



LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, December 15th, 2021

- 9:00am Approval of November 24, 2021 Meeting Minutes
- Inquiries from Land Division Committee Members
- 9:20am E 87-21 A. May Gifford CO Ken Gifford
 37362 Lake Line Road – Township of Southwold
- 9:30am E 89-21 Community of Christ
 54246 Eden Line – Municipality of Bayham
- E 90-21 Community of Christ
 54246 Eden Line – Municipality of Bayham
- 9:40am E 91-21 Argyle Farms Brookwood Inc & Argyle Hills Inc
 30734 Silver Clay Line – Municipality of Dutton Dunwich
- 9:50am E 92-21 Rockx Farms Limited
 49779 Lyons Line – Township of Malahide

**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 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 – November 24, 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, John Andrews, Dugald Aldred, Nancy Pasato, Manager of Planning & Acting Secretary-Treasurer, Dawn Wittland-Graham, Administrative Assistant, and Brian Lima, General Manager of Engineering, Planning & Enterprise/Deputy CAO.

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 (October 27, 2021):

Moved by: Jack Van Kasteren

Seconded by: Rosemary Kennedy

That the minutes of the meeting held October 27, 2021 be adopted.

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)	Yes	

- **Carried**

Revised Decision E 63-21:

Moved by: Dennis O’Grady

Seconded by: John Seldon

That the decision for application E 63-21 is revised to reflect the following:

ORIGINAL PROPOSAL

The applicant proposes to sever a lot with a frontage of 267 metres (876.0 feet) along Wonderland Road, by a depth of 228 metres (114.83 feet) and an area of 5.83 hectares (14.41 acres) for future industrial use. The owner is retaining 12.82 hectares (31.68 acres) for future industrial uses.

AMENDED PROPOSAL

The applicant proposes to sever a lot with a **frontage of 286.1 metres (938.64 feet) 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) for future industrial uses.**

Recorded Vote

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

- **Carried**

Items for Consideration:

Staff Change

Committee Comments:

Brian Lima announces the resignation of Manager of Planning, Nancy Pasato, effective December 7th, 2021. He assured the Committee the County staff is working on every aspect of this transition to make sure any meetings and correspondence with the Committee will continue with as little interruption as possible.

Items for Consideration:

Report to Council – LDC 2021 Activities

Committee Comments:

Ian Fleck would like to be added as a Delegation on December 9th to attend the Council Meeting in regards to the Land Division Committee Report

Items for Consideration:

Issues with Signs posted in regards to Central Elgin applications

Committee Comments:

Due to the request for deferral, Dennis will do another site visit once rescheduled meeting has been determined

Items for Consideration:

Deferrals for Applications in Central Elgin

Committee Comments:

Jack VanKasteren – Would or should the 4 Applications in Central Elgin be considered, if the signs had been posted properly, regardless of the request to defer from Central Elgin's Council?

Dennis O'Grady – What is an Issues Scoping Report and what is the purpose?

9:30am - Application E 81-21

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

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.

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

Owner: Darren Deleebeeck was present in person

Written submissions were received from the following:

1. **Township of Malahide** – Council recommends approval of this application subject to the conditions provided.
2. **Conservation Authority** – No comments provided.
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: Rosemary Kennedy

Seconded by: John Andrews

That severance application E 81-21 be approved subject to the following conditions:

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, 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.

Recorded Vote E 81-21

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

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

- **Carried**

Reasons: Creation of a new lot.

9:40am - Application E 86-21

Orford Sand & Gravel, 6858 14th Line, Merlin ON N0P 1W0

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.

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

Agents: Matt Campbell was present electronically
Lee Greenwood was present electronically

Written submissions were received from the following:

1. **Municipality of West Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Conservation Authority** - 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.
3. **Engineering Services** – Subject to the provided conditions related to road widening, direct connection to a legal outlet, entrance permits and lot grading.
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 Andrews
Seconded by: Jack Van Kasteren

That severance application E 86-21 be approved subject to the following 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 to 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.

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

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.

Recorded Vote E 86-21

Yes

No

John Andrews (Southwold)

Yes

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

- **Carried**

Reasons: Creation of a new lot.

9:50am - Application E 88-21

Janet Rae Williamson, 8684 Centennial Road, St. Thomas ON N5P 3S6

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.

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

Agent: Amy Dale was present electronically

Owner: Janet Williamson was present electronically

Written submissions were received from the following:

1. **Municipality of Central Elgin** – Council recommends approval of this application subject to the conditions provided.
2. **Conservation Authority** – No comments provided.
3. **Engineering Services** – The County has no objections, 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: Rosemary Kennedy

That severance application E 88-21 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
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 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;
5. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner; and
6. That the retained subject lands are deeded in the same name and interest as the abutting lot at 8662 Centennial Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

Additionally, the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. That the Applicant demonstrate that the retained lot conforms with the 1,852m² minimum lot area requirement of the R1 zone (9.2.1.3.2);
2. That the severed land be merged in title with the abutting lot 8662 Centennial Road;
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
4. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan and
6. A drainage reassessment be done, if necessary at the owner's expense, to the satisfaction of the Municipality.

Recorded Vote E 73-21

	Yes	No
John Andrews (Southwold)	Yes	
John "Ian" Fleck – Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	

Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred (West Elgin)	Yes

- **Carried**

Reasons: Addition to abutting lot.

10:00am - Application E 82-21 & E 83-21:

1551945 Ontario Limited (David Russell), 382 Queens Avenue, London ON N6B 1X6

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.

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

Agent: Ted Hawla was present electronically

Owner: David Russell was present electronically

Public: Kim McGregor-Froud was present in person

Suzan Redmond was present in person

Written submissions were received from the following:

- 1. Municipality of Central Elgin** – Recommendation for deferral.
- 2. Conservation Authority** – Request that any decision be deferred until KCCA has had an opportunity to review and comment on the pending geotechnical evaluation.
- 3. Engineering Services** – Indicated this application is 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** - Three comments were received from members of the public regarding this application and potential impacts on the neighbourhood.
 - Kim McGregor-Froud – Has Safety and Heritage concerns. Does Mr. Russel have enough land to sever his own property? Why is he submitting this application? When is enough, enough? Is this making a positive mark on the community?
 - Suzan Redmond – Has just bought the property to the west and is opposed. Concerned in regards to the integrity of the land has been filled in by the ravine. Has the same strong concerns about safety – foot traffic as well as cars. The only

way out of the community if there is some sort of disaster.

- Kevin Miller – Has concerns with the safety aspect in regards to the current 5 driveways within 250 feet and feels adding 2 more will increase the already high safety issues on this road.

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

Moved by: Dug Aldred

Seconded by: Dennis O’Grady

That severance application E 82-21 and E 83-21 be deferred for additional studies, with new circulation as required once rescheduled:

Recorded Vote E 82-21 & E 83-21	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)		No
Dugald Aldred (West Elgin)	Yes	

- Carried.

Reasons: Creation of a new lot for each application.

10:10am - Applications E 84-21:

1551945 Ontario Limited (David Russell), 382 Queens Avenue, London ON N6B 1X6

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.

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

Agent: Ted Hawla was present electronically
Owner: David Russell was present electronically
Public: Kim McGregor-Froud was present in person

Written submissions were received from the following:

- 1. Municipality of Central Elgin** – Recommendation for deferral.
- 2. Conservation Authority** – Proposed severed lot located outside of KCCA natural hazard regulation.
- 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** – Three comments were received from members of the public regarding this application and potential impacts on the neighbourhood.

- Kim McGregor-Froud – Asked Mr. Russell to extend his thoughts as to how he would like his own property would be developed.

- Jim and Karen Ferrie – Have concerns with how any future construction and excavation will affect the ravine and surrounding area. Also concerned with future rental of the construction and the possible lack of maintenance, which would not be in keeping with the neighbourhood.

- Dawn Davis & David Harris - Have concerns with how any future construction and excavation will affect the ravine and drainage of surrounding area. Also concerned with future rental of the construction and the possible lack of maintenance, which would not be in keeping with the neighbourhood.

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

Moved by: Dennis O’Grady

Seconded by: John Andrews

That severance application E 84-21 be deferred for additional studies, with new circulation as required once rescheduled:

Recorded Vote E 84-21	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	

John Seldon (Bayham) Yes

Jack Van Kasteren (Aylmer) No

Dugald Aldred (West Elgin) Yes

- **Carried.**

Reasons: Creation of a new lot.

10:20am - Applications E 85-21:

1551945 Ontario Limited (David Russell), 382 Queens Avenue, London ON N6B 1X6

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.

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

Agent: Ted Hawla was present electronically

Owner: David Russell was present electronically

Public: Frank Oliva was present electronically

Jason Morris was present electronically

Kim McGregor-Froud was present in person

Written submissions were received from the following:

1. Municipality of Central Elgin – Recommendation for deferral.

2. Conservation Authority – Permit required prior to any proposed construction.

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

- Frank Oliva – This area has tight roadways, parking and walking are concerns on both streets of this corner lot, as well as sightlines. Emergency services access is also a large concern. There are also erosion concerns and Front St is slated for potential erosion control in the coming year or two. There is a parking lot across the street but it tends to be used more for storage instead of parking.
- Jason Morris – Agrees with all previous comments. He feels that the direction of the severance does not continue in the direction of the current neighbourhood.

- Kim Yuhasz – Repeats the concerns of the size of the lot, parking and emergency services access. There is also the concern of disturbing the underground spring at the back of the current property. She also does not feel this application is in the best interests of the neighbourhood.
- Scott & Kathy Willoughby – Are very much opposed to this application. They feel this application will benefit only the applicant and granting this will only add to the congestion, traffic and parking problems they already deal with in this area.

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

That severance application E 85-21 be deferred for additional studies, with new circulation as required once rescheduled:

Recorded Vote E 85-21	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)		No
Dugald Aldred (West Elgin)	Yes	

- Carried.

Reasons: Creation of a new lot.

10:56am - Adjournment

The Chair adjourned the meeting at 10:56 am.

Nancy Pasato, Acting Secretary-Treasurer

John “Ian” Fleck, Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 87-21**

**37360 LAKELINE ROAD
PLAN 39 PT BLK K RP 11R849 PART 1
TOWNSHIP OF SOUTHWOLD**

TAKE NOTICE that an application has been made by **Ken Gifford, Dr. Doug MacMillan, Greg MacMillan, Jane Luftenegger, Jennifer May Gifford**, 37360 Lakeline Road, Port Stanley ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37360 Lakeline Road, Township of Southwold.

The applicants propose to sever a parcel with an area of 0.46 hectares (1.14 acres), to be conveyed to the adjacent property at 37362 Lakeline Road. The applicants are retaining a parcel with an area of 11.75 hectares (29.03 acres), containing a house and one storage barn, proposed to remain in residential use.

The applicants are also proposing to create an easement 9.15 metres (30.02 feet) wide and 135.7 metres (445.21 feet) long, over 37362 Lakeline Road, to recognize the existing shared access (common driveway), in favour of 37362, 37360 & 37358 Lakeline Road.

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 DECEMBER 15, 2021 AT 9:20 AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT npasato@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.

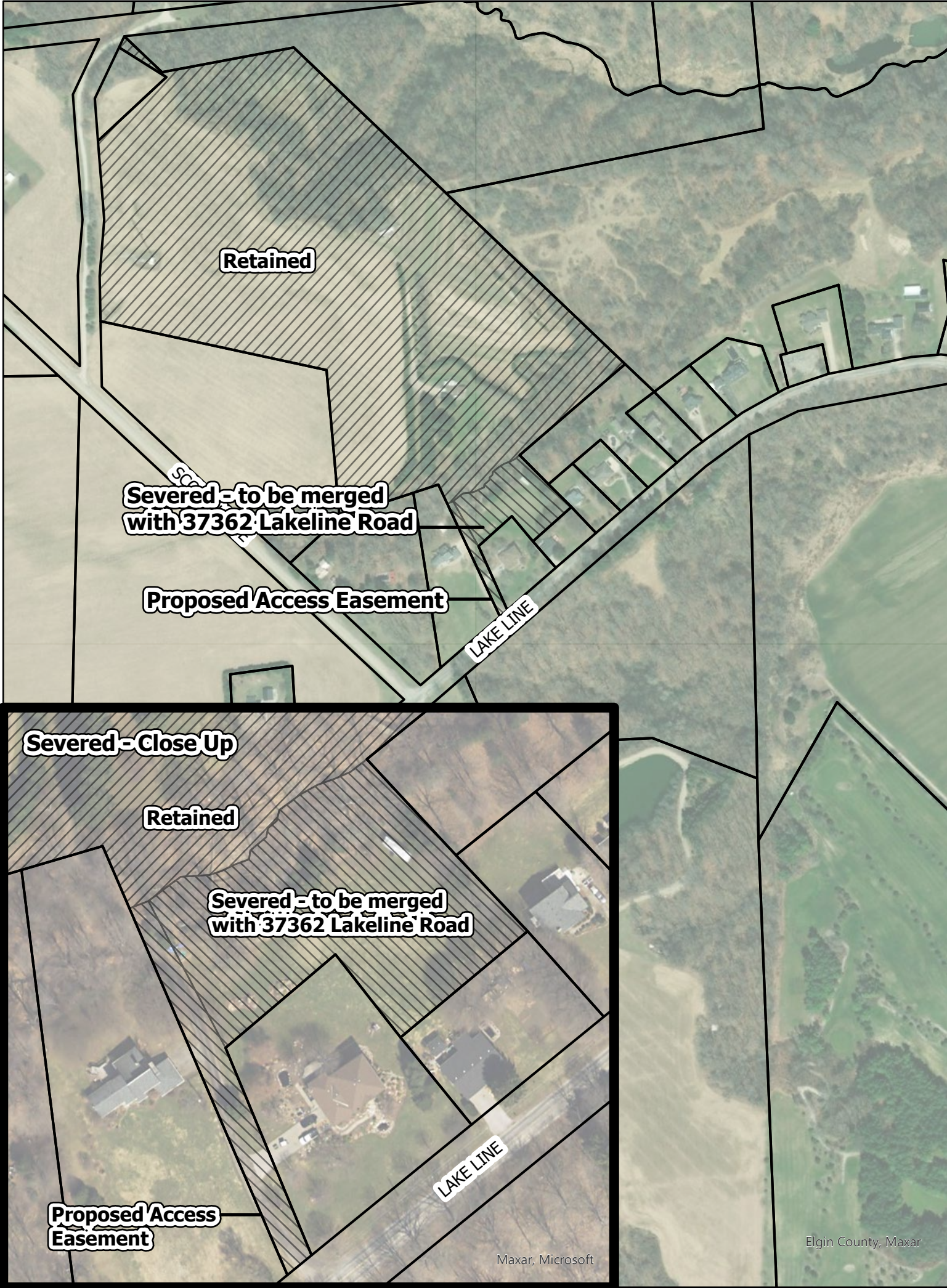
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25th day of November, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
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www.progressivebynature.com

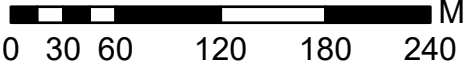


Location Map

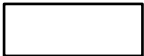


Subject Site: 37362 Lakeline Road
File Number: E 87-2021
Owner: A. May Gifford (estate of)
C/O Ken Gifford
Planner: Nancy Pasato
Created By: AL
Date: 10/12/2021

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



Legend



Subject Site



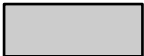
Severed



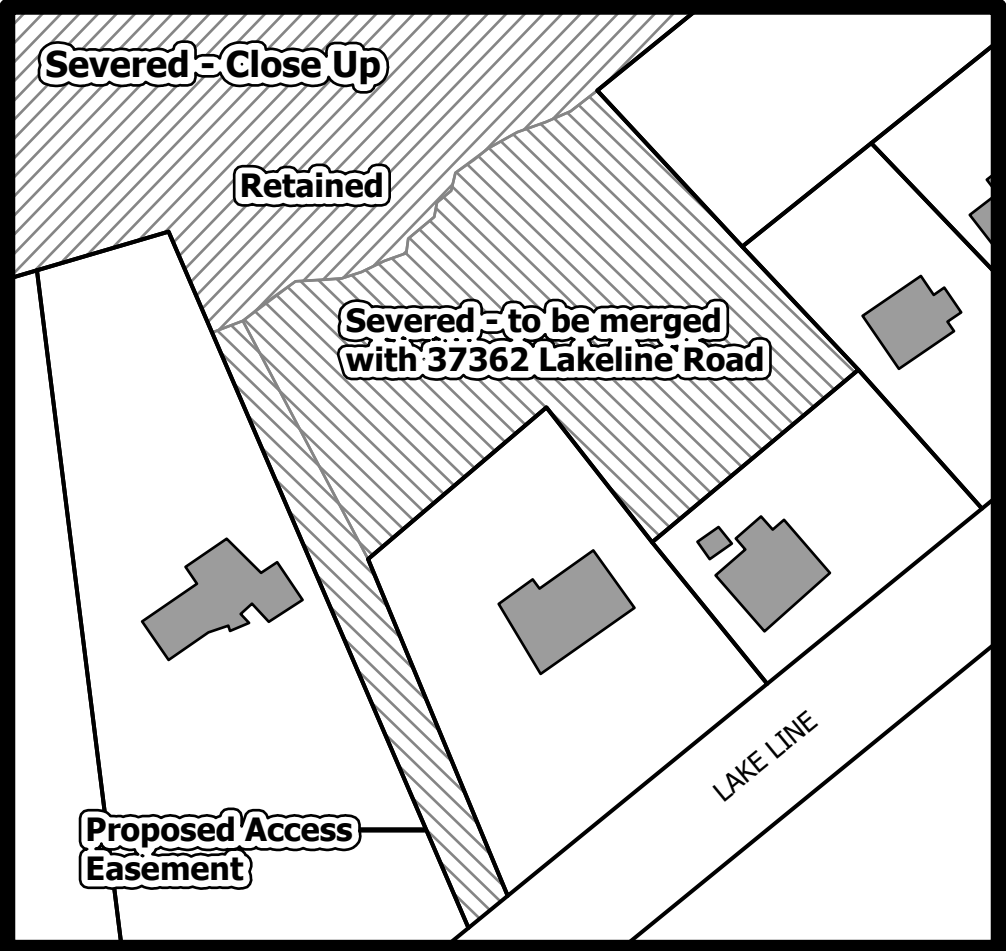
Retained



Elgin Road Network



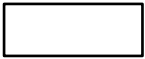
Buildings



Location Map



Legend



Subject Site



Severed



Retained



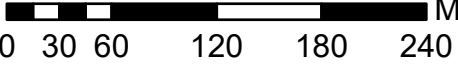
Elgin Road Network



Buildings

Subject Site: 37360 Lakeline Road
File Number: E 87-2021
Owner: Ken Gifford, Dr. Doug MacMillan, Greg MacMillan, Jane Luftenegger, Jennifer May Gifford
Planner: Nancy Pasato
Created By: AL
Date: 10/12/2021

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



September 15, 2021

SBM-21-2279

Attn: Aisling Laverty, Planning Technician Secretary-Treasurer

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

Bryan Pearce, Planner

Township of Southwold
35663 Fingal Line,
Fingal, ON N0L 1K0

RE: Application for Consent for Land Severance – Ken Gifford; 37362 Lake Line Road, Southwold

Dear Ms. Laverty & Mr. Pearce

Strik, Baldinelli, Moniz Ltd. (SBM) has been retained by Ken Gifford for A. May Gifford (landowner) to prepare and submit this application for Consent for Land Severance, addition to a lot located at 37362 Lake Line Road, Southwold.

