To/Attention	Municipality of Bayham	Date	September 29, 2021
From	Paul Riley, BA, CPT	Project No	3404-839
cc	William Pol, MCIP, RPP		
Subject	Greg Mitchell and Scott Gilvesy - Concession 8, Part Lot 22, Part of Lot 11, Registered Plan 258, Plank Road, Eden - Applications for Consent E76/21 - 79/21		

1. We have completed our review of Consent Applications E76/21 – E79/21 submitted by Andrew Gilvesy (CJDL Engineering) on behalf of his client, Greg Mitchell and Scott Gilvesy, for lands legally known as Part of Lot 22 Concession 8 Bayham, Part of Lot 11, Registered Plan 258, south of Gray Street, on the east side of Plank Road. The applicant is requesting Consent to sever four (4) 903 m² – 985.8 m² (0.22 – 0.24 ac) parcels of land for residential purposes and to retain the remainder as vacant farmland. The lands are designated Hamlets on Schedule 'A1' and there is an "Existing Petroleum Well" identified on Schedule "A2" Constraints of the Official Plan. The lands are zoned Holding Hamlet Residential Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The existing lot is 4.28 ha (10.59 ac) in area with 127.6 m (418 ft) of frontage on Plank Road. These lands are currently vacant and farmed. Surrounding uses are residential to the north, west and south and agricultural to the east.
3. Consent application E76/21 (Part A) will have lot area of 985.8 m² (0.24 ac), lot frontage of 26.3 m (86.3 ft) and lot depth of 40.6 m (133.2 ft). Consent applications E77/21 (Part B) will have lot area of 909.0 m² (0.22 ac), lot frontage of 22.0 m (72.2 ft) and lot depth of 42.0 m (137.8 ft). Consent application E78/21 (Part C) will have lot area of 904.4 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). Consent application E79/21 (Part D) will have lot area of 903.0 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). The retained parcel will have lot area of 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft) on Plank Road and lot frontage of approximately 80 m (262.5 ft) on Right-of-Way (ROW) Part 8, Plan 11R - 6179 and irregular lot depth.
4. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Consents will generally be discouraged and only granted when a Plan of Subdivision is not required to protect the public interest.

Municipality of Bayham – September 29, 2021

The proposal to create four lots with frontage on Plank Road and where municipal sanitary sewers are available would not require Plan of Subdivision, therefore, creation of these lots by Consent is appropriate.

5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, outlined below:

- a) There is an existing municipal sewer line along Plank Road, therefore, no extension of municipal services is required. The owner will connect the new dwellings to the existing municipal sewer line.
- b) The proposed residential lots front on Plank Road, an adequate existing road.
- c) The lands are within the hamlet and have the effect of infilling in an existing developed area.
- d) The size of the proposed lots is appropriate for residential purposes. The proposed lots meet the minimum frontage and lot area regulations of the HR zone, have adequate area to develop private water services (well) and is of adequate configuration and size to accommodate the required setbacks.
- e) Within the hamlet area Plank Road has reduced traffic speeds and the proposed accesses directly to Plank Road are in keeping with the existing pattern of development in Eden.
- f) Based on a desktop review of streetview and aerial images of Plank Road at the subject lands, the road appears flat and straight which suggests that no traffic hazard due to sightlines would be created.
- g) The creation of the lots will not interfere with subsequent access to the retained lands as the conceptual subdivision plan shows a retained access to the south of Part A on an undeveloped municipal ROW known as Part 8, Plan 11R – 6179 which has adequate frontage on Plank Road for future development of a municipal roadway for subsequent development of the retained lands for residential purposes. The retained frontage on Plank Road of 9.9 m is intended to accommodate future access to a proposed stormwater management block to be created by way of future Plan of Subdivision application.
- h) Not applicable.

Based on a review of the above criteria, the proposed lots have adequate frontage on an existing roadway where traffic hazards are not created, there is a municipal sewer line to connect the new dwellings at the roadway, the severed and retained lots meet the minimum lot area requirements of the Zoning By-law and can accommodate single-detached dwellings meeting the setback requirements of the HR zone and access to the interior lands is adequate. Development of the severed lands for residential purposes will require the applicant to connect to the existing municipal

Municipality of Bayham – September 29, 2021

sewer services and to construct a private water service (well). The proposed residential lots are over 110 m (361 ft) from the existing petroleum well identified on Schedule 'A2' which is more than the 75 m (246 ft) required setback in Section 2.5.1.4. The proposed Consent(s) are in conformity to the Official Plan.

6. The subject lands are zoned HR(h2) in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The minimum lot frontage in the HR zone is 20.0 m (65.6 ft) and the minimum lot area is 900 m² (0.22 ac) for lots with municipal sewer services and private water services. The proposed lots and retained lot frontage and area exceed the minimum requirements of the HR zone. The proposed lots will be developed in compliance to the regulations of the Zoning By-law for setbacks and required yards.
7. The purpose of the "h2" holding symbol is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, prior to the removal of the holding symbol. The proposed Consent(s) comply to the Zoning By-law provided the applicant apply to remove the h2 holding symbol and enter into an agreement with the Municipality. The Agreement with the Municipality will be for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
8. Based on the above review of Consent Applications E76/21 – E79/21, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the owner rezones the severed lands to remove the Holding (h2) Zoning by entering into an Agreement with the Municipality for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
 - b) That the owner provides a survey of the lands.
 - c) That the owner provides private well test results confirming adequate water quality and quantity for residential use that meets provincial standards for the severed lots.
 - d) That the owner provides preliminary lot grading plans to demonstrate that the proposed residential lots will not have a negative drainage impact on abutting lots.
 - e) Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation.
 - f) That the applicant applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provides a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provides parkland dedication fee of \$2,000.00 to the Municipality of Bayham for each new lot in accordance with By-Law 2020-053.

Municipality of Bayham – September 29, 2021

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 76-21 to E 79-21

OWNER: Greg Mitchell and Scott Gilvesy

PROPERTY: LOT NO. CONCESSION:
REG'D PLAN: 11R5625 PT, Part 1 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 78-21

Owner:
Greg Mitchell and Scott Gilvesy
13 Ridout Street West
Tillsonburg ON N4G 2C8

Agent:
Andrew Gilvesy
261 Broadway P.O. Box 460
Tillsonburg ON N4G 4H8

Location: Plank Road, know legally as CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP
11R5625 PT; PART 1, Municipality of Bayham.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 21.50 metres (69.06 feet) by a depth of 42.04 metres (137.92 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 4.00 hectares (9.88 acres) to remain as agricultural lands.

**County of Elgin Official
Plan**

Settlement Area Tier 2

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR(h2))

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham - recommends approval subject to the provided conditions.

County Engineering – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.

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 1.1.4. outlines that settlement areas are to be the focus of growth and development

within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses

The Applicant has indicated the severed portion of the lands (0.09 hectares/0.22 acres) will be created for future residential use. The retained parcel of the lands (4.00 hectares/9.88 acres) will be used for the existing agriculture. Both the proposed severed lots and retained lot are within a settlement area (Eden).

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Eden) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development (including lot creation) is permitted in these settlement areas given the absence of full municipal services.

The applicant has indicated that the proposed development (i.e. lot creation) will be partially serviced (privately owned and operated individual water system and a publicly owned and operated sewage system).

Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

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

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principle land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Section 4.4.2.2 of the Official Plan sets out criteria for consents in this designation. Based on a review of this criteria, the proposed lot creations are in conformity with the policies.

