



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, April 27, 2022 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:10am E 12-22 Eleanor Limited Partnership – 11884 Sunset Road – Township of Southwold
 - 9:20am E 13-22 Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan - 61 Coulter Avenue – Municipality of Central Elgin
 - 9:30am E 14-22 Scott Hayhoe Farms Inc. – 52947 Calton Line – Township of Malahide
 - 9:40am E 15-22 Scott Hayhoe Farms Inc. – 52887 Calton Line – Township of Malahide
 - 9:50am E 17-22 G & M Howe & Sons Ltd. - 7077 Rogers Road - Township of Malahide
 - 10:00am E 18-22 Open Bible Baptist Church - 9060 Hacienda Road - Township of Malahide
 - 10:10am E 20-22 Eva Dyck – 10 Spruce Street E – Town of Aylmer

10:20am	E 21-22	Paul Marks – 204 Union Street – Municipality of Central Elgin
10:30am	E 22-22	Richard Glover – 206 Union Street – Municipality of Central Elgin
10:40am	E 23-22	AGinvest Farmland One Inc. – 57905 Heritage Line – Municipality of Bayham
10:50am	E 1-22	Wendy D'Angelo - 11789 Superior St – Township of Malahide
11:00am	E 16-21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin
	E 17-21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin
	E 18-21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin
	E 19-21	Parezanovic Farms & Peter Parezanovic Furnival Rd – Municipality of West Elgin

10th Date of Next Meeting

11th Adjournment

VIRTUAL MEETING: IN-PERSON PARTICIPATION RESTRICTED

NOTE FOR MEMBERS OF THE PUBLIC:

Please click the link below to watch the Council Meeting:

<https://www.facebook.com/ElginCountyAdmin/>

Accessible formats available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

March 23, 2022

County of Elgin Land Division Committee met this 23rd day of March 2022. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

Committee Members Present (in-person / electronic):

Dugald Aldred
John Andrews
John R. “Ian” Fleck, Chairman
Rosemary Kennedy
Dennis O’Grady
John Seldon (electronic)
Jack Van Kasteren, Vice-Chairman

Staff Present (in-person / electronic):

Julie Gonyou, CAO & Clerk / Land Division Committee Secretary-Treasurer (electronic)
Brian Lima, General Manager of Engineering, Planning & Enterprise
Marlene Bainbridge, Administrative Assistant
Jenna Fentie, Legislative Services Coordinator

City of St. Thomas – Interim Planning Support (in-person):

Jim McCoomb, Manager of Planning Services

1. CALL TO ORDER

The meeting convened at 9:00 a.m. with John R “Ian” Fleck in the Chair.

2. REQUESTS FOR DEFERRAL OF APPLICATION OR FOR ANY REQUEST FOR WITHDRAWAL OF AN APPLICATION

None.

3. ADOPTION OF MINUTES

Moved by: Dennis O'Grady

Seconded by: John Andrews

RESOLVED THAT the minutes of the meeting held on March 23, 2022 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 8-22 – 9:10 a.m.

Rodney & Trudy Malloy, 42595 Walnut Street, Union, ON N0L 2L0

The applicants propose to sever a parcel with a frontage of 18.11 metres (59.42 feet) along Stone Church Road by a depth of 111 metres (364.17 feet) and an area of 0.20 hectares (0.50 acres) to create a new residential lot. The applicants are retaining 5.45 hectares (13.47 acres), proposed to remain in residential use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee. Brian Lima noted to the Committee receipt of a written objection from an abutting property owner (Mr. Somerville), dated March 22, 2022.

Owner: Rodney Malloy was present electronically.

Agent: no representative(s) present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	Staff have no concerns to the application as submitted
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 8-22 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 the 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.

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

1. Approval of a Zoning By-law Amendment to place the severed lot in a R1 zone;
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands;
3. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and

4. A copy of the reference plan be provided to the Municipality of Central Elgin.

- Motion Carried.

Application E 10-22 – 9:20 a.m.

Mark Currelley, 9590 Currie Road, Wallacetown ON N0L 2M0

The applicants propose to sever a parcel with a frontage of 25.15 metres (82.51 feet) along St. Andrews Street by a depth of 35.81 metres (117.49 feet) and an area of 0.09 hectares (0.22 acres) to create a residential lot. The applicants are retaining 0.09 hectares (0.22 acres) containing a residence and a shed, proposed to remain in residential use. Measurements will be confirmed on the Reference Plan.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee

Owner: Mark Currelley was present electronically.

Agent: no representative(s) present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County 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 Services	Recommends approval of 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: Dugald Aldred

RESOLVED THAT severance application E 10-22 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 severed lot/parcel up to 15m from the centreline of construction of Currie Road County Road (8) to the County of Elgin for the purposes of road widening if the right of 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 parcels. All costs associated with this shall be borne by the owner.
7. Lot Grading Plan is required for the severed lot

Additionally, the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That a minor variance application is in force and effect for the severed and retained parcels.
2. That septic system review for the severed parcel has been completed.
3. That Municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot.
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality.
6. That taxes are to be paid in full.
7. That a new 911 number 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. Proof of water service, to the satisfaction of the Municipality.
10. Proof of access, to the satisfaction of the Municipality.

- Motion Carried.

Application E 11-22 – 9:30 a.m.
David & Mary Thiessen, 51631 Calton Line, Aylmer, ON N5H 2R3

The applicants propose to sever a parcel with a frontage of 12.0 metres (39.37 feet) along Calton Line by a depth of 239.0 metres (784.12 feet) and an area of 2.91 hectares (7.2 acres) to be conveyed to the adjacent property. The applicants are retaining 35.61 hectares (88.0 acres), proposed to remain in agricultural use.

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

Owners: no owner(s) present
Agent: David Roe, Civic Planning Solutions Inc. was present electronically.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	No comments provided
4	Elgin County Planning Services	Recommends approval of 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

RESOLVED THAT severance application E 11-22 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. The severed land be merged in title with the abutting lot, legally described as Part of Lot 24, Concession 3, municipally known as 51631 Calton Line; and
3. Solicitor Undertaking whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest.

Additionally, the following conditions from the Township of Malahide be included as conditions for consent:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

- Motion Carried.

Application E 71-21 – 9:40 a.m.

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

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

hectares (98.84 acres) proposed to remain in agricultural use.

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

Owner: no owner(s) present

Agent: Herman Lansink was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of a revised application subject to the conditions provided
2	Lower Thames Valley Conservation Authority	Staff have no concerns to the application as submitted
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of 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: Dugald Aldred

RESOLVED THAT the amended severance application E 71-21 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.

Additionally, 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 a septic system review for the severed parcel has been completed.

3. That Municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot.
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality.
6. That taxes are to be paid in full.
7. That a 911 sign be established for the 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 the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
10. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.

- Motion Carried.

Application E 72-21 – 9:50 a.m.

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

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

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

Owner: no owner(s) present

Agent: Herman Lansink was present electronically.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of a revised application subject to the conditions provided
2	Lower Thames Valley Conservation Authority	Staff have no concerns to the application as submitted
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application

	subject to the conditions provided
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(*) A copy of the comment package which includes all correspondence received is available upon request.