Please find enclosed:

1. The Consent Application form (with signed authorization)
2. Application Fee of \$1,250 (To be dropped off at the Municipal Office)
3. Severance sketch – 1 plan
4. This cover letter which serves as a Planning Justification Brief
5. Septic Inspection Letters (37360 & 37362 Lake Line Road)

1. Site Description

The subject lands are described as PLAN 39 PT BLK K RP 11R849; PART 1 in the Township of Southwold. The affected parcels are located on Lake Line Road, municipally addressed at 37362 and 37360 Lake Line Road (see Figure 1). The location of the subject lands is also illustrated on the enclosed Severance Sketch.

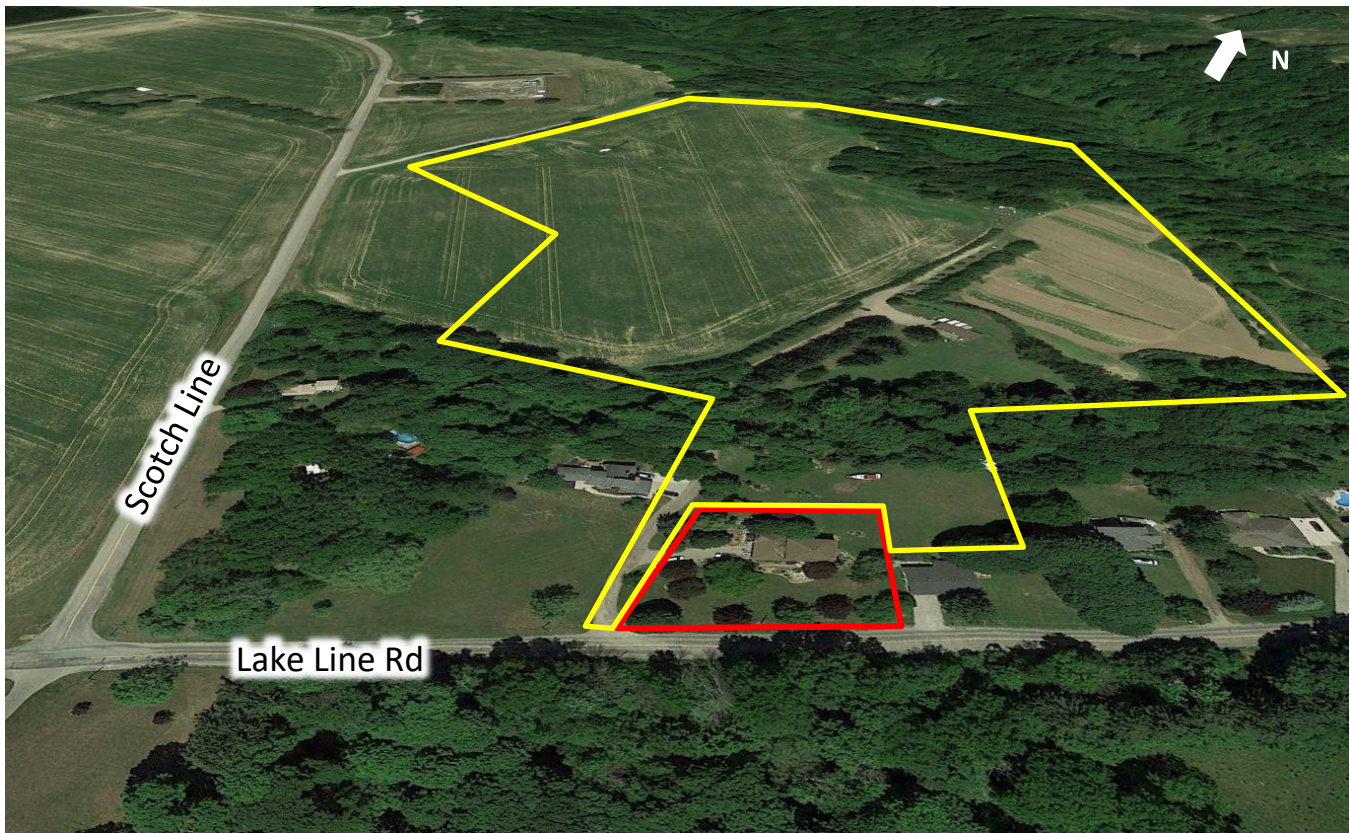


Figure 1. Oblique view of 37362 Lake Line Road (Red) with 37360 (Yellow) in the background

The 37362 parcel is ± 0.32 ha (± 0.78 ac) in area. Existing on the property, there is a 2-story residential dwelling (See **Figure 2**). The residence is serviced via municipal water and septic system.

The 37360 parcel is ± 12.21 ha (± 30.17 ac) in area. Existing on the property, there is an existing storage building. The farm house on the site is serviced via municipal water and septic system.

2. Proposal

The landowner of 37362 is requesting permission to sever 1.14ac of land from 37360 (Gifford Farmland property) and add the severed area to his property at 37362.

At 37360 and 37362 Lake Line Road, the proposal is to:

- a. Sever 1.14 acres of land from 37360 Lake Line Road.
- b. Add the severed land from 37360 to 37362 Lake Line Road.
- c. AREA TO BE SEVERED would be irregular with side measurements of measure approximately ± 46.45 m, ± 71.9 m, ± 68.10 m, ± 47.69 m, ± 30.23 m, & ± 41.55 m and have an area of ± 0.46 ha (± 1.14 ac).
- d. PARCEL TO BE RETAINED at 37360 Lake Line Road would measure approximately ± 11.7 ha (± 28.9 ac) after the severance.
- e. PARCEL TO BE ADDED TO at 37362 Lake Line Road would measure approximately ± 0.78 ha (± 1.93 ac) after the severed land is added.
- f. Establish a right-of-way easement for the three properties (37358, 37360, & 37362 Lake Line Rd) that currently use the common access driveway. The easement is approximately 9m wide and 100m in length and shown on the Severance Sketch.



Figure 2. Existing 2-storey dwelling at 37362 Lake Line Rd

3. Existing and Proposed Zoning

The existing lands at 37362 and the proposed land from 37360 to be severed are currently designated Residential, and are within the Settlement Boundary of North Port Stanley in the Township of Southwold Official Plan Schedule 'A-4'. Some of the area is also marked as Hazards Lands. The remaining lands at 37360 are designated as Agricultural. 37362 and the proposed area to be severed are zoned under the **Residential (R1) Zone**, which permits Home Occupations and Single detached dwellings. The remaining lands at 37360 are zoned under **Agricultural (A1) Zone**, which permits a wide range of agricultural uses. See Zoning tables below for zoning compliance.

RESIDENTIAL (R1)			
Requirement	Required	Existing	Proposed
Min Lot Area (m ²)	1,858.0	3,169.2	7,795.9
Min Lot Frontage (m)	15.0	59.8	59.8
Min Front Yard Setback (m)	6.0	24.7	24.7

Min Interior Side Yard Setback (m)	1.2m except where no garage or carport is attached 1.2m on one side of the building and 2.5m on the other side of the building.	12.3	12.8
Min Exterior Side Yard Setback (m)	6.0	N/A	N/A
Min Rear Yard Setback (m)	9.0	23.8	64.5
Max Lot Coverage (%)	40	7.2	2.9
Max Height (m)	12.0	<12.0	<12.0

AGRICULTURAL (A1)			
Requirement	Required	Existing	Proposed
Min Lot Area (ha)	40.0	11.8*	11.7*
Min Lot Frontage (m)	200	9.15*	9.15*
Min Front Yard Setback (m)	19.0	115.51	68.6
Min Interior Side Yard Setback (m)	Dwellings: 4.5 Other Permitted Use: ½ building height but not less than 4.5m	116.1	116.1
Min Exterior Side Yard Setback (m)	19.0	N/A	N/A
Min Rear Yard Setback (m)	8.0	393.2	393.2
Max Lot Coverage (%)	20	0.15	0.16
Max Height (m)	Single Detached: 12.0 Other Buildings: N/A	<12.0	<12.0

***Does not meet current zoning requirements.**

AGRICULTURAL (A1) REDUCED LOT			
Requirement	Required	Existing	Proposed
Lot Area (m ²)	Min: 1,858.0 Max: 6,000	117,481.0*	116,708.4*
Min Lot Frontage (m)	30	9.15*	9.15*
Min Front Yard Setback (m)	19.0	115.51	68.6
Min Interior Side Yard Setback (m)	1.2	116.1	116.1
Min Exterior Side Yard Setback (m)	6.0	N/A	N/A
Min Rear Yard Setback (m)	8.0	393.2	393.2
Max Lot Coverage (%)	20	0.15	0.16
Max Height (m)	Single Detached: 12.0 Other Buildings: N/A	<12.0	<12.0

***Does not meet current zoning requirements.**

The resulting residential property at 37362 complies with the zoning requirements identified in the Residential R1 table above. As shown in the Agricultural A1 requirements tables, the resulting Agricultural parcel at 37360 will not meet the minimum lot area (40.0ha) or the minimum lot frontage (200.0m). The retained parcel is also too large for the reduced Agricultural lot requirements.

Please note, the existing Agricultural parcel at 37360, currently does not meet these same two requirements of the zoning by-law. The proposed severance does not reduce or expand the existing lot frontage as the existing shared access would remain as is existing. An easement is also proposed along the existing driveway access for 37360, to provide additional shared access for both properties 37358 and 37362.

The area that is to be severed consists of hazard lands and is not able to be used to grow crops or support an agricultural use. This proposal does not reduce the amount of land available for agricultural use at 37360 and will thereby not have a negative effect on the agricultural operations or food production on the property. As mentioned above, the land to be severed is currently designated as Residential and is within the Settlement Boundary in the Township Official Plan as well as zoned Residential in the Zoning By-law.

4. Planning Policy Analysis

4.1. Township of Southwold Official Plan

The application for Consent for Land Severance must conform to the land use policy framework described in the local Official Plan, as follows:

5.1 Agriculture

Agricultural uses will be given the highest priority in the Agricultural Area. Non-agricultural uses will generally be discouraged in the Agricultural Area and will be directed to appropriate settlement areas to preserve agricultural land and to avoid conflicts between farm and non-farmland uses and to preserve the rural character of the area.

The main purpose of the Agricultural Area is to provide a secure land base for agricultural activities. The Township supports the 'Right-to-Farm' concept, and when applying the policies of the Plan, agricultural uses will be given priority over all other in the Agricultural Area.

RESPONSE: There would be no change to the appearance and function of the farm building within the larger cultivable fields area of the farm. This application would maintain the rural character of the landscape and would not impact the ongoing or future farming activities in the area.

6.8.2 Consent Guidelines

a) the size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, points of access, and compliance with the Zoning By-law.

b) the lot must front onto and have direct access to an improved public roadway that is maintained on a year round basis and is of a standard of construction adequate to accommodate the additional traffic generated.

c) Severances will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.

d) Severances may be granted to adjust lot boundaries or to increase the size of existing substandard lots, provided that no new undersized lot is created.

e) The severance must not result in landlocked parcels.

f) the soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province and the Township.

g) The creation of a lot in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area has been identified and has been approved by the affected Conservation Authority.

6.8.6 Agricultural Consent Policies

Land severances in the Agricultural Area may be permitted:

b) to enlarge lots provided that:

i) The viability of the retained lot as a farm parcel is not threatened;

ii) where the proposed enlargement is for a non-farm use justification through an amendment to this Plan is required to demonstrate that the land does not comprise a specialty crop area, there is a need within the planning horizon for additional land and there are no reasonable alternative locations for the expansion which avoid prime agricultural areas; and

iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.

d) to allow minor lot adjustments which do not result in the creation of a new lot.

RESPONSE: In the opinion of the writer, the proposed application has regard for the abovementioned matters. All lots to be retained and severed are sized to appropriately accommodate the intended agricultural and residential uses, respectively. The ongoing farming operations will be maintained on the retained ± 11.7 ha parcel with actively cultivated lands. Although the preferred agricultural parcel area is 40 ha, the retained lot will continue to be large enough to permit flexible and viable farm operation over the long term, especially noting that the land to be severed is partly hazard land that cannot be farmed and is designated residential within the Settlement Boundary.

The proposed Consent for land severance is consistent with the intended regulations and policies of the Township of Southwold Official Plan.

4.2. Official Plan of the County of Elgin

This application for Consent for Land Severance conforms to the land use policy framework described in the Official Plan of the County of Elgin, as described below.

A3 Goals 4. To protect as much of the County's prime agricultural area as possible and to encourage the development of a broad range of agricultural uses, agriculture related uses and secondary uses to ensure that the agricultural industry can continue to thrive and innovate.

RESPONSE: In my opinion, the proposed application is consistent with this overall direction by protecting the lands actively farmed or used for continued agricultural purposes. The request for land severance does not deter, reduce or discontinue farming activities on the retained lot.

C2.4 Lot Creation/Consents

Policies respecting the creation of new lots on lands designated Agricultural Area are set out in Section E1.2.3 of this Plan.

E1.2.3 New Lots By Consent

The approval of consents to sever land in Elgin County shall be in conformity with the relevant policies contained in this Plan, policies contained in local Official Plans, and the provisions of the Planning Act. Under no circumstances shall consents be granted for approval that are contrary to the policies of this Plan or the local Official Plan.

E1.2.3.1 General Criteria

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the to be severed:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*
- b) Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*
- c) Will not cause a traffic hazard;*
- d) Has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*
- e) Notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

- f) Can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*
- g) Will not have a negative impact on the drainage patterns in the area;*
- h) Will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*
- i) Will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*
- j) Will not have a negative impact on the quality of groundwater available for other uses in the area;*
- k) Will not have adverse effect on natural hazard processes such as flooding and erosion;*
- l) Conform with the local Official Plan; and,*
- m) Will conform to Section 51 (24) of the Planning Act, as amended.*

E1.2.3.2 Boundary Adjustments

A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected.

RESPONSE: In my opinion the proposed land severance is consistent with the overall intent of these policies, as follows:

- a) The retained and severed parcels have frontage onto Lake Line Road.**
- b) No Additional traffic is anticipated.**
- c) The severed lots exceed the minimum lot area for residential purposes to continue current municipal water supply and private (septic) sewage.**
- d) The retained lot will continue to be large enough for viable farm operation over the long term as there is no decrease in the amount of usable agricultural land.**
- e) The residential units are currently serviced with private sewage and municipal water systems.**
- f) No drainage, natural feature or hazards impacts are to happen as there is no proposed change to the current built environment on the site.**

There is no new building lot to be created, the residential lot is of sufficient size and there will be no impact to the viability of the retained agricultural parcel.

The proposed Consent for land severance is consistent with the intended regulations and policies of the Official Plan of the County of Elgin.

4.3. PROVINCIAL POLICY STATEMENT (PPS) 2020

Applications for Consent for Land Severance must be consistent with the land use policy framework of the PPS. The PPS policies that apply to the proposal are as follows.

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

a) *accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

2. *private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible.*

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts....

1.6.6.5 Partial services shall only be permitted in the following circumstances:

a) *where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*

b) *within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

RESPONSE: The requested Consent would utilize existing partial services for water and (septic) sewage which is consistent with these provisions.

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time....

2.3.3 Permitted Uses

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses in prime agricultural areas, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

RESPONSE: In our opinion, the proposed Consent proposal would be consistent with the policies because:

a) The area of prime agricultural land is not being reduced;

b) The capability to perform a broad range of agricultural activities is being sustained;

- c) The retained parcel (± 11.7 ha) would be sufficiently large enough to continue viable farm or farm-related operations over the long term; and
- d) The MDS regulations are not applicable.

2.3.4. Lot Creation and Lot Adjustments

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

RESPONSE: The proposed Consent is a lot adjustment and will be removing a predominantly Agricultural parcel and adding it to a Residential lot.

It is our opinion that the proposed Consent for land severance would be consistent with the intended policies of the Provincial Policy Statement.

5. Conclusion

Hence, based on the nature of the existing and proposed land uses and land designations/zoning of the subject lands, the sufficiency of the lots sizing, and the adequacy of servicing, it is in my professional opinion that the proposal has demonstrated to be generally consistent with the relevant planning policies.

Please feel free to contact the writer should you require more information or have questions about this submission. Thank you.