The subject lands are zoned HR(h2) within the municipal Zoning By-law, where single detached dwellings are a permitted use. The proposed lots meet the provisions of the by-law related to lot area and frontage, and are in compliance with the Zoning By-law. The h2 holding provision is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the municipality, which addresses financial and servicing impacts of new development to the municipality, prior to removal of the holding provision.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. Direct connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
5. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner;
6. A lot grading plan is required for the severed lot; and
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
 - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impact; and
 - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.

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

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.

2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicant's cost for permits and installation.
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots.
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed.
5. Digital copy of the registered plan of survey.
6. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
7. Purchase civic number signs for each of the four created lots.
8. Planning Report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 79-21**

**PLANK ROAD
CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP 11R5625 PT; PART 1
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Greg Mitchell and Scott Gilvesy**, 13 Ridout Street West, Tillsonburg ON N4G 2C8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Plank Road, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 21.50 metres (69.06 feet) by a depth of 42.00 metres (137.78 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 3.91 hectares (9.66 acres) to remain as agricultural lands.

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

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

**WEDNESDAY OCTOBER 27, 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 23rd day of September, 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



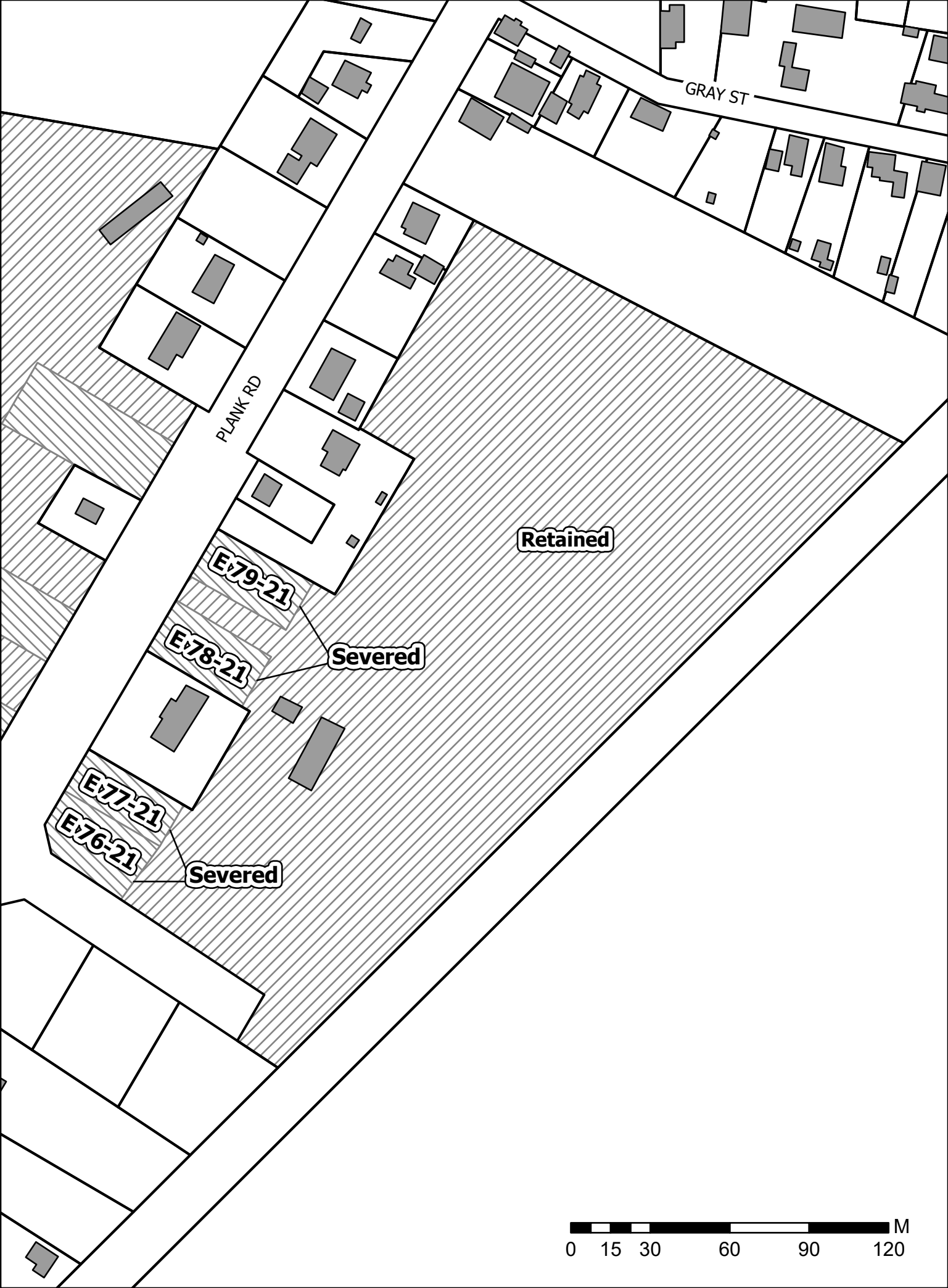
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

Buildings
- Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021
- The Corporation of the County Elgin
Prepared By: Planning and Development



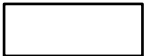
Location Map



Subject Site: Plank Road
File Numbers: E 76-2021, E 77-21, E 78-21 & E 79-21
Owner: Greg Mitchell and Scott Gilvesy
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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

Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 7, 2021

Aisling Lavery, Secretary Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Lavery,

Re: Applications for Consent No. E76/21 – E79/21 Mitchell and Gilvesy

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 7, 2021 meeting:

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

- 1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety**
- 2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation**
- 3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots**
- 4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed**
- 5. Digital copy of the registered plan of survey**
- 6. Cash in Lieu of Parkland Dedication fee for each of four created lots**
- 7. Purchase civic number signs for each of four created lots**
- 8. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheet and Staff Report DS-59/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Margaret Underhill', is written over a light blue horizontal line.

Margaret Underhill, Deputy Clerk|Planning Coordinator

D09.Mitchell Gilvesy

Cc: A. Gilvesy, CJDLEngineering (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 76/21 – E79/21

Applicant Mitchell Gilvesy

Location Bayham – Concession 8 Part lot 22

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: Hamlets, Existing Petroleum Well

Policies: Section 4.4.2 and Section 2.5

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: Zoning: Hamlet Residential Holding (HR(h2))

Rezoning required to remove the holding provision Sections 9 and 3.3 b)

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

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (X) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |
| 9. Does Council recommend the application? | Yes (X) | No () |
| 10. Does the municipality have other concerns that should be considered by the Committee? | | |

Staff Report and Resolution included – Council meeting held October 7, 2021



- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2

Residential Uses

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

purposes specified in Subsection 2.4.1.1 of this Plan. Rehabilitation in prime agricultural areas will ensure that substantially the same area and same average soil quality for agriculture are restored and the types of subsequent agricultural uses are consistent with surrounding agricultural uses, unless the depth of mineral aggregate extraction makes such rehabilitation unfeasible, or an amendment to the Official Plan is obtained in accordance with all other applicable policies of the Plan.

2.4.2 **Development Applications**

2.4.2.1 After rehabilitation has been completed, an application for an Official Plan amendment to permit a use or uses other than those permitted in subsection 2.4.1.1 of this Plan will be given due consideration, but only after documentation has been prepared and presented by the operator/applicant which shows that the licence has been surrendered, and:

- a) The subject lands have been exhausted of all aggregate resources; or,
- b) Any aggregate material remaining on-site is not capable of being extracted economically and/or feasibly; or,
- c) The proposed land use or development serves a greater long-term public interest; and
- d) Issues of public health and safety, and environmental impact are addressed.

