



# LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, November 24<sup>th</sup>, 2021

- 9:00am      Approval of October 27, 2021 Meeting Minutes
- Review/Discuss Report to Council (December) - Elgin County Land Division Activities for 2021
- E 63-21 WM. F. Bradish & Sons Limited (Amended Decision) - 11579 Wonderland Road – Township of Southwold
- Inquiries from Land Division Committee Members
- 9:30am      E 81-21      Tri-Gen Farms Inc.  
50241 & 50155 Vienna Line – Township of Malahide
- 9:40am      E 86-21      Orford Sand & Gravel  
Munroe Street and Graham Road – Municipality of West Elgin
- 9:50am      E 88-21      Janet Rae Williamson  
8684 Centennial Road – Municipality of Central Elgin
- 10:00am      E 82-21      1551945 Ontario Ltd. (David Russel)  
485 George Street – Municipality of Central Elgin
- E 83-21      1551945 Ontario Ltd. (David Russel)  
485 George Street – Municipality of Central Elgin
- 10:10am      E 84-21      1551945 Ontario Ltd. (David Russel)  
223 Prospect Street – Municipality of Central Elgin
- 10:20am      E 85-21      1551945 Ontario Ltd. (David Russel)  
431 Front Street – Municipality of Central Elgin

OACA Training Videos – to happen after the regularly scheduled items

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

**PLEASE CONTACT Nancy Pasato, Acting Secretary-Treasurer  
[npasato@elgin.ca](mailto:npasato@elgin.ca) 519-631-1460 ext.126**

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

**ELGIN COUNTY LAND DIVISION COMMITTEE**

**Meeting Minutes – October 27, 2021**

*County Administration Building, St. Thomas, Ontario and electronically*

**Present:** John R. “Ian” Fleck, Chairman, Rosemary Kennedy, John Seldon, Dennis O’Grady, Jack Van Kasteren, Nancy Pasato, Manager of Planning, Aisling Lavery, Secretary-Treasurer, Dawn Wittland-Graham, Administrative Assistant, and Brian Lima, General Manager of Engineering, Planning & Enterprise/Deputy CAO.

**Absent:** John Andrews – without notice  
Dugald Aldred – with notice

**Call to Order:**

At 9:00am, Chair John R “Ian” Fleck called the meeting to order. Due to 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 (September 22, 2021):**

**Moved by:** Dennis O’Grady

**Seconded by:** John Seldon

**That the minutes of the meeting held September 22, 2021 be adopted.**

<b>Recorded Vote</b>	<b>Yes</b>	<b>No</b>
John Andrews (Southwold)		No
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)	-	

- Carried

**2022 Meeting Dates:**

**Moved by:** John Seldon  
**Seconded by:** Jack Van Kasteren

**That the following Land Division Committee dates for the 2022 calendar year be approved (deadline for submission subject to change):**

<b>LDC Date (4<sup>th</sup> Wednesday of the month)</b>	<b>Deadline for Submission (8 weeks)</b>
Wednesday, January 26, 2022	December 1, 2021
Wednesday, February 23, 2022	December 29, 2021 (Admin Building Closed for Christmas) January 4, 2022 (First Day Back)
Wednesday, March 23, 2022	January 26, 2022 <ul style="list-style-type: none"> <li>• <i>potential to go back to 6-week deadline as per LDC directive</i></li> <li>• <i>Will need to talk to local municipal planners re: extension</i></li> <li>• <i>Issues include applications going to LMP Council prior to information being confirmed/formally accepted</i></li> </ul>
Wednesday, April 27, 2022	March 2, 2022
Wednesday, May 25, 2022	March 30, 2022
Wednesday, June 22, 2022	April 27, 2022
Wednesday, July 27, 2022	June 1, 2022
Wednesday, August 24, 2022	June 29, 2022
Wednesday, September 28, 2022	August 3, 2022
Wednesday, October 26, 2022	August 31, 2022
Wednesday, November 23, 2022	September 28, 2022
Wednesday, December 14, 2022	October 19, 2022

**Recorded Vote**

Yes

No

John Andrews (Southwold)

No

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)	-

- **Carried**

**Items for Consideration:**

OACA Training Videos – Confirmation of participation and date

**Committee Comments:**

- A special meeting will take place on November 24<sup>th</sup>, 2021, after the regularly scheduled LDC meeting, in the afternoon to participate as a group in this training exercise.
- Lunch will be provided
- Secretary-treasurer will sign LDC members up for video training which includes access to all video materials for three weeks. These three weeks will begin November 17 and end December 1. Extensions can be granted if more time is needed, on an individual basis.
- LDC members present confirmed attendance.
- While members are present for training and discussion, LDC will do a refresh on practices/policy/procedure as provided in the training binders.
- A reminder will be sent out closer to the date

**Items for Consideration:**

Staff Changes

**Committee Comments:**

- Secretary-Treasurer, Aisling Lavery, announces resignation effective November 5<sup>th</sup>, 2021.
- Nancy Pasato will act in the role of Secretary-Treasurer until a permanent replacement is hired.
- 

**9:20am - Application E 54-21 – deferred from July 28, 2021 Meeting**

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

*The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.607 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.*



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. **Township of Malahide** – Council recommends approval of this application subject to the conditions provided.
2. **Catfish Creek Conservation Authority** – no concerns
3. **Engineering Services** – supports the application subject to the provided conditions related to road widening and entrance permits.
4. **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 54-21 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 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, 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.

**Recorded Vote E 54-21**

	Yes	No
John Andrews (Southwold)		No
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)	-	

- **Carried**

Reasons: Creation of a surplus farm dwelling lot.

**9:30am - Application E 71-21 and E 72-21**

**Barbara Farms Inc., 33812 Fingal Line, Fingal ON N0L 1K0**

***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.*

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

Agent Herman Lansink was present, in person, at the Council Chambers.

- Not in agreement with deferral of applications.
- States this is the 5<sup>th</sup> application done in the same manner (i.e. not surplus to the owner) and the application was accepted so why should the applicant be punished and/or caught in the middle of internal problems.
- States there is a willing purchaser and seller and will be able to meet policy in future, after land purchase.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** – 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.
2. **Engineering Services** – no comments provided.
3. **Elgin County Planning Division** – 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.

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

**Moved by: Dennis O'Grady**

**Seconded by: Rosemary Kennedy**

**That severance applications E 71-21 and E 72-21 be deferred, at no additional cost**

to the applicant.

<b>Recorded Vote E 71-21 &amp; E 72-21</b>	<b>Yes</b>	<b>No</b>
John Andrews (Southwold)		No
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)	-	

- **Carried**

Reasons: The present 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.

### 9:50am - Application E 73-21

**Anna and Isaak Giesbrecht**, 49485 Nova Scotia Line, Aylmer ON N5H 2R2

*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.*

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

Applicant David Roe 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. **Catfish Creek Conservation Authority** – no comments.
3. **Engineering Services** – supports the application subject to the provided conditions related to road widening, direct connection to legal outlet, lot grading and entrance permits.

4. **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 73-21 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 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, 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.

**Recorded Vote E 73-21**

	Yes	No
John Andrews (Southwold)		No
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)	-	
		- <b>Carried</b>

Reasons: Creation of a new lot.

**10:05am - Applications E 74-21:**

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

*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), 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.*

**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.

- Previously had requested a deferral of this application to provide further clarification for the adjoining land owners prior to proceeding.

Interested Parties: Kimberly Darling present in person, in the Council chambers.

- Biggest concern is a pocket of industrial uses/lands right in the centre of a residential village.
- No road access therefore concerned about traffic and vehicle issues
- Concerns about noise, traffic and pollution associated with industrial uses
- Environmental concerns – well intakes, drainage impacts, soil quality/remediation.
- Impact to the existing bridge
- Developing this land will take away space currently enjoyed by many for

recreational purposes.

Written submissions were received from the following:

1. **Township of Malahide** – due to the deferral request, the Township of Malahide did not provide comments.
2. **Catfish Creek Conservation Authority** – no comments.
3. **Engineering Services** – Not on a county road.
4. **Elgin County Planning Division** – Elgin County planning staff recommends deferral of this application, noting any revisions to this application may require re-circulation.
5. **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.

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

**Moved by: Dennis O’Grady**

**Seconded by: John Seldon**

**That severance application E 74-21 be deferred, with fee to be paid by the applicant, and noting any amendments may require recirculation.**

<b>Recorded Vote E 74-21</b>	<b>Yes</b>	<b>No</b>
John Andrews (Southwold)		No
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)

-

- **Carried.**

**Reasons:** Deferral at request of applicant.

**10:05am - Applications E 75-21:**

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

*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.*

**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.

- Previously had requested a deferral of this application to provide further clarification for the adjoining land owners prior to proceeding.

Interested Parties: Kimberly Darling present in person, in the Council chambers.

- Biggest concern is a pocket of industrial uses/lands right in the centre of a residential village.
- No road access therefore concerned about traffic and vehicle issues
- Concerns about noise, traffic and pollution associated with industrial uses
- Environmental concerns – well intakes, drainage impacts, soil quality/remediation.
- Impact to the existing bridge
- Developing this land will take away space currently enjoyed by many for recreational purposes.

Written submissions were received from the following:

**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.

1. **Catfish Creek Conservation Authority** – no comments.
2. **Engineering Services** – Not on a county road.

3. **Elgin County Planning Division** – Elgin County planning staff recommends deferral of this application, noting any revisions to this application may require re-circulation.
4. **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.

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

**Moved by: Dennis O’Grady**

**Seconded by: John Seldon**

**That severance application E 75-21 be deferred, with fee to be paid by the applicant, and noting any amendments may require recirculation.**

<b>Recorded Vote E 75-21</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)		No
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred (West Elgin)	-	

**- Carried**

**Reasons:** Deferral at request of the Township of Malahide.

**10:19am - Application E 76-21:**

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

*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.*

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

Agent: Andrew Gilvesy was present electronically.

Applicant: Greg Mitchell was present electronically.

Written submissions were received from the following:

1. **Municipality of Bayham** – Council recommends approval of this application subject to the conditions provided.
2. **Conservation Authority** – no comments.
3. **Engineering Services** – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.
4. **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: John Seldon**

**That severance application E 76-21 be granted subject to the following conditions:**

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

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

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

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.

**Recorded Vote E 76-21**

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

Dugald Aldred (West Elgin)

-

- **Carried**

**Reasons:** Creation of a new lot.

**10:19am - Application E 77-21:**

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

*The applicants propose to sever a parcel with a frontage of 22.00 metres (72.17 feet) by a depth of 42.05metres (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.*

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

Agent: Andrew Gilvesy was present electronically.

Applicant: Greg Mitchell was present electronically.

Written submissions were received from the following:

- 1. Municipality of Bayham** – Council recommends approval of this application subject to the conditions provided.
- 2. Conservation Authority** – no comments.
- 3. Engineering Services** – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.
- 4. 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 Seldon**

**Seconded by: Dennis O'Grady**

**That severance application E 77-21 be granted subject to the following conditions:**

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

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

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

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.

**Recorded Vote E 77-21**

Yes

No

John Andrews (Southwold)

No

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)	-

- **Carried**

Reason: Creation of a new lot.

**10:19am - Application E 78-21:**

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

*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.*

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

Agent: Andrew Gilvesy was present electronically.

Applicant: Greg Mitchell was present electronically.

Written submissions were received from the following:

- 1. Municipality of Bayham** – Council recommends approval of this application subject to the conditions provided.
- 2. Conservation Authority** – no comments.
- 3. Engineering Services** – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.
- 4. 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 Seldon**

**That severance application E 78-21 be granted subject to the following conditions:**

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

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

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

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.



**Recorded Vote E 78-21**

	Yes	No
John Andrews (Southwold)		No
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)	-	

- **Carried**

Reason: Creation of a new lot.

**10:19am - Application E 79-21:**

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

*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.*

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

Agent: Andrew Gilvesy was present electronically.

Applicant: Greg Mitchell was present electronically.

Written submissions were received from the following:

- 1. Municipality of Bayham** – Council recommends approval of this application subject to the conditions provided.
- 2. Conservation Authority** – no comments.
- 3. Engineering Services** – no objections. Conditions regarding connection to a legal outlet, a potential entrance permit and lot grading must be satisfied.
- 4. 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: John Seldon**

**That severance application E 79-21 be granted subject to the following conditions:**

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

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

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

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.

**Recorded Vote E 79-21**

	Yes	No
John Andrews (Southwold)		No
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)	-	

- **Carried**

Reason: Creation of a new lot.

**10:41am - Application E 80-21**

**Jonathon Giret**, 26400 Carroll Line, West Lorne, ON N0L 2P0

*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.*

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

Agent: Mark Coombes was present electronically.  
Applicant: Jonathon Giret was present electronically.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** – Council recommends approval of this application subject to the conditions provided.
2. **Lower Thames Valley Conservation Authority** – no objections.
3. **Engineering Services** – not on a County road.
4. **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: Rosemary Kennedy**

**That severance application E 80-21 be granted subject to the following conditions, as amended:**

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.

That the requirements of the Municipality of Dutton Dunwich are met, including the following:

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.
10. 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.

**Recorded Vote E 80-21**

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

- **Carried**

**Reasons:** Creation of a surplus farm dwelling lot.

**10:56am - Adjournment**

The Chair adjourned the meeting at 10:56 am.



\_\_\_\_\_  
Aisling Lavery, Secretary-Treasurer

\_\_\_\_\_  
John “Ian” Fleck, Chair



## REPORT TO COUNTY COUNCIL

**FROM:** John “Ian” Fleck, Chairman  
Elgin County Land Division Committee  
Nancy Pasato, Manager of Planning

**DATE:** December 9, 2021

**SUBJECT:** Elgin County Land Division Activities for  
2021

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### RECOMMENDATIONS:

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THAT the report titled “Elgin County Land Division Activities for 2021” from the Elgin County Land Division Committee Chairman and the Manager of Planning, dated December 9, 2021 be received and filed.

### INTRODUCTION:

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The Elgin County Land Division Committee is the consent-granting authority for the County of Elgin since 1971, and its purpose is to authorize the separation of parcels of land where a plan of subdivision is deemed unnecessary. When making a decision on an application for consent, the approval authority shall have regard to the requirements of the Planning Act, the Provincial Policy Statement (2020), the policies of the Elgin County Official Plan, local municipal Official Plans, Ministry and Agency comments, and input from the public. In making sound planning decisions the Committee carefully reviews all of the information received in its deliberations. The Land Division Committee acts as a quasi-judicial body, similar to a minor court of law. It must be unbiased and has a duty to act fairly. Ideally it operates at arm’s length and free from political interference.

### DISCUSSION:

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2021 was a year filled with new and ongoing challenges. Nancy Pasato, Manager of Planning, who was acting in the position of Secretary-Treasurer stepped out of the role on May 26, 2021 when Aisling Lavery, Planning Technician, was sworn in. Aisling was hired in April 2021 to permanently fill the role of Secretary-Treasurer. The role of Secretary-Treasurer is responsible for the daily operations of the Land Division Committee. This involves the keeping of files, minutes, records and decisions of all applications and all other official business of the Committee. The Secretary-Treasurer

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attends all meetings and acts in an advisory capacity regarding policy and procedure. At the beginning of November 2021, Aisling resigned from the role and Nancy became the Acting Secretary-Treasurer until such time as a replacement was hired.

The ongoing Covid-19 pandemic has continued to take a toll on the Land Division Committee and has produced changes in related processes. Since the beginning of 2021, meetings have been conducted through a blended model of video/telephone conference and in-person attendance (when virtual attendance was not possible). Meetings were also streamed through Facebook Live to reach a wider audience. Starting in July 2021, Committee members were invited to join County staff in-person to conduct the meetings. Public attendance was still limited.

Despite the pandemic however, the Land Division Committee received a high number of applications for consent, which is expected to continue into the new year.