Respectfully,

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical



Laverne Kirkness, BES, RPP, MCIP.
Principal Planner, Planning Division Manager



Jamie Robertson, CPT
Planning Technician

Encl

SEPTIC INSPECTION LETTER

TO: Ken Gifford

ADDRESS: 37360 Lake Line Pt Stanley

DATE: Aug 27/21

After a visual inspection of the septic system I found the following
The system is a class 4
Soil conditions are a sand

Septic tank

One compartment tank
Approximant 600 gallon in size
Made of concrete
Both inlet and outlet baffles are intact
Located on North side of house

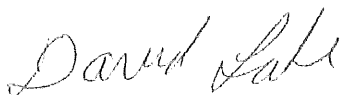
Septic bed

The approximant location of the septic bed would be at the North side of the property
The leaching bed is trench system
There are no visual signs that the septic bed is falling

SEPTIC INSPECTION LETTER IS ONLY VALID DAY OF INSPECTION

Thank you

David Lake



BCIN 14195

David Lake
1222 Talbot Street St.Thomas On N5P 1G9
519-808-9384 david@lakeservices.ca

SEPTIC INSPECTION LETTER

TO: Ken Gifford

ADDRESS: 37362 Lake Line Pt Stanley

DATE: Aug 27/21

After a visual inspection of the septic system I found the following
The system is a class 4
Soil conditions are a sand

Septic tank

Two compartment tank
Approximant 1500 gallon in size
Made of concrete
Both inlet and outlet baffles are intact
Located on south side of house

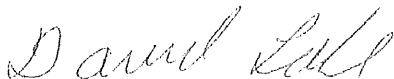
Septic bed

The approximant location of the septic bed would be at the south side of the property
The leaching bed is a trench system
There are no visual signs that the septic bed is failing

SEPTIC INSPECTION LETTER IS ONLY VALID DAY OF INSPECTION

Thank you

David Lake



BCIN 14195

David Lake
1222 Talbot Street St.Thomas On N5P 1G9
519-808-9384 david@lakeservices.ca

VIA EMAIL ONLY

November 29, 2021

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

Ms. Pasato:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E87-21
Legal Description: Block F and I and Part Block K, Plan 39
Civic Address: 37360 Lake Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the November 8, 2021, Council Meeting and passed the following resolution:

Council Resolution 2021-306

THAT Council of the Township of Southwold receive Report PLA 2021-36 regarding Severance Application E87-21 – Comments to the County of Elgin;

AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E87-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-36;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-36 as Municipal comments to the County of Elgin.

CARRIED

Please find attached the following documentation, as it relates to the above noted file:

1. Planning Staff Report PLA 2021-36: Severance Application E87-21 Comments to County of Elgin, dated November 8, 2021; and
2. E87-21 Municipal Appraisal Form.

The Township requests that the County provide any revisions to this project to the Township; and any Notice of Decision rendered by the County of Elgin Land Division Committee on this above-noted file.

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

Yours truly,

Bryan Pearce

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner

Township of Southwold

35663 Fingal Line

Fingal, Ontario N0L 1K0

Office: 519-769-2010

Cell: 519-280-1028

Email: planning@southwold.ca

Encl.

Cc:

Dawn Wittland-Graham, Admin. Assistant Engineering and Planning Services, County of Elgin (Email: dwittlandgraham@elgin.ca)

Owner: Estate of A. May Gifford, c/o Ken Gifford (Email: kenggifford@outlook.com)

Applicant/Agent: Laverne Kirkness, SBM (Email: lkirkness@sbmltd.ca)



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: November 8, 2021

PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP, Planner

REPORT NO: PLA 2021-36

SUBJECT MATTER: Consent Application E87-21 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2021-36 regarding Consent Application E87-21 – Comment to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E87-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-21;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-36 as Municipal comments to the County of Elgin.

Purpose:

The proposal is a lot addition from the farmlands at 37360 Lake Line (Gifford Lands), to the residential lot within North Port Stanley, located at 37362 Lake Line (Ken Gifford Lands). Also, the intent is to formalize an easement for access for the 2 above-noted properties, as well as the property to the west, being 37358 Lake Line.

Background:

Below is a background information, in a summary chart:

Application	E87-21
Owner	Estate of A. May Gifford c/o Ken Gifford
Applicant	Laverne Kirkness, Principal Planner, SBM
Legal Description	Block F and I and Part Block K, Plan 39
Civic Address	37360 Lake Line
Entrance Access	Lake Line
Water Supply	Municipal Water
Sewage Supply	Privately owned and operated individual septic system
Existing Land Area	12.2 ha (30.2 ac)

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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E87-21	0 m (0 ft)	Irregular	4,626.7 sqm (0.46 ac)	9.15 m (30.0 ft)	Irregular	11.7481 ha (28.9 ac)

The Public Hearing is not scheduled to-date, as a result of updates the Applicant is working on with the County of Elgin. Once updated, this will be heard at a future Public Hearing of the Elgin County Land Division Committee Meeting.

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



The consent sketch, showing E87-21 is attached to this report as Appendix One for reference purposes.

Comments/Analysis:

Planning Policy Review:

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

With regard to this proposal involving consents, 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

The subject lands are within the Agricultural area (Section 2.3) and the North Port Stanley settlement area (Section 1.1.3). The proposed lot addition does not propose any development and would predominately separate the settlement area lands from the agricultural lands, following the settlement area boundary, save and except for access.

This proposal appears to be consistent with the PPS.

CEOP

The subject lands are split designated Agricultural Area and Tier 2 Settlement Area (North Port Stanley) on Schedule 'A' Land Use in the CEOP. Section E1.2.3.2 of the CEOP permits boundary adjustments, provided that it will not affect the viability of the use of the properties affected as intended by the CEOP. The proposed lot addition would predominately follow the designation boundary, save and except existing access; and no development is being proposed.

Therefore, this proposal appears to conform to the CEOP.

OP

The subject lands are split designated Agricultural on Schedule 'A' Land Use and Residential on Schedule 'A-4' North Port Stanley in the OP. Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential

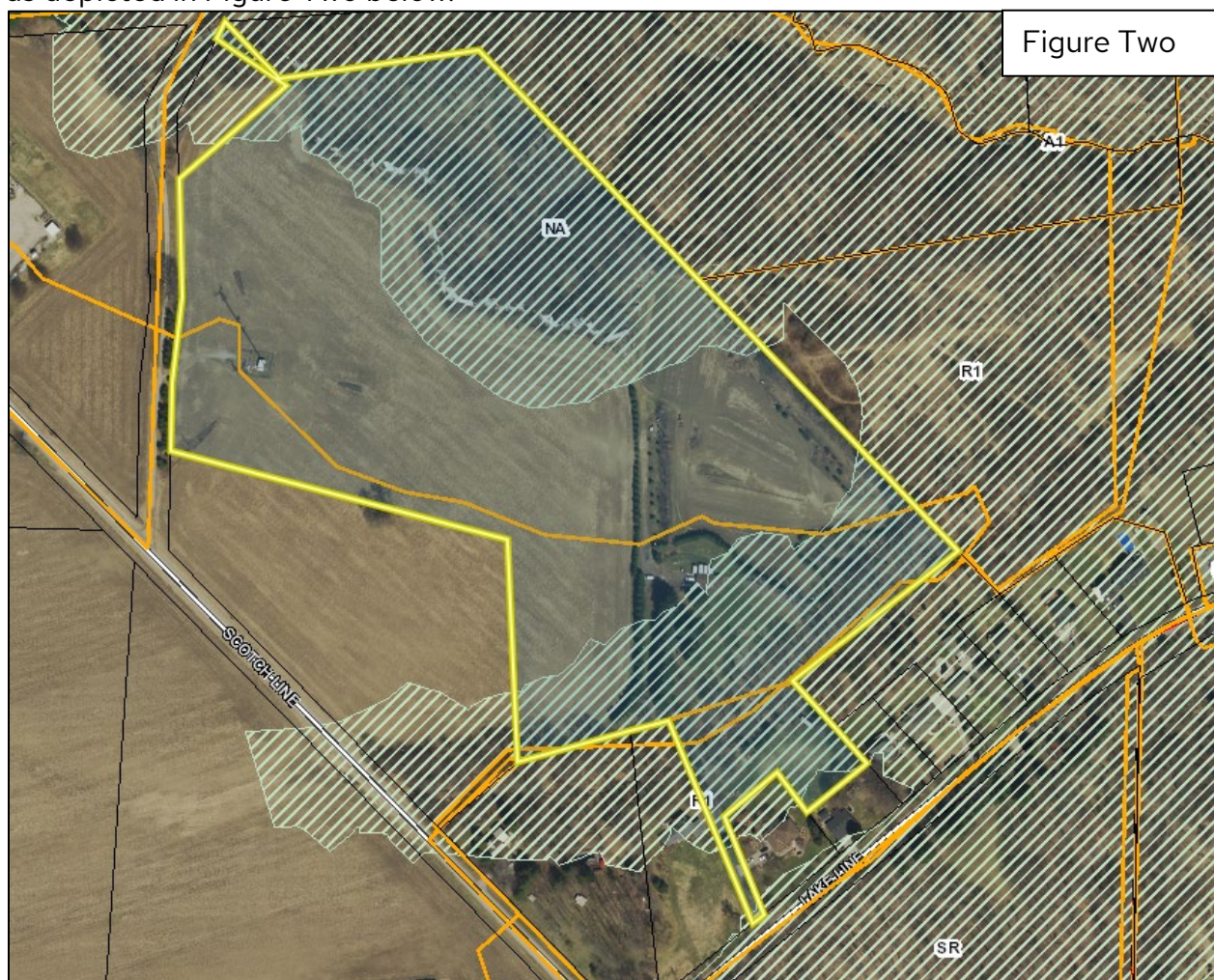
uses are permitted. Section 4.3.1 of the OP contains Residential land use policies in which a wide range of residential use is permitted.

Section 6.8.2(d) Consent Guidelines policies allow for lot additions, as no development is being proposed and would follow the designation boundary.

Therefore, this proposal appears to conform to the OP.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The subject lands are split zoned Agricultural 1 (A1) and Residential 1 (R1), with a portion of the lands subject to Natural Lands and Adjacent Lands constraint; and the watercourses portion of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Maps 9 and 10, as depicted in Figure Two below.



The A1 Zone permitted uses includes agricultural use and single detached dwelling and the R1 Zone permitted uses include single detached dwelling.

The proposed severed parcel to be added to Ken Gifford Lands, would be compliant with the R1 Zone provisions.

As a condition of consent, the proposed retained parcel would need to be rezoned from the A1 and R1 Zone to A1-XX and R1-XX, with the special provisions in order recognize the following:

- Minimum land area from the 40 hectares to 11.7 hectares for the A1 Zone; and
- Minimum lot frontage requirements from 200 metres to 9.15 metres for the A1 Zone and from 15 metres to 9.15 metres for the R1 Zone.

Further clarity can be provided in the zone boundary between the proposed newly enlarged parcel to the retained parcel.

Therefore, it would appear that the proposal would comply with the ZBL, subject to a zoning by-law amendment being required as a condition of consent.

Circulation Of The Application:

Township Department Comments

Comments received from the Township Department's are summarized below:

- Drainage Department:
 - Municipal drain reapportionment required on the Marr Drain;
- Financial Services Department:
 - No concerns; and
- Building Department:
 - No concerns.

Planning Staff notes that this can be addressed as a condition of approval for a reapportionment.

Additional Comments:

The recommended Township conditions for consent application E87-21 is attached to this report as Appendix Two for reference purposes.

Financial Implications:

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

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed lot addition 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 by:

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner

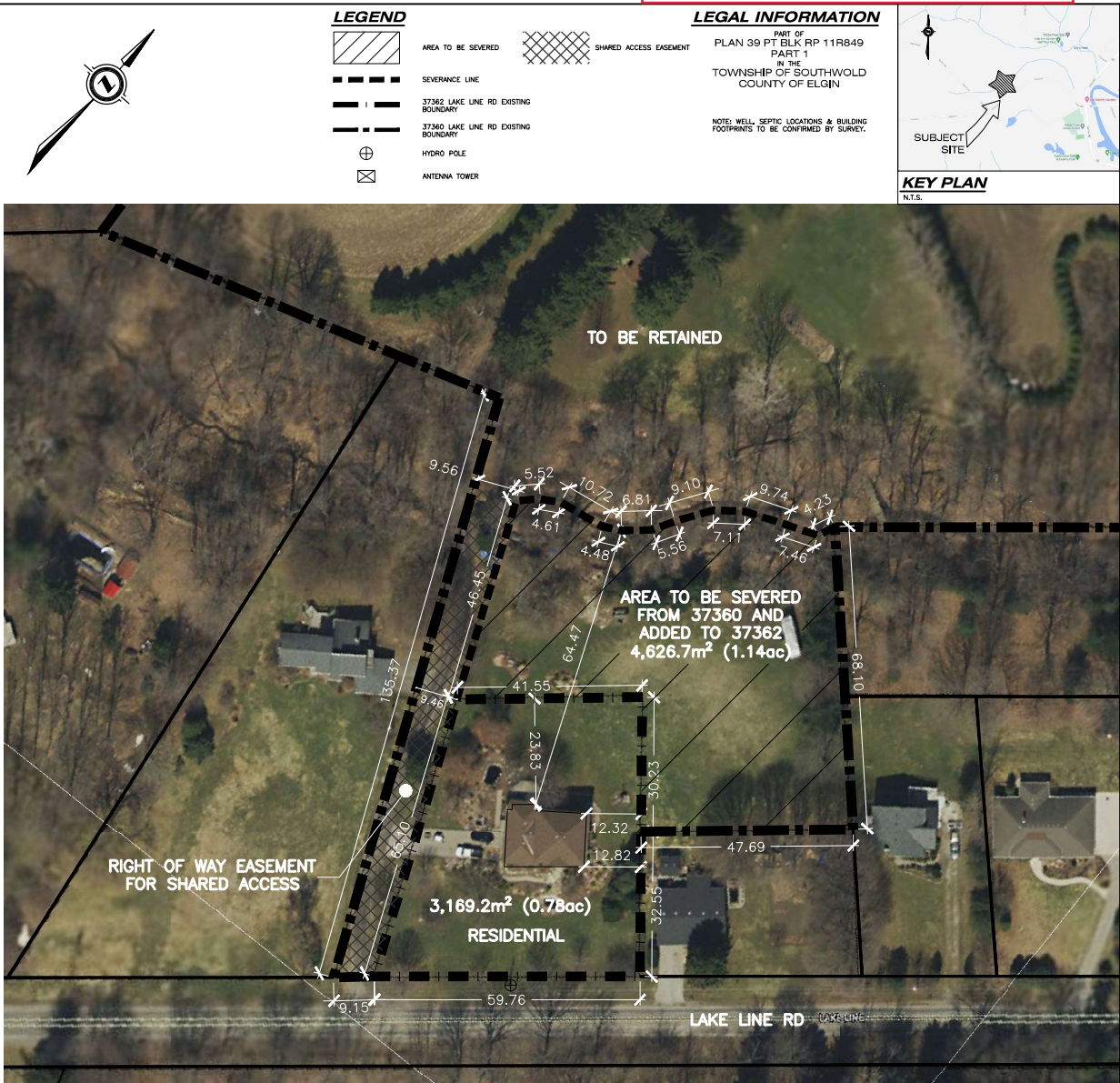
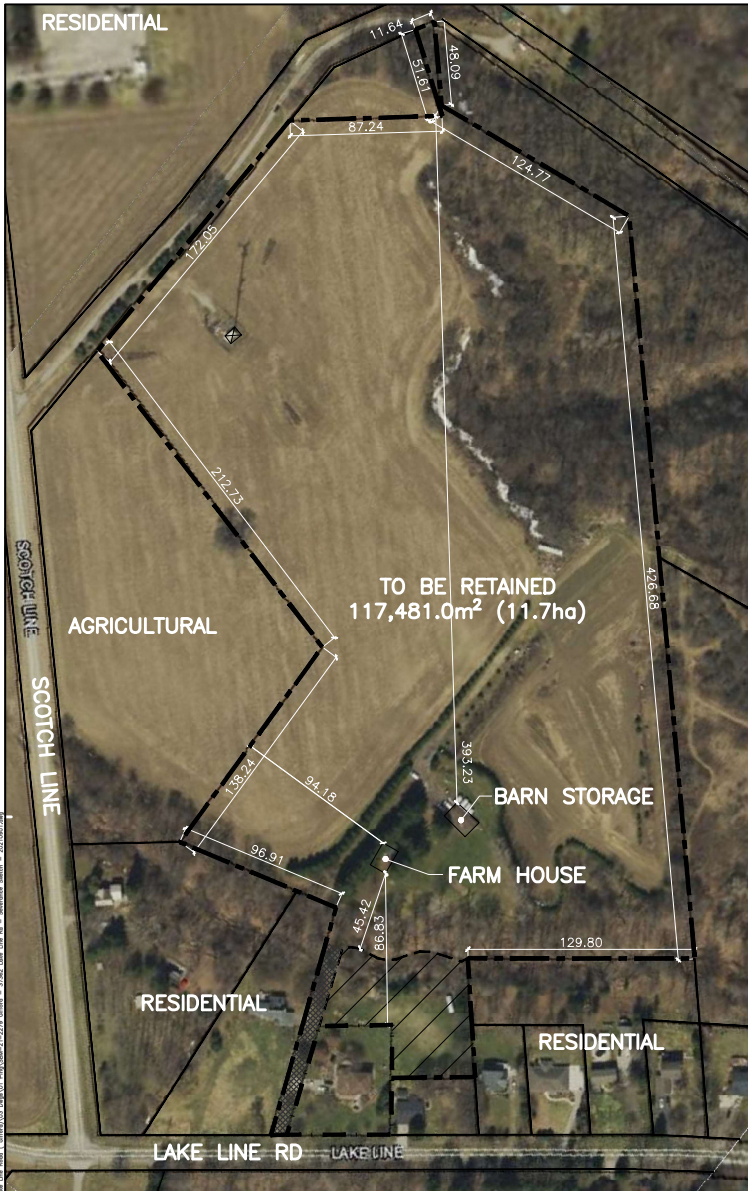
Approved for submission by:

Lisa Higgs
CAO/Clerk

Appendices:

1. Appendix One: E87-21 Sketch
2. Appendix Two: Consent Application E87-21 Conditions

REPORT PLA 2021-36
APPENDIX ONE: CONSENT
SKETCH E87-21



AS CONSTRUCTED SERVICES	COMPLETION	No.	REVISIONS	D/M/Y	BY	CONSULTANT
DESIGN	JR	1	INITIAL CONCEPTUAL DESIGN	30/06/21	JR	
DESIGN	JR	2	UPDATED SEVERANCE LINE AS PER CA EMAIL	20/07/21	JR	
DESIGN	JR	3	ADDED FARM HOUSE LABELS	01/09/21	JR	
APPROVED	UK					
DATE	01/09/2021					
DOB	21-2279					

STRIK BALDINELLI MONIZ
PLANNING - CIVIL - INFRASTRUCTURE - MEDIO-AMBIENTAL - RESIDENCIAL
1500 Adelaide St. N., Unit 201, London, Ontario, M5X 4E8
Tel: (519) 474-0967 Fax: (519) 474-0034
Email: sbm@strikbaldinellimoniz.ca

ENGINEER'S STAMP
**PRELIMINARY
NOT FOR
CONSTRUCTION**

CLIENT
KEN GIFFORD
37362 LAKE LINE RD
SOUTHWOLD, ON
POSTAL CODE
P: XXX.XXX.XXXX
E: XXX@XXX.XXX

SCALE
**1:1400 Left
1:400 Right**

TITLE	CONCEPTUAL SEVERANCE PLAN	PROJECT No. SBM-21-2279
	SEVERANCE PLAN 37362 LAKE LINE ROAD SOUTHWOLD, ON.	SHEET No. SP1
		PLAN FILE No. —

Report PLA 2021-36:

Consent Application E87-21 - Comments to the County of Elgin

Appendix Two: Consent Application E87-21 Conditions

Consent Application E87 -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 ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the south, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant's Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Municipality.
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed parcel, retained parcel and owner of 37358 Lake Line (adjacent lands to the west) for the existing driveway and other services, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.