2.4.2.2 Notwithstanding Section 2.4.1.3 of this Plan, Official Plan and Zoning By-law amendments will not be required for the removal or levelling of hills containing aggregate material for the purpose of increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of land surrounding the hill. Such removal sites are to be used on a temporary basis only. The Ministry of Natural Resources and Forestry must be contacted prior to any excavation to determine licencing requirements under the Aggregate Resources Act.

2.5

PETROLEUM AND SALT RESOURCES

2.5.1 **General**

2.5.1.1 The exploration for and the production of oil, gas, and salt resources including related buildings, structures, pipelines and related facilities shall be permitted in all land use designations, except Urban Areas. All exploration and production activities are to be in

compliance with the Oil, Gas, and Salt Resources Act, and the regulations and operating standards thereto. Existing petroleum features are identified on Schedule "A1" to the Plan as "Natural Gas Reservoir".

- 2.5.1.2 The municipality shall support the subsurface storage of oil, gas, and salt resources, subject to provincial regulations, so long as they do not adversely affect surface development rights as set out in the Official Plan.
- 2.5.1.3 The municipality shall support the proper disposal of oil field brines, in accordance with Provincial regulations.
- 2.5.1.4 New development shall be set back 75 metres from existing petroleum wells. Known petroleum wells are identified on Schedule "A2". This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development. Where development is proposed adjacent to or above pools or deposits, the Province shall be consulted regarding measures to allow possible future access for resource production purposes.
- 2.5.1.5 The municipality shall encourage the use of technology for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a *natural heritage feature or cultural heritage landscape*. New wells and associated works will be prohibited from causing any surface or ecological disturbance to natural and cultural heritage areas. If there are no alternatives to exploration and production within a natural or cultural heritage area, measures will be undertaken to reduce negative impacts. Where forest cover is removed it shall be replaced at a location specified by the landowner, unless no such location is suitable for tree cover, wherein the municipality may specify a location.
- 2.5.1.6 Upon cessation of production, well sites and locations of associated works shall be rehabilitated to permit uses set out in the land-use designation where the well sites are located. Upon cessation of production from wells in *prime agricultural areas*, rehabilitation shall restore the site so it can be used for agricultural purposes.
- 2.5.1.7 As a condition of approving subsequent development on former petroleum resource areas, the municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe in accordance with provincial requirements. Buildings and

structures shall be located away from possible well sites, unless it can be proven that development can safely occur. Any development proposals on known historic salt solution mining activity areas will require a geo-technical study completed by a qualified engineer to ensure that development can occur safely.

2.5.1.8 If sites of former works are discovered, these locations shall be rehabilitated prior to development proceeding.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

In accordance with the policies of the Ministry of Tourism, Culture and Sport and Section 2.6 of the Provincial Policy Statement 2014, this Plan shall endeavour to recognize, restore, enhance and preserve the *built heritage resources* and *cultural heritage landscapes* of the Municipality. Cultural heritage resources include *archaeological resources*; buildings and structures of architectural, historical or engineering interest; cemeteries; groups of buildings and structures which are of interest and value in the landscape; and entire agricultural and urban landscapes. In essence they are the works of man and the effects of his activities in the environment and, accordingly, may be considered as heritage where they constitute the consultative record of past human activities, endeavours or events.

2.6.1 Cultural Heritage Policies

- a) Council may establish a Municipal Heritage Committee (MHC) to advise on matters relating to the Ontario Heritage Act and other business relating to heritage conservation.
- b) Council shall encourage the designation and maintenance of properties and structures pursuant to Parts IV and V of the Ontario Heritage Act.
- c) Council shall support the use of cultural heritage resources as a means to promote economic development and tourism within the Municipality.
- d) Council shall notify the Province when any proposed development may impact a marked or unmarked cemetery in accordance with the Ontario Heritage Act and the Cemeteries Act.

2.6.2 Implementation

- a) Municipal Council shall implement the cultural heritage policies of this Plan through participation in provincial and federal programs related to cultural heritage conservation.

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 Minimum Lot Area

No public water supply or sanitary sewage disposal service: 1,390 m²

Z698-2020

Public water supply, but no sanitary sewage disposal service: 1,100 m²

Public sanitary sewage disposal service, but no public water supply: 900 m²

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.

b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.

c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.

d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.

Z655-2016

e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.

Z701-2020

f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator

DATE: October 7, 2021

REPORT: DS-59/21

FILE NO. C-07 / D09.21GILV

Roll # 3401-000-006-06700

SUBJECT: Four Consent Applications E76/21 – E79/21 Gilvesy Mitchell - Eden

BACKGROUND:

Four consent applications E76/21 – E79/21 were received from the Elgin County Land Division Committee submitted by Appointed Agent Andrew Gilvesy on behalf of Greg Mitchell and Scott Gilvesy proposing to sever four lots with lot areas varying from 903 m² – 985.8 m² (0.22 – 0.24 ac) for residential purposes. The owner would retain 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft.) on Plank Road and lot frontage of approximately 80m (262.5 ft.) on Right-of-Way (ROW) Part 8 Plan 11R-6179 and irregular lot depth.

The subject land is described as Concession 8 Part of Lot 22, south of Gray Street, on the east side of Plank Road. The land is within the boundary of the Hamlet of Eden. Lands are designated “Hamlets” on Schedule ‘A1’ Municipality of Bayham Land Use and “Existing Petroleum Well” identified on Schedule “A2” Constraints in the Official Plan. Lands are zoned Hamlet Residential Holding (HR(h2)) Zone in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on October 27, 2021.

DISCUSSION:

The four lots may be considered as infilling in a settlement area with the retained lands subject to a future plan of subdivision. When considering multiple lot development, careful consideration must be given to the overall development, potential servicing, surface water management and drainage.

The lots will require private wells and will connect to the existing sanitary sewer across the road. The owner will have to provide acceptable water quality and quantity testing results meeting provincial standards for residential use. An Engineer / Surveyor designed overall lot

grading/drainage plan with a direct connection to the existing municipal drain is required showing as much surface water as possible directed to the drain. Fire Services encourages all homebuilders to install residential sprinklers for health and safety.

The severed lands require rezoning to remove the Holding (h2) Zoning by entering into a Subdivision Agreement with the municipality. In addition, our standard conditions are to require civic numbering signage, survey, cash in lieu payment for the creation of building lots, planning report fee and engineer design lot grading/drainage plan.

Staff and municipal planner recommend Council support of the consent applications for the creation of four lots.