There are seven members on the Land Division Committee which are appointed by County Council for the term January 1, 2019 to December 31, 2022. A new Committee Chair will be nominated in January, 2022. The members include:

**John “Ian” Fleck** - Chairman, responsible for the Municipality of Dutton/Dunwich  
**Dennis O’Grady** – Vice Chairman - responsible for the Municipality of Central Elgin  
**Dugald Aldred** - responsible for the Municipality of West Elgin  
**John Andrews** - responsible for the Township of Southwold  
**Jack Van Kasteren** - responsible for the Town of Aylmer  
**Rosemary Kennedy** - responsible for the Township of Malahide  
**John Seldon** - responsible for the Municipality of Bayham

All members of the Elgin County Land Division Committee, including the Secretary-Treasurer, are members of the Ontario Association of Committees of Adjustment and Consent Authorities (OACA). This organization provides seminars, conferences and annual workshops which help members stay current with changing legislation and committee procedures.

The largest number of applications continue to be surplus farm dwellings and lots within settlement areas. Due to this, the consent application form was revised to make surplus farm dwelling criteria more transparent to applicants and members of the Committee. The Committee also deals with easements and rights-of-way, and the creation of new farm parcels.

Appendix A and B Land Division Committee Report – Statistics for 2021 indicate the numbers and types of severances that the Committee heard from October 31, 2020 to December 1, 2021, as well as the number of hearings held.

#### **FINANCIAL IMPLICATIONS:**

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None.

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

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<b>Serving Elgin</b>	<b>Growing Elgin</b>	<b>Investing in Elgin</b>
<input type="checkbox"/> Ensuring alignment of current programs and services with community need.  <input type="checkbox"/> Exploring different ways of addressing community need.  <input checked="" type="checkbox"/> Engaging with our community and other stakeholders.	<input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth.  <input checked="" type="checkbox"/> Fostering a healthy environment.  <input checked="" type="checkbox"/> Enhancing quality of place.	<input type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future.  <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

#### **LOCAL MUNICIPAL PARTNER IMPACT:**

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This applies to all of the local municipalities.

#### **COMMUNICATION REQUIREMENTS:**

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This information report should be circulated to all of the local municipalities.

#### **CONCLUSION:**

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Although the pandemic, the addition of a new Secretary-Treasurer, and limited in person meetings have affected the Land Division Committee, it is anticipated that the





2022 year will return to a more usual, pre-pandemic structure, and the high number of applications received will be maintained.

It has been a pleasure serving as Chairman and working with such a committed group of individuals over the past year.

All of which is Respectfully Submitted

Approved for Submission

John “Ian” Fleck, Chair  
Elgin County Land Division Committee

Julie Gonyou  
Chief Administrative Officer

Nancy Pasato  
Manager of Planning



## APPENDIX A: NUMBER AND TYPE OF SEVERANCE APPLICATIONS

Municipality	Granted Conditionally		Not Granted		Existing Lot		New Lot		Surplus Farm Dwelling		Easement/ Right-of-Way/ Lease		Tabled or Deferred	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Aylmer	3	5	0	0	0	0	3	4	0	0	0	1	0	
Bayham	16	18	0	0	5	3	11	12	0	2	0	1	1	
Central Elgin	12	13	0	1	2	2	6	9	4	3	0	0	1	
Dutton Dunwich	13	8	0	0	2	1	2	1	8	6	1	0	0	
Malahide	10	20	0	0	3	2	1	9	4	9	2	0	0	
Southwold	6	16	0	0	3	2	1	6	2	7	0	1	0	
West Elgin	8	11	0	0	0	0	2	7	6	4	0	0	0	
	68	91	0	1	15	10	26	48	24	31	3	3	2	
Total 2020	68													
Total 2021	92													

## APPENDIX B: NUMBER OF HEARINGS

<b>Number of Hearings</b>	
<b>Full Days</b>	1 (included OACA Training in afternoon)
<b>Half Days</b>	11



# Zelinka Priamo Ltd.

LAND USE PLANNERS

October 26, 2021

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

Dear Ms. Pasato,

**Re: Revised R-Plan - Application for Consent to Sever  
Lecram Inc. & WM. F. Bradish & Sons Limited  
11579 Wonderland Road  
Talbotville, ON**

**County File: E 63-21**

**Our File: LEH/SWL/21-01**

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On behalf of Lecram Inc. and WM. F. Bradish & Sons Limited, Zelinka Priamo Ltd. is pleased to submit a revised draft Reference Plan for the above noted application. The Reference Plan is based on surveyed data that was not available at the time the original application was made and therefore minor area and dimension changes are required. We understand that the revised information requires a new decision from the Elgin County Land Division Committee (LDC), and an associated amendment fee of \$300.

The differences between the original consent proposal and the draft Reference Plan are as follows:

	Original Area	New Area	Original Frontage	New Frontage
Severed	5.83ha	5.83ha	267.1m	286.1m
Retained	12.82ha	11.999ha	549.1m	497.8m

The draft Reference Plan shows the lands to be severed as Part 4, and Lands to be Retained as Parts 1, 2, and 3. Part 2 is the future 3m wide Enbridge easement which is entirely on the lands to be retained.

A cheque in the amount of \$300 for the Consent application amendment fee will be provided to Elgin County separately.

We trust that the enclosed information is complete and satisfactory and we look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

**ZELINKA PRIAMO LTD.**

A handwritten signature in black ink, appearing to read 'M. Campbell', written over a light blue horizontal line.

Matt Campbell, BA, CPT  
Senior Planner

cc. Marcel Lehouillier, Lecram Inc.

CLINTON ROAD  
( Named by Township of Southwold By-Law No. 2002-35, Dated October 7, 2002 )  
(Formerly County Road No. 11)  
( Original Road Allowance between Lots 45 and 46 )  
( 30.480 Wide ) P.I.N. 35160-0105

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 11R-	
DATE: _____		RECEIVED AND DEPOSITED	
_____ ROBERT WOOD ONTARIO LAND SURVEYOR		DATE: _____	
		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN. (No 11)	
PART SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 44 AND 45	CONCESSION EAST OF THE NORTH BRANCH OF THE TALBOT ROAD	PART OF 35160-0111
2	PART OF 44	CONCESSION EAST OF THE NORTH BRANCH OF THE TALBOT ROAD	PART OF 35160-0111
3			PART OF 35160-0111
4			PART OF 35160-0111

PARTS 1, 2, 3 AND 4 COMPRISE ALL OF PIN 35160-0111

PARTS 1, 2, 3 AND 4 COMPRISE ALL OF PIN 35160-0111

PLAN OF SURVEY  
OF PART OF  
LOTS 44 AND 45  
CONCESSION EAST OF THE  
NORTH BRANCH OF THE  
TALBOT ROAD  
(GEOGRAPHIC TOWNSHIP OF SOUTHWOLD)  
IN THE  
TOWNSHIP OF  
SOUTHWOLD  
COUNTY OF ELGIN

SCALE 1:1250  
25 20 15 10 5 0 25 50 75  
SCALE IN METRES

2021  
ARCHIBALD, GRAY & McKAY LTD.  
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_th DAY OF \_\_\_\_\_, 2021.

ROBERT WOOD  
ONTARIO LAND SURVEYOR

NOTES & LEGEND

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- WIT DENOTES WITNESS
- AGM DENOTES ARCHIBALD, GRAY & McKAY LTD., O.L.S.'s
- CMF DENOTES C. MURRAY FRASER, O.L.S.
- CNR DENOTES CANADIAN NATIONAL RAILWAYS
- DIH DENOTES D. I. HOUGHTON, O.L.S.'s
- SU DENOTES SOURCE UNKNOWN
- 1355 DENOTES BRIAN VAUGHAN, O.L.S.
- P1 DENOTES PLAN 11R-6747
- P2 DENOTES PLAN 11R-6706
- P3 DENOTES PLAN 11R-6745
- P4 DENOTES PLAN 11R-4246
- P5 DENOTES PLAN 11R-103

UTM GRID NOTES


BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS "1" AND "2", BY REAL TIME NETWORK (RTN) OBSERVATIONS, LEICA GPS SMARTNET NETWORK, UTM ZONE 17, NAD83 (CSRS) EPOCH(2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99957205393.

OBSERVED REFERENCE POINTS (ORP's) U.T.M. ZONE 17, NAD83 (CSRS) EPOCH(2010), COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4740944.458	478746.687
ORP 2	4741550.118	480565.202
ORP 3	4740789.273	480833.579
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPARISONS, A ROTATION OF 01°00'45" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 11R-6706 AND 11R-6747, AND A ROTATION OF 00°11'55" PLAN 11R-4246 TO CONVERT TO GRID BEARINGS.

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

 <b>PLAN • SURVEY • ENGINEER</b>		<b>ARCHIBALD, GRAY &amp; McKAY LTD.</b> 3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9 PHONE: 519-685-5300 FAX 519-685-5303 EMAIL: info@agm.on.ca WEB: www.agm.on.ca	
DRAWN BY: RTW	DIGITAL FILE: S02109SK1MS.DWG	PLAN No:	8-L-5752-Z
CHECKED BY: DDC			
Plot date: Oct. 21, 21	FILE No: SO-SNBTR-45-2		



Application #E 63-21

November 24, 2021

**AMENDED DECISION**

In the matter of an application for a consent pursuant to Section 53 (1) of the Planning Act, R.S.O. 1990, as amended, as it affects the following property:

**PART LOT 44 & 45, CONCESSION ENBTR E  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 11597 WONDERLAND RD**

The applicant proposes to sever a lot with a **frontage of 286.1 metres (938.64 feet) (revised)** along Wonderland Road, by a depth of 228 metres (748.031 feet) and an area of 5.83 hectares (14.41 acres) for future industrial use. The owner is retaining **11.999 hectares (29.650 acres) (revised)** for future industrial uses.

Consent requested by: **WM. F. Bradish & Sons Limited**

Consent granted to: **WM. F. Bradish & Sons Limited**

DECISION: The Elgin County Land Division Committee considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision.

Conditions: This Decision will expire unless a deed is presented for stamping by:  
**November 24, 2022.**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning Bylaw come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement and/or a new Municipal Drain pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed lot to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed lot to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

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



Committee are met, including the following:

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

Reasons: Creation of a new industrial lot



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 81-21**

**50241 AND 50155 VIENNA LINE  
CONCESSION 2, LOTS 16 AND 17 AND RD ALLOWANCE  
TOWNSHIP OF MALAHIDE**

**TAKE NOTICE** that an application has been made by **Tri-Gen Farms Inc. (Darren Deleebeeck)**, 50155 Vienna 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 50241 and 50155 Vienna Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 177.74 meters (583.13 feet) by a depth of 1002.63 metres (305.60 feet) and an area of 20.87 hectares (51.57 acres) and retain a parcel with a frontage of 333.09 metres (1092.81 feet) an area of 23.54 hectares (58.16 acres) both proposed to remain in agricultural use.

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

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

**WEDNESDAY NOVEMBER 24, 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](mailto: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.

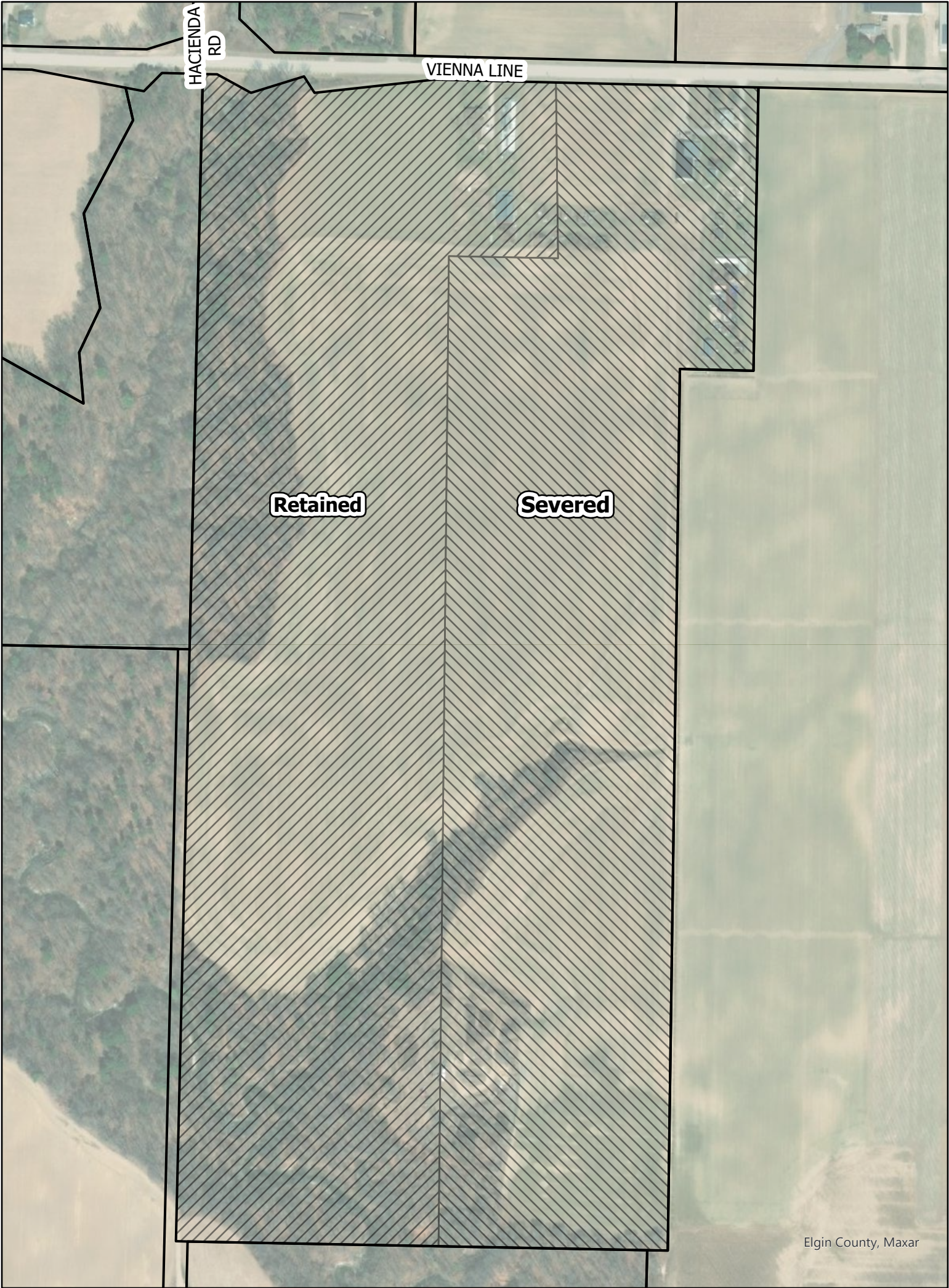
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of November, 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.progressivebynatrue.com](http://www.progressivebynatrue.com)

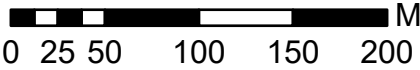






# Location Map


Subject Site: 50241 & 50155 Vienna Line  
File Number: 81-2021  
Owner: Tri-Gen Farms Inc. (Darren Deleebeeck)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021