10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

MUNICIPAL APPRAISAL SHEET

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

Submission E87-21

Owner: Estate of A. May Gifford c/o Ken Gifford
Applicant: Laverne Kirkness, Principal Planner, SBM

Location 37360 Lake Line

OFFICIAL PLAN

- I. Is there an O.P. in effect?

Yes (x)

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

Yes (x)

No ()

Land Use Designation: Industrial – Southwold Official Plan

Policies:
Sections 4.1, 4.3.1 and 6.8.2

ZONING

3. Is there a By-Law in effect?

Yes (x)

No ()
4. Does the proposal conform with all requirements of the By-Law?

Yes ()

No (x)

Comments:
Condition of consent to rezone the severed and retained parcels, as contained within Planning Report
PLA 2021-36

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

Yes (x)

No ()

OTHER

6. Does the Municipality foresee demand for new municipal services?

Yes ()

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

Yes ()

No ()
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

(a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()

(b) the dedication of highways ()

(c) the dedication of land for highway widening ()

(d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

9. Does Council recommend the application?

Yes (x)

No ()

10. Does the municipality have other concerns that should be considered by the Committee?
All local municipal interests are contained in the conditions imposed by the Township. Please refer to
Planning Report PLA 2021-36

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 30, 2021 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 87-21

OWNER: Ken Gifford, Dr. Doug MacMillan, Greg MacMillan, Jane Luftenegger, Jennifer May Gifford

PROPERTY: **LOT NO.** Pt Blk K RP 11R849 **CONCESSION:** _____
Part 1

REG'D PLAN: 39 **MUNICIPALITY:** Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel 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 ways 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 lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ☒
- 12) Please provide me with a copy of your action on this application ☐
- 13) Other... ☐

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Department, County of Elgin
Date: December 7, 2021
Application: E 87-21

Owner:
Ken Gifford, Dr. Doug
MacMillan, Greg MacMillan, Jane
Luftenegger, Jennifer May Gifford,
37360 Lakeline Road, Port Stanley ON N5L 1J1

Agent:
Laverne Kirkness
SBM Consulting

Location: 37360 LAKELINE ROAD, PLAN 39 PT BLK K RP 11R849 PART 1, TOWNSHIP
OF SOUTHWOLD

PROPOSAL

The applicants propose to sever a parcel with an area of 0.46 hectares (1.14 acres), to be conveyed to the adjacent property at 37362 Lakeline Road. The applicants are retaining a parcel with an area of 11.75 hectares (29.03 acres), containing a house and one storage barn, proposed to remain in residential use.

The applicants are also proposing to create an easement 9.15 metres (30.02 feet) wide and 135.7 metres (445.21 feet) long, over 37362 Lakeline Road, to recognize the existing shared access (common driveway), in favour of 37362, 37360 & 37358 Lakeline Road.

**County of Elgin Official
Plan**
Front Portion - and Tier 2
Settlement Area
(North Port Stanley); Rear
Portion – Agriculture;
Woodlands on Appendix 1

**Local Municipality Official
Plan**
Residential and Agricultural

**Local Municipality Zoning
By-law**
Residential 1 (R1), and
Agricultural 1 (A1), portion
of the lands subject to
Natural Lands and Adjacent
Lands constraint; and the
watercourses portion of the
lands subject to
Conservation Authority
Regulation Limits

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold - THAT Council of the Township of Southwold receive Report PLA 2021-36 regarding Severance Application E87-21 – Comments to the County of Elgin; AND THAT the Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the severance application, File E87-21, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2021-36; AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2021-36 as Municipal comments to the County of Elgin.

County Engineering – Not on a County road.

Kettle Creek Conservation Authority – Comments provided under separate cover.

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 subject lands are within the Agricultural area (Section 2.3) and the North Port Stanley settlement area (Section 1.1.3). The proposed lot addition does not propose any development and would predominately separate the settlement area lands from the agricultural lands, following the settlement area boundary, save and except for access.

County of Elgin Official Plan

The subject lands are within the Agricultural Area and Tier 2 Settlement Area (North Port Stanley). 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.

Section E.1.2.3.3 Technical Severances outlines that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot. The proposed right of way/easement will not create a new lot and will formalize access arrangements for surrounding properties. Staff do not have any concerns with the easement.

Local Municipality Official Plan and Zoning By-law

The subject lands are split designated Agricultural on Schedule 'A' Land Use and Residential on Schedule 'A-4' North Port Stanley in the OP. Section 4.1 of the OP

contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted. Section 4.3.1 of the OP contains Residential land use policies in which a wide range of residential use is permitted.

Section 6.8.2(d) Consent Guidelines policies allow for lot additions, as no development is being proposed and would follow the designation boundary. Therefore, this proposal appears to conform to the OP.

The subject lands are split zoned Agricultural 1 (A1) and Residential 1 (R1), with a portion of the lands subject to Natural Lands and Adjacent Lands constraint; and the watercourses portion of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Maps 9 and 10.

The A1 Zone permitted uses includes agricultural use and single detached dwelling and the R1 Zone permitted uses include single detached dwelling. The proposed severed parcel to be added to Ken Gifford Lands, would be compliant with the R1 Zone provisions. As a condition of consent, the proposed retained parcel would need to be rezoned from the A1 and R1 Zone to A1-XX and R1-XX, with the special provisions in order recognize the following:

- Minimum land area from the 40 hectares to 11.7 hectares for the A1 Zone; and
- Minimum lot frontage requirements from 200 metres to 9.15 metres for the A1 Zone and from 15 metres to 9.15 metres for the R1 Zone.

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 severed lands are deeded in the same name and interest as the abutting lot at 37362 Lakeline Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the south, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant's Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Municipality.
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed parcel, retained parcel and owner of 37358 Lake Line (adjacent lands to the west) for the existing driveway and other services, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 89-21**

**54246 EDEN LINE
LOT 6, CONCESSION 9,
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Community of Christ – Corinth Congregation**, 54246 Eden Line, Aylmer ON N5H 2R3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54246 Eden Line, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 36.09 meters (118.41 feet) by a depth of 72.31 metres (237.23 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.93 hectares (2.29 acres) proposed to remain in institutional use (place of worship).

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 DECEMBER 15, 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 npasato@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 Ontario Land 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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25th day of November, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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

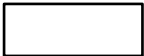


Maxar, Microsoft

Location Map



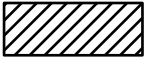
Legend



Subject Site



Severed



Retained



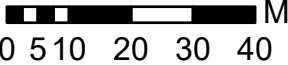
Elgin Road Network

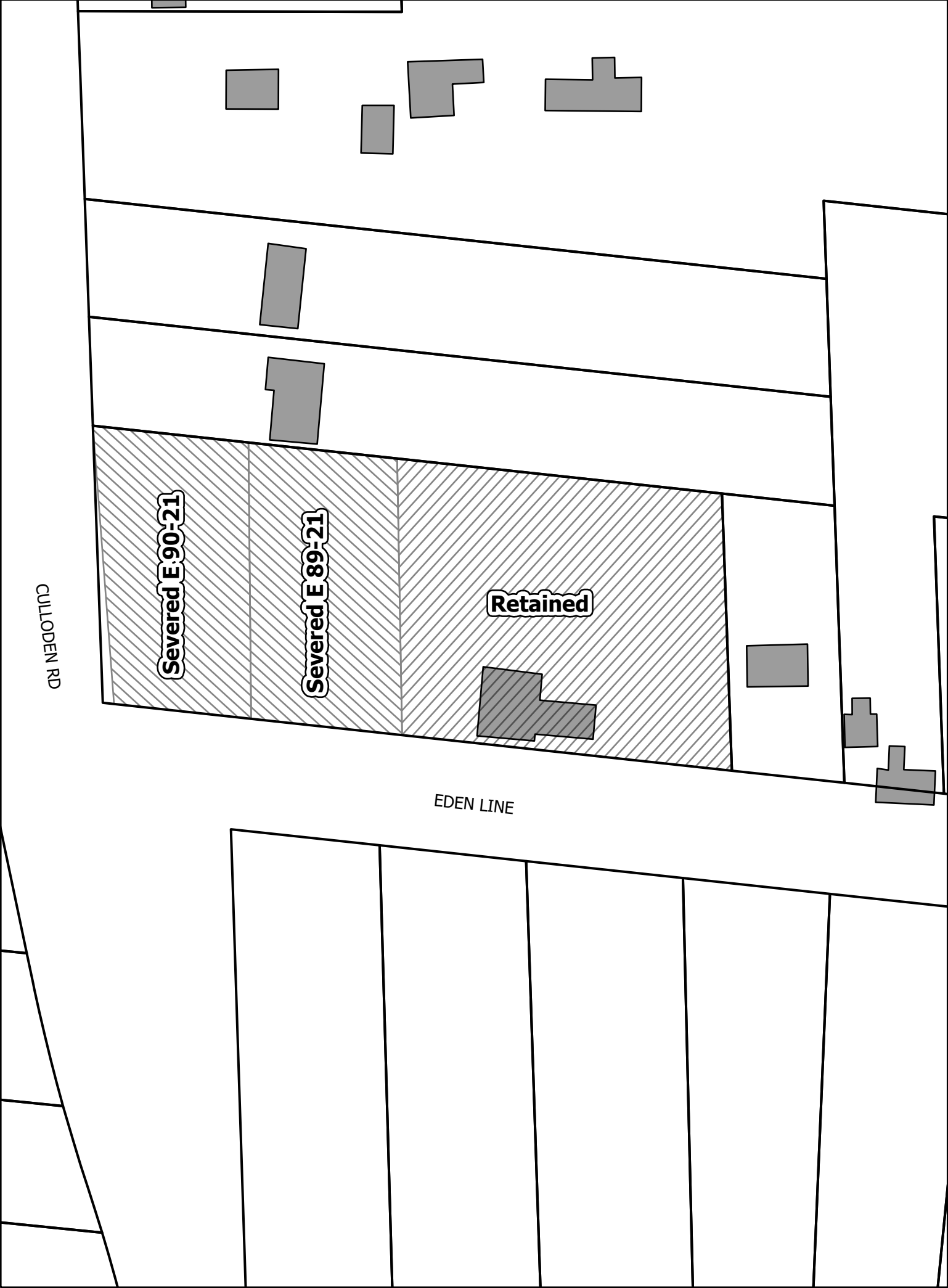


Buildings

Subject Site: 54246 Eden Line
File Number: E 89-2021 & E 90-2021
Owner: Community of Christ - Corinth
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021

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



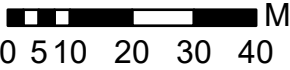


Location Map

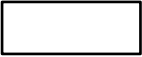


Subject Site: 54246 Eden Line
File Number: E 89-2021 & E 90-2021
Owner: Community of Christ - Corinth
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



December 6, 2021

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

EMAIL ONLY

Dear Ms. Lavery,

Re: Application for Consent No. E89-21 and E90-21 Community of Christ

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 2, 2021 meeting:

THAT Report DS-65/21 regarding Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:

- 1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use**
- 3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality**
- 4. Municipal lot assessment for soil evaluation (septic)**
- 5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B"**
- 6. Digital copy of the final survey provided to the municipality**
- 7. Purchase civic number signage for the severed lot**
- 8. Planning Report fee payable to the municipality**
- 9. Engineered drainage plan for the severed and retained lands**
- 10. Confirmation of suitability of access to County Rd 44 (Eden Line)**

Municipal Appraisal Sheet and Staff Report DS-65/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill
Deputy Clerk|Planning Coordinator

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 89-21 and E90-21

Applicant Community of Christ – Corinth Congregation

Location Bayham – 54246 Eden Line, Concession 9 Lot 6

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Hamlets

Policies: Section 4.2, 4.4.2.1, 4.4.1.4, 4.4.2.2

PART 2 - ZONING

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

Comments: Current Zoning: Institutional (I) ZB Section 24

Rezoning required for both severed and retained

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

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

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

Staff Report DS-65/21 attached with listed Conditions

SECTION 4 SETTLEMENT AREA POLICIES

4.1 OBJECTIVE

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS

4.2.1 All Development Forms

4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.

4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

4.4.1.3 Land uses other than residential will be permitted in hamlets if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- neighbourhood retail stores
- drug stores
- small-scale professional offices
- public and private small-scale institutions
- local service industrial uses.

4.4.1.4 Development on individual private potable water and individual sanitary sewage treatment and disposal systems shall be approved by the appropriate approval authority as applicable, and shall be limited to a type and density that does not precipitate the need for communal water or sewage works. Notwithstanding, development in Eden will require connection to the existing municipal sewage system, unless it can be demonstrated to the satisfaction of the Municipality that connection is not feasible. The following table describes the planned servicing situations for each of the individual hamlets identified on Schedule "A1" for the time period of the Plan:

Settlement Area	Existing Sewer / Water Services	Proposed Sewer / Water Services
Corinth	Private Septic / Private Well	As existing
North Hall	Private Septic / Private Well	As existing
Eden	Piped Municipal / Private Well	Piped Municipal / Piped Municipal
Richmond	Private Septic / Private & Public Well	As existing
Calton	Private Septic / Private Well	As existing

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

4.4.2 **Residential Uses**

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

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

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

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

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

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

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

4.4.3 **Commercial Uses**

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

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: December 2, 2021
REPORT: DS-65/21 **FILE NO. C-07 / D09.21 Community Christ**
Roll # 3401-000-005-06300

SUBJECT: Consent Applications E89-21 and E90-21
Community of Christ – Corinth Congregation

BACKGROUND:

Consent applications E89-21 and E90-21 were received from the Elgin County Land Division Committee submitted by Agent David Roe proposing to sever two lots: Parcels "A" and "B" 2,887.5 m² (0.7 acre) and retain 6,416.8 m² (1.6 acres) in Concession 9 Lot 6, municipally known as 54246 Eden Line.

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Institutional (I) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application on December 15, 2021.

DISCUSSION:

The proposal suggests the creation of building lots in North Hall are considered to be infilling and minor rounding out of existing development in a settlement area. The retained land contains an existing two-storey brick church and detached accessory garage building intended to remain an institutional use.

The planner's memorandum dated November 16, 2021 analyzes the application subject to the PPS, Bayham Official Plan and Bayham Zoning By-law regulations.

The created lots meet the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot. These lands are in a low area and considering there are municipal drains nearby, there will have to be consideration for drainage on the severed lots and for the effects on the retained lands. The nearby drains are: Peters Drain – west side of Culloden Rd; Bartley Drain – with extensions

behind the subject lands and the Hildebrandt Drain – north of these proposed lots on east side of the road.

Listed conditions are included in the recommendation. Staff and planner recommend Council's support of the applications with the listed conditions for the creation of two building lots in the hamlet of North Hall.