ATTACHMENTS

1. Consent Applications E76/21 – E79/21 Mitchell Gilvesy (complete E76-21 application; E77-21 – E79-21 only portions of application attached)
2. IBI Group Memorandum dated September 29, 2021

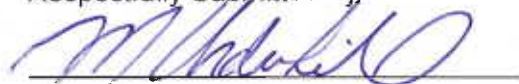
RECOMMENDATION

THAT Report DS-59/21 regarding the Consent Applications E76/21 – E79/21 submitted by Mitchell and Gilvesy be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E76/21 – E79/21 be granted subject to the following conditions:

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed
5. Digital copy of the registered plan of survey
6. Cash in Lieu of Parkland Dedication fee for each of four created lots
7. Purchase civic number signs for each of four created lots
8. Planning Report fee payable to the Municipality

Respectfully Submitted by:



Margaret Underhill
Deputy Clerk/Planning Coordinator

Reviewed by:



Thomas Thayer
CAO/Clerk



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

Memorandum

To/Attention	Municipality of Bayham	Date	September 29, 2021
From	Paul Riley, BA, CPT	Project No	3404-839
cc	William Pol, MCIP, RPP		
Subject	Greg Mitchell and Scott Gilvesy - Concession 8, Part Lot 22, Part of Lot 11, Registered Plan 258, Plank Road, Eden - Applications for Consent E76/21 - 79/21		

1. We have completed our review of Consent Applications E76/21 – E79/21 submitted by Andrew Gilvesy (CJDL Engineering) on behalf of his client, Greg Mitchell and Scott Gilvesy, for lands legally known as Part of Lot 22 Concession 8 Bayham, Part of Lot 11, Registered Plan 258, south of Gray Street, on the east side of Plank Road. The applicant is requesting Consent to sever four (4) 903 m² – 985.8 m² (0.22 – 0.24 ac) parcels of land for residential purposes and to retain the remainder as vacant farmland. The lands are designated Hamlets on Schedule 'A1' and there is an "Existing Petroleum Well" identified on Schedule "A2" Constraints of the Official Plan. The lands are zoned Holding Hamlet Residential Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The existing lot is 4.28 ha (10.59 ac) in area with 127.6 m (418 ft) of frontage on Plank Road. These lands are currently vacant and farmed. Surrounding uses are residential to the north, west and south and agricultural to the east.
3. Consent application E76/21 (Part A) will have lot area of 985.8 m² (0.24 ac), lot frontage of 26.3 m (86.3 ft) and lot depth of 40.6 m (133.2 ft). Consent applications E77/21 (Part B) will have lot area of 909.0 m² (0.22 ac), lot frontage of 22.0 m (72.2 ft) and lot depth of 42.0 m (137.8 ft). Consent application E78/21 (Part C) will have lot area of 904.4 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). Consent application E79/21 (Part D) will have lot area of 903.0 m² (0.22 ac), lot frontage of 21.5 m (70.5 ft) and lot depth of 42.0 m (137.8 ft). The retained parcel will have lot area of 3.9 ha (9.66 ac), lot frontage of 9.9 m (32.5 ft) on Plank Road and lot frontage of approximately 80 m (262.5 ft) on Right-of-Way (ROW) Part 8, Plan 11R - 6179 and irregular lot depth.
4. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Consents will generally be discouraged and only granted when a Plan of Subdivision is not required to protect the public interest.

Municipality of Bayham – September 29, 2021

The proposal to create four lots with frontage on Plank Road and where municipal sanitary sewers are available would not require Plan of Subdivision, therefore, creation of these lots by Consent is appropriate.

5. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, outlined below:

- a) There is an existing municipal sewer line along Plank Road, therefore, no extension of municipal services is required. The owner will connect the new dwellings to the existing municipal sewer line.
- b) The proposed residential lots front on Plank Road, an adequate existing road.
- c) The lands are within the hamlet and have the effect of infilling in an existing developed area.
- d) The size of the proposed lots is appropriate for residential purposes. The proposed lots meet the minimum frontage and lot area regulations of the HR zone, have adequate area to develop private water services (well) and is of adequate configuration and size to accommodate the required setbacks.
- e) Within the hamlet area Plank Road has reduced traffic speeds and the proposed accesses directly to Plank Road are in keeping with the existing pattern of development in Eden.
- f) Based on a desktop review of streetview and aerial images of Plank Road at the subject lands, the road appears flat and straight which suggests that no traffic hazard due to sightlines would be created.
- g) The creation of the lots will not interfere with subsequent access to the retained lands as the conceptual subdivision plan shows a retained access to the south of Part A on an undeveloped municipal ROW known as Part 8, Plan 11R – 6179 which has adequate frontage on Plank Road for future development of a municipal roadway for subsequent development of the retained lands for residential purposes. The retained frontage on Plank Road of 9.9 m is intended to accommodate future access to a proposed stormwater management block to be created by way of future Plan of Subdivision application.
- h) Not applicable.

Based on a review of the above criteria, the proposed lots have adequate frontage on an existing roadway where traffic hazards are not created, there is a municipal sewer line to connect the new dwellings at the roadway, the severed and retained lots meet the minimum lot area requirements of the Zoning By-law and can accommodate single-detached dwellings meeting the setback requirements of the HR zone and access to the interior lands is adequate. Development of the severed lands for residential purposes will require the applicant to connect to the existing municipal

Municipality of Bayham – September 29, 2021

sewer services and to construct a private water service (well). The proposed residential lots are over 110 m (361 ft) from the existing petroleum well identified on Schedule 'A2' which is more than the 75 m (246 ft) required setback in Section 2.5.1.4. The proposed Consent(s) are in conformity to the Official Plan.

6. The subject lands are zoned HR(h2) in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The minimum lot frontage in the HR zone is 20.0 m (65.6 ft) and the minimum lot area is 900 m² (0.22 ac) for lots with municipal sewer services and private water services. The proposed lots and retained lot frontage and area exceed the minimum requirements of the HR zone. The proposed lots will be developed in compliance to the regulations of the Zoning By-law for setbacks and required yards.
7. The purpose of the "h2" holding symbol is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, prior to the removal of the holding symbol. The proposed Consent(s) comply to the Zoning By-law provided the applicant apply to remove the h2 holding symbol and enter into an agreement with the Municipality. The Agreement with the Municipality will be for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
8. Based on the above review of Consent Applications E76/21 – E79/21, we have no objection to the proposed Consent to create four (4) additional lots in the Hamlet of Eden and recommend the following Conditions for Consent Approval:
 - a) That the owner rezones the severed lands to remove the Holding (h2) Zoning by entering into an Agreement with the Municipality for servicing and adequate recognition that Plan of Subdivision for the retained lands is not assumed.
 - b) That the owner provides a survey of the lands.
 - c) That the owner provides private well test results confirming adequate water quality and quantity for residential use that meets provincial standards for the severed lots.
 - d) That the owner provides preliminary lot grading plans to demonstrate that the proposed residential lots will not have a negative drainage impact on abutting lots.
 - e) Installation of a municipal sanitary sewer connection to each of the severed lots at the applicants' cost for permits and installation.
 - f) That the applicant applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - g) That the applicant provides a Planning Report Fee payable to the Municipality of Bayham.
 - h) That the applicant provides parkland dedication fee of \$2,000.00 to the Municipality of Bayham for each new lot in accordance with By-Law 2020-053.

Municipality of Bayham – September 29, 2021

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 76-21 to E 79-21

OWNER: Greg Mitchell and Scott Gilvesy

PROPERTY: LOT NO. CONCESSION:

REG'D PLAN: 11R5625 PT, Part 1 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line
- 3) Drainage pipes and/or catchbasin(s) are required
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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: Planning Division, County of Elgin
Date: October 27, 2021
Application: E 79-21

Owner:
Greg Mitchell and Scott Gilvesy
13 Ridout Street West
Tillsonburg ON N4G 2C8

Agent:
Andrew Gilvesy
261 Broadway P.O. Box 460
Tillsonburg ON N4G 4H8

Location: Plank Road, know legally as CON 8 PT LOT 22 PLAN; 258 PT LOT 11 RP
11R5625 PT; PART 1, Municipality of Bayham.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 21.50 metres (69.06 feet) by a depth of 42.00 metres (137.78 feet) and an area of 0.09 hectares (0.22 acres) for future residential use. The applicants are retaining a parcel with an area of 3.91 hectares (9.66 acres) to remain as agricultural lands.