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




- Legend
- 

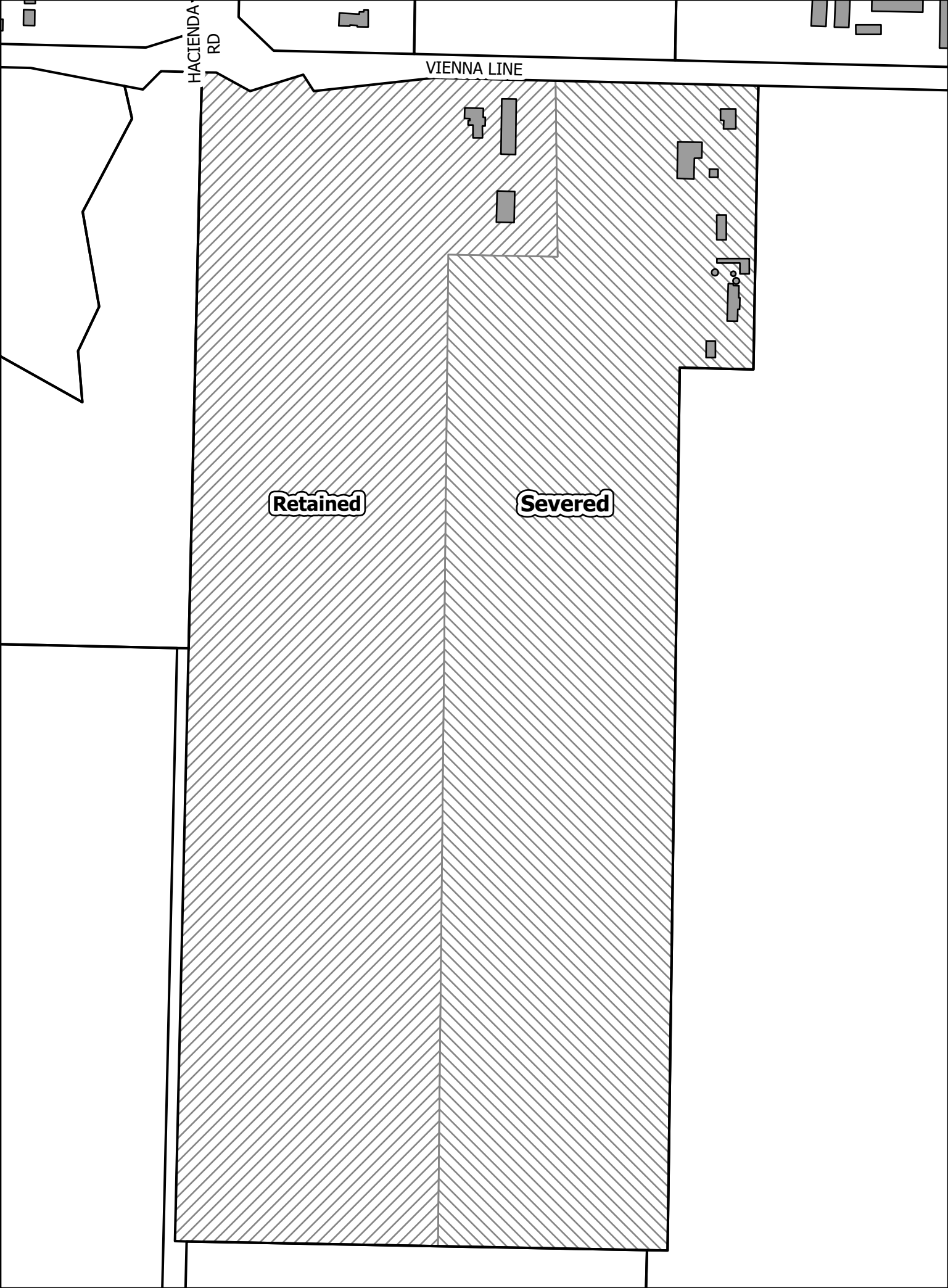
Subject Site
- 

Severed
- 

Retained
- 

Elgin Road Network
- 

Buildings

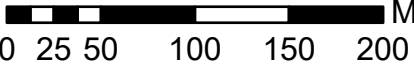


# Location Map

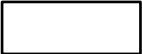


Subject Site: 50241 & 50155 Vienna Line  
File Number: 81-2021  
Owner: Tri-Gen Farms Inc. (Darren Deleebeeck)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





November 19, 2021

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

Dear Committee Members:

**RE: Land Severance Application E81/21 – Tri-Gen Farms Inc. (Darren Deleebeeck)**

The Malahide Township Council passed the following Resolutions on November 18, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E81/21 in the name of Tri-Gen Farms Inc. (Darren Deleebeeck), relating to the property located at Part Lots 16 and 17 and part of road allowance, Concession 2 (Geographic Township of Malahide), subject to the following conditions:

- (i) 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.
- (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 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.
- (iv) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (v) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (vi) 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.
- (vii) That the applicant is responsible for the demolition, or repair, of various dilapidated buildings and structures, all of which is to the satisfaction of, and at no cost to, the Township of Malahide.

We enclose Municipal Appraisal together with Municipal Report DS-21-56 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  
Civic Planning Solutions Inc. (David Roe)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E81-21

Applicant Tri-Gen Farms Inc. (Darren Deleebeeck) Agent: Civic Planning Solutions Inc. (David Roe)

Location 50241 and 50155 Vienna 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: Agricultural' on Schedule 'A1' (Land Use Plan) \_\_\_\_\_

Policies: Section E1.2.3.4, Section 2.1.6 \_\_\_\_\_

### 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:

No ZBA required

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?

Report discusses need for EIS. Council disagreed and removed need for EIS from conditions.



## Report to Council

---

**REPORT NO.:** DS-21-56  
**DATE:** November 11, 2021  
**ATTACHMENT:** Report Photo, Application, Conditions  
**SUBJECT:** **Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck), Application E 81-21**  
**LOCATION:** Part Lots 16 and 17 and part of road allowance, Concession 2 (Geographic Township of Malahide)

---

### **Recommendation:**

**THAT Report No. DS-21-56 entitled “Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck)” be received;**

**AND THAT the Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck), relating to the property located in Part Lots 16 and 17 and part of road allowance, Concession 2, (Geographic Township of Malahide), be approved for the reasons set out herein;**

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

### **Background:**

The subject application (E 81-21) for Consent to Sever (the “Application”) has been submitted by David Roe, authorized agent of Tri-Gen Farms Inc. (Darren Deleebeeck), in order to divide an agricultural parcel into two smaller holdings, both of which would continue to be used for agricultural purposes.

The Application relates to the property located in part of Lots 16 and 17, Concession 2, (Geographic Township of Malahide) and known municipally as 50241 and 50155 Vienna line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on November 24, 2021.

The lands were previously the subject of a proposed severance in 2016. The owners at that time were successful in having the lands re-zoned from A3 to A1 and this zoning was carried over into the Township's current Zoning By-law in 2018. The proposed severance was not, however, applied for at the time of the re-zoning and it is now, according to the owner's agent, being submitted for the first time.

### **Comments/Analysis:**

The lands proposed to be severed (Parcel "B") comprise an area of approximately 20.9 hectares (51.6 ac) with a depth of approximately 1,003 metres (3,289 ft) and a frontage of approximately 178 metres (583 ft) on Vienna Line. Existing buildings and structures on the lands are described in the application as a single detached dwelling, bunkhouse, kiln, silos and an older barn in poor condition. It is proposed that these lands remain in agricultural use.

The lands proposed to be retained (Parcel "A") comprise an area of approximately 23.5 hectares (58.2 ac) with a depth of approximately 997.1 metres (3,271 ft) and a frontage of approximately 333 metres (1,093 ft) on Vienna Line. Existing buildings and structures on the lands are described in the application as a single detached dwelling, greenhouse and shed. It is proposed that these lands remain in agricultural use.

The subject lands have been extensively cleared for agricultural use with the exception of a woodlot and gully which occupies the westerly and southerly portions of the farm. The lands are situated in an agricultural area characterized primarily by lands under crop production.

### **County of Elgin Official Plan**

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. The subject property has been identified as being occupied by 'Woodlands' in Appendix 1 (Natural Heritage Features and Areas) of the County Official Plan.

### **Malahide Official Plan**

The subject property is designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The aforementioned woodlot is identified as 'Natural Heritage' on Schedule 'A1' and as 'Provincially Significant Woodlands' on Schedule 'A2'.

### **Malahide Zoning By-law No. 18-22**

The subject property is zoned General Agricultural (A1) on Schedule 'A', Map No. 91 to the Township's Zoning By-law No. 18-22. The Catfish Creek Conservation Authority Regulated Area corresponds more or less with the limits of lands occupied by the woodlot.

Lots within the General Agricultural (A1) Zone require the following:

<b>General Agricultural (A1) Zone</b>	<b>Lot to be Severed ("Parcel B" on Sketch)</b>	<b>Lot to be Retained ("Parcel A" on Sketch)</b>
<b>Minimum Lot Area:</b> 20 ha	20.9 ha	23.5 ha
<b>Minimum Lot Frontage:</b> 150 m	178 m	333 m
<b>Front Yard Depth:</b> 15 m	20 m	15 m
<b>Side Yard Width:</b> 5 m	5 m	30 m
<b>Rear Yard Depth:</b> 7.5m	extensive	extensive
<b>Maximum Lot Coverage:</b> 20%	>1%	>1%

### General Comments

The Application has also been reviewed by other internal departments, with typical conditions being applied.

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

While the lands being severed and retained have substantially less area than the 40 ha minimum farm parcel size required in the County Official Plan (i.e. the primary directive with respect to farm severances), the Plan does provide for a measure of flexibility where farm parcel size is concerned as follows:

*"a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local Planning documents...."(Section E1.2.3.4)*

The "local planning documents", in this case the Township of Malahide Official Plan and Township of Malahide Zoning By-law, provide for smaller acreages. The Township of Malahide Official Plan policy on land division in agricultural areas states that "*a minimum lot size for agricultural uses will be detailed in the Zoning By-law*" (Section 2.1.6). Based on the standards for agricultural parcels in the Township's Zoning By-law, a minimum parcel size has been established at 40 ha for lots zoned A3 and 20 ha for lots zoned A1 and has been in effect for some time now. It is also noted that the Provincial Policy Statement 2020 (PPS) does not specify a minimum lot size when considering the splitting of agricultural parcels.

In our previous report to Council in 2016 with respect to a change in zoning, we noted that, with respect to the woodlands feature, "development" includes the creation of new lots. A determination of whether or not **there will be no negative impacts on the natural features or their ecological function** as a result of the proposed severance must be made through the preparation of an Environmental Impact Study (EIS). Alternatively, the owner should provide confirmation from the Conservation Authority that an EIS is not required. No information has been provided to indicate that this matter has been addressed. Accordingly, the Township should request that the County of Elgin



Land Division Committee include, as a condition of granting the application for consent, the preparation of an Environmental Impact Study or confirmation from the Conservation Authority that an EIS is not required. Given the one year time-frame for the completion of conditions of a provisional consent, the preparation of an EIS may prove problematic for the proponents.

On the application form, it is noted that buildings and structures on the lands proposed to be severed include “an old barn in poor condition”. The owner (through his agent David Roe) has advised that “some of the buildings will be removed or repaired”. This matter is appropriately addressed as a condition of consent, requiring that the owners (in consultation with the Chief Building Official), identify which buildings or structures are to be removed from the subject lands or repaired, all of which is to the satisfaction of, and at no cost to, the Township. No information has been provided to confirm whether a Species At Risk (SAR) issue exists with respect to barn swallows.

### **Financial Implications to Budget:**

The full cost of the consent 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 “Protect and Enhance Malahide’s Agricultural Character”. By providing the opportunity for farmers to sever large farm parcels into smaller holdings in accordance with applicable planning documents 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 Tri-Gen Farms Inc.

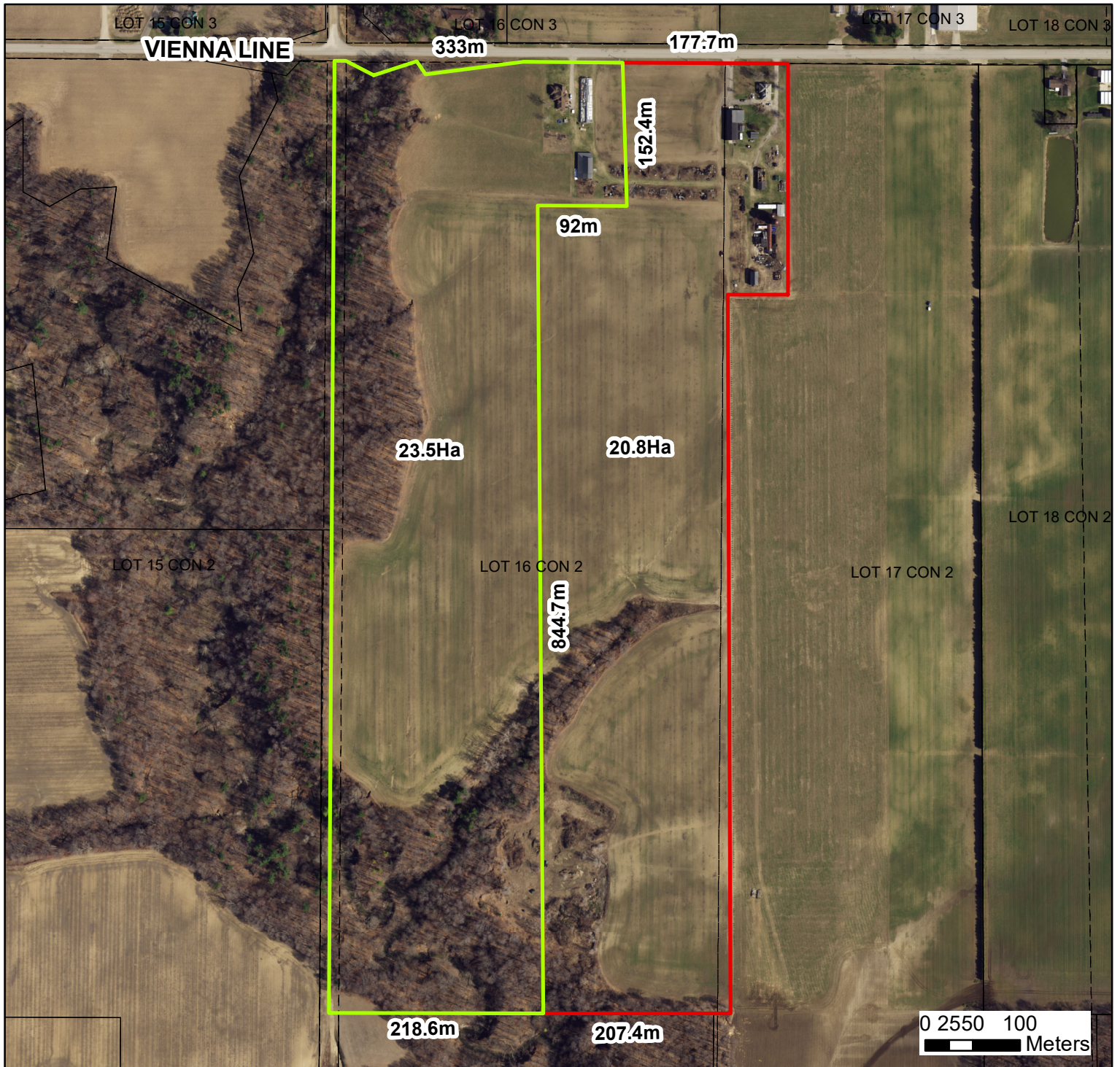
(Darren Deleebeeck)

50241 and 50155 Vienna Line

Part Lots 16 and 17 and part of road allowance, Concession 2

Township of Malahide

Township  
of Malahide  
Figure 1



## OFFICIAL PLAN DESIGNATION

Agriculture

Natural Heritage - Provincially Significant Woodlands

## ZONING

A1 General Agricultural



LANDS TO BE SEVERED



LANDS TO BE RETAINED





**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 81-21

OWNER: Tri-Gen Farms Inc. (Darren Deleebeeck)

PROPERTY: LOT NO. Lots 16 and 17 and Rd Allowance CONCESSION: 2

REG'D PLAN: MUNICIPALITY: Malahide

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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:** November 24, 2021  
**Application:** E 81-21

**Owner:**  
**Tri-Gen Farms Inc. (Darren Deleebeeck)**  
50155 Vienna Line  
Aylmer ON N5H 2R2

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

**Location:** 50241 and 50155 Vienna Line, Concession 2, Lots 16 and 17 and RD Allowance  
Township of Malahide

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 177.74 meters (583.13 feet) by a depth of 1002.63 metres (305.60 feet) and an area of 20.87 hectares (51.57 acres) and retain a parcel with a frontage of 333.09 metres (1092.81 feet) an area of 23.54 hectares (58.16 acres) both proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* – THAT the Malahide Township Council has no objection to the Land Severance No. E81/21 in the name of Tri-Gen Farms Inc. (Darren Deleebeeck), relating to the property located at Part Lots 16 and 17 and part of road allowance, Concession 2 (Geographic Township of Malahide), subject to conditions.

*County Engineering* – Indicated the subject site is not on a County road.