ATTACHMENTS

1. Consent Applications E89-21 and E90-21
2. IBI Memorandum dated November 16, 2021

RECOMMENDATION

THAT Report DS-65/21 regarding Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:


1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality
4. Municipal lot assessment for soil evaluation (septic)
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B"
6. Digital copy of the final survey provided to the municipality
7. Purchase civic number signage for the severed lot
8. Planning Report fee payable to the municipality
9. Engineered drainage plan for the severed and retained lands
10. Confirmation of suitability of access to County Rd 44 (Eden Line)

Respectfully Submitted by:

Reviewed by:



Margaret Underhill
Deputy Clerk|Planning Coordinator


Thomas Thayer
CAO|Clerk



IBI GROUP
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London ON N6H 1T3 Canada
tel 519 472 7328
ibigroup.com

Memorandum

To/Attention	Municipality of Bayham	Date	November 16, 2021
From	Paul Riley, CPT	Project No	3404-846
cc	William Pol, MCIP, RPP		
Subject	Community of Christ, Corinth Congregation - 54246 Eden Line, North Hall - Applications for Consent E89/21 and E90/21		

1. We have completed our review of Consent Applications E89/21 and E90/21 submitted by Community of Christ, Corinth Congregation, for lands located at 54246 Eden Line, north side, east side of Culloden Road, in the hamlet of North Hall. The applicant is requesting a Consent to sever two 2,887.5 m² (0.7 ac) parcels of land (Parcel "A" and Parcel "B"), for residential development and to retain 6,416.8 m² (1.6 ac) of land (Parcel "C"). The subject lands are designated 'Hamlet' on Schedule 'A1' of the Municipality of Bayham Official Plan and are zoned Institutional (I) on Schedule 'C' of Zoning By-law Z456-2003.
2. The proposed Parcel "A" would have lot frontage of 36.09 m (118.4 ft) and lot depth of 72.3 m (237.2 ft) and Parcel "B" will have lot frontage of 40.22 m (132 ft) and Lot depth of 72.6 m (238 ft). The proposed retained parcel will have lot frontage of 88.77 m (291 ft) and lot depth of 73 m (239 ft) and is currently occupied by a two-storey brick church building and detached accessory garage building. The lands are serviced by existing private sewer services and private onsite water services. Surrounding land uses are residential in all directions.
3. The Provincial Policy Statement, 2020 (PPS 2020) policies indicate that settlement areas shall be the focus of growth and development and individual on-site sewer and water services may be used for infilling and minor rounding out of existing development in settlement areas. The proposed residential lots are located in the settlement area of North Hall and are considered minor rounding out of development, consistent to the PPS 2020.
4. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas indicates that development in settlement areas for residential uses is permitted on the basis of infilling in an existing built up area. Section 4.4.2.1 Residential Uses in hamlets indicates that the principle land use function is for small clusters of low-medium density non-farm residential development. Additionally, Section 4.4.1.4 indicates development with private services shall be approved by

Municipality of Bayham – November 16, 2021

the appropriate approval authority and should be limited to a type and density that does not precipitate the need for communal water or sewage works. The subject lands are located in a settlement area, are proposing low density residential use and would not precipitate the need for communal water or sewage works, which conforms to the Official Plan.

5. The proposed development is in conformity to Section 4.4.2.2 criteria for consents in hamlet designations, subject to fulfilling conditions of Consent for private sewer and water services approval(s) and rezoning the severed lands to a Hamlet Residential zone, including:
 - a) Municipal services would not be required to be extended and proof of the adequacy of proposed private sewer and water services shall be confirmed by way of conditions of consent.
 - b) The proposed lots have direct access to Eden Line which is of reasonable construction.
 - c) The proposed lots are within the North Hall settlement area boundary.
 - d) The proposed lot sizes are adequate for the proposed uses. The applicant will need to rezone the severed lots to a Hamlet Residential (HR) zone, and the other zoning regulations are met for the HR and the Institutional lands.
 - e) Eden Line is an Elgin County road (number 44) and direct access will be determined by the County, however, it appears that there is adequate frontage for driveway accesses.
 - f) Based on a review of recent streetview images, Eden Line is flat and straight at the lot frontage with adequate sight lines, and speeds are lower within the hamlet, so no creation of traffic hazards is evident.
 - g) The proposed lots will not interfere with subsequent access to other parcels.
 - h) N/A
6. The subject lands are located in the Institutional (I) zone, church uses are a listed permitted use and the severed lands require rezoning to a Hamlet Residential (HR) zone to permit single-detached residential uses. The severed and retained lots meet the minimum lot frontage and setback regulations for the 'I' and 'HR' zones. The applicant shall rezone the severed lands to permit residential use.
7. Based on the above review of Consent Applications E89/21 and E90/21, we have no objection to the proposed Consents to sever two lots for residential purposes from the currently institutional zoned lands from the parcel known municipally as 54246 Eden Line.

Municipality of Bayham – November 16, 2021

The following conditions for Consent approval are recommended:

- a) That the owner rezone the severed lands from Institutional (I) zone to Hamlet Residential (HR) zone to permit residential development/use.
- b) That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- c) That the owner provides confirmation of private water well test results showing water quality and quantity for residential use that meets provincial standards, for the severed and retained parcels.
- d) That the owner provides lot assessments for soils (septic) to Provincial standards for each severed lot.
- e) That the owner provides written confirmation from a licensed septic installer that the retained lot septic system is in satisfactory operating condition.
- f) That the owner provides a survey of the subject lands.
- g) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for each severed lot.
- h) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.



IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 28, 2021 **ELGIN COUNTY ROAD NO.:** 44 - 54246 Eden Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 89-21

OWNER: Community of Christ – Corinth Congregation

PROPERTY: **LOT NO.** 6 **CONCESSION:** 9

REG'D PLAN: _____ **MUNICIPALITY:** Bayham

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

- | | |
|--|---|
| 1) Land for road widening is required
<i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) to the County of Elgin for the purposes of road widening if the right of ways 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; width: 40px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 3) Drainage pipes and/or catchbasin(s) are required | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 5) A curb and gutter is required along the frontage | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... | <div style="border: 1px solid black; width: 40px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 7) Technical Reports | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel. All costs associated with this shall be borne by the owner..... | <div style="border: 1px solid black; width: 40px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 9) Lot Grading Plan is required for the severed lot..... | <div style="border: 1px solid black; width: 40px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 10) The County has no concerns..... | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 11) Not on County Road | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 12) Please provide me with a copy of your action on this application | <div style="border: 1px solid black; width: 40px; height: 40px;"></div> |
| 13) Other... | <div style="border: 1px solid black; width: 40px; height: 40px;"></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 Department, County of Elgin
Date: December 7, 2021
Application: E 89-21

Owner:
Community of Christ –Corinth
Congregation
54246 Eden Line, Aylmer ON N5H 2R3

Location: 54246 EDEN LINE, LOT 6, CONCESSION 9, MUNICIPALITY OF BAYHAM

PROPOSAL

The applicants propose to sever a parcel with a frontage of 36.09 meters (118.41 feet) by a depth of 72.31 metres (237.23 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.93 hectares (2.29 acres) proposed to remain in institutional use (place of worship).

**County of Elgin Official
Plan**

Settlement Area Tier 3
(North Hall)

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Institutional (I)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to conditions and considerations.

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

Long Point Conservation Authority (LPCA) – No comment.

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 applicants propose to sever vacant land for future residential use and retain the existing church on the subject site.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (North Hall) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; 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. Planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Institutional (I) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

The created lots meet the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot. These lands are in a low area and considering there are municipal drains nearby, there will have to be consideration for drainage on the severed lots and for the effects on the retained lands.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As

such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) 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 a new entrance to the severed and/or retained 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 Bayham be included as conditions for consent:

1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use;
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality.
4. Municipal lot assessment for soil evaluation (septic);
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B";
6. Digital copy of the final survey provided to the municipality;
7. Purchase civic number signage for the severed lot;
8. Planning Report fee payable to the municipality;
9. Engineered drainage plan for the severed and retained lands; and
10. Confirmation of suitability of access to County Rd 44 (Eden Line).



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 90-21**

**54246 EDEN LINE
LOT 6, CONCESSION 9,
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by **Community of Christ – Corinth Congregation**, 54246 Eden Line, Aylmer ON N5H 2R3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54246 Eden Line, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 40.22 meters (131.95 feet) by a depth of 72.62 metres (238.25 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.6 hectares (1.5 acres) proposed to remain in institutional use (place of worship).

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 DECEMBER 15, 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 npasato@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 Ontario Land 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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25th day of November, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

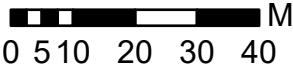
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



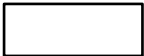
Location Map

Subject Site: 54246 Eden Line
File Number: E 89-2021 & E 90-2021
Owner: Community of Christ - Corinth
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021

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



Legend



Subject Site



Severed



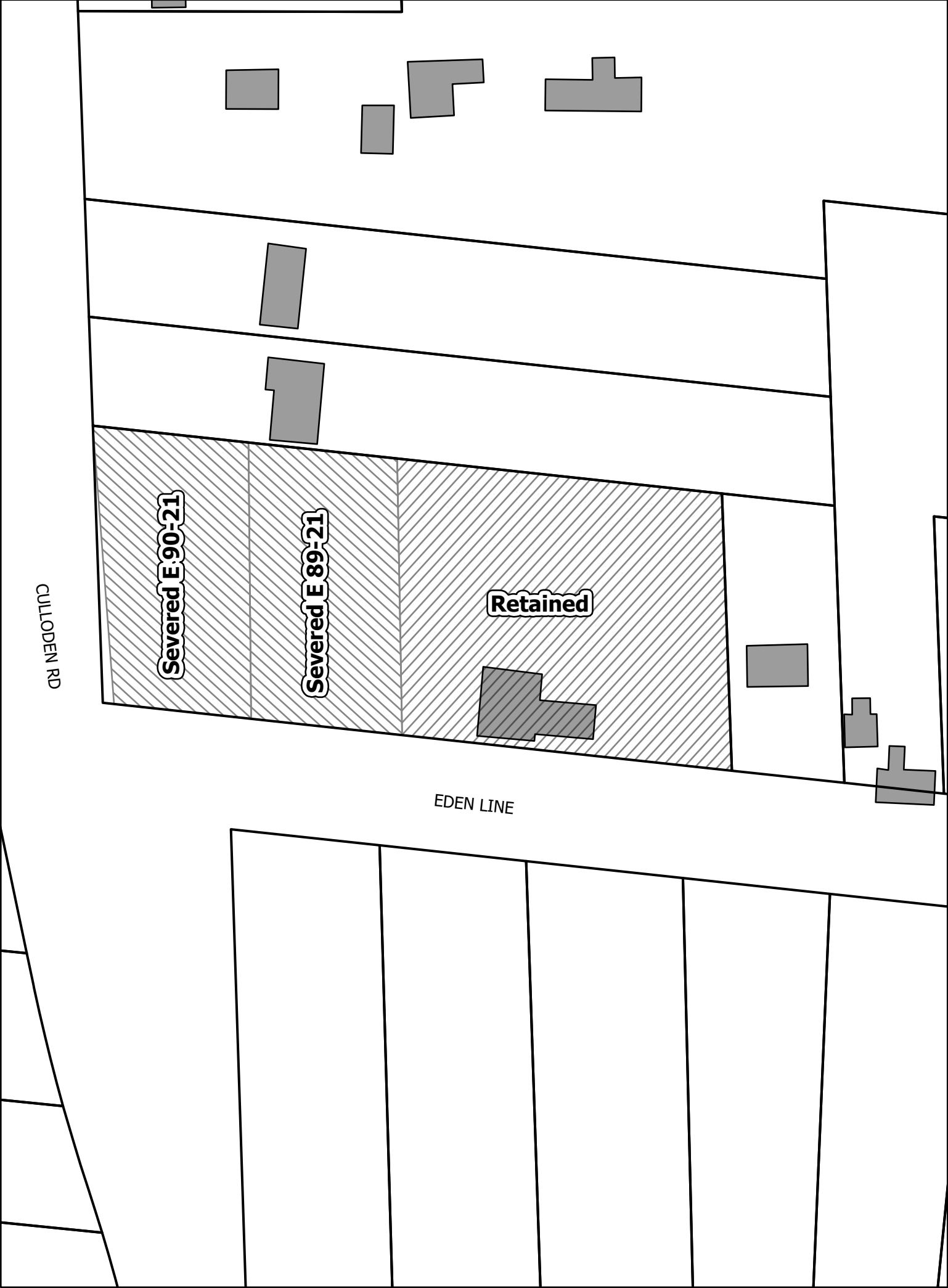
Retained



Elgin Road Network



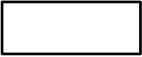
Buildings



Location Map



Legend



Subject Site



Severed



Retained



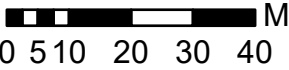
Elgin Road Network



Buildings

Subject Site: 54246 Eden Line
File Number: E 89-2021 & E 90-2021
Owner: Community of Christ - Corinth
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021

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



Municipality of
BAYHAM

A: P.O. Box 160, 56169 Heritage Line
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W: www.bayham.on.ca



December 6, 2021

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

EMAIL ONLY

Dear Ms. Lavery,

Re: Application for Consent No. E89-21 and E90-21 Community of Christ

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 2, 2021 meeting:

THAT Report DS-65/21 regarding Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:

- 1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use**
- 3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality**
- 4. Municipal lot assessment for soil evaluation (septic)**
- 5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B"**
- 6. Digital copy of the final survey provided to the municipality**
- 7. Purchase civic number signage for the severed lot**
- 8. Planning Report fee payable to the municipality**
- 9. Engineered drainage plan for the severed and retained lands**
- 10. Confirmation of suitability of access to County Rd 44 (Eden Line)**

Municipal Appraisal Sheet and Staff Report DS-65/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill
Deputy Clerk|Planning Coordinator

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 89-21 and E90-21

Applicant Community of Christ – Corinth Congregation

Location Bayham – 54246 Eden Line, Concession 9 Lot 6

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Hamlets

Policies: Section 4.2, 4.4.2.1, 4.4.1.4, 4.4.2.2

PART 2 - ZONING

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

Comments: Current Zoning: Institutional (I) ZB Section 24

Rezoning required for both severed and retained

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

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

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

Staff Report DS-65/21 attached with listed Conditions

SECTION 4 SETTLEMENT AREA POLICIES

4.1 OBJECTIVE

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS

4.2.1 All Development Forms

- 4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.
- 4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.
- 4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

4.4.1.3 Land uses other than residential will be permitted in hamlets if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- neighbourhood retail stores
- drug stores
- small-scale professional offices
- public and private small-scale institutions
- local service industrial uses.

4.4.1.4 Development on individual private potable water and individual sanitary sewage treatment and disposal systems shall be approved by the appropriate approval authority as applicable, and shall be limited to a type and density that does not precipitate the need for communal water or sewage works. Notwithstanding, development in Eden will require connection to the existing municipal sewage system, unless it can be demonstrated to the satisfaction of the Municipality that connection is not feasible. The following table describes the planned servicing situations for each of the individual hamlets identified on Schedule "A1" for the time period of the Plan:

Settlement Area	Existing Sewer / Water Services	Proposed Sewer / Water Services
Corinth	Private Septic / Private Well	As existing
North Hall	Private Septic / Private Well	As existing
Eden	Piped Municipal / Private Well	Piped Municipal / Piped Municipal
Richmond	Private Septic / Private & Public Well	As existing
Calton	Private Septic / Private Well	As existing

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

4.4.2 **Residential Uses**

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

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

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

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

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

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

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

4.4.3 **Commercial Uses**

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

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: December 2, 2021
REPORT: DS-65/21 **FILE NO. C-07 / D09.21 Community Christ**
Roll # 3401-000-005-06300

SUBJECT: Consent Applications E89-21 and E90-21
Community of Christ – Corinth Congregation

BACKGROUND:

Consent applications E89-21 and E90-21 were received from the Elgin County Land Division Committee submitted by Agent David Roe proposing to sever two lots: Parcels "A" and "B" 2,887.5 m² (0.7 acre) and retain 6,416.8 m² (1.6 acres) in Concession 9 Lot 6, municipally known as 54246 Eden Line.

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Institutional (I) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application on December 15, 2021.

DISCUSSION:

The proposal suggests the creation of building lots in North Hall are considered to be infilling and minor rounding out of existing development in a settlement area. The retained land contains an existing two-storey brick church and detached accessory garage building intended to remain an institutional use.

The planner's memorandum dated November 16, 2021 analyzes the application subject to the PPS, Bayham Official Plan and Bayham Zoning By-law regulations.

The created lots meet the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot. These lands are in a low area and considering there are municipal drains nearby, there will have to be consideration for drainage on the severed lots and for the effects on the retained lands. The nearby drains are: Peters Drain – west side of Culloden Rd; Bartley Drain – with extensions

behind the subject lands and the Hildebrandt Drain – north of these proposed lots on east side of the road.

Listed conditions are included in the recommendation. Staff and planner recommend Council's support of the applications with the listed conditions for the creation of two building lots in the hamlet of North Hall.

ATTACHMENTS

1. Consent Applications E89-21 and E90-21
2. IBI Memorandum dated November 16, 2021

RECOMMENDATION

THAT Report DS-65/21 regarding Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:


1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality
4. Municipal lot assessment for soil evaluation (septic)
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B"
6. Digital copy of the final survey provided to the municipality
7. Purchase civic number signage for the severed lot
8. Planning Report fee payable to the municipality
9. Engineered drainage plan for the severed and retained lands
10. Confirmation of suitability of access to County Rd 44 (Eden Line)

Respectfully Submitted by:

Reviewed by:



Margaret Underhill
Deputy Clerk|Planning Coordinator


Thomas Thayer
CAO|Clerk



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

Memorandum

To/Attention	Municipality of Bayham	Date	November 16, 2021
From	Paul Riley, CPT	Project No	3404-846
cc	William Pol, MCIP, RPP		
Subject	Community of Christ, Corinth Congregation - 54246 Eden Line, North Hall - Applications for Consent E89/21 and E90/21		

1. We have completed our review of Consent Applications E89/21 and E90/21 submitted by Community of Christ, Corinth Congregation, for lands located at 54246 Eden Line, north side, east side of Culloden Road, in the hamlet of North Hall. The applicant is requesting a Consent to sever two 2,887.5 m² (0.7 ac) parcels of land (Parcel "A" and Parcel "B"), for residential development and to retain 6,416.8 m² (1.6 ac) of land (Parcel "C"). The subject lands are designated 'Hamlet' on Schedule 'A1' of the Municipality of Bayham Official Plan and are zoned Institutional (I) on Schedule 'C' of Zoning By-law Z456-2003.
2. The proposed Parcel "A" would have lot frontage of 36.09 m (118.4 ft) and lot depth of 72.3 m (237.2 ft) and Parcel "B" will have lot frontage of 40.22 m (132 ft) and Lot depth of 72.6 m (238 ft). The proposed retained parcel will have lot frontage of 88.77 m (291 ft) and lot depth of 73 m (239 ft) and is currently occupied by a two-storey brick church building and detached accessory garage building. The lands are serviced by existing private sewer services and private onsite water services. Surrounding land uses are residential in all directions.
3. The Provincial Policy Statement, 2020 (PPS 2020) policies indicate that settlement areas shall be the focus of growth and development and individual on-site sewer and water services may be used for infilling and minor rounding out of existing development in settlement areas. The proposed residential lots are located in the settlement area of North Hall and are considered minor rounding out of development, consistent to the PPS 2020.
4. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas indicates that development in settlement areas for residential uses is permitted on the basis of infilling in an existing built up area. Section 4.4.2.1 Residential Uses in hamlets indicates that the principle land use function is for small clusters of low-medium density non-farm residential development. Additionally, Section 4.4.1.4 indicates development with private services shall be approved by

Municipality of Bayham – November 16, 2021

the appropriate approval authority and should be limited to a type and density that does not precipitate the need for communal water or sewage works. The subject lands are located in a settlement area, are proposing low density residential use and would not precipitate the need for communal water or sewage works, which conforms to the Official Plan.