**County of Elgin Official
Plan**

Settlement Area Tier 2

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR(h2))

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham - recommends approval subject to the provided conditions.

County Engineering – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.

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 1.1.4. outlines that settlement areas are to be the focus of growth and development

within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses

The Applicant has indicated the severed portion of the lands (0.09 hectares/0.22 acres) will be created for future residential use. The retained parcel of the lands (3.91 hectares/9.66 acres) will be used for the existing agriculture. Both the proposed severed lots and retained lot are within a settlement area (Eden).

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Eden) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development (including lot creation) is permitted in these settlement areas given the absence of full municipal services.

The applicant has indicated that the proposed development (i.e. lot creation) will be partially serviced (privately owned and operated individual water system and a publicly owned and operated sewage system).

Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

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

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principle land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. Section 4.4.2.2 of the Official Plan sets out criteria for consents in this designation. Based on a review of this criteria, the proposed lot creations are in conformity with the policies.

The subject lands are zoned HR(h2) within the municipal Zoning By-law, where single detached dwellings are a permitted use. The proposed lots meet the provisions of the by-law related to lot area and frontage, and are in compliance with the Zoning By-law. The h2 holding provision is to ensure orderly development by requiring that the applicant enters into a subdivision agreement with the municipality, which addresses financial and servicing impacts of new development to the municipality, prior to removal of the holding provision.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. Direct connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
5. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner;
6. A lot grading plan is required for the severed lot;
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
 - a. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - b. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impact; and
 - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.

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

1. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.

2. Installation of a municipal sanitary sewer connection to each of the severed lots at the applicant's cost for permits and installation.
3. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain showing lots will not have a negative drainage impact on abutting lots.
4. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision agreement with the municipality for servicing and adequate recognition that a Plan of Subdivision for the retained lands is not assumed.
5. Digital copy of the registered plan of survey.
6. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
7. Purchase civic number signs for each of the four created lots.
8. Planning Report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 80-21**

**PT LT 12, CONCESSION A
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 29600 THAMESVIEW LINE**

TAKE NOTICE that an application has been made by Jonathon Giret, 26400 Carroll Line, West Lorne, ON N0L 2P0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29600 Thamesview Line, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 68.751 metres (225.56 feet) along Thamesview Line by a depth of 120.551 metres (395.51 feet) and an area of 0.812 hectares (2.0 acres) containing one residence, 2 small sheds and an accessory building, surplus to the needs of the owner. The applicants are retaining 39.65 hectares (97.98 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 OCTOBER 27, 2021 AT 10:20 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 23rd day of September, 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








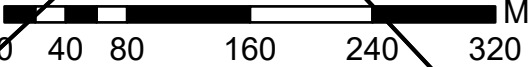
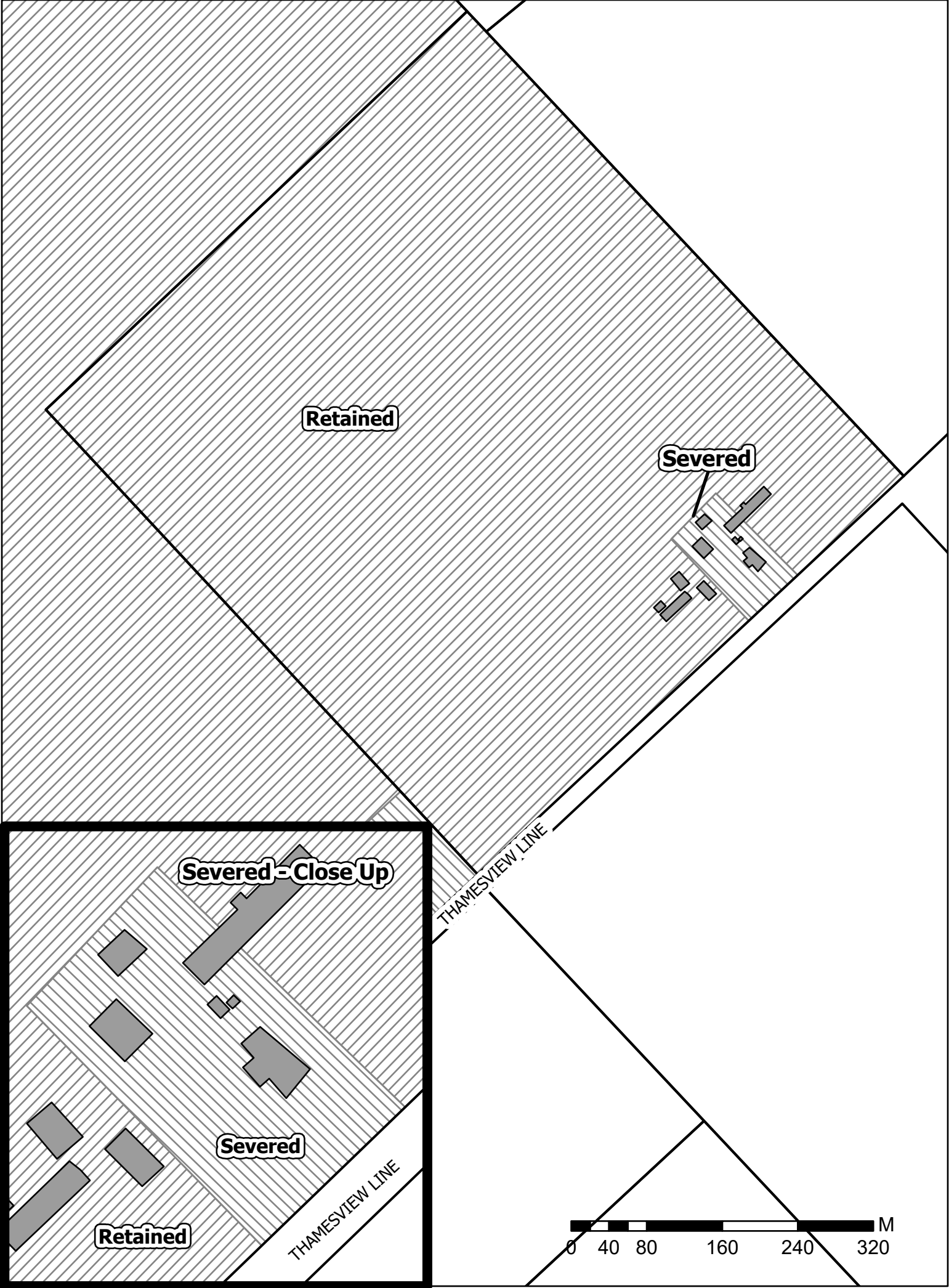
Location Map

Subject Site: 29600 Thamesview Line
File Numbers: E 80-21
Owner: Jonathon Giret
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021

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: 29600 Thamesview Line
File Numbers: E 80-21
Owner: Jonathon Giret
Planner: Nancy Pasato
Created By: AL
Date: 09/08/2021



COUNCIL RESOLUTION



Res: 2021.18. 12

Wednesday, September 22, 2021

Moved by: _____Hentz_____

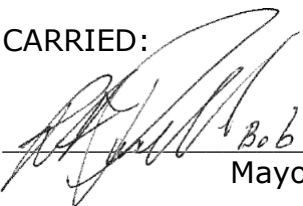
Seconded by: _____Loveland_____

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 E80/21 for 29600 Thamesview Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
- j) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.