Moved by: John Andrews

Seconded by: Dugald Aldred

RESOLVED THAT the amended severance application E 72-21 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.

Additionally, 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 a septic system review for the severed parcel has been completed.
3. That Municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot.
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality.
6. That taxes are to be paid in full.
7. That a 911 sign be established for the 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 the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.
10. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.

- Motion Carried.

Application E 76-21 – 10:00 a.m.

Application E 77-21 – 10:00 a.m.

Application E 78-21 – 10:00 a.m.

Application E 79-21 – 10:00 a.m.

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

Owner: Greg Mitchell and Scott Gilvesy were present electronically.

Agent: Lisa Gilvesy, Jenkins and Gilvesy Law Firm was present electronically.

Consent for Applications E 76-21, E 77-21, E 78-21, and E-79-21 was granted by the Land Division Committee on October 27, 2021. Certified copies of the Notice of Decision of the Land Division Committee of the County of Elgin in the matter of Applications E 76-21, E 76-21, E 77-21, E 78-21, and E-79-21 for Consent pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, as amended, were sent to Greg Mitchell and Scott Gilvesy on November 8, 2021.

Greg Mitchell and Scott Gilvesy are the “Owner(s)” identified in Applications E 76-21, E 77-21, E 78-21, and E-79-21. In a letter received from Lisa Gilvesy, Jenkins and Gilvesy Law Firm, on March 22, 2022, it is noted that Applications E 76-21, E 77-21, E 78-21, and E-79-21 were submitted in both names in error and an amendment to the aforementioned Applications to reflect the “Owner” as 11:28 Properties Inc. is requested.

Chairman Fleck requested that the applicant’s agents introduce themselves to the Committee. Lisa Gilvesy requested an amendment to Applications E 76-21, E 77-21, E 78-21, and E-79-21 to reflect “Owner” as 11:28 Properties Inc.

Nicholas Loeb, Elgin County’s Senior Legal Counsel, and John E. Hogan, Hennessey & Hogan LLP, provided counsel to the Land Division Committee regarding the legal defensibility of the proposed amendment.

Moved by: Dennis O’Grady

Seconded by: Rosemary Kennedy

RESOLVED THAT the Applicant provide documentary evidence satisfactory to the County Solicitor that the Owner, 11:28 Properties Inc., made Applications 76/21, 77/21, 78/21 and 79/21 and that the individuals that initially filed the said applications were acting in capacity as corporate officers. Upon such documentary evidence being received, the Land Division Committee is satisfied and the Secretary-Treasurer may provide certification provided all conditions of consent are met.

- Motion Carried.

4. DATE OF NEXT MEETING

The Land Division Committee will meet again on April 27, 2022 at 9:00 a.m.

5. ADJOURNMENT

Moved by: John Andrews

Seconded by: Jack Van Kasteren

RESOLVED THAT the Committee adjourn at 10:16 a.m. to meet again on April 27, 2022 at 9:00 a.m.

- Motion Carried.

Julie Gonyou
Secretary-Treasurer

John "Ian" Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 12-22**

**PT LOTS 46-49, CONCESSION SENBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 11884 SUNSET ROAD**

TAKE NOTICE that an application has been made by Eleanor Limited Partnership, 16766 Transcannadiene, Kirkland, Quebec H9H 4M7 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11884 Sunset Road, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 856 metres (2,808.4 feet) along Sunset Road by a depth of 462.6 metres (1,517.72 feet) and an area of 38.47 hectares (95.06 acres) to create a new industrial property containing an industrial facility currently under construction, surface parking, and a wastewater treatment plant. The applicants are retaining 213.58 hectares (527.77 acres), proposed to remain in industrial 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 April 27, 2022 AT 9:10 AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

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

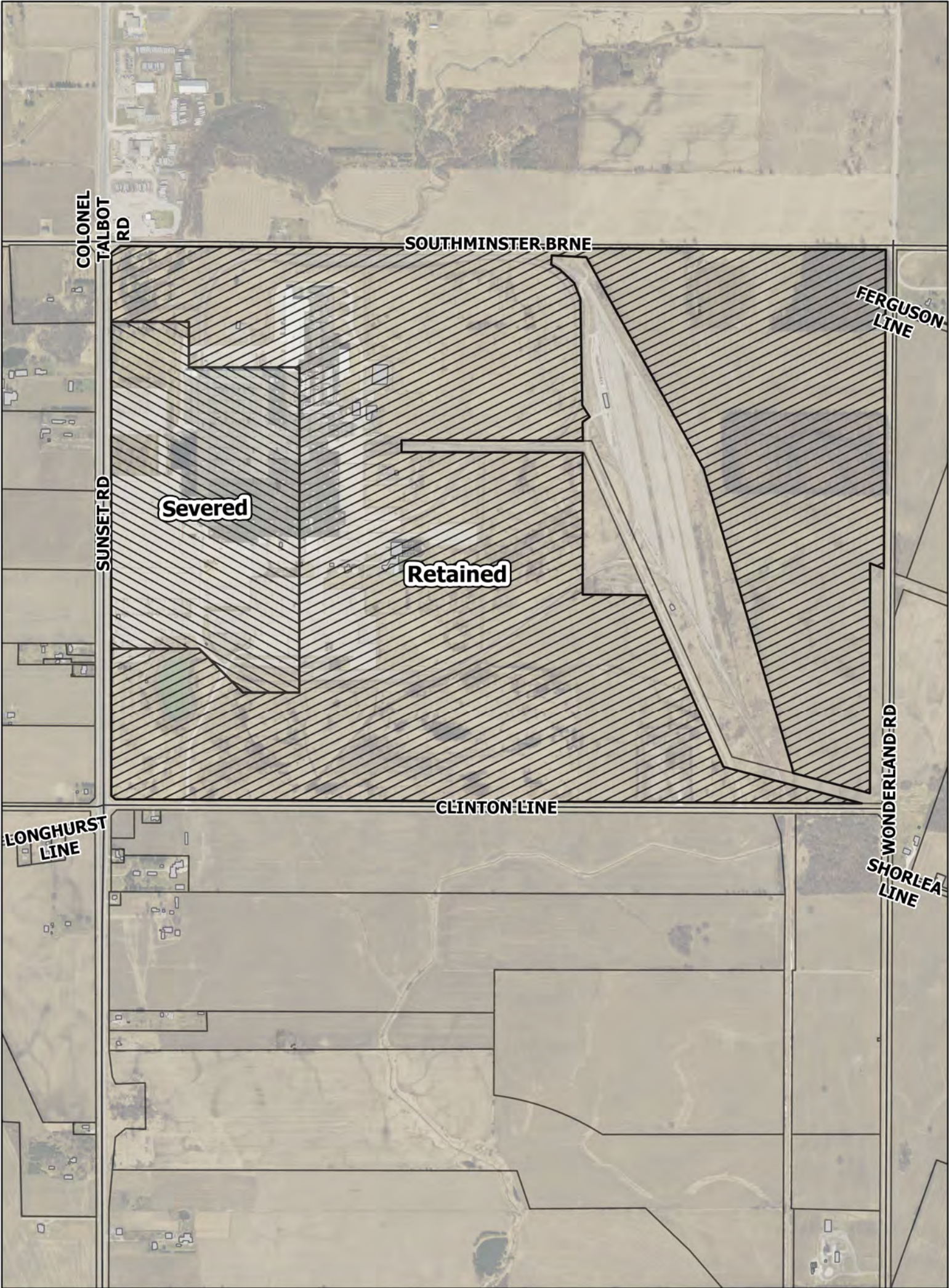
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 2nd day of March, 2022.