5. The proposed development is in conformity to Section 4.4.2.2 criteria for consents in hamlet designations, subject to fulfilling conditions of Consent for private sewer and water services approval(s) and rezoning the severed lands to a Hamlet Residential zone, including:
 - a) Municipal services would not be required to be extended and proof of the adequacy of proposed private sewer and water services shall be confirmed by way of conditions of consent.
 - b) The proposed lots have direct access to Eden Line which is of reasonable construction.
 - c) The proposed lots are within the North Hall settlement area boundary.
 - d) The proposed lot sizes are adequate for the proposed uses. The applicant will need to rezone the severed lots to a Hamlet Residential (HR) zone, and the other zoning regulations are met for the HR and the Institutional lands.
 - e) Eden Line is an Elgin County road (number 44) and direct access will be determined by the County, however, it appears that there is adequate frontage for driveway accesses.
 - f) Based on a review of recent streetview images, Eden Line is flat and straight at the lot frontage with adequate sight lines, and speeds are lower within the hamlet, so no creation of traffic hazards is evident.
 - g) The proposed lots will not interfere with subsequent access to other parcels.
 - h) N/A
6. The subject lands are located in the Institutional (I) zone, church uses are a listed permitted use and the severed lands require rezoning to a Hamlet Residential (HR) zone to permit single-detached residential uses. The severed and retained lots meet the minimum lot frontage and setback regulations for the 'I' and 'HR' zones. The applicant shall rezone the severed lands to permit residential use.
7. Based on the above review of Consent Applications E89/21 and E90/21, we have no objection to the proposed Consents to sever two lots for residential purposes from the currently institutional zoned lands from the parcel known municipally as 54246 Eden Line.

Municipality of Bayham – November 16, 2021

The following conditions for Consent approval are recommended:

- a) That the owner rezone the severed lands from Institutional (I) zone to Hamlet Residential (HR) zone to permit residential development/use.
- b) That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- c) That the owner provides confirmation of private water well test results showing water quality and quantity for residential use that meets provincial standards, for the severed and retained parcels.
- d) That the owner provides lot assessments for soils (septic) to Provincial standards for each severed lot.
- e) That the owner provides written confirmation from a licensed septic installer that the retained lot septic system is in satisfactory operating condition.
- f) That the owner provides a survey of the subject lands.
- g) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for each severed lot.
- h) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.



IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 28, 2021 **ELGIN COUNTY ROAD NO.:** 44 - 54246 Eden Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 90-21

OWNER: Community of Christ – Corinth Congregation

PROPERTY: **LOT NO.** 6 **CONCESSION:** 9

REG'D PLAN: _____ **MUNICIPALITY:** Bayham

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

- | | |
|---|---|
| 1) Land for road widening is required
<i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) and Culloden Road County Road (46) to the County of Elgin for the purposes of road widening if the right of ways 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 _____,
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 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..... | <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. 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 lot..... | <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 Department, County of Elgin
Date: December 7, 2021
Application: E 90-21

Owner:
**Community of Christ –Corinth
Congregation**
54246 Eden Line, Aylmer ON N5H 2R3

Location: 54246 EDEN LINE, LOT 6, CONCESSION 9, MUNICIPALITY OF BAYHAM

PROPOSAL

The applicants propose to sever a parcel with a frontage of 40.22 meters (131.95 feet) by a depth of 72.62 metres (238.25 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.6 hectares (1.5 acres) proposed to remain in institutional use (place of worship).

**County of Elgin Official
Plan**

Settlement Area Tier 3
(North Hall)

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Institutional (I)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to conditions and considerations.

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

Long Point Conservation Authority (LPCA) – No comment.

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 applicants propose to sever vacant land for future residential use and retain the existing church on the subject site.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (North Hall) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; 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. Planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Institutional (I) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

The created lots meet the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot. These lands are in a low area and considering there are municipal drains nearby, there will have to be consideration for drainage on the severed lots and for the effects on the retained lands.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As

such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) and Culloden Road County Road (46) to the County of Elgin for the purposes of road widening if the right of ways 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 a new entrance to the severed and/or retained 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 Bayham be included as conditions for consent:

1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use;
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality.
4. Municipal lot assessment for soil evaluation (septic);
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B";
6. Digital copy of the final survey provided to the municipality;
7. Purchase civic number signage for the severed lot;
8. Planning Report fee payable to the municipality;
9. Engineered drainage plan for the severed and retained lands; and
10. Confirmation of suitability of access to County Rd 44 (Eden Line).



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 91-21**

**LOTS SE ½ OF 17, CONCESSION 6
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 30734 SILVER CLAY LINE**

TAKE NOTICE that an application has been made by Argyle Farms Brookwood Inc. & Argyle Hills Inc., 29963 Silver Clay Line, Dutton, ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 30734 Silver Clay Line, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 56 metres (183.73 feet) along Silver Clay Line by a depth of 80 metres (262.47 feet) and an area of 0.44 hectares (1.1 acres) containing one residence and two sheds, surplus to the needs of the owner. The applicants are retaining 42.3 hectares (104.5 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY DECEMBER 15, 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 npasato@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.

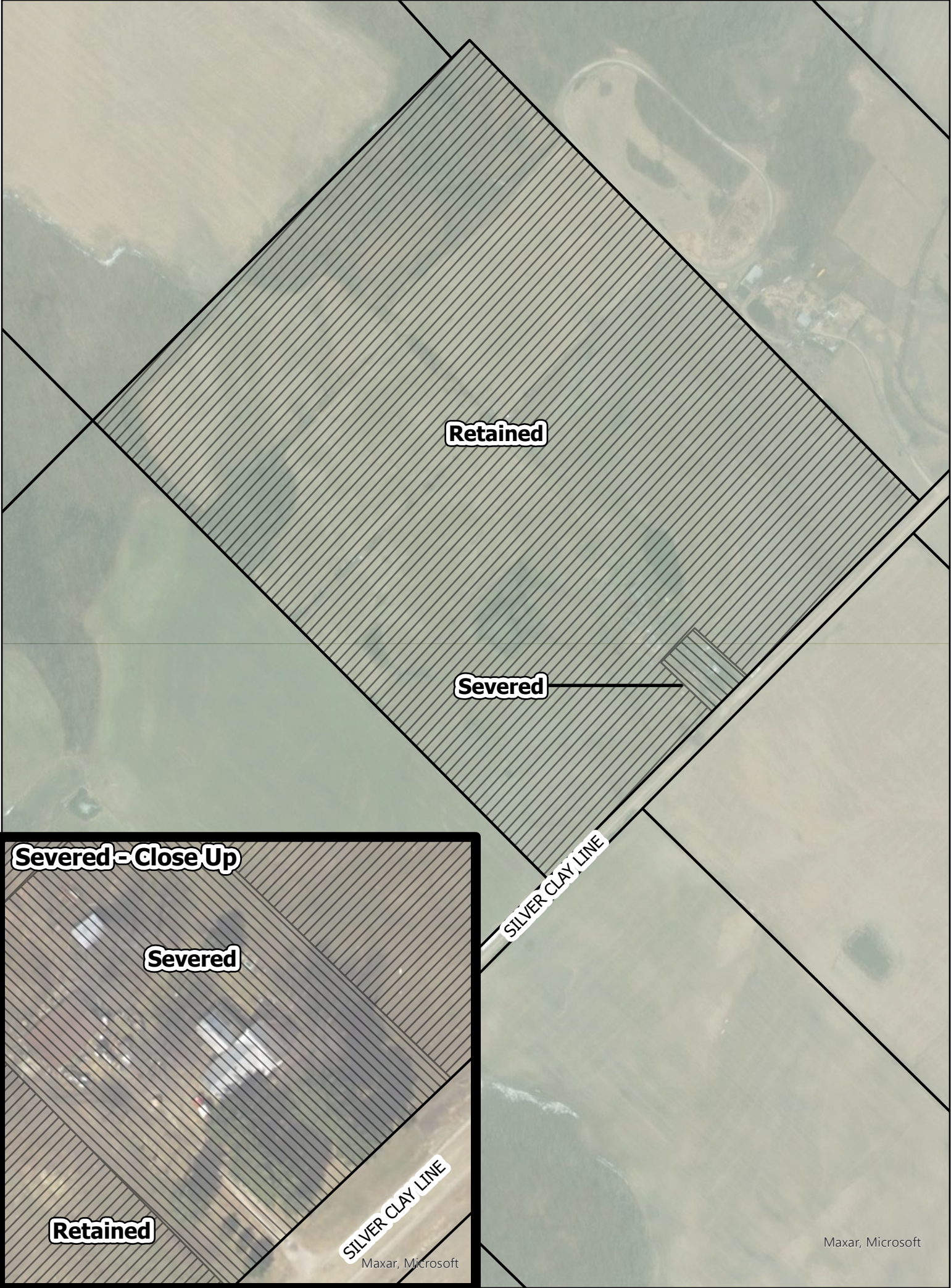
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25th day of November, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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



Location Map



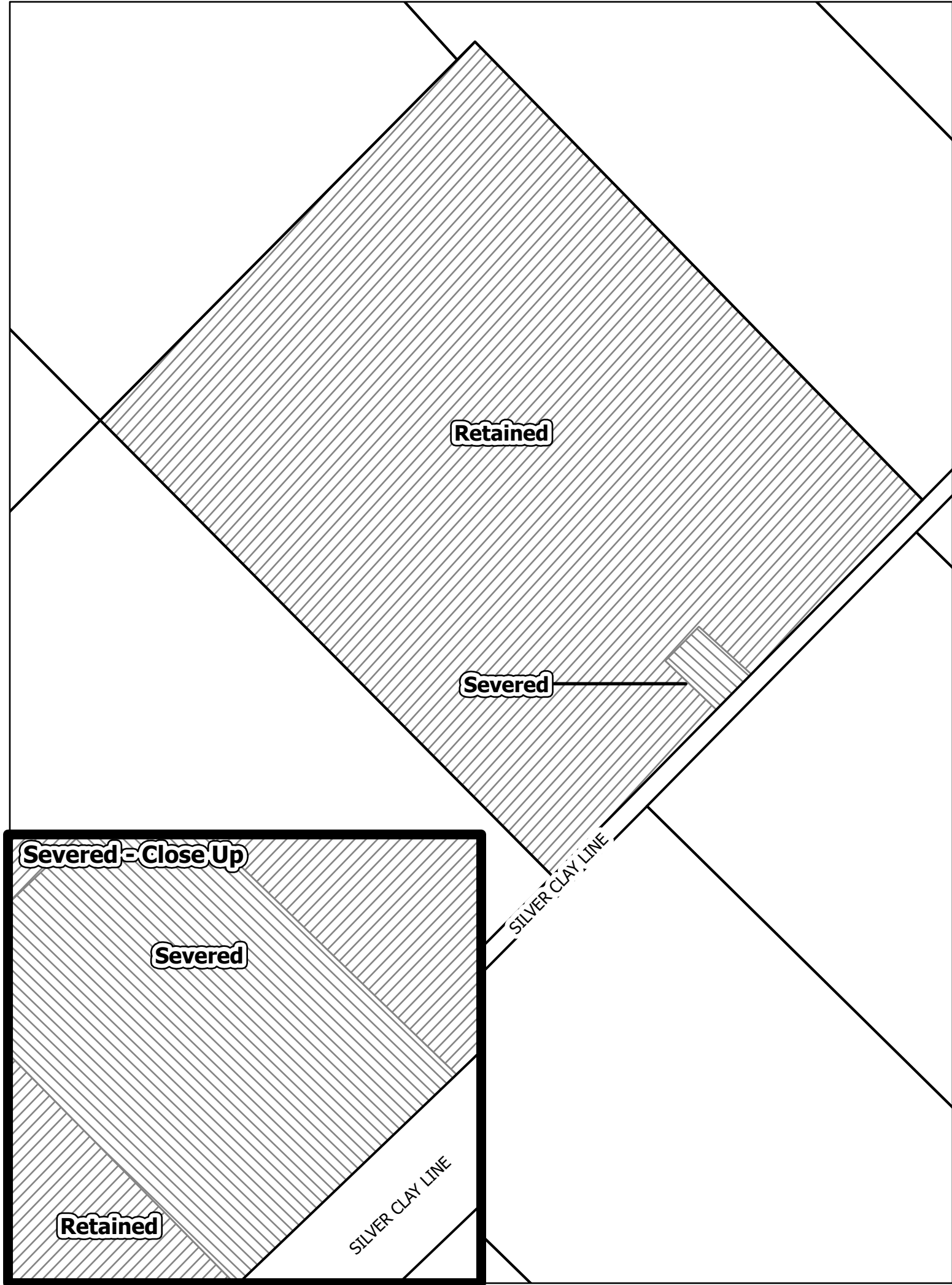
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

Buildings
- Subject Site: 30734 Silver Clay Line
File Number: E 91-2021
Owner: Argyle Farms Brookwood & Argyle Hills Inc.
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021
- The Corporation of the County Elgin
Prepared By: Planning and Development
- A horizontal scale bar with alternating black and white segments. Below the bar are numerical labels: 0, 37.5, 75, 150, 225, and 300. The unit 'M' for meters is at the far right.

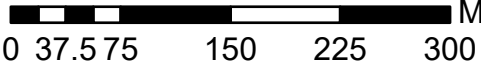


Location Map

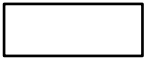


Subject Site: 30734 Silver Clay Line
 File Number: E 91-2021
 Owner: Argyle Farms Brookwood & Argyle Hills Inc.
 Planner: Nancy Pasato
 Created By: AL
 Date: 11/05/2021

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



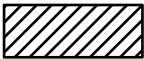
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

From: [Dan McKillop](#)
To: [Aisling Lavery](#)
Subject: Re: Argyle Farms Brookwood Inc & Argyle Hills Inc - 30734 Silver Clay Line
Date: October 22, 2021 11:59:25 AM

Hi
The buildings were removed in June of 2020.

Dan McKillop
Working together for a better tomorrow.

On Oct 22, 2021, at 10:51 AM, Aisling Lavery <alavery@elgin.ca> wrote:

Good morning,

Thanks for getting back to me so promptly. To clarify, all buildings on the retained parcel have been removed? Do you know approximately when they were removed?

Thanks,
Aisling

From: Dan McKillop <danmckillop2012@hotmail.ca>
Sent: October 22, 2021 10:49 AM
To: Aisling Lavery <alavery@ELGIN.ca>
Subject: Re: Argyle Farms Brookwood Inc & Argyle Hills Inc - 30734 Silver Clay Line

Good morning
I am not sure how I can prove what is not there. I do know the balance of the land has been tiled. They tore down all other buildings themselves so no recorded record. What type of proof do you need. Thank you.

Dan McKillop
Working together for a better tomorrow.

On Oct 22, 2021, at 10:41 AM, Aisling Lavery <alavery@elgin.ca> wrote:

Hi Dan,

Our office met to discuss upcoming applications including the application submitted by yourself at 30734 Silver Clay Line.

You've indicated there are no buildings currently or proposed on the

retained lands but aerial images show several buildings. Can you please confirm if there are any barns/buildings on the retained lands, the number of them, and their status (i.e. housing livestock currently or capabilities to house livestock, to be removed, to be maintained, etc.).

Thanks,

Aisling “Ashleen” Lavery, CPT

Planning Technician

Secretary-Treasurer, Elgin County Land Division Committee

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

450 Sunset Drive

St. Thomas, ON. N5R 5V1

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

www.elgincounty.ca

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

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



COUNCIL RESOLUTION



Res: 2021.22. 23

Wednesday, November 24, 2021

Moved by: _____ Loveland _____

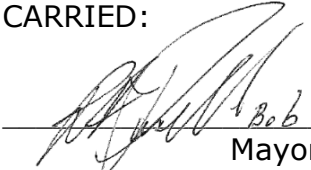
Seconded by: _____ Hentz _____

THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E 91/21 for Concession 6, South ½ of Lot 17, 30734 Silver Clay Line, Municipality of Dutton Dunwich, provided the following conditions are included:

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

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

CARRIED:



Mayor

DEFEATED:

Mayor



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: November 24, 2021

SUBJECT: Application for Severance – Concession 6, South ½ of Lot 17, 30734 Silver Clay Line (E91/21), Municipality of Dutton Dunwich – Argyle Farms Brookwood Inc., and Argyle Hills Inc.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E91/21 for Concession 6, South ½ of Lot 17, 30734 Silver Clay Line, Municipality of Dutton Dunwich, provided the following conditions are included:

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

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was submitted to the County of Elgin Land Division Committee (E40/20) by Argyle Farms Brookwood Inc., and Argyle Hills Inc., the owner of the subject property. The application has since expired, and a re-application (E91/21) has been submitted and shall be evaluated under current policies and regulations.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land.