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

CARRIED:



Bob
Mayor

DEFEATED:

Mayor



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: September 22, 2021

SUBJECT: Application for Severance – 29600 Thamesview Line (E80/21), Municipality of Dutton Dunwich – Jonathan Giret

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E80/21 for 29600 Thamesview Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E80/21) by Jonathan Giret, the owner of the subject property.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land to be conveyed to Emma Wilkins and Tyler Coombs.

The subject parcel is legally described as Concession A, Part Lot 12, locally known as 29600 Thamesview Line, Municipality of Dutton Dunwich.

The subject lands are located along the north side of Thamesview Line (see area in blue on the attached Key Map).

The proposed severed parcel will have an area of 0.812 ha, a depth of 120.551 m and a frontage of 68.751 m. Access to the subject property will be from a municipal road. The proposed severed parcel is used for rural residential purposes, has 1 dwelling and 3 accessory buildings and is serviced by a private well and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 39.659 ha, a depth of 678 m and a frontage of 527 m. Access to the subject property will be from a municipal road. The proposed retained parcel is used for agricultural purposes and has 4 accessory buildings and has no services (see attached Sketch).

The Conn Drain runs along a portion of the subject property and is regulated by the Lower Thames Valley Conservation Authority (LTVCA). In addition, there are woodlots located around the perimeter of the property.

Agricultural and rural residential uses surround the subject lands.

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

Planning Policy Review

Provincial Policy Statement

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan

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

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

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

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

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

Lot creation is considered development and is within and adjacent to the woodlands area, however, no new development is proposed. Also, no development is proposed within the aggregate resource area.

The proposed severance conforms to the intent of the COP.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated "Agriculture" on Schedule 'A' - Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021 with a portion subject to Hazardous Lands and Significant ANSI & Woodlands, on Schedule 'B' - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule 'C' – Natural Resources.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands complies with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*
- h) A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.

Section 4.1 (j) sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Section 4.2 set out that development and/or site alteration is not permitted in the Hazardous Lands without advice/approval from LTVCA.

Section 4.4 sets out that the goal is to protect areas with mineral aggregate resource potential.

Comments: The above-noted land division criteria can be complied with.

The proposed retained parcel is within the Hazardous Lands, Significant ANSI & Woodlands and Aggregate Resources Area; however, no new development is proposed.

The proposed severance application conforms to the intent of the OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 5 with a portion subject to LTVCA Regulation Limit.

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

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling; however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

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

A permit will be required by the LTVCA if any development occurs within the limits of the regulated area.

CONCLUSION:

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

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

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

Planner

Approved for Submission

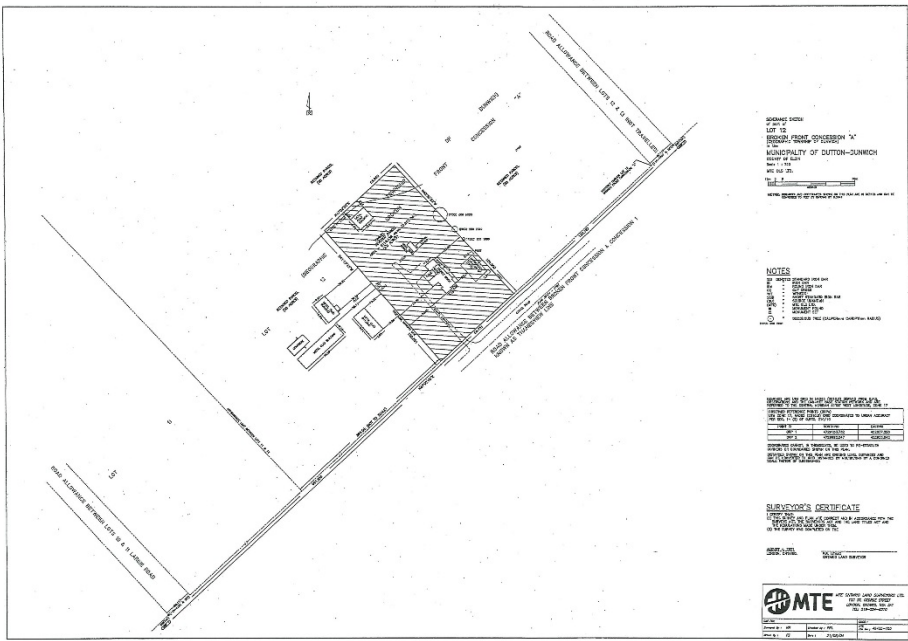
Heather Bouw

CAO/Clerk

KEY MAP



SKETCH



MUNICIPAL APPRAISAL SHEET

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

Submission E 80 21

Applicant Jonathan Giret

Location 29600 Thamesview Line

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan.

Policies: an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

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

OTHER

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

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

Yes (X)No ()

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

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

Resolution and staff report to be forwarded.

Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only
Analyse bactériologique de l'eau potable - Particuliers, Ménages unifamiliaux seulement**Pick Up****Submitter's Name and Mailing Address /****Nom et adresse postale de l'auteur de la demande d'analyse**

First Name, Last Name / Prénom, Nom de famille

TYLER COOMBS

Street address / Adresse municipale

29600 THAMESVIEW LINE**DUTTON, ON N0L 1J0****Location of Water Source /****Emplacement de la source d'eau**

Lot, Concession / ou lot, concession

Emergency Locator # / 911#

29600

Street address / Adresse municipale

29600 THAMESVIEW LINE**DUTTON/DUNWICH ON N0L1J0**County / Comté: **NOT PROVIDED**Health Unit # / # du bureau de santé: **4913****Specimen details / Détails sur l'échantillon:****Barcode / Code à barres: 011382765**Phone # / # tél.: **519 709 6126**Date/Time Collected / Date/heure du prélèvement: **2021-09-01 10:45:00**Date/Time Received / Date/heure Reçu le: **2021-09-02 19:06:00**

Purification system used (e.g. UV, filtration, etc.)? /

No / Non

Système d'épuration utilisé (p. ex. rayons UV, filtration, etc.)?

Authorized by / Autorisé par

Chief, Medical Microbiology or Designate**Specimen Note / Note sur l'échantillon:**

This specimen was received in good condition unless otherwise stated./À moins d'avis contraire, l'échantillon était en bonne condition au moment de la réception.

Test results / Résultats d'analyse:**Total Coliform CFU/100 mL / Coliformes totaux UFC/100 mL****35****E.coli CFU/100 mL / E. coli UFC/100 mL****0****Interpretation / Interprétation:****MAY BE UNSAFE TO DRINK.** Consult local health unit for information as soon as possible.

Resampling recommended.

PEUT ÊTRE NON POTABLE. Consultez le bureau de santé local le plus tôt possible pour plus de détails. Le rééchantillonnage est recommandé.Date of Analysis / Date de l'analyse: **2021-09-02**Date Read / Analyse effectuée le: **2021-09-03****Please Note / Prière de noter ce qui suit :**

The results apply to the sample as received/Les résultats s'appliquent à l'échantillon, tel que reçu.

These results relate only to the sample tested. / Le résultat obtenu se rapporte seulement à cet échantillon d'eau analysé.

Note : This water sample was only tested for the presence of both Total Coliforms and E. coli (ISO/IEC 17025 accredited tests) bacterial indicators of contamination by Membrane Filtration. The sample was not tested for other contaminants, including chemical contaminants, and therefore may be unsafe to drink even when there is no significant evidence of bacterial contamination. Contact your local public health unit for information on testing for other contaminants./ Remarque: Cet échantillon d'eau n'a été analysé que pour détecter (par un laboratoire accrédité conformément à la norme ISO/IEC 17025) la présence des coliformes totaux et des bactéries colibacillaires, indicateurs de contamination par filtration sur membrane. L'échantillon n'a pas été testé pour d'autres contaminants, y compris les contaminants chimiques et, par conséquent, l'eau peut être impropre à la consommation même lorsqu'il n'y a aucune preuve significative de contamination bactérienne. Veuillez communiquer avec le bureau de santé publique de votre localité pour vous renseigner au sujet de l'analyse visant à détecter la présence d'autres contaminants.