Julie Gonyou
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



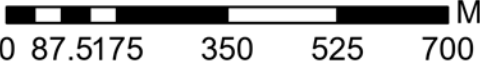
Retained

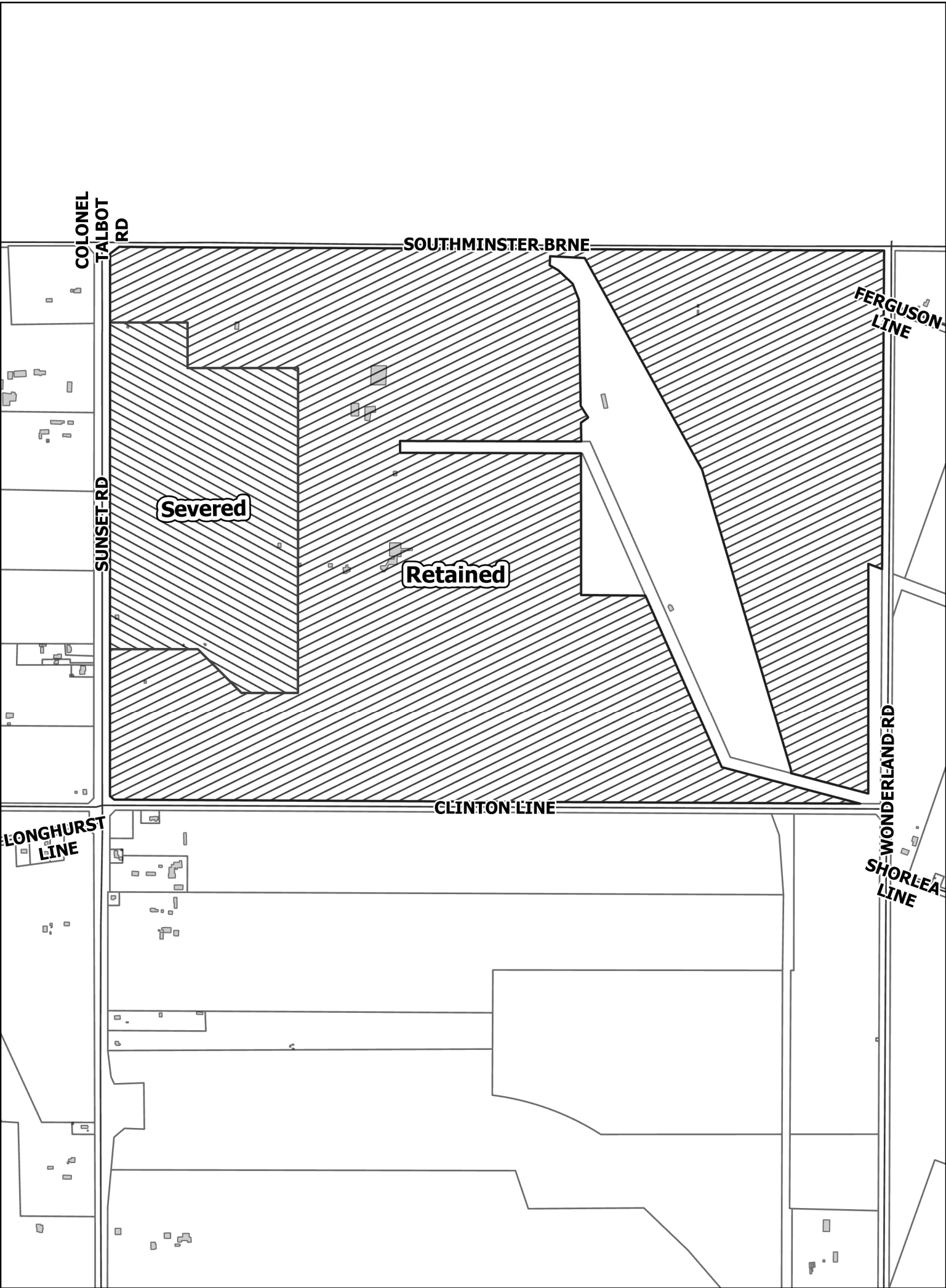


Elgin Road Network



Buildings





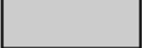




Location Map



Subject Site: 11884 Sunset Road
File Number: E 12-2022
Owner: Eleanor Limited Partnership Attn: Joesph Broccolini
Planner: Unknown
Created By: TE
Date: 02/08/2022

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

VIA EMAIL ONLY

April 19, 2022

County of Elgin
Land Division Committee
c/o Julie Gonyou, Secretary-Treasurer
450 Sunset Drive
St. Thomas, Ontario N5R 5V1

Ms. Gonyou:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E12-22
Legal Description: Part Lots 46 to 49, Concession SENBTR
Civic Address: 11884 Sunset Road

Please be advised that the Township of Southwold have reviewed the above noted application, at the April 13, 2022, Council Meeting and passed the following resolution:

2022-99 Consent Application E12-22 Eleanor Limited Partnership

THAT Council of the Township of Southwold receive Report PLA 2022-06 regarding Consent Application E12-22 – 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 E12-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-06; and

FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-06 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 2022-06: Severance Application E12-22 Comments to County of Elgin, dated April 13, 2022; and
2. E12-22 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,



Heather James, MES (Pl.), 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.



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: April 13, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-06

SUBJECT MATTER: Consent Application E12-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-06 regarding Consent Application E12-22 – 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 E12-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-06;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-06 as Municipal comments to the County of Elgin.

Purpose:

The proposal is to create a lot for an under-construction warehouse distribution facility with a proposed easement for a storm sewer over the proposed severed parcel in favour of the proposed retained parcel and a proposed right-of-way for access to an existing pump house (located on the retained parcel) over the proposed severed parcel in favour of the proposed retained parcel located at 11884 Sunset Road. There are existing servicing easements on the subject lands for utilities and a force main for servicing.

Background:

Below is a background information, in a summary chart:

Application	E12-22
Owner	Eleanor Limited Partnership
Applicant	Russell Beach
Agent	GSP Group (Rachel Bossie)

Legal Description	Part of Lots 46 to 49, Concession SENBTR
Civic Address	11884 Sunset Road
Entrance Access	Sunset Road and Clinton Line
Water Supply	Municipal Water
Sewage Supply	Privately owned wastewater treatment facility (under construction)
Stormwater Management	Privately owned stormwater retention facility
Existing Land Area	252.05 ha (622.83 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
E12-22	856 m (2,808.4 ft)	462.6m (1,517.7ft)	38.47 ha (95.1 ac)	175 m & 387 m (574.1 ft) & (1,269.7 ft)	Irregular 1,985 m (6,512.5 ft)	213.6 ha (527.8 ac)

Application	Severed Parcel		
E12-22	Width	Length	Area
Storm sewer Easement	6 m (19.7 ft)	8.77 m (28.7 ft)	52.62 m ² (566.4 ft ²)
Access Right-of-Way	Irregular	Irregular	0.48 ha (1.19 ac)

The Public Meeting is scheduled for April 27, 2022 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Eleanor Limited Partnership Lands.