The subject parcel is legally described as Concession 6, South ½ of Lot 17, and locally known as 30734 Silver Clay Line, Municipality of Dutton Dunwich (see attached Key Map).

The proposed severed parcel will have an area of 0.447 ha, depth of 80 m and frontage of 56 m along the north side of Silver Clay Line. The proposed severed parcel has 1 house and 2 accessory structures with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 42.29 ha, depth of 713.742 m and frontage of 598.769 m along the north side of Silver Clay Line. The proposed retained land is used for agricultural uses with no structure and with no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands.

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

Planning Policy Review

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

County of Elgin Official Plan (OP)

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

Section E1.2.3.1 General Criteria contains the conditions of approval for severed and/or retained lots.

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

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

Section C4.3.2 sets out that new development requiring a Planning Act approval is proposed within 300 metres of a pit or 500 metres of a quarry, the approval authority shall be satisfied that the proposed use is compatible with the current and future operation of the pit or quarry.

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

No development is proposed in the Woodlands area.

No development is proposed in the Aggregate and Petroleum Resources area.

The proposed severance conforms to the County of Elgin Official Plan.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021 with a portion subject to Mineral Aggregate Resources Areas on Schedule 'C' and Significant Woodlands on Schedule 'B'.

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

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.* Farm consolidation will occur.

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

Section 4.1 (j) sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Section 4.4 sets out that the goal is to protect areas with mineral aggregate resource potential.

Comments: The above noted criteria can be complied with. No development is proposed in the Mineral Aggregate Resources area. The creation of the new lot will not have a negative effect on the viability of a potential extractive operation. No development is proposed for the proposed retained parcel and therefore, an Environmental Impact Statement is not required. The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Agricultural (A3) Zone on Map 11.

Comment: As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to prohibit all residential uses.

Comments: The proposed severance application shall comply with the permitted uses and regulations set out in the Municipality of Dutton Dunwich Zoning By-law.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

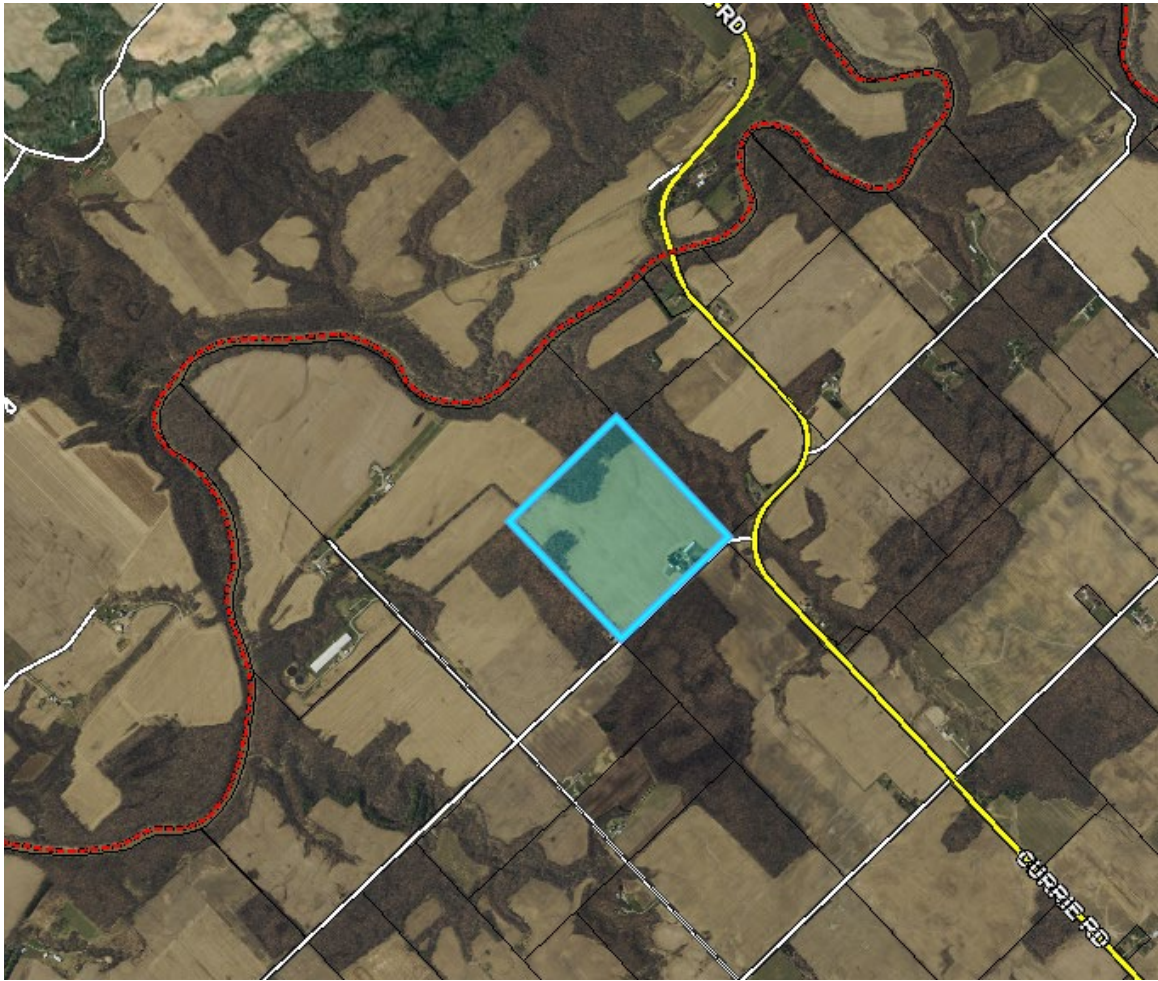
Planner

Approved for Submission

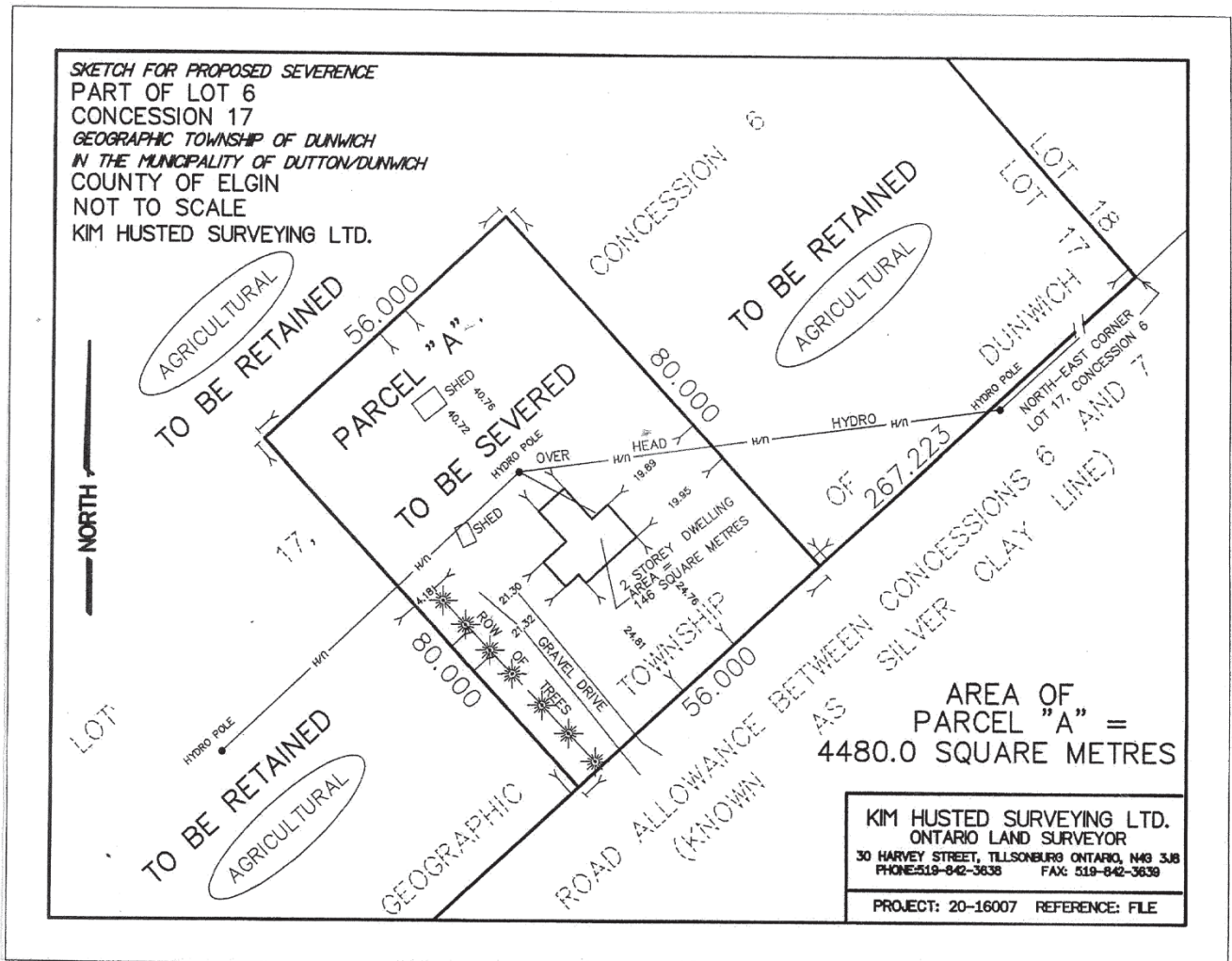
Heather Bouw

CAO/Clerk

KEY MAP



SKETCH



From: [Jackie Morgan-Beunen](#)
To: [Tracey Pillon-Abbs](#); [Archie Leitch](#); [Brent Clutterbuck](#); [Colin Shewell](#); [Heather Bouw](#); [Murray Wickerson](#); [Ryan McLeod](#); [Tara Kretschmer](#); [Tim Hansen](#)
Subject: RE: Receipt of Application - E 91-21
Date: November-15-21 8:18:18 AM

Good morning Tracey.

A new septic bed was installed and inspected November 19, 2020. There is currently an open building permit for the renovation of the house. An Occupancy inspection is still outstanding for the house. If you would like any further information, please let me know.

Kind regards,

Jackie Morgan-Beunen,CBCO
Chief Building Official

199 Currie Road, Dutton, Ontario N0L 1J0
T 519.762.2204 F 519.762.2278
C 519.857.9605

Tracey Pillon-Abbs

From: Brent Clutterbuck
Sent: November-15-21 1:57 PM
To: Tracey Pillon-Abbs
Subject: RE: Receipt of Application - E 91-21

Same conditions as expired E40/20

Tracey Pillon-Abbs

From: Brent Clutterbuck
Sent: September 18, 2020 2:56 PM
To: Tracey Pillon-Abbs
Subject: Re: Application E 40-20

Drain reapportionment for

- 1) AD McFarlane Drain
- 2) McWilliam Drain
- 3) McFarlane Drain
- 4) McWilliam Drain #2
- 5) McKillop # 1 Drain

and a mutual agreement drain

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

Office 519-762-2204
Fax 519-762-2278
Email drainage@duttondunwich.on.ca

MUNICIPAL APPRAISAL SHEET

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

Submission E 91/21

Applicant Argyle Farms Brookwood Inc., and Argyle Hills Inc.

Location 30734 Silver Clay Line

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan with a portion subject to Mineral Aggregate Resources Areas on Schedule 'C' and Significant Woodlands on Schedule 'B'.

Policies: Section 8.3.4 (new OP) states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. No Development in the Woodlot and no impact on the Mineral Aggregate Resources.

ZONING

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

Comments:

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

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

OTHER

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

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

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

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

Staff Report and Resolution attached.

Revised 30/01/20

November 26, 2021

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

Attn: **Nancy Pasato**

Re: **Consent Application E 91/21**
30734 Silver Clay Line (Argyle Farms)
Part Lot 17, Concession 6
Municipality of Dutton Dunwich

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

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

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

Yours truly



Valerie Towsley
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 28, 2021 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 91-21

OWNER: Argyle Farms Brookwood Inc. & Argyle Hills Inc.

PROPERTY: **LOT NO.** SE ½ of 17 **CONCESSION:** 6

REG'D PLAN: _____ **MUNICIPALITY:** Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel 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 ways 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 lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐
- 7) Technical Reports

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

☐
- 9) Lot Grading Plan is required for the severed lot.....

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

☐
- 11) Not on County Road

☒
- 12) Please provide me with a copy of your action on this application

☐
- 13) Other...

☐

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Department, County of Elgin
Date: December 7, 2021
Application: E 91-21

Owner: Argyle Farms Brookwood Inc. & Argyle Hills Inc.,
29963 Silver Clay Line, Dutton, ON N0L 1J0
Agent: Dan McKillop

Location: 30734 Silver Clay Line, Lots SE ½ OF 17, Concession 6, Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 56 metres (183.73 feet) along Silver Clay Line by a depth of 80 metres (262.47 feet) and an area of 0.44 hectares (1.1 acres) containing one residence and two sheds, surplus to the needs of the owner. The applicants are retaining 42.3 hectares (104.5 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural
Area/Woodlands on
Appendix 1

**Local Municipality Official
Plan**

Agriculture, Mineral
Aggregate Resources Areas,
and Significant Woodlands

**Local Municipality Zoning
By-law**

Large Lot Agricultural (A3)
Zone

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich - THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E 91/21 for Concession 6, South ½ of Lot 17, 30734 Silver Clay Line, Municipality of Dutton Dunwich, subject to conditions.

County Engineering – not on a County Road.

Lower Thames Valley Conservation Authority – Staff have no objections to this application as submitted to this office.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.44 hectares/1.1 acres) will contain an existing dwelling and two sheds, and the existing partial servicing (publicly owned and operated piped water system and privately owned and operated individual septic tank).

County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). A portion of the subject site contains the Woodland overlay, as per Appendix 1, and the Aggregate overlay, as per Appendix C of the County OP. New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever.

The Applicant has previously indicated that the retained lands (42.3 hectares/104.5 acres) will maintain their existing agricultural use. The proposed severed lot is not removing existing farmland, and is kept to a minimum size that will include the private services and existing structures. The proposed severance is in keeping with the existing residence and yard, and is consistent with the Elgin County OP.

The portion of the subject site containing the Woodland and Aggregate overlay and designation is remaining with the retained parcel and staff do not anticipate any concerns or issues related to the woodland. The portion of the lands containing the Aggregate overlay will maintain its current use.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021 with a portion subject to Mineral Aggregate Resources Areas on Schedule 'C' and Significant Woodlands on Schedule 'B'. No development is proposed in the Mineral Aggregate Resources area. The creation of the new lot will not have a negative effect on the viability of a potential extractive operation. No development is proposed for the proposed retained parcel and therefore, an Environmental Impact Statement is not required. The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan.

The subject site is zoned Agricultural (A3) Zone. As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to Special Rural Residential (RS) Zone to permit nonfarm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to prohibit all residential uses.

RECOMMENDATION:

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

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

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;



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

7. That a 911 sign be established for the severed and retained parcels;
8. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
9. 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; and
10. 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 92-21**

**PT LOT 11, CONCESSION 11, TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 49779 LYONS LINE**

TAKE NOTICE that an application has been made by Rockx Farms Ltd. C/O Wayne Rockx, 163663 Brownsville Road, Brownsville ON N0L 1C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 49779 Lyons Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 43 metres (183.73 feet) along Lyons Line by a depth of 67 metres (262.47 feet) and an area of 0.29 hectares (0.71 acres) containing one residence, surplus to the needs of the owner. The applicants are retaining 38.31 hectares (94.67 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY DECEMBER 15, 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 npasato@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 Ontario Land 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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25th day of November, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