If the reported client information does not match the information you supplied on the form please contact the PHO Customer Service Centre. Telephone: 1-877-604-4567 or 416-235-6556 or E-mail: customerservicecentre@ohpp.ca. For operating hours see our website www.publichealthontario.ca/labs. / Si les informations sur le client indiquées ne correspondent pas aux informations que vous avez fournies sur le formulaire, veuillez communiquer avec le Service à la clientèle de SPO par téléphone au 1-877-604-4567 ou 416-235-6556, ou par courriel au customerservicecentre@ohpp.ca. Pour connaître les heures d'ouverture, veuillez consulter notre site Web à www.publichealthontario.ca/labs.

E-80-21 Jonathan Giret.
29600 Thamesview line

End of report / Fin du rapport

*All time values are EST / EDT / Toutes les heures sont exprimées en HNE ou en HAE.

Print Date / Date d'impression: 2021-09-07

Date Reported / Date du rapport: 2021-09-07 08:31:07

Page 1 of 1

LIMS Report #: 42323400

T_SingleSampleOPHL_WATPRIVATE.rpt

Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only
Analyse bactériologique de l'eau potable - Particuliers, Ménages unifamiliaux seulement

Pick Up

Submitter's Name and Mailing Address /

Nom et adresse postale de l'auteur de la demande d'analyse

First Name, Last Name / Prénom, Nom de famille

EMMA WILKINS

Street address / Adresse municipale

29600 THAMESVIEW LINE

DUTTON, ON N0L 1J0

Location of Water Source /

Emplacement de la source d'eau

Lot, Concession / ou lot, concession

Emergency Locator # / 911#

29600

Street address / Adresse municipale

29600 THAMESVIEW LINE

DUTTON ON N0L1J0

County / Comté: NOT PROVIDED

Health Unit # / # du bureau de santé: 4913

Specimen details / Détails sur l'échantillon:

Barcode / Code à barres: 011382914

Phone # / # tél.: 519 719 5011

Date/Time Collected / Date/heure du prélèvement*: 2021-09-13 00:00:00

Date/Time Received / Date/heure Reçu le*: 2021-09-14 15:50:00

Purification system used (e.g. UV, filtration, etc.)? /
Système d'épuration utilisé (p. ex. rayons UV, filtration, etc.)?

No / Non

Authorized by / Autorisé par

Chief, Medical Microbiology or Designate

Specimen Note / Note sur l'échantillon:

This specimen was received in good condition unless otherwise stated./À moins d'avis contraire, l'échantillon était en bonne condition au moment de la réception.

The Time Collected is reported as midnight because the actual time was not provided./Le temps indiqué est minuit parce que le temps réel n'a pas été fourni.

Test results / Résultats d'analyse:

Total Coliform CFU/100 mL / Coliformes totaux UFC/100 mL

3

E.coli CFU/100 mL / E. coli UFC/100 mL

0

Interpretation / Interprétation:

There is no evidence of fecal contamination. If the results show the presence of coliforms it may be indicative of a contaminated water supply. Given the vulnerability of well water to external influences, it is important to test water frequently. Consult local health unit for information if required.

Il n'y a aucune preuve de contamination fécale. Si les résultats indiquent la présence de coliformes, cela peut être révélateur d'une source d'eau polluée. L'eau des puits étant susceptible d'être dégradée par des facteurs externes, il est important de la faire analyser fréquemment. Consultez le bureau local de santé publique pour plus de détails, si nécessaire.

Date of Analysis / Date de l'analyse: 2021-09-14

Date Read / Analyse effectuée le: 2021-09-15

Please Note / Prière de noter ce qui suit :

The results apply to the sample as received./Les résultats s'appliquent à l'échantillon, tel que reçu.

These results relate only to the sample tested. / Le résultat obtenu se rapporte seulement à cet échantillon d'eau analysé.

Note : This water sample was only tested for the presence of both Total Coliforms and E. coli (ISO/IEC 17025 accredited tests) bacterial indicators of contamination by Membrane Filtration. The sample was not tested for other contaminants, including chemical contaminants, and therefore may be unsafe to drink even when there is no significant evidence of bacterial contamination. Contact your local public health unit for information on testing for other contaminants./ Remarque: Cet échantillon d'eau n'a été analysé que pour détecter (par un laboratoire accrédité conformément à la norme ISO/IEC 17025) la présence des coliformes totaux et des bactéries colibacillaires, indicateurs de contamination par filtration sur membrane. L'échantillon n'a pas été testé pour d'autres contaminants, y compris les contaminants chimiques et, par conséquent, l'eau peut être impropre à la consommation même lorsqu'il n'y a aucune preuve significative de contamination bactérienne. Veuillez communiquer avec le bureau de santé publique de votre localité pour vous renseigner au sujet de l'analyse visant à détecter la présence d'autres contaminants.

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End of report / Fin du rapport

*All time values are EST /EDT/Toutes les heures sont exprimées en HNE ou en HAE.

Print Date / Date d'impression*: 2021-09-16

Date Reported / Date du rapport*: 2021-09-16 08:27:14

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Final

LIMS Report #: 42427751

T_SingleSampleOPHL_WATPRIVATE.rpt

J.B. Wilson & Son
Well Drilling Ltd.

R.R. #1 Springfield, ON
519-269-3364 Fax: 519-269-3552

Emma Wilkins
29600 Thamesview Line
Dutton, ON

Sept 9, 2021

519-719-5011 ewilkin4@uwo.ca

Please find below a summary of the well inspection performed on the well located at 29600 Thamesview Line.

Well

- Corrugated steel dug well approximately 30" ID
- 24' 3" deep

Pumping Test

- Pumping rate of approximately 7.5 GPM

Drawdown (pumping)

Time	Water Level Top of Casing (ft)
0	8.16
1	8.39
2	8.59
3	8.78
4	8.97
5	9.16
10	10.08
15	10.95
20	11.75
25	12.51
30	13.22

Recovery (no pumping)

Time	Water Level Top of Casing (ft)
0	13.43
1	13.37
2	13.32
3	13.26
4	13.21
5	13.17
10	12.92
15	12.69
20	12.46
25	12.24
30	12.03

Summary

- As with most dug wells, this well relies both on the amount of water produced and the amount of water stored, to supply water for use.
- This well produces approximately 1.5 GPM (2100 gal/day) and has the capability of storing approximately 360 gallons. For reference, the average use per person per day (total – cooking, cleaning, showers, drinking, etc.) is 50 gallons.
- Given both the amount of water produced and the amount of water stored, this well is capable of supplying adequate water for typical household use.

If you require any additional information, please feel free to contact us at your convenience.

Regards,

Matt Wilson, Vice President
MOE Technicians Licence #2668 – Class 1,2,3,4 / MOE Contractors Licence #5466

From: walshsl@amtelecom.net
To: [Aisling Lavery](#)
Subject: Question - E 80-21 Dutton Dunwich
Date: September 29, 2021 10:07:48 AM
Attachments: [image001.png](#)
[E 80-21 - Notice of Application.pdf](#)

Good Morning Again Ashleen

I got a hold of the owner and he has explained all. See below.