The consent sketch, showing E12-22 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 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 and Township of Southwold Official Plan 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.

Provincial Policy Statement (PPS)

The subject lands are within an employment area (Section 1.3.2). The PPs requires planning authorities to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. The under-construction warehouse distribution facility use will provide employment. The severance of a parcel of land for employment purposes is permitted.

Partial services shall only be permitted within settlement areas, to allow for infilling and minor rounding out of existing development provided that site conditions are suitable

for the long-term provision of such services with no negative impacts. The proposed severed parcel will be serviced with municipal water and a privately owned wastewater treatment facility.

Planning for stormwater management for developments must meet the criteria listed in Section 1.6.6.7. A stormwater management retention facility has been constructed on the proposed severed parcel.

No development is proposed with this consent, so there are no impacts to natural heritage (Section 2.1 of the PPS) or natural hazards (Section 3.1 of the PPS).

The proposed severance application is consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Tier 2 Settlement Area on Schedule 'A' Land Use in the County of Elgin Official Plan. Section E1.2.3 of the Official Plan permits the creation of new lots provided the local Official Plan supports their creation and provided the criteria listed in Section E1.2.3.1 are satisfied. The proposed severed and retained parcels meet the criteria of Section E1.2.3.1. Section E1.2.3.3 states consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. The proposed easement and proposed right-of-way meet the policy requirements of Section E1.2.3.3

No development is proposed with this consent, so there are no impacts to natural heritage (Section D1.2) or natural hazards (Section D3.1).

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

Township of Southwold Official Plan

The subject lands are designated Industrial on Schedule '4E' Talbotville Land Use in the OP. The Significant Woodlands on Schedule '2' overlay apply to a portion of the proposed retained parcel and the Hazardous Lands on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels.

Section 7.23 of the OP provides a list of criteria that need to be satisfied for lot creation to occur. The proposed severed and retained parcels meet the criteria of Section 7.23.

Section 7.23.2 states any consent for lot creation may be subject to a comprehensive severance agreement entered into with the Township. Given that the proposed warehouse distribution facility is currently under construction, a Site Plan Agreement has already been entered into between the owner and the Township and therefore a severance agreement is not required.

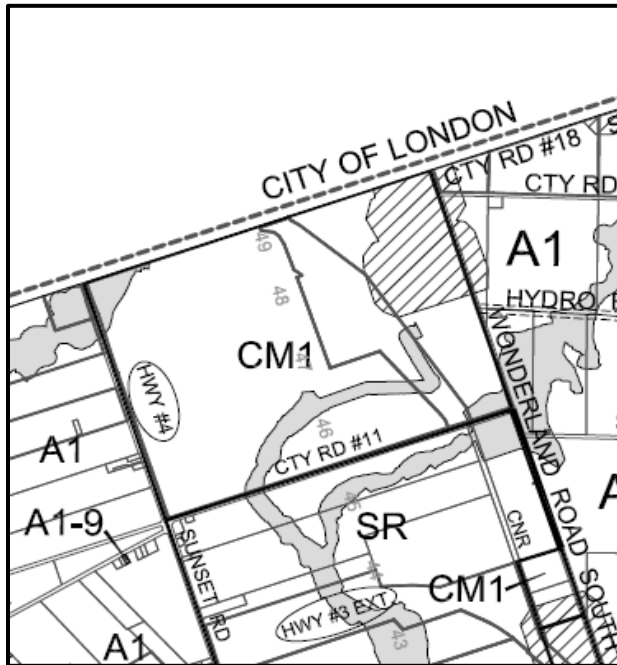
Section 6.2 of the OP, Sanitary, Water and Stormwater Management policies state full municipal water and sanitary services is the preferred method of servicing new development in Settlement Area communities. The Settlement Area of Talbotville is the Township's only existing fully serviced settlement area for a portion of the settlement area. The proposed severed parcel will be serviced with municipal water and privately owned wastewater treatment facility. The proposed retained parcel does not require servicing at this time as no development is proposed. A stormwater management retention facility has been constructed on the proposed severed parcel.

Section 4.1 of the OP, Natural Heritage Features and Areas and Section 4.2 Natural Hazard Lands prohibits buildings, structures, and alteration to lands designated Natural Heritage and Hazard Lands. Section 4.1.2.6 states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to an Environmental Impact Study demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Natural Heritage Features and Areas overlay and Natural Hazard Lands overlay and no development is proposed on the proposed retained parcel.

The proposed severance application conforms to the Township of Southwold Official Plan.

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

The subject lands are zoned Commercial/Industrial 1 (CM1), with the Natural Areas and adjacent lands located on eastern portion of the lands and the watercourses located in the northwest corner and lower southern portions of the lands subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 4, as depicted below.



The CM1 Zone permitted uses permit warehouse distribution facility. The CM1 Regulations for lot creation were reviewed and the proposed sever and retained parcels meet the requirements.

Section 3.4 Environmental Protection Zones, Natural Areas and Adjacent Lands states no new buildings or structures permitted by the applicable zone shall be erected in a Natural Area or Adjacent Land unless an Environmental Impact Statement demonstrates that there will be no negative impacts on Natural Areas. No development is proposed on the proposed

retained parcel, where this located.

Section 3.11 Hazard Lands states no permanent buildings or structures apart from those designated, used or intended for flood or erosion control purposes shall be erected or used on lands which exhibit a hazardous condition unless a permit has been obtained by the applicable Conservation Authority. No development is proposed within this portion of the retained parcel, within the hazard lands.

The proposed severance application complies with the Township of Southwold Zoning Comprehensive By-law.

Circulation Of The Application:

Township staff were circulated the application for comments and staff had no comments.

Additional Comments:

A Site Plan Agreement has already been entered into between the owner and the Township. The agreement addressed matters such as stormwater management, servicing, access, parking and loading areas, lighting, landscaping, and other critical development matters.

The recommended Township conditions for consent application E12-22 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 industrial lot creation consent is consistent with the PPS, conforms to the County of Elgin Official Plan, conforms to the Township of Southwold Official Plan, complies with the Township of Southwold Comprehensive Zoning By-law; 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 (Provincial Policy Statement, County of Elgin Official Plan, Township of Southwold Official Plan and Township of Southwold Zoning By-law) 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:

**Heather James, MES (Pl.), MCIP, RPP
Planner**

Approved for submission by:

**Lisa Higgs
CAO/Clerk**

Appendices:

1. Appendix One: Consent Sketch E12-22
2. Appendix Two: Consent Application E12-22 Conditions

11884 Sunset Road, Township of Southwold



Report PLA 2022-06:

Consent Application E12-22 - Comments to the County of Elgin

Appendix Two: Consent Application E12-22 Conditions

Consent Application E12 -22 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 pays the Cash-in-Lieu of Parkland Fee for the creation of a new industrial lot to the Municipality.
4. 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.
5. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
6. 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.
7. That all conditions noted above shall be fulfilled within two years 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 E12-22

Owner: Eleanor Limited Partnership Attn: Joseph Broccolini
Agent: GSP Group Attn: Rachel Bossie
Applicant: Russell Beach

Location: 11884 Sunset Road

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, 5.2.4, 6.2 and 7.23

ZONING

3. Is there a By-Law in effect?

Yes (x)

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

Yes (x)

No ()

Comments:
Proposed severance application complies with the Township of Southwold Zoning By-law.