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



Location Map



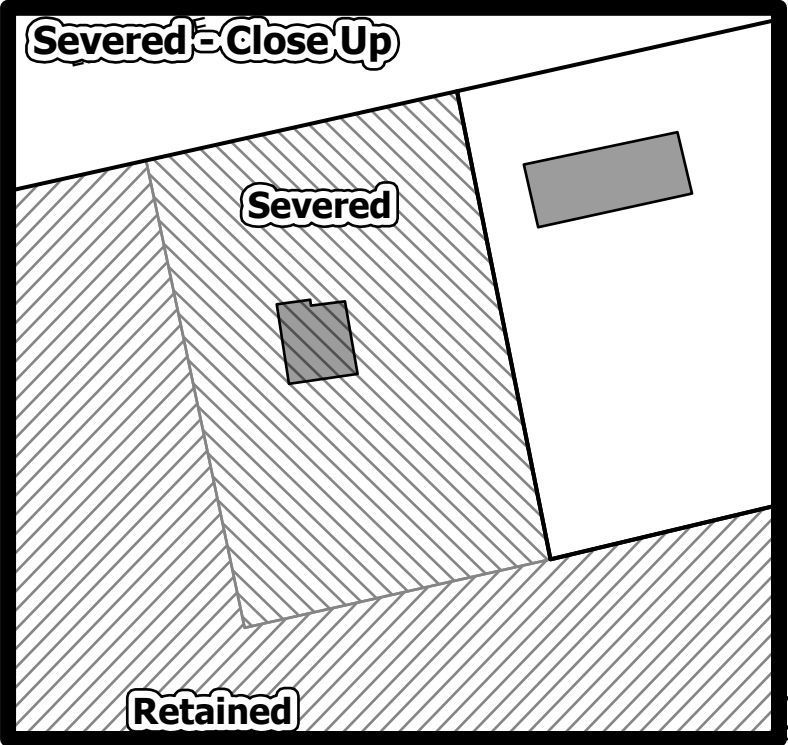
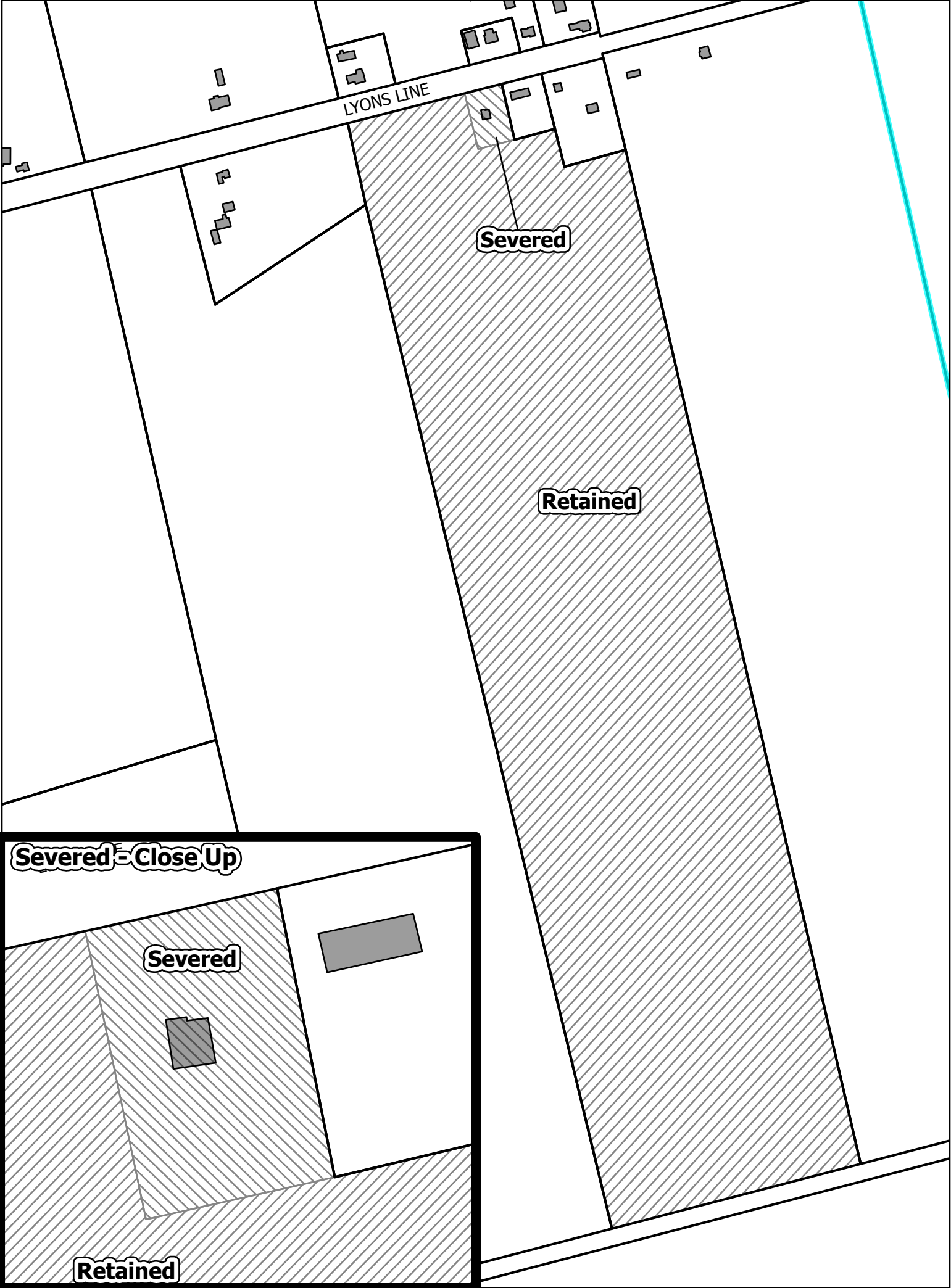
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

Buildings
- Subject Site: 49779 Lyons Line
File Number: E 92-2021
Owner: Rockx Farms LTD C/O Wayne Rockx
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021
- The Corporation of the County Elgin
Prepared By: Planning and Development
-



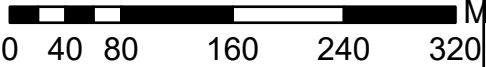
Location Map



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

Subject Site: 49779 Lyons Line
File Number: E 92-2021
Owner: Rockx Farms LTD C/O Wayne Rockx
Planner: Nancy Pasato
Created By: AL
Date: 11/05/2021

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





December 3, 2021

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

Dear Committee Members:

RE: Land Severance Application E92-21 - Rockx Farms - 49779 Lyons Line

The Malahide Township Council passed the following Resolutions on December 2, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E92/21 in the name of Rockx Farms Ltd., relating to the property located at Part Lot 11, Concession 11, Geographic Township of South Dorchester, Township of Malahide, subject to the following conditions:

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

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

(ix) That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled

We enclose Municipal Appraisal together with Municipal Report DS-21-61 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
Rockx Farms c/o Wayne Rockx



Report to Council

REPORT NO.: DS-21-61
DATE: December 2, 2021
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Rockx Farms Ltd
(Authorized Solicitor: Ryan Verhoog)**
LOCATION: Part of Lot 11, Concession 11 (Geographic Township of South
Dorchester) (49779 Lyons Line)

Recommendation:

THAT Report No. DS-21-61 entitled “Application for Consent to Sever of Rockx Farms Ltd” be received;

AND THAT the Application for Consent to Sever of Rockx Farms Ltd, relating to the property located at Part of Lot 11, Concession 11, (Geographic Township of South Dorchester), and known municipally as 49779 Lyons Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Ryan Verhoog, on behalf of Rockx Farms Ltd in order to sever an existing dwelling as a result of a farm consolidation. The Application relates to the property located at Part of Lot 11, Concession 11, (Township of South Dorchester), and known municipally as 49779 Lyons Line.

Comments/Analysis:

The subject farm property is approximately 39.1 hectares (96.7 acres) in area, and has approximately 185 metres (606.9 feet) of frontage along Lyons Line. There is an existing single-detached dwelling and detached garage. The subject property is

bounded by farm residential uses to the north and east and agricultural land to the south and west.

County of Elgin Official Plan

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan, and a small portion is designated “Woodlands” on Appendix 1, “Environmental Resource Areas”. The subject property has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources). In addition to the above, the subject property is identified as having frontage along a “County Collector” on Schedule ‘B’, “Transportation Plan”.

Malahide Official Plan

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

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

Malahide Zoning By-law No. 18-22

The subject property is within the “General Agricultural (A1) Zone” on Key Map 21 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Regulated Area”.

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Rural Residential (RR) Zone” zone.

The severed dwelling lot will comply with the “Rural Residential (RR) Zone” zone.

The proposed retained farm lot will be placed into the “Agricultural (A2) Zone” zone. The “Agricultural (A2) Zone” zone requires the following with regard to minimum lot area and frontage:

“A2” Zone	Required:	Proposed Retained Farm Lot
Min. Lot Area	20 ha (50 acres)	38.3 ha (94.6 acres)
Min. Lot Frontage	150m (492 feet)	142 m (465.8 feet)

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably:

The Township's Drainage Superintendent/Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

The Township' CAO has also reviewed and has no concerns with the proposal.

The necessary zoning by-law amendment will also address the deficient frontage of the retained farm parcel, which staff have no concerns with.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the "Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

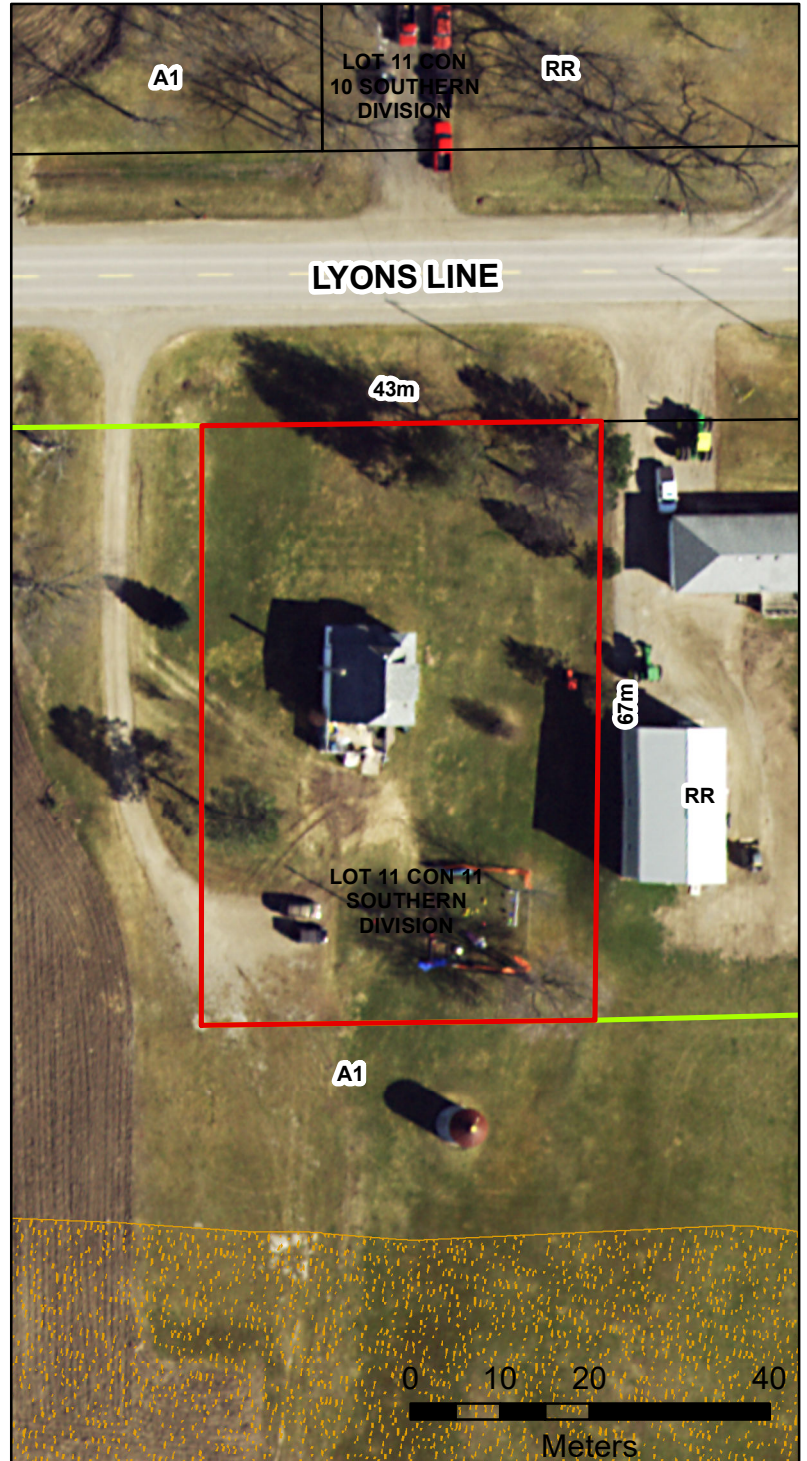
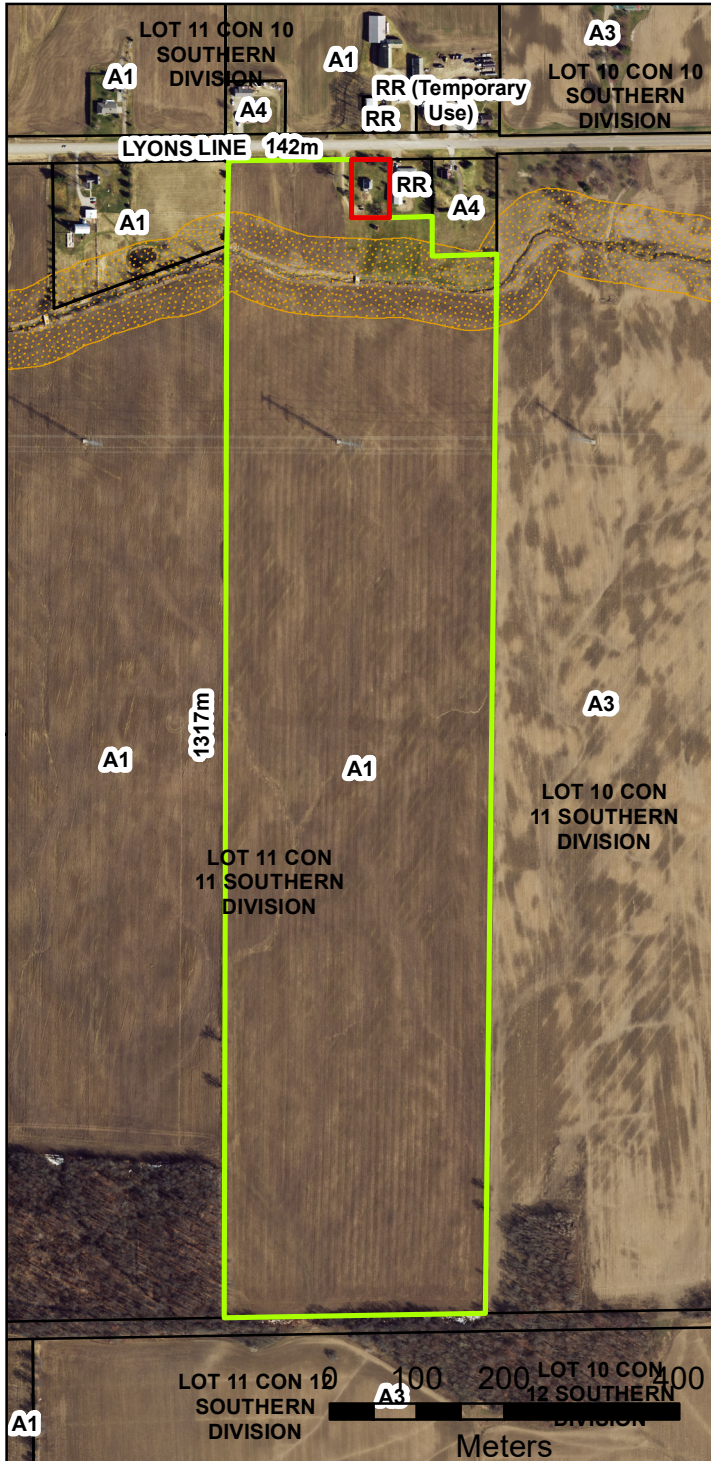
New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

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

APPLICATION FOR A CONSENT TO SEVER Rockx Farms

49779 Lyons Line
Part of Lot 11, Concession 11 (Geographic Township of South Dorchester)
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural

- Lands to be Severed
- Lands to be Retained
- Hazard Lands



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 E92-21

Applicant Rockx farms

Location 49779 Lyons 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: “Agriculture” on Schedule ‘A1’ (Land Use Plan) and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan).

Policies: The policies of Section 4 and 2.1.7 of the Malahide 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 () No (x)

Comments: The proposed retained farm lot will be placed into the “Agricultural (A2) Zone” zone. The “Agricultural (A2) Zone” zone requires a minimum lot frontage of 150m (492 feet). retained farm lot will be **142 m (465.8 feet)**.

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

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

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

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

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?

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: Notice of Application - E 92-21
Date: December 3, 2021 1:35:48 PM

Hi Dawn,

The CCCA have no concerns with the above noted severance application.

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

Regards,

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

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: November-25-21 12:48 PM
To: Adam Betteridge <ABetteridge@malahide.ca>; Christine Strupat <CStrupat@malahide.ca>; Brian Lima <blima@ELGIN.ca>; Tony Difazio <planning@catfishcreek.ca>; elginfarmers@gmail.com
Cc: Nancy Pasato <npasato@ELGIN.ca>; rverhoog@whitecoad.com
Subject: Notice of Application - E 92-21

Good afternoon,

Please find attached the Notice of Application for E 92-21 for the Elgin County Land Division Committee meeting being held on December 15, 2021.

If you wish to provide comments on this application please submit them to Nancy Pasato (npasato@elgin.ca), Acting Secretary-Treasurer by Tuesday, December 7, 2021 to be included in the agenda package and considered by the Land Division Committee.

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 28, 2021 ELGIN COUNTY ROAD NO.: 48 - 49779 LYONS LINE

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 92-21

OWNER: Rockx Farms Ltd.

PROPERTY: LOT NO. Part Lot 11 CONCESSION: 11

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 lot/parcel up to 15m from the centreline of construction of Lyons Line County Road (48) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Department, County of Elgin
Date: December 7, 2021
Application: E 92-21

Owner:
Rockx Farms Ltd. C/O Wayne Rockx
163663 Brownsville Road,
Brownsville ON N0L 1C0

Agent:
Ryan E. Verhoog

Location: 49779 Lyons Line, PT Lot 11, Concession 11, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 43 metres (183.73 feet) along Lyons Line by a depth of 67 metres (262.47 feet) and an area of 0.29 hectares (0.71 acres) containing one residence, surplus to the needs of the owner. The applicants are retaining 38.31 hectares (94.67 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture, and Hazard
Lands

**Local Municipality Zoning
By-law**
General Agricultural (A1),
and Regulated Area

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide - THAT the Malahide Township Council has no objection subject to conditions.

Catfish Creek Conservation Authority – No concerns.

County Engineering – Subject to the provided conditions related to road widening, and entrance permit.

Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for

agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.29 hectares/0.71 acres) will contain an existing dwelling. The proposed severed lot does not remove any additional farm lands that are not already included within the severed parcel.

County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (38.31 hectares/94.67 acres). The severed lands, which contain a residence deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (privately owned and operated individual septic tank and privately owned and operated piped water system), without taking away from the agricultural lands.

Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands" on Schedule 'A2' (Constraints Plan). The Agricultural policies of Section 4 of the Official Plan applies to this development. The proposed development is in The subject property is within the "General Agricultural (A1) Zone" on Key Map 21 of Schedule "A" to the Township's Zoning By-law No. 18-22, and a portion of the subject property is identified as "Regulated Area". Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the "Rural Residential (RR) Zone" zone. The severed dwelling lot will comply with the "Rural Residential (RR) Zone" zone. The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone, to recognize deficiencies in lot frontage.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
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 and retained lot/parcel up to 15m from the centreline of construction of Lyons Line County Road (48) to the County of Elgin for the purposes of road widening if the right of ways 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 a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant 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.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.



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8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.