*Catfish Creek Conservation Authority* – No comments provided.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas. Lot creation may only be permitted for agricultural uses provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The Applicant has indicated that the retained lands (23.54 hectares/58.16 acres) will maintain their current agricultural use. The proposed severed lands (20.87 hectares/51.57 acres) will also continue their agricultural use. The PPS does not specify the appropriate size of an agricultural lot. The Applicant has not indicated why the size of these lots is considered appropriate, given the typical 40 ha minimum, noted in the County Official Plan.

#### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP) and contains a Woodland Overlay as per the County's Official Plan Appendix 1. The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). Policy E 1.2.3.4 a) allows for farm parcels to be severed provided that the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares, or as established in the local planning documents.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and contain a dwelling, a greenhouse and a shed. The severed lands contain a dwelling, barn, bunkhouse, kiln, silos and an older barn in poor condition.

The Township of Malahide Official Plan and Township of Malahide Zoning By-law, provide for smaller acreages for farm lots. The Township of Malahide Official Plan policy on land division in agricultural areas states that "a minimum lot size for agricultural uses will be detailed in the Zoning By-law" (Section 2.1.6). Based on the standards for agricultural parcels in the Township's Zoning By-law, a minimum parcel size has been established at 40 ha for lots zoned A3 and 20 ha for lots zoned A1.

As a result of this application, the Natural Heritage feature, being a Woodland as per the County Official Plan, is proposed to be fragmented. No additional information has been provided.

#### Local Municipality Official Plan and Zoning By-law

The subject property is designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The aforementioned woodlot is identified as 'Natural Heritage' on Schedule 'A1' and as 'Provincially Significant Woodlands' on Schedule 'A2'. The subject property is zoned General Agricultural (A1) on Schedule 'A', Map No. 91 to the Township's Zoning By-law No. 18-22. The Catfish Creek Conservation Authority Regulated Area corresponds more or less with the limits of lands occupied by the woodlot.

**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 agricultural areas. If approved, planning staff recommend the following conditions be included as conditions for consent:

1. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.
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.

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

1. 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.
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 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. 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.
7. That the applicant is responsible for the demolition, or repair, of various dilapidated buildings and structures, all of which is to the satisfaction of, and at no cost to, the Township of Malahide.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 86-21**

**MUNROE STREET AND GRAHAM ROAD  
LOT 17 & 18 CONCESSION 8 RP ALDBOROUGH  
MUNICIPALITY OF WEST ELGIN**

**TAKE NOTICE that** an application has been made by **Orford Sand & Gravel Ltd.**, 6858 14<sup>th</sup> Line, Merlin ON N0P 1W0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Munroe Street and Graham Road, Lot 17 & 18 Concession 8 RP Aldoborough, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 24.46 metres (80.25 feet) by a depth of 103.07 metres (338.16 feet) and an area of 0.316 hectares (0.78 acres) for future commercial use. The applicants are retaining a parcel with an area of 3.18 hectares (7.9 acres) proposed to be kept vacant.

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 NOVEMBER 24, 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](mailto: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 1<sup>st</sup> day of November, 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](http://www.progressivebynature.com)





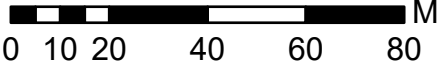
Maxar, Microsoft

# Location Map

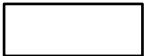


Subject Site: Munroe Street and Graham Road  
File Number: E 86-2021  
Owner: Orford Sand & Gravel Ltd.  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



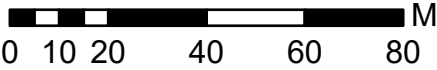


# Location Map

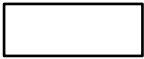


Subject Site: Munroe Street and Graham Road  
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The Corporation of the County Elgin  
Prepared By: Planning and Development



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



# Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

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VIA E-MAIL ONLY

November 12, 2021

County of Elgin  
c/o Nancy Pasato, Manager of Planning and  
Acting Secretary-Treasurer, County of Elgin Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [npasato@elgin.ca](mailto:npasato@elgin.ca)

Ms. Pasato:

**RE: Municipality of West Elgin Consent Application - Comments to the County of Elgin**  
**County File Number: E86-21**  
**Legal Description: Part Lots 17 and 18, Concession 8; Parts 3, 6, 7 and 9, RP 11R-9329**

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

1. West Elgin Council Resolution 2021-347, dated October 28, 2021;
2. Planning Staff Report 2021-31: Consent Application E68-21 – Comments to County of Elgin, dated October 28, 2021; and
3. E86-21 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

*Bryan Pearce*

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin  
22413 Hoskins Line  
Rodney ON N0L 2C0  
Phone: (519) 785-0560  
Cell: (519) 280-1028  
Fax: (519) 785-0644  
Email: [planning@westelgin.net](mailto:planning@westelgin.net)

cc. Dawn Wittland-Graham, Administrative Assistant Engineering and Planning Services, County of Elgin (Email: [dewittlandgraham@elgin.ca](mailto:dewittlandgraham@elgin.ca))  
Marcus Pepe, Canadian Commercial Inc, Applicant (Email: [marcus@devonshirefinancial.com](mailto:marcus@devonshirefinancial.com))  
Lee Greenwood, Canadian Commercial Inc, Applicant (Email: [lee@canadiancommercial.ca](mailto:lee@canadiancommercial.ca))  
Matt Campbell, Senior Planner, Zelika Priamo Ltd. (Email: [matt.c@zpplan.com](mailto:matt.c@zpplan.com))  
Don Sykes, Orford Sand and Gravel Ltd., Owner (Email: [dsykes@sykestrucking.ca](mailto:dsykes@sykestrucking.ca))



# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

October 29, 2021

At the Regular Meeting of Council on October 28, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2021- 347**

**Moved: Councillor Cammaert**

**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby receives the report from Bryan Pearce regarding the consent application, File E86-21 – Comments to County of Elgin (Planning Report 2021-31);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E86-21, subject to the Lower-Tier Municipal conditions attached;

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

**Carried**

Jana Nethercott  
Clerk

Encl.

## **Planning Report 2021-31: Appendix Two**

### **Consent Application E86-21 – West Elgin Conditions**

#### Consent Application E86-21 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
5. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
6. 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*.



# MUNICIPALITY OF West Elgin

## Staff Report

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**Report To:** Council Meeting  
**From:** Bryan Pearce, Planner  
**Date:** 2021-10-28  
**Subject:** Consent Application E86-21 – Comments to County of Elgin (Planning Report 2021-31)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce regarding the consent application, File E86-21 – Comments to County of Elgin (Planning Report 2021-31);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E86-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

### **Purpose:**

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

The purpose of the application is to facilitate the lot creation within the settlement area of West Lorne.

### **Background:**

Below is background information from the application, in a summary chart:

<b>Application</b>	E86-21
<b>Owner</b>	Orford Sand & Gravel Limited
<b>Applicant</b>	Lee Greenwood and Marcus Pepe, Canadian Commercial Inc.
<b>Legal Description</b>	Part Lots 17 and 18, Concession 8; Parts 3, 6, 7 and 9, RP 11R-9329
<b>Civic Address</b>	To be assigned, at time of development
<b>Entrance Access</b>	Munroe Street



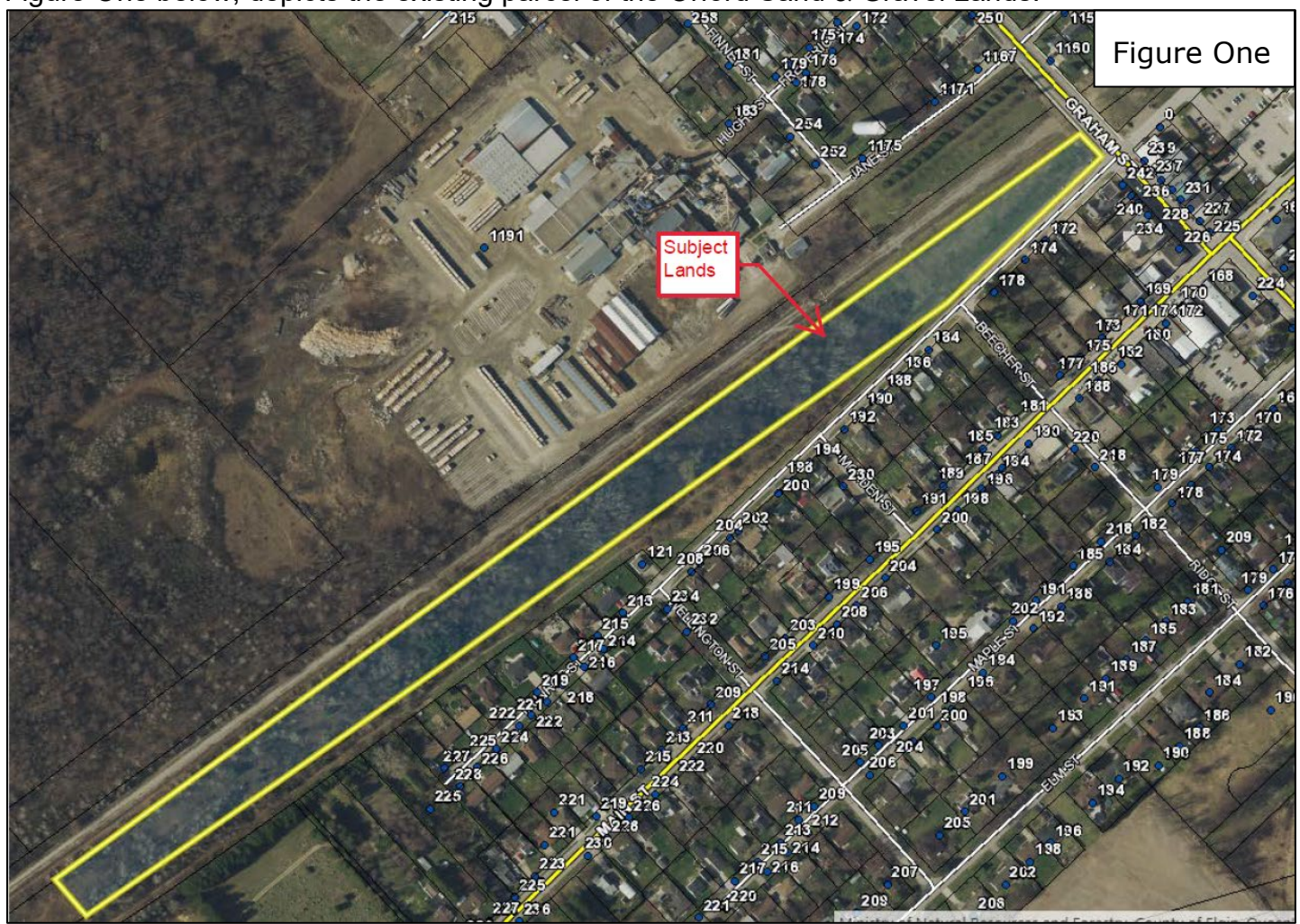
<b>Water Supply</b>	Publicly owned and operated piped water system
<b>Sewage Supply</b>	Publicly owned and operated sanitary sewage system
<b>Existing Land Area</b>	3.50 ha (8.64 ac)

Below is the detailed dimensions and land areas of the application, in a chart:

<b>Application</b>	<b>Severed Parcel</b>			<b>Retained Parcel</b>		
	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>E86-21</b>	24.46 m (80.25 ft)	103.07 m (338.16 ft)	0.32 ha (0.78 ac)	52 m (170.60 ft)	36.79 m (120.7 ft)	3.18 ha (7.86 ac)

The Public Hearing is scheduled for November 24, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Orford Sand & Gravel Lands.



The severed and retained parcels for E86-21 are shown in a Municipal-generated sketch, is attached to this report as Appendix One for reference purposes.

**Financial Implications:**

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

**Policies/Legislation:**

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

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

**PPS:**

Lot creation is permitted within the Settlement Areas in accordance with Section 1.1 of the PPS.

The proposal appears to be consistent with the PPS.

**CEOP:**

The subject lands are designated Tier I Settlement Areas on Schedule 'A' Land Use in the CEOP, wherein detailed land use designations are provided within the OP.

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

Therefore, this proposal appears to conform to the CEOP.



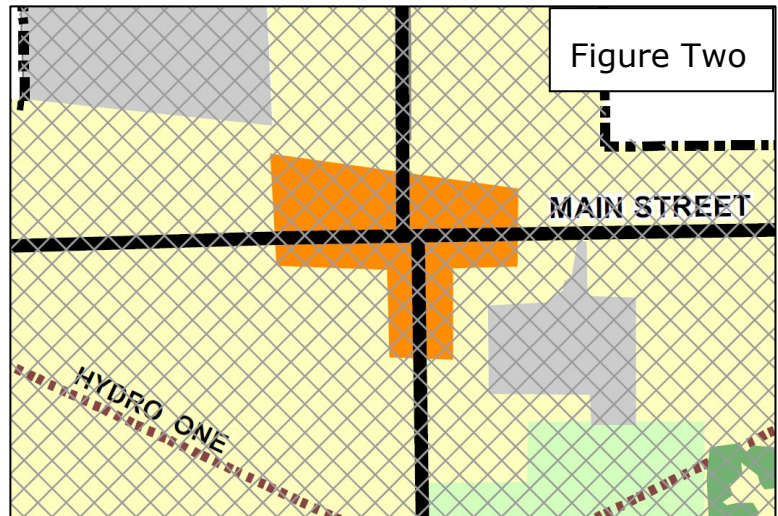
## OP:

The subject lands are designated as Downtown Core, as shown on Village of West Lorne Land Use and Transportation Plan Schedule 'D' of the OP, as shown on Figure Two, with the orange colour being the Downtown Core designation.

The Downtown Core permits a wide range of commercial uses, including retail stores, restaurants, specialty shops, financial institutions, business and professional offices, as well as secondary uses.

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

Therefore, this proposal appears to conform to the OP.



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

The subject lands are zoned Open Space (OS) and Public Utility (U) on Schedule C, Maps 1 and 2 of the ZBL, as depicted in Figure Three to the right.

The proposed new lot would be within the Public Utility (U) Zone at the eastern portion of the subject lands; and would comply to the zoning provisions, therefore a condition of consent is not required for rezoning.

It is noted that the Proponent's intent is to rezone the proposed new lot, to allow for village





downtown core uses; and proceed with site plan application at the time of development, after the lot is created.

Therefore, it would appear that the proposal would comply with the ZBL.

**Interdepartmental Comments:**

The consent application was circulated to municipal staff for comment, with no comments received.

**Summary:**

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

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

Respectfully Submitted,

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

**Planning Report 2021-31: Appendix One**

**Consent Sketches**

**E86-21: Proposed Severed Parcel Sketch**





E86-21: Proposed Retained Parcel Sketch



## **Planning Report 2021-31: Appendix Two**

### **Consent Application E86-21 – West Elgin Conditions**

#### Consent Application E86-21 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
5. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
6. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E86-21

Owner: Orford Sand and Gravel Ltd  
Applicant/Agent: Lee Greenwood and Marcus Pepe, Canadian Commercial Inc

Location: Part Lots 17 and 18, Concession 8; Parts 3, 6, 7 and 9, RP 11R-9329

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: Downtown Core – West Elgin Official Plan

Policies: Section 5.3 and 10.4.1 (West Elgin Official Plan)

PART 2 - ZONING

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

Comments:

5. If not, is the Municipality prepared to amend the By-Law?	Yes ( )	No ( x )
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PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

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

10.Does the municipality have other concerns that should be considered by the Committee?  
All local municipal interests are contained within the West Elgin Planning Staff Report 2021-31.

November 4, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E-86/21**  
**NW Munroe Street & Graham Road (Orford Sand & Gravel Ltd.)**  
**Part Lot 18, Concession 8**  
**Community of West Lorne**  
**Municipality of West Elgin**

Please be advised that the above mentioned application has been reviewed by this office and the Conservation Authority has no objections to this proposal as laid out in the information provided to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Interference with Wetlands portion of the regulations. The issue of concern in this area is the Adjacent Lands of the West Lorne Woodlot Provincially Significant Wetland (affects retained lands only).

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the Provincially Significant Wetland and its associated Adjacent Lands will be required to any proposed structure, this includes the installation of field tile drainage systems.