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

N/A

Yes ()

No ()

OTHER

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

Yes (x)

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

Yes (x)

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

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

(b) the dedication of highways ()

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

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

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 2022-06

From: [Joe Gordon](#)
To: [Brian Lima](#)
Subject: Notices of Application for Consent
Date: March 17, 2022 1:27:51 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

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

Hi Brian

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices of Application for Consent and based on our mandate and policies, we have no objection to their approval:

- E12-22_11884 Sunset Road, Southwold
- E12-22_204 Union St, Belmont, Central Elgin
- E22-22_206 Union Street, Belmont, Central Elgin

Thank you for the opportunity to comment.

Thank you,
Joe Gordon

Assistant Manager
Supervisor of Planning & Conservation Areas
(Regulations Enforcement Officer)

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca



<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.>



COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 12-22

OWNER: Eleanor Limited Partnership

PROPERTY: LOT NO. Lots 46-49 CONCESSION: SENBTR

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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.....

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

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



BRIAN LIMA, P. ENG.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 12-22

Owner:
Eleanor Limited Partnership
16766 Trancannadiene, Kirkland, QC
H9H 4M7

Agent:
Rachel Bossie, c/o GSP Group
72 Victoria Street South, Suite 201, Kitchener,
ON, N2G 4Y9

Location: 11884 Sunset Road, Concession SENBTR, Part Lots 46-49, Township of Southwold.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of approximately 856 metres on Sunset Road, by a depth of 462.6 metres and an area of 38.47 hectares for a future warehouse-distribution facility, currently under construction. The applicants are retaining a lot with irregular frontage and depth and an area of 213.58 hectares to remain vacant.

The proposal includes a proposed easement for a storm sewer over the proposed severed parcel in favour of the proposed retained parcel and a proposed right-of-way for access to an existing pump house (located on the retained parcel) over the proposed severed parcel in favour of the proposed retained parcel located at 11884 Sunset Road. There are existing servicing easements on the subject lands for utilities and a force main for servicing.

**County of Elgin Official
Plan**

Settlement Area Tier 2

**Local Municipality Official
Plan**

Industrial, Significant
Woodland Overlay, Hazard
Lands Overlay

**Local Municipality Zoning
By-law**

Commercial/Industrial 1
(CM1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E12-22, subject to the proposed conditions contained in Staff Report PLA 2022-06 (see below).

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

The subject lands are within an employment area (Section 1.3.2). The PPs requires planning authorities to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Partial services shall only be permitted within settlement areas, to allow for infilling and minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The proposed severed parcel will be serviced with municipal water and a privately owned wastewater treatment facility.

Planning for stormwater management for developments must meet the criteria listed in Section 1.6.6.7. A stormwater management retention facility has been constructed on the proposed severed parcel.

Staff are satisfied that the application is consistent with the relevant policies of the 2020 PPS.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller than Tier 1 settlement areas and are on partial services. Limited development is permitted in these areas given the absence of full services. Development on partial services is permitted for infilling and rounding out subject to the proposal being within the reserve capacity of the municipal system and site conditions being suitable for the long-term provision of the required services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; 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 Industrial on Schedule '4E' Talbotville Land Use in the OP. The Significant Woodlands on Schedule '2' overlay apply to a portion of the proposed retained parcel and the Hazardous Lands on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels.

Section 7.23 of the OP provides a list of criteria that need to be satisfied for lot creation to occur. The proposed severed and retained parcels meet the criteria of Section 7.23.

Section 7.23.2 states any consent for lot creation may be subject to a comprehensive severance agreement entered into with the Township. Given that the proposed warehouse distribution facility is currently under construction, a Site Plan Agreement has already been entered into between the owner and the Township and therefore a severance agreement is not required.

Section 6.2 of the OP, Sanitary, Water and Stormwater Management policies state full municipal water and sanitary services is the preferred method of servicing new development in Settlement Area communities. The Settlement Area of Talbotville is the Township's only existing fully serviced settlement area for a portion of the settlement area. The proposed severed parcel will be serviced with municipal water and privately owned wastewater treatment facility. The proposed retained parcel does not require servicing at this time as no development is proposed. A stormwater management retention facility has been constructed on the proposed severed parcel.

Section 4.1 of the OP, Natural Heritage Features and Areas and Section 4.2 Natural Hazard Lands prohibits buildings, structures, and alteration to lands designated Natural Heritage and Hazard Lands. Section 4.1.2.6 states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to an Environmental Impact Study demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Natural Heritage Features and Areas overlay and Natural Hazard Lands overlay and no development is proposed on the proposed retained parcel.

Staff are satisfied that the proposed severance application conforms to the Township of Southwold Official Plan.

RECOMMENDATION:

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

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 pays the Cash-in-Lieu of Parkland Fee for the creation of a new industrial lot to the Municipality.
4. 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.
5. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
6. 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.
7. That all conditions noted above shall be fulfilled within two years 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.

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com

Courier:
185 Clegg Road
Markham, Ontario L6G 1B7



VIA E-MAIL ONLY TO landdivision@elgin.ca

March 25, 2022

County of Elgin
Planning Department

Attention: Julie Gonyou

Dear Julie Gonyou:

Re: Proposed Application for Consent, Eleanor Limited Partnership
11884 Sunset Road
County of Elgin
File: E 12-2022

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis Derango".

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 13-22**

**LOT 68, REGISTERED PLAN 251
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 61 COULTER AVENUE**

TAKE NOTICE that an application has been made by Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan, 61 Coulter Avenue, St. Thomas, ON N5R 5A5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 61 Coulter Avenue, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 34.9 metres (114.5 feet) along Lexington Court by a depth of 41.15 metres (135.0 feet) and an area of 0.14 hectares (0.35 acres) to create a new residential lot. The applicants are retaining 0.19 hectares (0.47 acres), proposed to remain in residential use.

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

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

**WEDNESDAY April 27, 2022 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 landdivision@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 2nd day of March, 2022.