This now makes sense. Thanks for your help.

Steve

From: walshsl@amtelecom.net <walshsl@amtelecom.net>
Sent: September-29-21 10:01 AM
To: 'Jonathan Giret' <jonathan@eliteagrisolutions.ca>
Subject: RE: Question

Thanks Jonathan. First time I have seen that on an application.

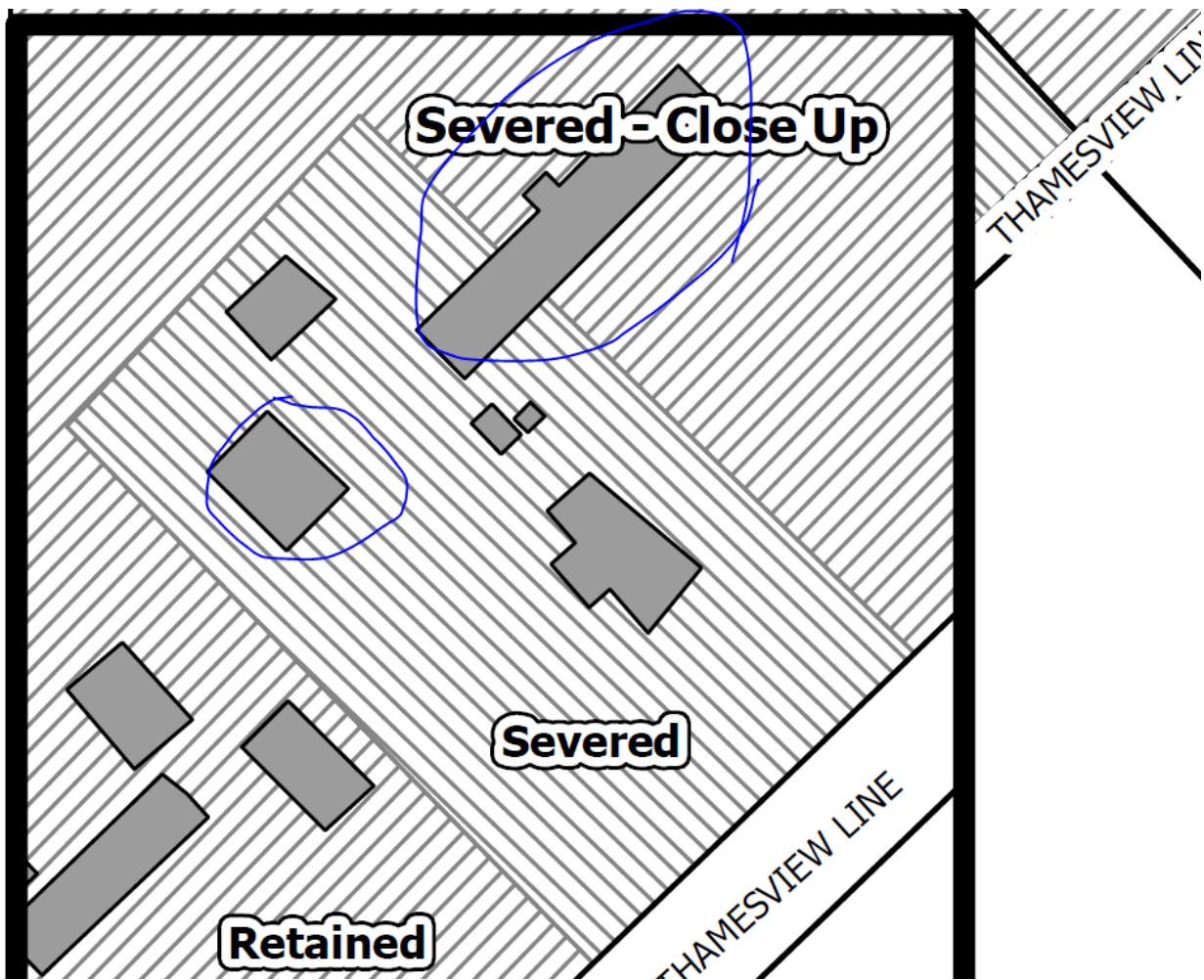
Steve

From: Jonathan Giret <jonathan@eliteagrisolutions.ca>
Sent: September-29-21 9:24 AM
To: walshsl@amtelecom.net; Giret9@hotmail.com
Subject: RE: Question

Good Morning!

As part of the deal I had to take down the two buildings circled below, They are cleaned up and now grass or field!

Jonathan



From: walshsl@amtelecom.net <walshsl@amtelecom.net>
Sent: Wednesday, September 29, 2021 9:11 AM
To: Giret9@hotmail.com; Jonathan Giret <jonathan@eliteagrisolutions.ca>
Subject: Question

Good Morning Jonathon

I have been looking at some land severance applications and I have come across the attached, obviously yours. I am not opposed to the application but I do have a question. The map attached shows you are severing a building in half. Is that correct? Is that allowed?

Steve

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 27, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 80-21

OWNER: Jonathon Giret

PROPERTY: LOT NO. Part Lot 12 CONCESSION: A

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Elgin County Planning Division
Date: October 27, 2021
Application: E 80-21

Owner:
Jonathon Giret
26400 Carroll Line
West Lorne, ON N0L 2P0

Agent:
Mark T. Coombes, Bowsher + Bowsher LLP
2 Second Ave
St. Thomas ON N5R 5S7

Location: 29600 Thamesview Line, legally described as PT LT 12, Concession A,
Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 68.751 metres (225.56 feet) along Thamesview Line by a depth of 120.551 metres (395.51 feet) and an area of 0.812 hectares (2.0 acres) containing one residence, two small sheds and an accessory building, surplus to the needs of the owner. The applicants are retaining 39.65 hectares (97.98 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Large Lot Agricultural (A3)
Zone

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich - THAT Council of the Municipality of Dutton Dunwich recommends APPROVAL to the Land Division Committee of the County of Elgin for proposed severance application E80/21 for 29600 Thamesview Line, Municipality of Dutton Dunwich, subject to the provided conditions.

County Engineering – not on a County Road.

Lower Thames Valley Conservation Authority – no objections.

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 (0.812 hectares/2.0 acres) will contain an existing dwelling, a detached garage, and the existing partial servicing (publicly owned and operated piped water system and privately owned and operated individual septic tank).

County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). A portion of the subject site contains the Woodland overlay, as per Appendix 1, and the Aggregate overlay, as per Appendix C of the County OP. New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever.

The Applicant has previously indicated that the retained lands (39.65 hectares/97.98 acres) will maintain their existing agricultural use. Although the proposed severed lot is larger in size (0.812 hectares/2.0 acres), the proposed severed lot is not removing existing farmland, and is kept to a minimum size that will include the private services and existing structures. The proposed severance is in keeping with the existing residence and yard, and is consistent with the Elgin County OP.

The portion of the subject site containing the Woodland overlay is remaining with the retained parcel and staff do not anticipate any concerns or issues related to the woodland. The portion of the lands containing the Aggregate overlay will maintain its current use.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (OP) with a portion subject to Hazardous Lands, on Schedule ‘B’ - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule ‘C’ – Natural Resources in the current OP.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. The application demonstrates compliance with said land division criteria. The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6 with a portion subject to LTVCA Regulation Limit. As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling; however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

RECOMMENDATION:

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

1. 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 Dutton Dunwich be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That Municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That a 911 sign be established for the retained and severed parcels.
8. That all Dutton Dunwich planning fees, set out in the Fees By-law, be paid to the Municipality; and
9. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.