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

Yours truly



Valerie Towsley  
Resource Technician



**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** November 3, 2021 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 86-21

**OWNER:** Orford Sand & Gravel Ltd.

**PROPERTY:** **LOT NO.** Lot 17 and 18 **CONCESSION:** 8

**REG'D PLAN:** Aldborough **MUNICIPALITY:** West Elgin

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

- |  |   |
|--|---|
| 1) Land for road widening is required .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed lot/parcel up to 18m from the centreline of construction of Graham Road County Road (76) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.</i> | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 3) Drainage pipes and/or catchbasin(s) are required .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 5) A curb and gutter is required along the frontage .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 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.....  | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 7) Technical Reports .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 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.....   | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 9) Lot Grading Plan is required for the severed and retained lots.....   | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 10) The County has no concerns.....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 11) Not on County Road .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 12) Please provide me with a copy of your action on this application .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 13) Other...   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |

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



\_\_\_\_\_  
**BRIAN LIMA, P. ENG.**  
**DIRECTOR OF ENGINEERING SERVICES**



**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:** November 24, 2021  
**Application:** E 86-21

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**Owner:**  
**Ron & Fran Downie**  
21542 Hoskins Line  
Rodney ON N0L 2C0

**Location:** Munroe Street and Graham Road, Lot 17 & 18 Concession 8 RP Aldoborough,  
Municipality of West Elgin.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 24.46 metres (80.25 feet) by a depth of 103.07 metres (338.16 feet) and an area of 0.316 hectares (0.78 acres) for future commercial use. The applicants are retaining a parcel with an area of 3.18 hectares (7.9 acres) proposed to be kept vacant.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Downtown Core

**Local Municipality Zoning  
By-law**  
Open Space (OS) and  
Public Utility (U)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of West Elgin* – West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E86-21, subject to the Lower-Tier Municipal conditions attached.

*County Engineering* – Subject to the provided conditions related to road widening, direct connection to a legal outlet, entrance permits and lot grading.

*Lower Thames Valley Conservation Authority* – Please be advised that the application has been reviewed and the Conservation Authority has no objections to this proposal. Staff determined that the property in question is subject to the Authority's Interference with Wetlands portion of the regulations. The issue of concern in this area is the Adjacent Lands of the West Lorne Woodlot Provincially Significant Wetland (affects retained lands only). An application from this office is required prior to any works/construction taking place within the regulated area.



#### 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 (0.316 hectares/0.78 acres) will be created for future commercial use. The retained lands (3.18 hectares/7.9 acres) will be maintained as vacant land. Both the proposed severed and retained lots are within a settlement area (West Lorne).

#### 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 within Tier 1 Settlement Area (West Lorne) in the Elgin County Official Plan (OP). Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Section E.1.2.3.1 General Criteria outlines that consents may be supported within settlement areas 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 application has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation. The applicant has indicated that the lot creation will be fully serviced.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Downtown Core in the West Elgin Official Plan. The Downtown Core permits a wide range of commercial uses, including retail stores, restaurants, specialty shops, financial institutions, business and professional offices, as well as secondary uses. The subject lands are zoned Open Space (OS) and Public Utility (U) in the West Elgin Zoning By-law. The proposed new lot would be within the Public Utility (U) Zone at the eastern portion of the subject lands; and would comply to the zoning provisions, therefore a condition of consent is not required for rezoning. It is noted that the Proponent's intent is to rezone the proposed new lot, to allow for village downtown core uses; and proceed with site plan application at the time of development, after the lot is created.

**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 from the Land Division Committee in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
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. That the owner dedicate lands along the frontage of the severed lot/parcel up to 18m from the centreline of construction of Graham Road County Road (76) 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;
5. 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;
6. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner; and
7. A lot grading plan is required for the severed lot.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
5. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
6. 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.

**From:** [Nancy Pasato](#)  
**To:** [dianne.dowling](#) [dianne.dowling](#)  
**Cc:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Application #E 86-21  
**Date:** November 9, 2021 8:41:43 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**From:** dianne.dowling dianne.dowling <[dianne.dowling@sympatico.ca](mailto:dianne.dowling@sympatico.ca)>  
**Sent:** November 9, 2021 8:38 AM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** Application #E 86-21

hi,

As a resident of Munroe Street, I would like to attend the Nov 24th hearing via video conference.

Can you please send me the link ?

Also, I wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, and any subsequent appeals to the Local Planning Appeal Tribunal.

Thanks

DiAnne Dowling

172 Munroe Street

West Lorne, ON



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 88-21**

**8684 CENTENNIAL ROAD  
PART LOT 11 CONCESSION 7  
MUNICIPALITY OF CENTRAL ELGIN**

**TAKE NOTICE** that an application has been made by **Janet Rae Williamson**, 8684 Centennial Road, St. Thomas ON N5P 3S6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8684 Centennial Road, Municipality of Central Elgin.

The applicants propose to sever a parcel with a width of 67.26 metres (220.67 feet), a depth of 240.23 metres (788.16 feet) and an area of 1.6155 hectares (3.99 acres), to be conveyed to the adjacent property to the south (8662 Centennial Road). The applicants are retaining a parcel with an area of 0.01963 hectares (0.49 acres), containing a dwelling, 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 NOVEMBER 24, 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](mailto: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.

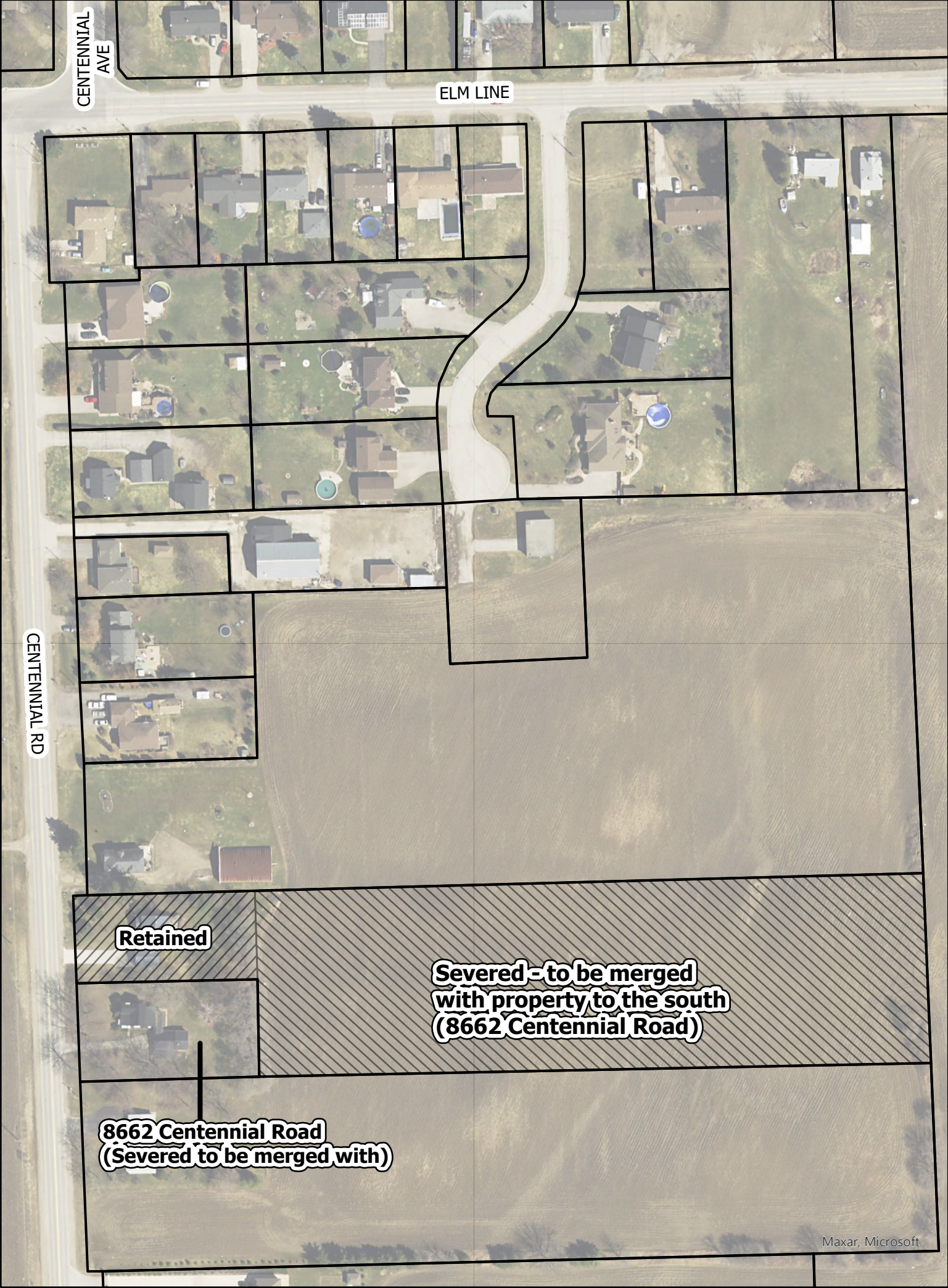
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of November, 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](http://www.progressivebynature.com)

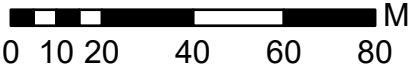




# Location Map

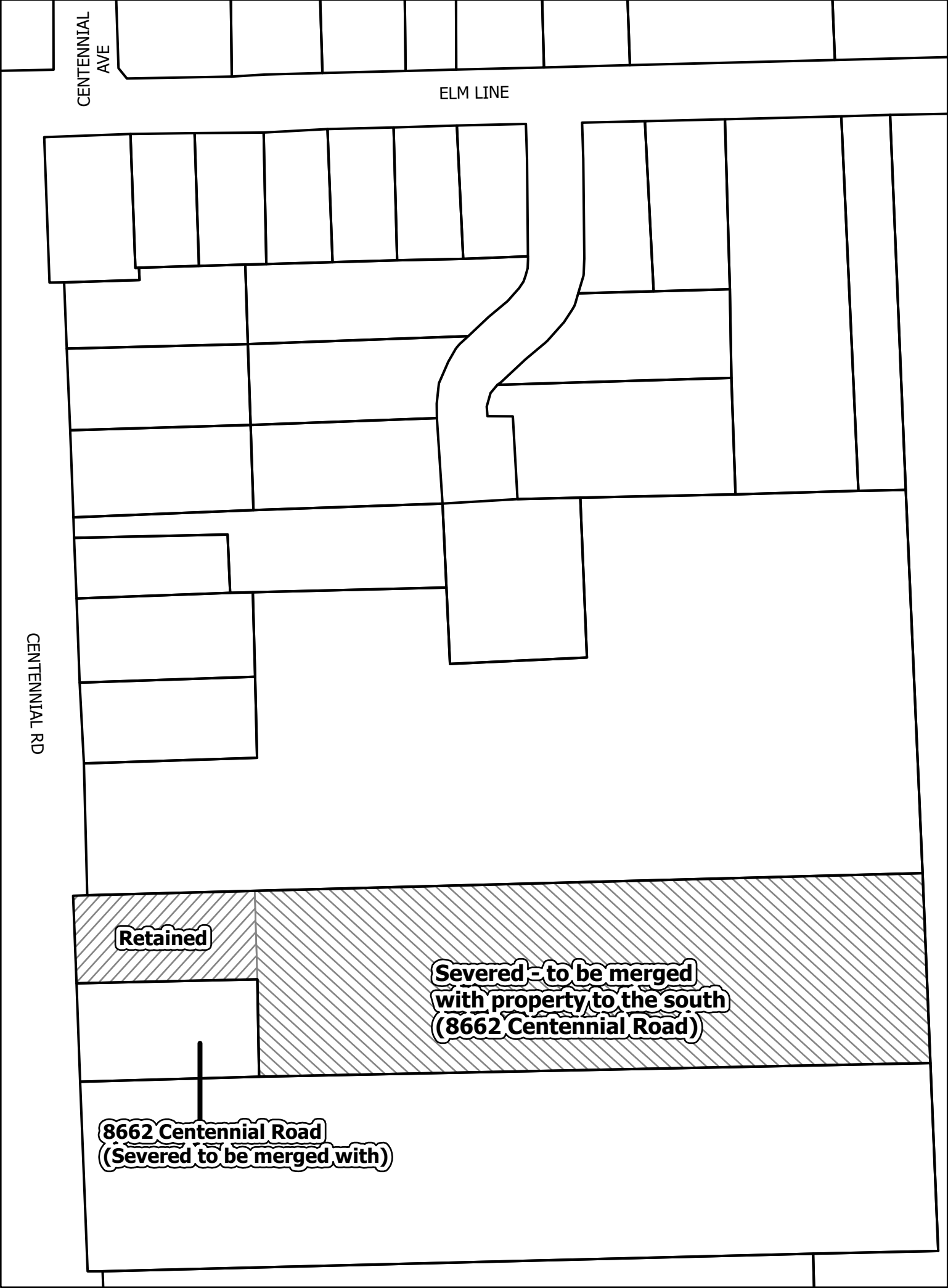
Subject Site: 8684 Centennial Road  
File Number: E 88-2021  
Owner: Janet Rae Williamson  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



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



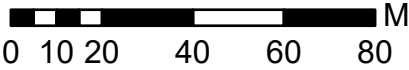


Location Map

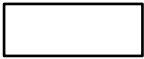


Subject Site: 8684 Centennial Road  
File Number: E 88-2021  
Owner: Janet Rae Williamson  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



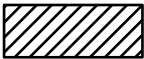
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 88-21

OWNER: Janet Rae Williamson

PROPERTY: LOT NO. Part lot 11 CONCESSION: 7

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the retained lot/parcel up to 15m from the centreline of construction of Centennial Road County Road (28) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

X
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

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



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



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

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** November 24, 2021  
**Application:** E 88-21

**Owner:**  
**Janet Rae Williamson**  
8684 Centennial Road  
St. Thomas ON N5P 3S6

**Agent:**  
**Amy Dale, Gunn & Associates**  
108 Centre Street  
St. Thomas ON N5R 2Z7

**Location:** 8684 Centennial Road, legally described as Part Lot 11, Concession 7,  
Municipality of Central Elgin.

**PROPOSAL**

The applicants propose to sever a parcel with a width of 67.26 metres (220.67 feet), a depth of 240.23 metres (788.16 feet) and an area of 1.6155 hectares (3.99 acres), to be conveyed to the adjacent property to the south (8662 Centennial Road). The applicants are retaining a parcel with an area of 0.01963 hectares (0.49 acres), containing a dwelling, proposed to remain in residential use.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Residential and Agricultural

**Local Municipality Zoning  
By-law**  
Residential Zone 1 (R1) and  
Open Space Zone 2  
(OS2) of the Township of  
Yarmouth Zoning By-Law  
1998

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Comments to be provided under separate cover.

*County Engineering* – Subject to the provided conditions related to road widening and entrance permits.

*Conservation Authority* – No comments provided.

**Planning Act and Provincial Policy Statement**

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

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

The Applicant has indicated the severed portion of the lands (1.6155 hectares/3.99 acres) will be severed and conveyed to the adjacent property to the south (8662 Centennial Road). The retained parcel of the lands (0.01963 hectares/0.49 acres) will maintain its residential use. Both the proposed severed lots and retained lot are within a settlement area (Eastwood).

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 1 (Eastwood) in the Elgin County Official Plan (OP). Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Policy E1.2.3.2 allows for boundary adjustments to existing lots, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected. The applicant has indicated that the proposed development is a land transfer and no new buildings or services are required. The proposed boundary adjustment will not impact the viability of the use of the lots.

#### Local Municipality Official Plan and Zoning By-law

Comments to be provided under separate cover.

#### 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 from the Land Division Committee in its decision from the County of Elgin:

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



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
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[www.elgin-county.on.ca](http://www.elgin-county.on.ca)

4. That the owner dedicate lands along the frontage of the retained lot/parcel up to 15m from the centreline of construction of Centennial Road County Road (28) 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; and
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.