Julie Gonyou
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

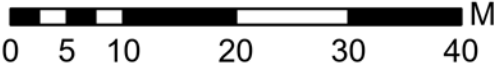


Location Map



Subject Site: 61 Coulter Ave.
File Number: E 13-2022
Owner: Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan
Planner: Unknown
Created By: TE
Date: 01/28/2022

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



Legend



Subject Site



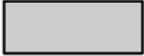
Severed



Retained



Elgin Road Network



Buildings

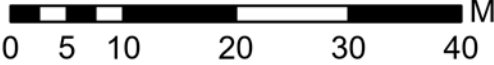


Location Map



Subject Site: 61 Coulter Ave.
File Number: E 13-2022
Owner: Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan
Planner: Unknown
Created By: TE
Date: 01/28/2022

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



March 1, 2022

Brian Lima
General Manager of Engineering, Planning & Enterprise/Deputy CAO
Planning Department
County of Elgin
450 Sunset Drive
St. Thomas, ON N5R 5V1

RE: Consent Application E 13/22
Steven and Jennifer Prance and Mary Keagan, 61 Coulter Ave.

Dear Mr. Lima:

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting of Council dated Monday, February 28, 2022 and the following resolution was passed:

THAT Report CEP.07.22 re 61 Coulter Avenue (Lot 68, Plan 251) be received for information;
AND THAT Council has no objections to consent application E13/22 - Steven and Jennifer Prance and Mary Keagan, 61 Coulter Ave subject to the following recommended conditions:

1. the applicant enters into a development agreement with the Municipality of Central Elgin with respect to administrative, financial, legal, and technical matters;
2. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
3. the Municipality of Central Elgin be provided with a copy of the Reference Plan and
4. a drainage reassessment be done, if necessary, at the owner's expense.

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

Kind Regards,

Dianne Wilson

Dianne Wilson
Deputy Clerk/Records Management Coordinator

dwilson@centralelgin.org 519-631-4860 ext. 286

cc. Steven and Jennifer Prance and Mary Keagan, Owner
W. Hayhoe, Agent
S. Craig, Senior Planner, CEPO



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.07.22
CEPO FILE NO. E13/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - 61 Coulter Avenue, Lot 68, Plan 251
Applicant - Steven and Jennifer Prance and Mary Keagan
DATE February 28, 2022

RECOMMENDATION

THAT Report CEP.07.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E13/22 to the Land Division Committee, staff recommends the following conditions:

1. the applicant enters into a development agreement with the Municipality of Central Elgin with respect to administrative, financial, legal, and technical matters;
2. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
3. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

REPORT

Background:

Consent application E13/22 has been filed for the purpose of assembling lands to create three residential building lots on the east end of Lexington Court. It is proposed that the lots will be developed with single-detached dwellings.

Location:

The subject lands are located on the west side of Coulter Avenue, south of Bodkin Street, the lands are legally described as, Lot 68, Plan 251, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicant, through Consent Application E13/22, is proposing to sever a vacant parcel of land, 34.9m x 41.1m and an area of 1,436.1sqm. The lands will be used to assemble three residential building lots on the east end of Lexington Court. The applicant is proposing to retain a parcel of land with 34.9m of frontage on Coulter Avenue, a lot depth of 55.9m, and an area of 1,944.3m², containing one single-detached dwelling, one swimming pool and two detached accessory buildings. No changes are proposed the lands will continue to be used for residential purposes.

Staff Report**1. Official Plan**

- The subject lands are within the “Residential” designation in accordance with Schedule “D” - Community of Eastwood, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are within the Residential Zone 1 (R1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- The R1 zone permitted uses include residential uses, and accessory uses (9.2.1.1). Permitted buildings and other structures include one single-detached dwelling and accessory buildings on residential lots (9.2.1.2).
- Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5m² (9.2.1.3.3), the minimum lot frontage is 15m (9.2.1.4.3) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:


- The subject lands are within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted (B1).
- 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 (E1.2.3.4).

4. Comments

- William R Hayhoe has entered into an agreement with the owners of 61 Coulter Avenue to purchase the severed lands, which is the final parcel required to create three residential building lots with frontage on the east end of Lexington Court. The lots are proposed to be developed with single detached dwellings, which is consistent with the lots that were assembled to the north on the east end of Steeplechase Court.


- All of the lands required to complete the land assembly will be merged through the temporary removal of Part Lot Control, under Subsection 50(5) of the Planning Act, including the proposed severed lands (Steven and Jennifer Prance and Mary Keagan) Block 47, Plan 11M-99 (City of St. Thomas), Block 49, Plan 11M-99 (William R Hayhoe), Part 10 and Part 11, Plan 11R-10064 (Springwater Developments Inc.) and Part 2 and Part 3, Plan 11R-8560 (William R Hayhoe).
- To ensure that administrative, financial, legal, and technical matters relative to the land assembly are addressed William R Hayhoe has agreed to enter into a development agreement with the Municipality of Central Elgin, which is consistent with Steeplechase Court land assembly process.
- Servicing for the residential building lots on Lexington Court will be provided by the City of St. Thomas, in accordance with the Eastwood Subdivision Agreement.
- A comprehensive zoning review was completed for the retained lot and existing development and lot conform with Township of Yarmouth Zoning By-Law 1998.

Respectfully submitted:

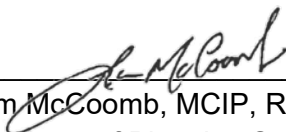


Steve Craig
Sr. Planning Technician

Approved for submission:



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

From: [Tony Difazio](#)
To: [Land Division](#)
Subject: Severance Applications E13, E14, E15, & E18_22
Date: March 23, 2022 8:28:32 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Julie,

We (CCCA) have no concerns with the above noted Consent Applications.

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

Regards,

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 13-22

OWNER: Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan

PROPERTY: LOT NO. Lot 68 CONCESSION:

REG'D PLAN: 251 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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 X
- 12) Please provide me with a copy of your action on this application
- 13) Other...

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



BRIAN LIMA, P. ENG.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 13-22

Owner: Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan 61 Coulter Avenue, St. Thomas, ON N5R 5A5	Agent: William R Hayhoe 1 Barrie Boulevard, St Thomas , Ontario, N5P 4B9
--	--

Location: 61 Coulter Avenue, Plan 251, Lot 68, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of approximately 34.9 metres by a depth of 41.15 metres and an area of 1436.14 sq m for part of future residential lot for a detached dwelling. The applicants are retaining a lot with 34.9 metres frontage on Coulter Avenue by a depth of approximately 56 metres and an area of 1944.3 sq m containing one house and accessory buildings, to remain in residential use.

The proposal severance is part of a land assembly being done by the agent to create lots that will front onto Lexington Court in the City of St. Thomas. The Committee has seen and approved similar consents for lot creation at the end of Steeplechase Court and Lexington Court.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – no objections to consent application E13/22, 61 Coulter Ave subject to the recommended conditions (see below).

County Engineering – Not on a County Road.

Kettle Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

The PPS encourages efficient land use planning and growth management to create and maintain strong communities and a healthy environment while encouraging economic growth over the long term. The PPS also encourages the efficient use of existing infrastructure and public service facilities and requires that municipalities plan for an appropriate range and mix of land uses.

Policies in 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, 1.1.3 Settlement Area, 1.4 Housing, 1.6.6 Sewage Water and Stormwater, are relevant to the review of the proposed Consent application and to the 3 lot development proposed to be divided by removal of Part Lot Control under the Planning Act.

The severance of the parcel and the assembly of the lands for division into 3 residential lots for the development of detached dwellings on the site is an efficient use of an underutilized parcel of land, is cost-effective development, and provides market-based housing at a density compatible with the surrounding low density residential area. (policies 1.1.1.b-e) The site is located within the built boundary and settlement areas of the City of St Thomas and the Municipality of Central Elgin (policy 1.1.3.1).