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 82-21**

**485 GEORGE STREET  
PT OF LOT 14 CONCESSION SLR (SOUTHWOLD)  
MUNICIPALITY OF CENTRAL ELGIN**

**TAKE NOTICE** that an application has been made by **1551945 Ontario Limited (David Russell)**, 382 Queens Avenue, London ON N6B 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 485 George Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 47.2 metres (154.85 feet) and an area of 0.05 hectares (0.13 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) 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 NOVEMBER 24, 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](mailto: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 1<sup>st</sup> day of November, 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](http://www.progressivebynature.com)

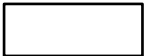




# Location Map



## Legend



Subject Site



Severed



Retained



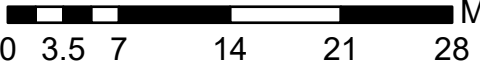
Elgin Road Network

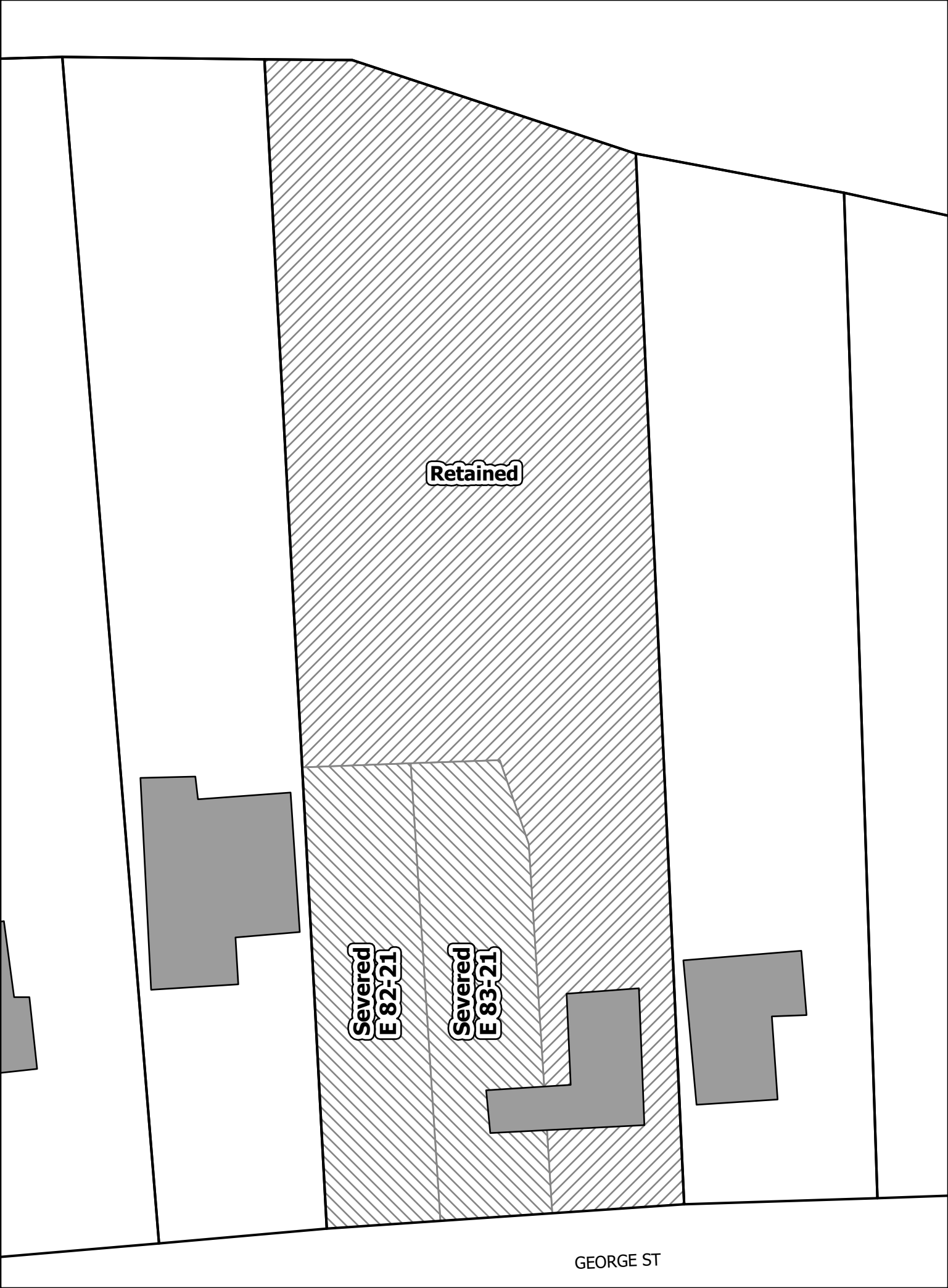


Buildings

Subject Site: 485 George Street  
File Number: E 82-2021 & E 83-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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

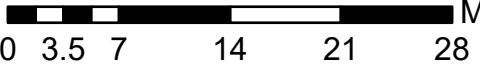




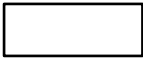

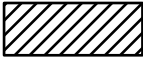


# Location Map

Subject Site: 485 George Street  
File Number: E 82-2021 & E 83-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend

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



April 8, 2021

**Nancy Pasato**  
**Manager of Planning**  
Acting Secretary-Treasurer  
Land Division Committee  
450 Sunset Drive  
St. Thomas, ON N5R 5V1  
[npasato@elgin.ca](mailto:npasato@elgin.ca)

DELIVERED BY EMAIL

**RE: Notices of Application for Consent E82-21 and E83-21**  
**485 George Street, Port Stanley**

Dear Ms. Pasato,

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

KCCA understands that the subject applications propose to sever two parcels of land with frontage along George Street for future residential use.

We offer the following comments:

Natural Hazards:

1. The subject lands contain a valley land feature with a watercourse upon the northern portion of the property which may be susceptible to erosion hazards including slope stability concerns.

Provincial Policy Statement 2020 (PPS)

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

2. Policy 3.1.1 – Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
  - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

*Definitions:* means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, ...

## Conservation Authorities Act

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

### **Recommendation(s):**

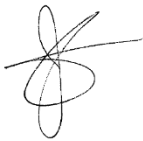
In consideration of the applicable natural hazard policies, the applicant should be required to undertake a geotechnical evaluation of the abutting valley land slopes in order to define the limit of erosion hazards associated with the abutting valley land slope. This information is required in order to make an informed decision on the proposed new building lots and ensure that all development is directed away from such hazards.

KCCA is aware that a geotechnical assessment has been initiated by the applicant. However, KCCA has yet to have an opportunity to review the assessment for compliance with associated natural hazard policies.

Therefore, KCCA staff would respectfully request that any decision related to applications for consent E82/12 and E83/21 be deferred until KCCA has had an opportunity to review and comment on the pending geotechnical evaluation.

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

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY



*(Digitally signed)*

Joseph (Joe) Gordon

Assistant Manager/Supervisor of Planning and Conservation Areas

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** November 3, 2021 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 82-21

**OWNER:** 1551945 Ontario Limited (David Russell)

**PROPERTY:** **LOT NO.** Pt of Lot 14 **CONCESSION:** SLR (Southwold)

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to     m from the centreline of construction of County Road (     ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....

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

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

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

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

☐
- 7) Technical Reports .....

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

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

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

☐
- 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:** November 24, 2021  
**Application:** E 82-21 and E 83-21

**Owner:**  
**1551945 Ontario Limited (David Russell)**  
382 Queens Avenue  
London ON N6B 1X6

**Agent:**  
**Ted Hawla**  
242 Edward Street  
Port Stanley ON N5L 1A4

**Location:** 485 George Street, legally described as PT OF LOT 14 CONCESSION SLR (SOUTHWOLD), MUNICIPALITY OF CENTRAL ELGIN.

**PROPOSAL**

E 82-21 - The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 47.2 metres (154.85 feet) and an area of 0.05 hectares (0.13 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) to remain in residential use.

E 83-21 - The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 48.7 metres (159.78 feet) and an area of 0.06 hectares (0.14 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) to remain in residential use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 1

**Local Municipality Official  
Plan**  
Residential, Natural Heritage  
and  
Natural Hazard

**Local Municipality Zoning  
By-law**  
Residential Zone 1 (R1) of  
the Village of Port Stanley  
Zoning By-law No. 1507, and  
Open Space Zone 2 (OS2)  
of the Township of  
Southwold  
Zoning By-Law 1677

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommendation for deferral.

*County Engineering* – Indicated this application is not on a county road.

*Kettle Creek Conservation Authority* - In consideration of the applicable natural hazard policies, the applicant should be required to undertake a geotechnical evaluation of the abutting valley land slopes in order to define the limit of erosion hazards associated with the abutting valley land slope. This information is required in order to make an informed decision on the proposed new building lots and ensure that all development is directed away from such hazards. KCCA is aware that a geotechnical assessment has been initiated by the applicant. However, KCCA has yet to have an opportunity to review the assessment for compliance with associated natural hazard policies. Therefore, KCCA staff would respectfully request that any decision related to applications for consent E82/12 and E83/21 be deferred until KCCA has had an opportunity to review and comment on the pending geotechnical evaluation.

**COMMITTEE INFORMATION AND REQUEST FOR DEFERRAL:**

A portion of the site (retained lands for both) contains a Woodland Overlay as per Appendix 1 of the County's OP. Though the application is proposed to maintain the feature entirely within the retained lands, no environmental studies or information has been submitted to demonstrate that the lot limit is acceptable and that there will be no negative impacts to the Woodland as a result of the lot creation.

Preliminary comments from the Municipality of Central Elgin are requesting additional studies, such as a Geotechnical Analysis, Issues Scoping Report (ISR) and Environmental Impact Study (EIS). An erosion hazard limit exists on site, and it is unclear if this limit is entirely contained within the retained lands. Additional zoning and site information has also been requested from the Applicant, to demonstrate that existing development conforms with the Village of Port Stanley Zoning By-Law 1507, confirmation of off-street parking availability, appropriate access for rear yard/slope access and maintenance, and confirmation of what is to be removed or kept with respect to the existing buildings on site.

The Planning Division recommends deferral of these applications pending the submission of the supporting information as noted by the Municipality of Central Elgin and the County of Elgin.

**RECOMMENDATION:**

As applications E 82-21 & E83-21 do not meet the criteria of the Elgin County Official Plan or the Provincial Policy Statement (PPS) (no negative impacts on significant environmental features), and as requested by the Municipality of Central Elgin, planning staff recommend deferral of both applications.

E 82-21 & E 83-21

Ross Tucker Comments

480 George St

- Most lots are minimum 60 feet – not historical fabric of area
- Can't build on the NH portion?
- Losing the car port? If he demolishes the car port, where will the applicant park?
- Is there going to be a traffic study – Blind spot
- Needs to be tree preservation

**From:** [Nancy Pasato](#)  
**To:** [kevin miller](#)  
**Cc:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Application E83-21 E82-21  
**Date:** November 19, 2021 11:24:30 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

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**From:** kevin miller <kevkel64@hotmail.com>  
**Sent:** November 19, 2021 11:22 AM  
**To:** Aisling Lavery <alavery@ELGIN.ca>  
**Subject:** FW: Application E83-21 E82-21

Please provide link for meeting scheduled Nov 24 for proposal E83-21 & E82-21 at 485 George St.

I have provided pictures regarding the proposed severance of lot on George St Port Stanley.

I have some concerns with the safety aspect of this proposed land severance.

Currently there are 5 driveways within 250 ft of the crest of the hill heading west on George St.

This severance could potentially add 2 more driveways within this footage.

Cars heading west on George are blind of these driveways until they crest the hill.

The first two photos are looking west up George St.

The third photo shows the first driveway that is hidden by the stone retaining wall on the north side of the roadway. (the second driveway in the forth picture is where the port a potty is, currently under renovation this will be a 4 plex rental property, there is approx. 5ft between the first and second driveway.)

The fifth driveway heading west in the forth picture is where the garbage truck is currently in the photo approx. 250 ft

The sixth picture is taken at the crest of the hill. The proposed severance is located between the black car and the second hydro pole in the photo on the right side of the road.

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Cars proceeding west cresting the hill are blind to 3 driveways currently, the severance possibly adding 2 more driveways within 250 ft could increase the possibility of an accident.

I believe more investigation should be forthcoming before providing a severance on this property. Please note I have only indicated issues on the north side of George. On the South side of George St. there is Mitchell St and 3 more driveways within the 250 ft of cresting the hill.

Regards  
Kevin Miller

Sent from [Mail](#) for Windows

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**From:** [Kevin Miller](#)

**Sent:** November 19, 2021 10:30 AM

**To:**

**Subject:** Application E83-21 E82-21





















Sent from my iPhone



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 83-21**

**485 GEORGE STREET  
PT OF LOT 14 CONCESSION SLR (SOUTHWOLD)  
MUNICIPALITY OF CENTRAL ELGIN**

**TAKE NOTICE** that an application has been made by **1551945 Ontario Limited (David Russell)**, 382 Queens Avenue, London ON N6B 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 485 George Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 48.7 metres (159.78 feet) and an area of 0.06 hectares (0.14 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) 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 NOVEMBER 24, 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](mailto: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 1<sup>st</sup> day of November, 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](http://www.progressivebynature.com)

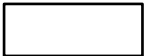




Location Map



Legend



Subject Site



Severed



Retained



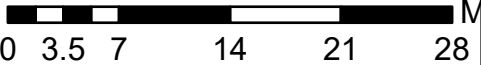
Elgin Road Network

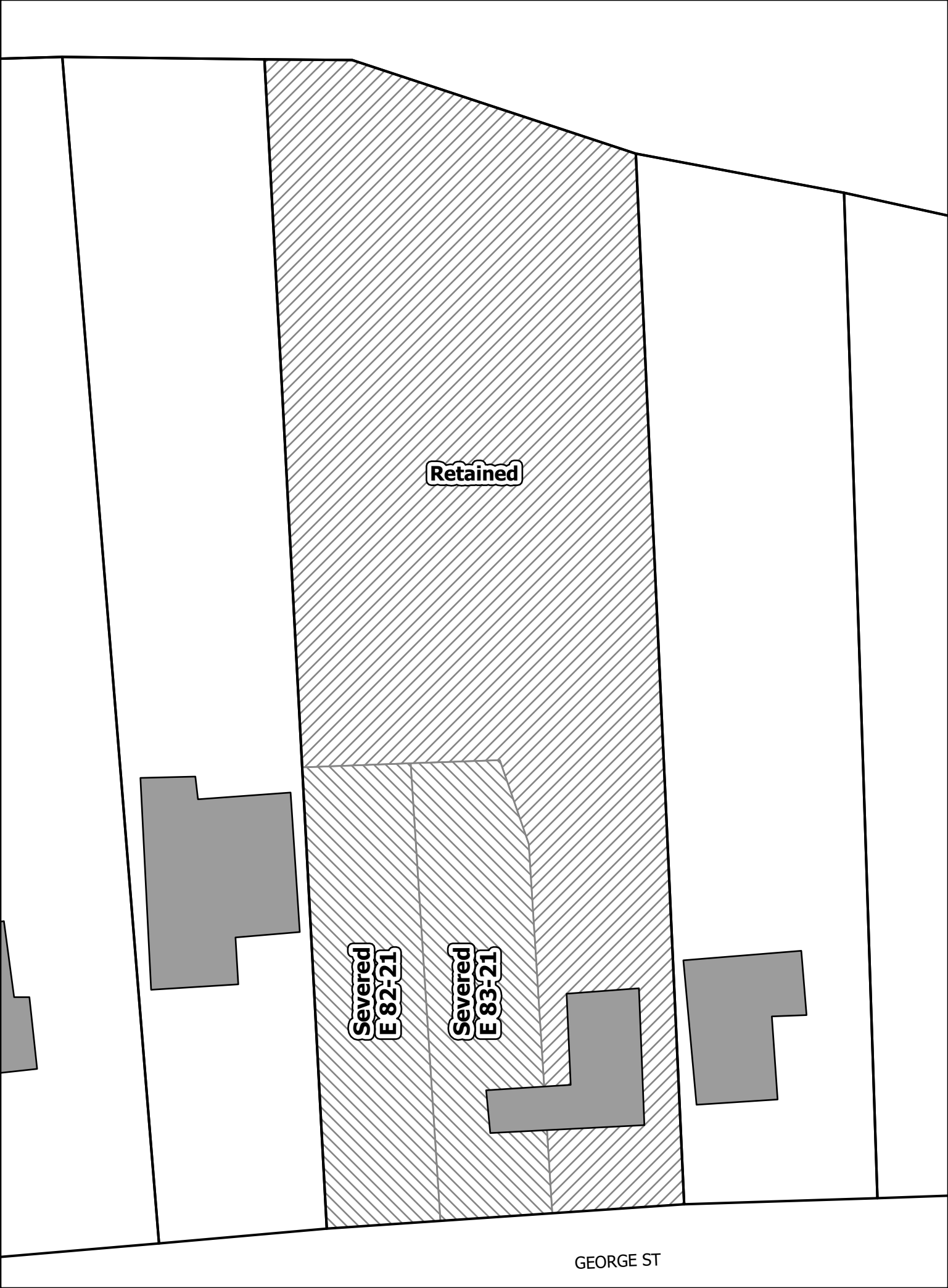


Buildings

Subject Site: 485 George Street  
File Number: E 82-2021 & E 83-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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

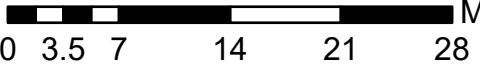




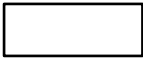

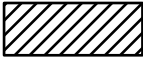


# Location Map

Subject Site: 485 George Street  
File Number: E 82-2021 & E 83-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend

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

April 8, 2021

**Nancy Pasato**

**Manager of Planning**

Acting Secretary-Treasurer

Land Division Committee

450 Sunset Drive

St. Thomas, ON N5R 5V1

[npasato@elgin.ca](mailto:npasato@elgin.ca)

DELIVERED BY EMAIL

**RE: Notices of Application for Consent E82-21 and E83-21  
485 George Street, Port Stanley**

Dear Ms. Pasato,

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

KCCA understands that the subject applications propose to sever two parcels of land with frontage along George Street for future residential use.

We offer the following comments:

Natural Hazards:

1. The subject lands contain a valley land feature with a watercourse upon the northern portion of the property which may be susceptible to erosion hazards including slope stability concerns.

Provincial Policy Statement 2020 (PPS)

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

2. Policy 3.1.1 – Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
  - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

*Definitions:* means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, ...



## Conservation Authorities Act

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

### **Recommendation(s):**

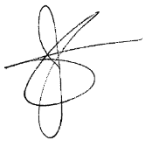
In consideration of the applicable natural hazard policies, the applicant should be required to undertake a geotechnical evaluation of the abutting valley land slopes in order to define the limit of erosion hazards associated with the abutting valley land slope. This information is required in order to make an informed decision on the proposed new building lots and ensure that all development is directed away from such hazards.

KCCA is aware that a geotechnical assessment has been initiated by the applicant. However, KCCA has yet to have an opportunity to review the assessment for compliance with associated natural hazard policies.

Therefore, KCCA staff would respectfully request that any decision related to applications for consent E82/12 and E83/21 be deferred until KCCA has had an opportunity to review and comment on the pending geotechnical evaluation.

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

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY



*(Digitally signed)*

Joseph (Joe) Gordon

Assistant Manager/Supervisor of Planning and Conservation Areas



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 83-21

OWNER: 1551945 Ontario Limited (David Russell)

PROPERTY: LOT NO. Pt of Lot 14 CONCESSION: SLR (Southwold)

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....
- 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:** Planning Division, County of Elgin  
**Date:** November 24, 2021  
**Application:** E 82-21 and E 83-21

**Owner:**  
**1551945 Ontario Limited (David Russell)**  
382 Queens Avenue  
London ON N6B 1X6

**Agent:**  
**Ted Hawla**  
242 Edward Street  
Port Stanley ON N5L 1A4

**Location:** 485 George Street, legally described as PT OF LOT 14 CONCESSION SLR (SOUTHWOLD), MUNICIPALITY OF CENTRAL ELGIN.

**PROPOSAL**

E 82-21 - The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 47.2 metres (154.85 feet) and an area of 0.05 hectares (0.13 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) to remain in residential use.

E 83-21 - The applicants propose to sever a parcel with a frontage of 12.2 metres (40.02 feet) by a depth of 48.7 metres (159.78 feet) and an area of 0.06 hectares (0.14 acres) for future residential use. The applicants are retaining a parcel with an area of 0.36 hectares (0.89 acres) to remain in residential use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 1

**Local Municipality Official  
Plan**  
Residential, Natural Heritage  
and  
Natural Hazard

**Local Municipality Zoning  
By-law**  
Residential Zone 1 (R1) of  
the Village of Port Stanley  
Zoning By-law No. 1507, and  
Open Space Zone 2 (OS2)  
of the Township of  
Southwold  
Zoning By-Law 1677

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommendation for deferral.

*County Engineering* – Indicated this application is not on a county road.

*Kettle Creek Conservation Authority* - In consideration of the applicable natural hazard policies, the applicant should be required to undertake a geotechnical evaluation of the abutting valley land slopes in order to define the limit of erosion hazards associated with the abutting valley land slope. This information is required in order to make an informed decision on the proposed new building lots and ensure that all development is directed away from such hazards. KCCA is aware that a geotechnical assessment has been initiated by the applicant. However, KCCA has yet to have an opportunity to review the assessment for compliance with associated natural hazard policies. Therefore, KCCA staff would respectfully request that any decision related to applications for consent E82/12 and E83/21 be deferred until KCCA has had an opportunity to review and comment on the pending geotechnical evaluation.

**COMMITTEE INFORMATION AND REQUEST FOR DEFERRAL:**

A portion of the site (retained lands for both) contains a Woodland Overlay as per Appendix 1 of the County's OP. Though the application is proposed to maintain the feature entirely within the retained lands, no environmental studies or information has been submitted to demonstrate that the lot limit is acceptable and that there will be no negative impacts to the Woodland as a result of the lot creation.

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**RECOMMENDATION:**

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E 82-21 & E 83-21

Ross Tucker Comments

480 George St

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**To:** [kevin miller](#)  
**Cc:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Application E83-21 E82-21  
**Date:** November 19, 2021 11:24:30 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

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**From:** kevin miller  
**Sent:** November 19, 2021 11:22 AM  
**To:** Aisling Lavery <alavery@ELGIN.ca>  
**Subject:** FW: Application E83-21 E82-21

Please provide link for meeting scheduled Nov 24 for proposal E83-21 & E82-21 at 485 George St.

I have provided pictures regarding the proposed severance of lot on George St Port Stanley.

I have some concerns with the safety aspect of this proposed land severance.

Currently there are 5 driveways within 250 ft of the crest of the hill heading west on George St.

This severance could potentially add 2 more driveways within this footage.

Cars heading west on George are blind of these driveways until they crest the hill.

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The third photo shows the first driveway that is hidden by the stone retaining wall on the north side of the roadway. (the second driveway in the forth picture is where the port a potty is, currently under renovation this will be a 4 plex rental property, there is approx. 5ft between the first and second driveway.)

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Regards  
Kevin Miller

Sent from [Mail](#) for Windows

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**From:** [Kevin Miller](#)

**Sent:** November 19, 2021 10:30 AM

**To: Subject:** Application E83-21  
E82-21























Sent from my iPhone



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 84-21**

**223 PROSPECT STREET  
LOT 8 AND 9 RP 158  
MUNICIPALITY OF CENTRAL ELGIN**

**TAKE NOTICE that** an application has been made by **1551945 Ontario Limited (David Russell)**, 382 Queens Avenue, London ON N6B 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 223 Prospect Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 23.7 metres (77.76 feet) by a depth of 24.0 metres (78.74 feet) and an area of 0.05 hectares (0.14 acres) for future residential use. The applicants are retaining a parcel with an area of 0.4 hectares (0.91 acres) proposed to remain in residential use.

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

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 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 NOVEMBER 24, 2021 AT 10:10 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto: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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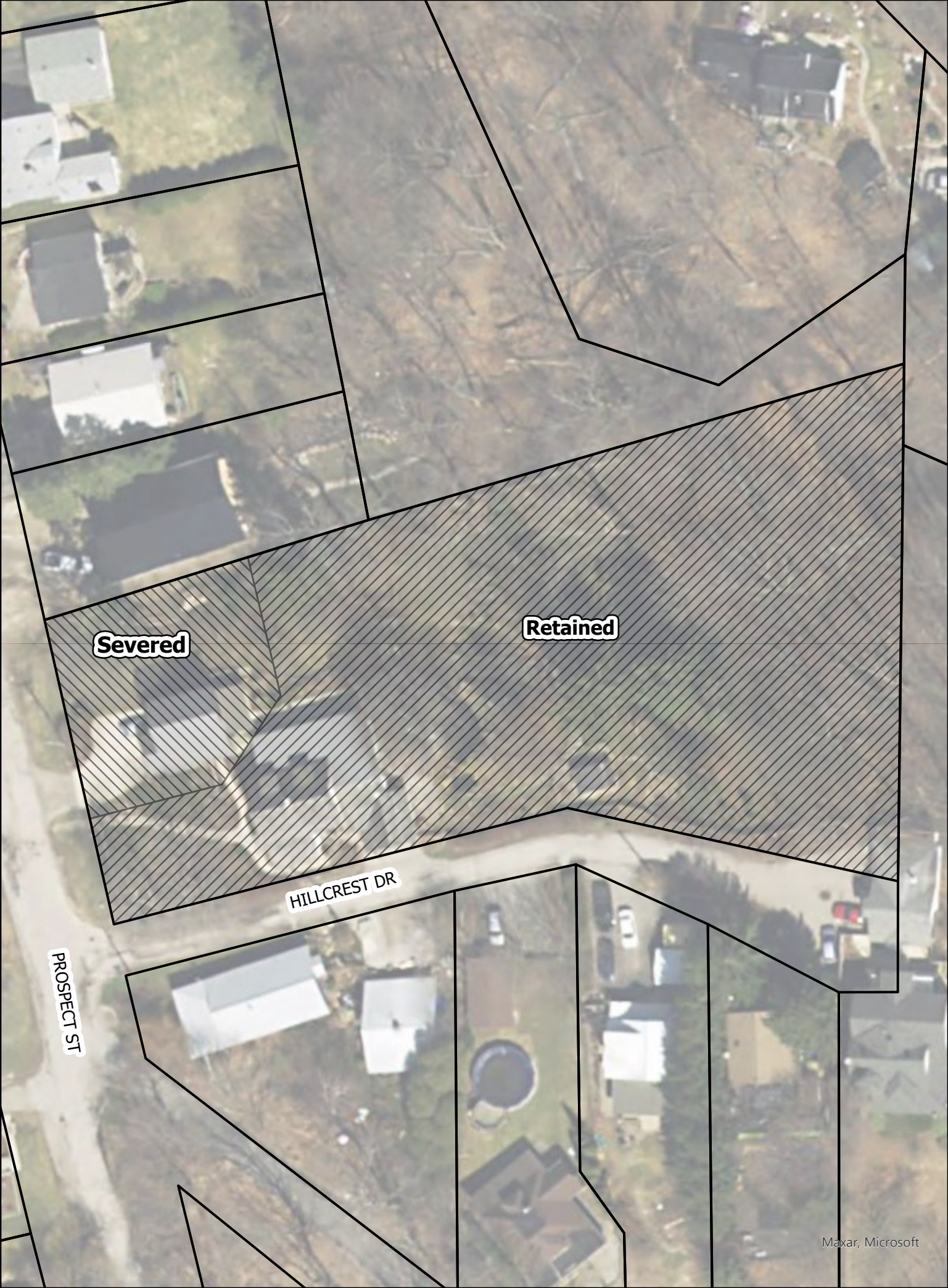
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Dated at the Municipality of Central Elgin this 1<sup>st</sup> day of November, 2021.

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](http://www.progressivebynature.com)



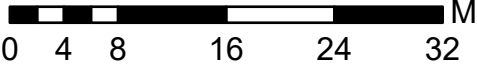


# Location Map

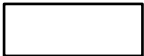


Subject Site: 223 Prospect Street  
File Number: E 84-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend



Subject Site



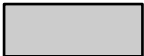
Severed



Retained



Elgin Road Network



Buildings

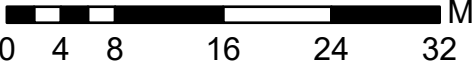


# Location Map

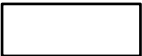


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File Number: E 84-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

**From:** [Joe Gordon](#)  
**To:** [Aisling Lavery](#)  
**Subject:** Notices of Application for Consent E84/21 & E85/21  
**Date:** November 18, 2021 8:04:02 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

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Good morning Aisling

Please accept this email as confirmation that staff of KCCA have reviewed the following notices of application for consent and that based KCCA's mandate and policies, we have no objection to their approval:

E84/21 – 223 Prospect Street (proposed severed lot located outside of KCCA natural hazard regulation)

E85/21 – 931 Front Street (KCCA permit required prior to any proposed construction)

Thank you for the opportunity to comment.

Have a good day!

Thank you,  
**Joe Gordon**

---

**Assistant Manager**  
**Supervisor of Planning & Conservation Areas**  
Kettle Creek Conservation Authority  
Tel: (519) 631-1270 ext.226  
Fax: (519) 631-5026  
[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)

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cid:image001.jpg@01CF0DFB.E01B9490



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain*



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 84-21  
OWNER: 1551945 Ontario Limited (David Russell)  
PROPERTY: LOT NO. Lot 8 and 9 CONCESSION:  
REG'D PLAN: 158 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....
- 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:** Planning Division, County of Elgin  
**Date:** November 24, 2021  
**Application:** E 84-21

**Owner:**  
**1551945 Ontario Limited (David Russell)**  
382 Queens Avenue  
London ON N6B 1X6

**Agent:**  
**Ted Hawla**  
242 Edward Street  
Port Stanley ON N5L 1A4

**Location:** 223 Prospect Street, legally described as Lot 8 and 9 RP 158, MUNICIPALITY OF CENTRAL ELGIN.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 23.7 metres (77.76 feet) by a depth of 24.0 metres (78.74 feet) and an area of 0.05 hectares (0.14 acres) for future residential use. The applicants are retaining a parcel with an area of 0.4 hectares (0.91 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Settlement Area Tier 1

**Local Municipality Official  
Plan**

Residential, Natural  
Heritage, and Natural  
Hazard

**Local Municipality Zoning  
By-law**

Residential Zone 1 (R1) and  
Open Space Zone 3  
(OS3) of the Village of Port  
Stanley Zoning By-law No.  
1507

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommendation for deferral.

*County Engineering* – Indicated this application is not on a county road.

*Kettle Creek Conservation Authority* – Proposed severed lot located outside of KCCA natural hazard regulation.

**COMMITTEE INFORMATION AND REQUEST FOR DEFERRAL:**

The retained lands contain a Woodland Overlay as per Appendix 1 of the County's OP. Though the application is proposed to maintain the feature entirely within the retained lands, no environmental studies or information has been submitted to demonstrate that the lot limit

is acceptable, and that there will be no negative impacts to the Woodland as a result of the lot creation, or future development.

Preliminary comments from the Municipality of Central Elgin have also indicated that a Geotechnical Analysis, Issues Scoping Report (ISR) and Environmental Impact Study (EIS) are needed, and that additional zoning and site information have been requested from the applicant, to demonstrate that existing development conforms with the Village of Port Stanley Zoning By-Law 1507, confirmation of off-street parking availability, and confirmation of the suitability of conversion of the existing detached accessory building to a single detached dwelling.

The Planning Division recommends deferral of these applications pending the submission of the supporting information as noted by the Municipality of Central Elgin and the County of Elgin.

**RECOMMENDATION:**

As application E 84-21 does not meet the criteria of the Elgin County Official Plan or the Provincial Policy Statement (PPS) (no negative impacts on significant environmental features), and as requested by the Municipality of Central Elgin, planning staff recommend deferral of this application.