The location is appropriate for redevelopment, the severed lands contribute to the efficient use of vacant and underutilized parcels of land by accommodating additional residential housing, will use existing municipal services, is a land use that is compatible with the existing neighbourhood, will not cause negative or adverse impacts on surrounding uses and appropriate levels of infrastructure and public service facilities are available for current and future needs. (policies 1.1.3.2, 1.1.3.3, 1.1.3.4 and 1.1.3.6).

The proposed development will offer additional housing choice that supports the range of housing needs within the City and CE. (policies 1.4.1 and 1.4.3). The use of municipal infrastructure and services (sewage, water, and stormwater) are being optimized through the utilization of existing service connections at the end of Lexington Court that have the capacity and can accommodate the proposed 3 lot development (policies 1.6.6.2 and 1.6.6.7).

Staff are satisfied that the application is consistent with the relevant policies of the 2020 PPS.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated

Settlement Area Tier 1 in the Elgin County Official Plan (OP). The first tier includes those settlement areas which are on full municipal services. A full range of development is permitted in these areas.

The proposed consent and the final development plan support the settlement area residential area objectives a), c), d) and f). The development is within the Eastwood Settlement area and is designed to maximize the use of the existing infrastructure located within the City, goal h).

The proposed consent is a lot addition aimed at completing a land assembly to create 3 residential lots that traverse the Municipal Boundary between CE and the City. There are no traffic hazards and no additional planning applications are required in support of the consent. A plan of subdivision is not required. The development does not extend or create a road, the proposal is infilling, the process has been planned and the lands will be developed in an orderly and efficient manner, and the development only involves 3 lots. (Policy E1.2 a), b), c), and d)).

The lot to be severed fronts on a local street and is connected to full urban services. The retained parcel is sufficiently sized and conforms to the CE zoning by-law regulations. The severed portion is being merged with an adjacent property. When the consent is complete the lands assembled by Hayhoe including the severed lands will be subdivided into 3 lots in a separate process.

Concurrent applications are being made to the City and CE to create the 3 lots by the temporary removal of Part Lot Control. The proposed consent complies with the relevant general criteria set out in E.1.2.3.1 a) to h).

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 lands proposed to be severed are in the settlement area of Eastwood Subdivision as shown on Schedule "1" of the Official Plan. The Eastwood subdivision area has full urban services and as a settlement area is a focus for growth.

The consent, as well as the proposed 3 lot development, to be created after the consent is approved, supports the goals established for settlement areas.

The proposed consent and 3 lot development are located within the built area of the Eastwood subdivision and the ultimate development of the underutilized lands for compatible housing supports the goals for housing development in Central Elgin.

The proposed development is located within the Community of Eastwood as illustrated on Schedule "D" to the Plan and is designated for residential use. The residential designation

permits a range of residential dwellings including single detached dwellings. The ultimate objective of the consent is to complete the land assembly and following the approval of the consent create 3 lots for single detached dwellings. The proposal is to divide the lots by temporary removal of Part Lot Control.

The proposed consent is for a lot addition to be merged with an adjacent property owned by Hayhoe. This application is the third consent that Hayhoe has applied for in the assembly of the lands for the 3 lot development. A plan of subdivision is not required. The application satisfies policies 5.3.9 a) and the evaluation policies in 5.3.9 c) 1. 2. 4. 5. and 6.

With respect to policy 5.3.9 d), Hayhoe understands there will be conditions requiring all land linked with the 3 lot development in CE and in the City to be owned by Hayhoe prior to the implementation of the division of the lots. Furthermore, a development agreement to address the physical development of the 3 lots as well as a parkland cash in lieu contribution will also be required.

Hayhoe will also file concurrent applications in CE and the City for the temporary removal of Part Lot control for the lands in each municipality to divide the lands into 3 lots.

Staff are satisfied that the proposed severance application conforms to the Municipality of Central Elgin Official Plan.

RECOMMENDATION:

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

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

1. The applicant enters into a development agreement with the Municipality of Central Elgin with respect to administrative, financial, legal, and technical matters.
2. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes.
3. The Municipality of Central Elgin be provided with a copy of the Reference Plan.
4. A drainage reassessment be done, if necessary, at the owner's expense.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 14-22**

**LOT 32, CONCESSION 3
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 52947 CALTON LINE**

TAKE NOTICE that an application has been made by Scott Hayhoe Farms Inc., 5045 Wales Crescent, Aylmer, ON N5H 2R2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 52947 Calton Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 115.0 metres (377.30 feet) along Calton Line by a depth of 56.37 metres (184.94 feet) and an area of 0.64 hectares (1.58 acres) containing a residence, barn, and 2 sheds for residential use. The applicants are retaining 31.8 hectares (78.58 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 April 27, 2022 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 landdivision@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 2nd day of March, 2022.

Julie Gonyou
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



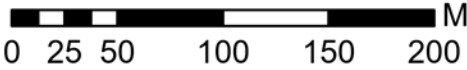
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Subject Site: 52947 Calton Line
File Number: E 14-2022
Owner: Scott Hayhoe Farms Inc.
Planner: Unknown
Created By: TE
Date: 02/08/2022