November 15, 2021

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R5V1

To Whom It may Concern;

Re: Notice of Application For Consent, Application No. E84-21

We are writing to you with regards to the above as we have some concerns about this application. The subject property is located on the side of a ravine adjacent to a natural hazard zone. While there is an existing garage on the proposed severance lot, it has a cement slab foundation. When the garage was built there were concerns about its construction and how it would affect the ravine and surrounding area. Building a residence in its place would require serious excavation. While we are not experts, we believe that building a new below grade foundation would have a detrimental effect on the site and surrounding properties. The site does not appear to be physically suited to accommodate the proposed purpose.

The company which is applying for the severance is a housing rental company. The existing house on the property is presently rented out and has been for several years. The purpose for the severance is to build a residence which in all likelihood will also be rented out possibly with multiple rental units. Rented homes are generally not maintained to the same level as home owner occupied homes. There is a concern that our street will have rental homes on it which will not be maintained.

We believe this severance would not be in keeping with the character of the neighbourhood. If the purpose of the severance is not desired then proceeding with it would be moot.

Sincerely,



Jim and Karen Ferrie  
231 Prospect Street  
Port Stanley, Ontario  
N5L1A6

[karenjimferrie@gmail.com](mailto:karenjimferrie@gmail.com)  
519-782-4927

229 Prospect St.  
Port Stanley, ON N5L 1A6

November 18, 2021

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, ON N5R5V1

To Whom It May Concern,

Re: Notice of Application for Consent, Application No. E84-21

We are writing to express our concern regarding the application to sever 223 Prospect St., Port Stanley, the property that borders our own on the south side.

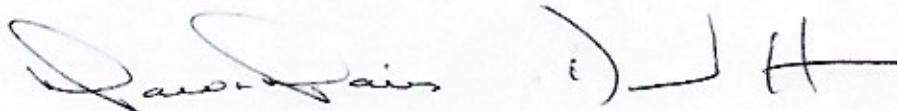
As you know, these properties—and several other neighbouring ones—are on the edge side of a ravine adjacent to a natural hazard zone. There is an existing garage on the proposed severance lot with a cement slab foundation. Although the garage was built prior to our purchase of our property, we understand that there were concerns about the construction and how it would affect the ravine and surrounding area.

If the property were severed and a building with a foundation other than slab on grade built, we have grave concerns that the foundation would disrupt the flow of water around the foundation, likely diverting most of it downhill to the north into our property. We have already invested in enlarged French drains to carry away water the flows over our property from the street in that area because it was washing out the south end of our back patio. Additional water would be dangerously destructive.

Additionally, the company applying for the severance is a housing rental company. The existing house on the property is presently rented and has been for several years. The clear purpose for the severance is to build rental accommodation. We are concerned that a purpose-built rental property may not be maintained to the level of the other owner-occupied homes on the street and so we believe this severance would not be in keeping with the character of the neighbourhood.

Thank you.

Kind regards,

The block contains two handwritten signatures. The first signature on the left is written in cursive and appears to read 'Dawn Davis'. The second signature on the right is more stylized, starting with a large 'D' and ending with a horizontal line, likely representing 'David Harris'.

Dawn Davis and David Harris  
[dharris16@mac.com](mailto:dharris16@mac.com)  
416 878 5767





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 85-21**

**431 FRONT STREET  
PT LOTS 13 AND 14 RP 73  
MUNICIPALITY OF CENTRAL ELGIN**

**TAKE NOTICE that** an application has been made by **1551945 Ontario Limited (David Russell)**, 382 Queens Avenue, London ON N6B 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 431 Front Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 15 metres (49.21 feet) by a depth of 24.0 metres (78.74 feet) and an area of 0.03 hectares (0.09 acres) for future residential use. The applicants are retaining a parcel with an area of 0.04 hectares (0.1 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 NOVEMBER 24, 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](mailto: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 1<sup>st</sup> day of November, 2021.

Aisling Laverty  
Secretary-Treasurer  
Land Division Committee

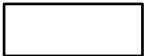
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



## Legend



Subject Site



Severed



Retained



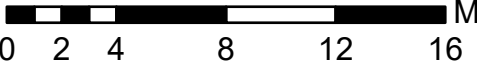
Elgin Road Network

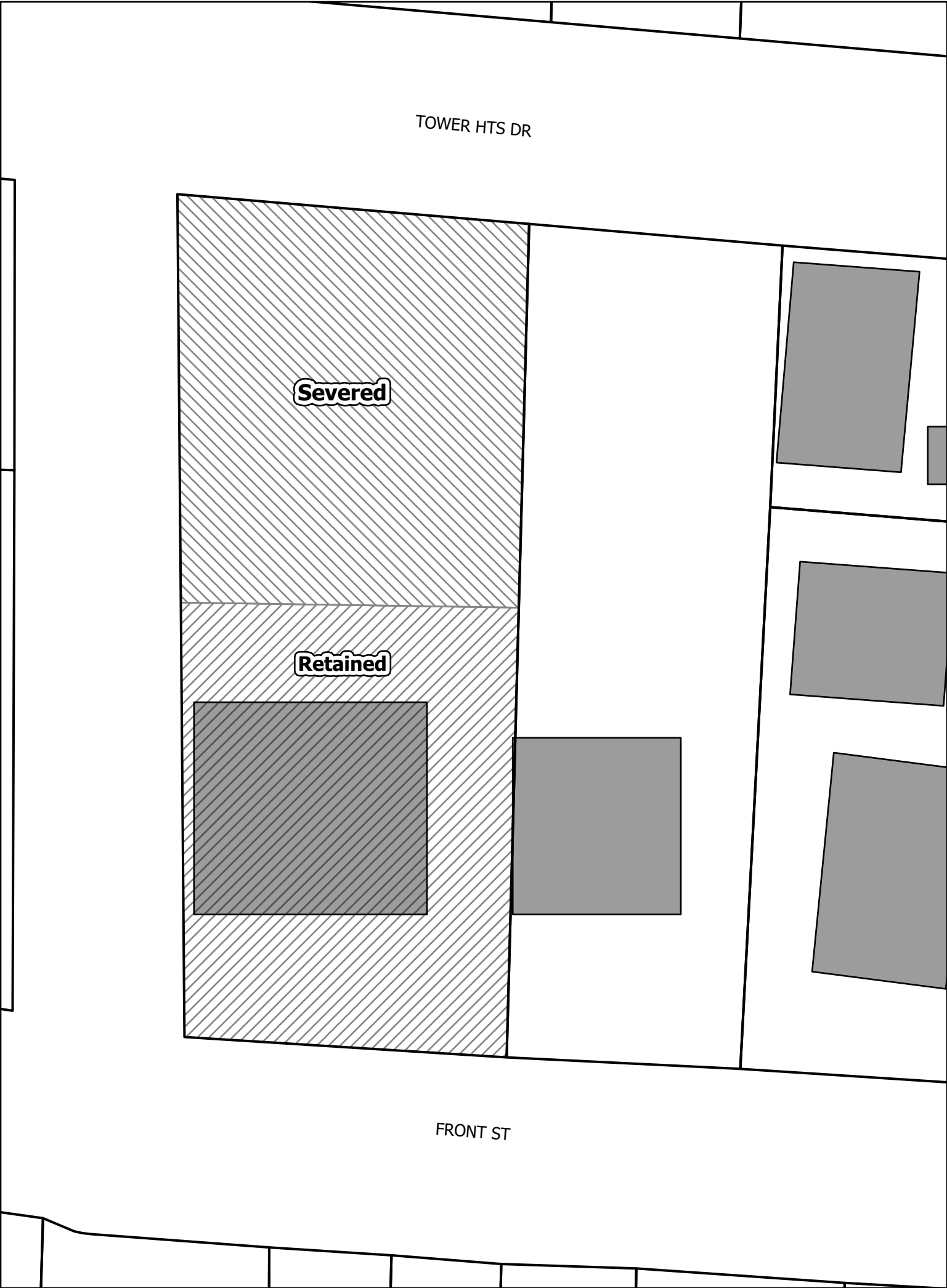


Buildings

Subject Site: 431 Front Street  
File Number: E 85-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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

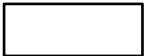




# Location Map



## Legend



Subject Site



Severed



Retained



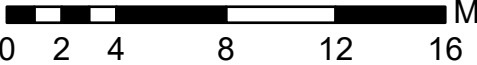
Elgin Road Network



Buildings

Subject Site: 431 Front Street  
File Number: E 85-2021  
Owner: 1551945 Ontario Limited (David Russell)  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



**From:** [Joe Gordon](#)  
**To:** [Aisling Lavery](#)  
**Subject:** Notices of Application for Consent E84/21 & E85/21  
**Date:** November 18, 2021 8:04:02 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

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Good morning Aisling

Please accept this email as confirmation that staff of KCCA have reviewed the following notices of application for consent and that based KCCA's mandate and policies, we have no objection to their approval:

E84/21 – 223 Prospect Street (proposed severed lot located outside of KCCA natural hazard regulation)

E85/21 – 931 Front Street (KCCA permit required prior to any proposed construction)

Thank you for the opportunity to comment.

Have a good day!

Thank you,  
**Joe Gordon**

---

**Assistant Manager**  
**Supervisor of Planning & Conservation Areas**  
Kettle Creek Conservation Authority  
Tel: (519) 631-1270 ext.226  
Fax: (519) 631-5026  
[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)

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cid:image001.jpg@01CF0DFB.E01B9490



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain*

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 85-21

OWNER: 1551945 Ontario Limited (David Russell)

PROPERTY: LOT NO. Pt of Lot 13 and 14 CONCESSION:

REG'D PLAN: 73 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed and retained lots.....
- 10) The County has no concerns.....
- 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:** Planning Division, County of Elgin  
**Date:** November 24, 2021  
**Application:** **E 85-21**

**Owner:**  
**1551945 Ontario Limited (David Russell)**  
382 Queens Avenue  
London ON N6B 1X6

**Agent:**  
**Ted Hawla**  
242 Edward Street  
Port Stanley ON N5L 1A4

**Location:** 431 Front Street, legally described as Pt Lots 13 and 14 RP 73, MUNICIPALITY OF CENTRAL ELGIN.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 15 metres (49.21 feet) by a depth of 24.0 metres (78.74 feet) and an area of 0.03 hectares (0.09 acres) for future residential use. The applicants are retaining a parcel with an area of 0.04 hectares (0.1 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 1

**Local Municipality Official  
Plan**  
Residential, Natural  
Heritage, and Natural  
Hazard

**Local Municipality Zoning  
By-law**  
Residential Zone 1 (R1) of  
the Village of Port Stanley  
Zoning  
By-law No. 1507

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommendation for deferral.

*County Engineering* – Indicated this application is not on a county road.

*Kettle Creek Conservation Authority* – KCCA permit required prior to any proposed construction.

**COMMITTEE INFORMATION AND REQUEST FOR DEFERRAL:**

Preliminary comments from the Municipality of Central Elgin has indicated that additional studies (Geotechnical Analysis, Issues Scoping Report (ISR) and Environmental Impact Study (EIS)), zoning and site information have been requested from the Applicant, to demonstrate that existing development conforms with the Village of Port Stanley Zoning By-



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Law 1507, confirmation of off-street parking availability, and confirmation of the location of an air conditioning unit (and possible encroachment on the Invererie Heights Lane municipal road allowance).

The Planning Division recommends deferral of this application pending the submission of the supporting information as noted by the Municipality of Central Elgin.

**RECOMMENDATION:**

At the request of the Municipality of Central Elgin, planning staff recommend deferral of this application.

**From:** [Frank Oliva](#)  
**To:** [Dawn Wittland-Graham](#)  
**Cc:** [cihannigan@gmail.com](mailto:cihannigan@gmail.com); [Tracey Otter](#)  
**Subject:** Application No. E 85-21  
**Date:** November 8, 2021 12:20:48 PM

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This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To who it may concern,

We are interested in receiving a link to this application as I am a neighbor who will be directly affected by this severance. We would like to know how this process is evaluated and measured. As a neighbour who look directly at this property on Tower Heights, I have concerns with the fact that it is a corner lot already on a tight and limited roadway. There is a parking lot also at this corner that can have a number of cars being parked at any given time and can be quite congestive. Recently, I have seen that you require a neighbour, at the opposite corner of Tower Heights, to modify a fence that they had installed to have sight line requirements. If the purpose of severing the land is to build a new building, then this would add to the problem of sight lines being diminished and pose a safety threat. Also, when the notification signs were being put up by the applicant, I spoke with him to ask why they were severing the land. He explained to me the reason but then asked if I had any concerns to speak direct with him and not the Township. I found that to be odd. His name was Ted Halwa and he said he works for this individual applying for this application.

There are a number of concerns from safety, overbuilding, parking, environmental impacts etc... we are definitely opposed of this getting passed. Please let us know of the criteria Central Elgin follows on these types of applications and how many have been approved in the past.

Thank you on this matter,

Frank Oliva  
Tracey Lee

**From:** [Nancy Pasato](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** FW: Application E 85-21  
**Date:** November 9, 2021 2:15:32 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**From:** Dr. Jason Morris  
**Sent:** November 9, 2021 1:49 PM  
**To:** Aisling Lavery <alavery@ELGIN.ca>  
**Subject:** [Application E 85-21](#)



Hello

I recently received notice and would like to participate in the call regarding this application.

Application E 85-21  
431 Front Street - Port Stanley

Thank you  
jason

--

Dr  
Studio Eye Care

Jason

Morris

---

**From:** [Nancy Pasato](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** FW: Severance Application File No. E 85/21  
**Date:** November 15, 2021 8:55:12 AM

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

From: Kim Yuhasz  
Sent: November 14, 2021 9:47 PM  
To: Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
Subject: Severance Application File No. E 85/21

This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ashley,

My name is Kim Yuhasz and I own and reside at 427 Front Street, Port Stanley.

I am opposed to the application being made by Mr. David Russell, Severance Application File No. E 85/21 (431 Front Street, Port Stanley) Geographically and environmentally it would be a good decision to not allow this application to go through; it is a very small corner lot, with no possibility of adding more driveway space, so all of the vehicles for both houses will end up parking along the surrounding roads; there is already enough congestion on Front Street, Invererie Heights Lane and Tower Heights Drive, so to add numerous vehicles along the roadside creates a hazard for any emergency vehicles trying to manoeuvre around the corner off of Front Street, to any private home in that area.

As well, I am concerned about the possibility of the construction of another house on said property, disturbing the underground spring in the back area of the property, which I understand keeps that area quite wet, and could potentially create unforeseen problems for surrounding properties.

I am also not in favour of more rentals in our neighborhood, creating transient traffic, that could potentially be changing hands weekly. To crowd another house onto the back of that property isn't in the best interest of our neighbourhood as a whole. I don't believe that this application for severance is being done as a personal improvement to one's own home and property.

Hopefully, Central Elgin will consider our concerns as residents who take pride in where we live, and want to maintain the value of our property, the safety of our neighbourhood, and the visual aesthetic of well managed private homes.

Please ensure that this email is shared with Council members prior to the teleconference.

Regards

Kim Yuhasz



**From:** [Nancy Pasato](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** FW: Application NO. E 85-21 Re 431 Front Street  
**Date:** November 15, 2021 8:50:14 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**From:** scott Willoughby  
**Sent:** November 12, 2021 2:45 PM  
**To:** Aisling Lavery <alavery@ELGIN.ca>  
**Cc:** 'Kathy Willoughby'  
**Subject:** Application NO. E 85-21 Re 431 Front Street

Hi Aisling,

My wife Kathy (who is cc'd) and I live at 433 Front Street. The only thing that is between us and 431 Front Street In Invererie Heights Lane.

We are very much apposed to this application. It seems that people like David Russell are trying to jam as many dwellings as they possibly can into small places. He is obviously not planning to severe this lot to live in one, but he intends to sell at least one to make money from this.

I am all for someone making a profit and seeing our community grow. It is Central Elgin's job to ensure that this growth is done in a way that benefits all of us living here. By allowing this application council will only be benefitting one person and it would add to the congestion, traffic & parking problems that we already have on Front Street.

Please ensure that this email is shared with Council Members and send me the link to the video/teleconference.

Thanks,

Scott

**Scott Willoughby** | Principal Advisor | **Willow Tree Wealth Management Inc**

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