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



Legend



Subject Site



Severed



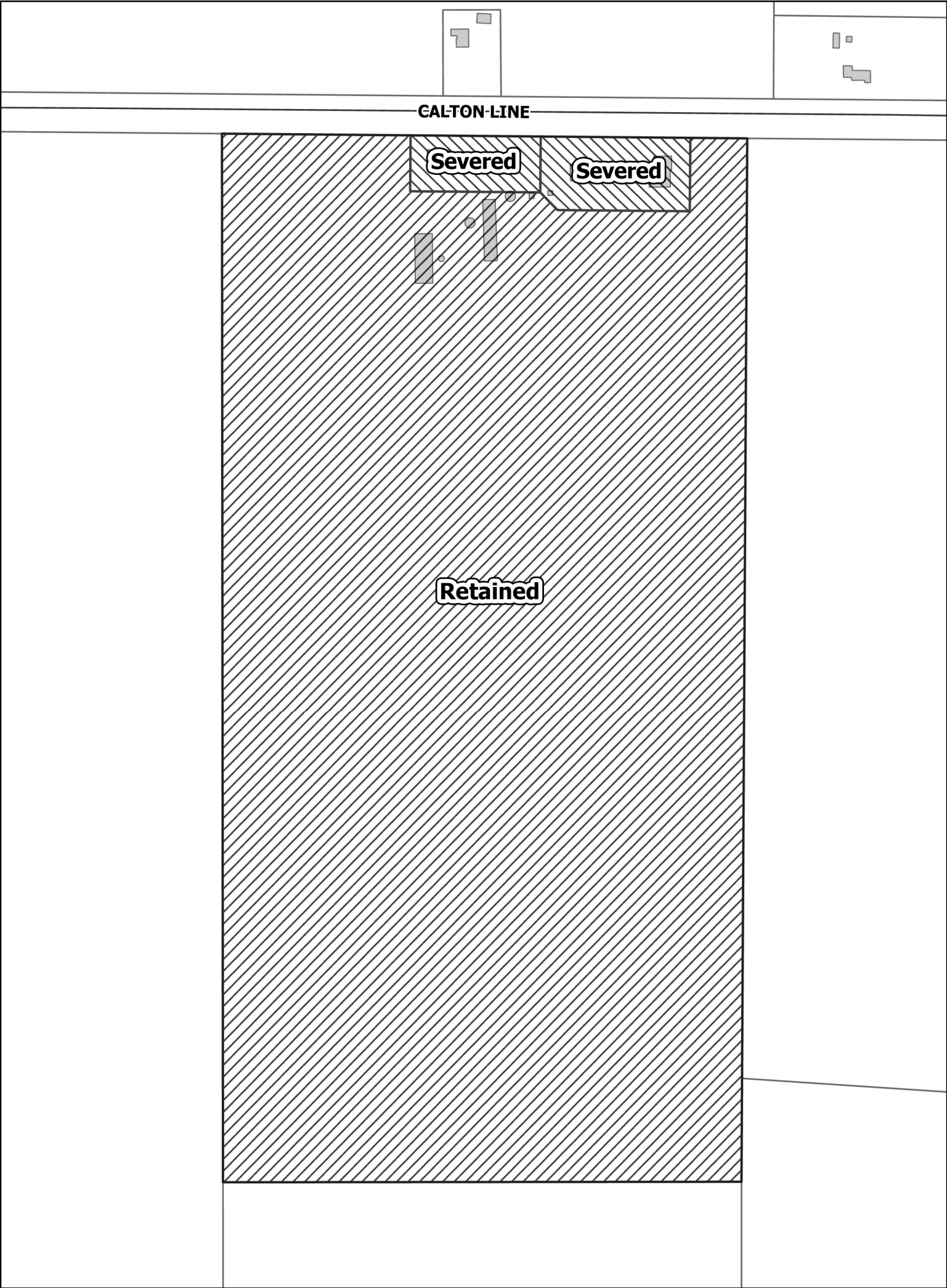
Retained



Elgin Road Network



Buildings



Location Map



Subject Site: 52947 Calton Line
File Number: E 14-2022
Owner: Scott Hayhoe Farms Inc.
Planner: Unknown
Created By: TE
Date: 02/08/2022

- Legend
- Subject Site

Severed

Retained

Elgin Road Network

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



April 8, 2022

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

Dear Committee Members:

RE: Land Severance Application E14-22 - Scott Hayhoe Farms Inc., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.) - Part Lot 32, Concession 3 (52947 Calton Line)

The Malahide Township Council passed the following Resolutions on April 7, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E14-22 in the name of Scott Hayhoe Farms Inc., relating to the property located Part Lot 32, Concession 3 (52947 Calton Line), Township of Malahide, subject to the following conditions:

1. 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.
2. 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.
3. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the 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.
8. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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-22-17 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
Scott Hayhoe Farms Inc.
David Roe c/o Civic Planning Solutions Inc



Report to Council

REPORT NO.: DS-22-17

DATE: April 7, 2022
(Report submitted April 1, 2022)

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **Application for Consent to Sever of Scott Hayhoe Farms Inc.,
(Authorized Agent: David Roe c/o Civic Planning Solutions Inc.)**

LOCATION: Part Lot 32, Concession 3 (52947 Calton Line)

Recommendation:

THAT Report No. DS-22-17 entitled “Application for Consent to Sever of Scott Hayhoe Farms Inc.” be received;

AND THAT the Application for Consent to Sever of Scott Hayhoe Farms Inc. relating to the property located at Part Lot 32, Concession 3 and known municipally as 52947 Calton 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 (E 14-22) for Consent to sever (the “Application”) has been submitted by Civic Planning Solutions Inc. on behalf of Scott Hayhoe Farms in order to sever a surplus farm dwelling from an agricultural parcel.

The Application relates to the property located at Part Lot 32, Concession 3 and known municipally as 52947 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on April 27th, 2022.

Comments/Analysis:

The subject property is approximately 32.8 hectares (acres) in area and has approximately 410 metres of frontage on Calton Line. The subject property currently contains two existing dwellings, a barn, and three accessory sheds located at the north end of the property. The remainder of the property is agricultural land.

The Application proposes to create a new residential lot by severing one of the existing dwellings from the proposed retained farmland, as it would be surplus to the needs of a bona fide farmer who is intending to purchase the agricultural land. The proposed severed lot (shown as 'Parcel A' on the submitted site plan) would be approximately 0.43 hectares (1.06 acres) in area, approximately 56.3 metres in depth, and would have approximately 100 metres of frontage on Carlton Line containing a residence and an accessory shed. The retained parcel (shown as 'Parcel C' on the submitted site plan) would be approximately 31.8 hectares (78.5 acres) in area, approximately 807 metres in depth, and would have approximately 195 metres of frontage on Calton Line. None of the outbuildings on the severed parcel are proposed to be used to accommodate livestock.

The second dwelling is also proposed to be severed through a related consent application, E15-22 (shown as 'Parcel B' on submitted site plan).

County of Elgin Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A' – Land Use Plan. The subject property is also identified as having frontage on a 'County – Minor Arterial' Road on Schedule 'B' – Transportation Plan.

The County permits the creation of a lot for a dwelling that has become surplus to a farm operation provided residential uses are prohibited on the retained parcel of farmland (Section E1.2.3.4b). The County Official Plan does not contain policies that limit the number of surplus farm dwellings that may be severed from an agricultural lot. The Official Plan does require that the retained parcel be rezoned to prohibit a new residential use (Section E1.2.3.4b).

Malahide Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A1' – Land Use Plan. The Official Plan permits the creation of new lots for the purposes of severing a surplus farm dwelling, subject to certain criteria, including that the existing dwelling be occupied for a minimum of ten years, a land use conflict is not created with agricultural operations in the surrounding areas, and Minimum Distance Separation requirements are met (Section 2.1.7). The severed parcel is also able to be serviced by private sanitary waste disposal system and potable water supply that is situated within the severed lot, as well as being within 100 metres of an opened travelled road (Section 2.1.7.2). The proposed severance meets these criteria.

The Official Plan also requires that the severed parcel be rezoned to a Special Agricultural zone that permits surplus farm dwellings and the retained parcel be rezoned

to prohibit the establishment of a residential dwelling on the farm parcel. This will be addressed as a condition of the severance.

Malahide Zoning By-law No. 18-22

The subject property is within the 'General Agricultural (A1)' zone on Map No. 86 of the Township of Malahide zoning By-law No. 18-22.

The proposed severed lot will require a re-zoning to Small Lot Agricultural (A4) to reflect its size and use for residential purposes. The proposed retained lot will require a re-zoning to Special Agricultural (A2) to prohibit the erection of a dwelling thereon. It is noted that certain setbacks are not shown on the submitted site plan and a complete review for zoning compliance of the existing buildings will be completed at the time of the Zoning By-law Amendment application.

General Comments

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

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

- a) 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.
- b) The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.

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

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

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 promotes protection of natural and agricultural lands.

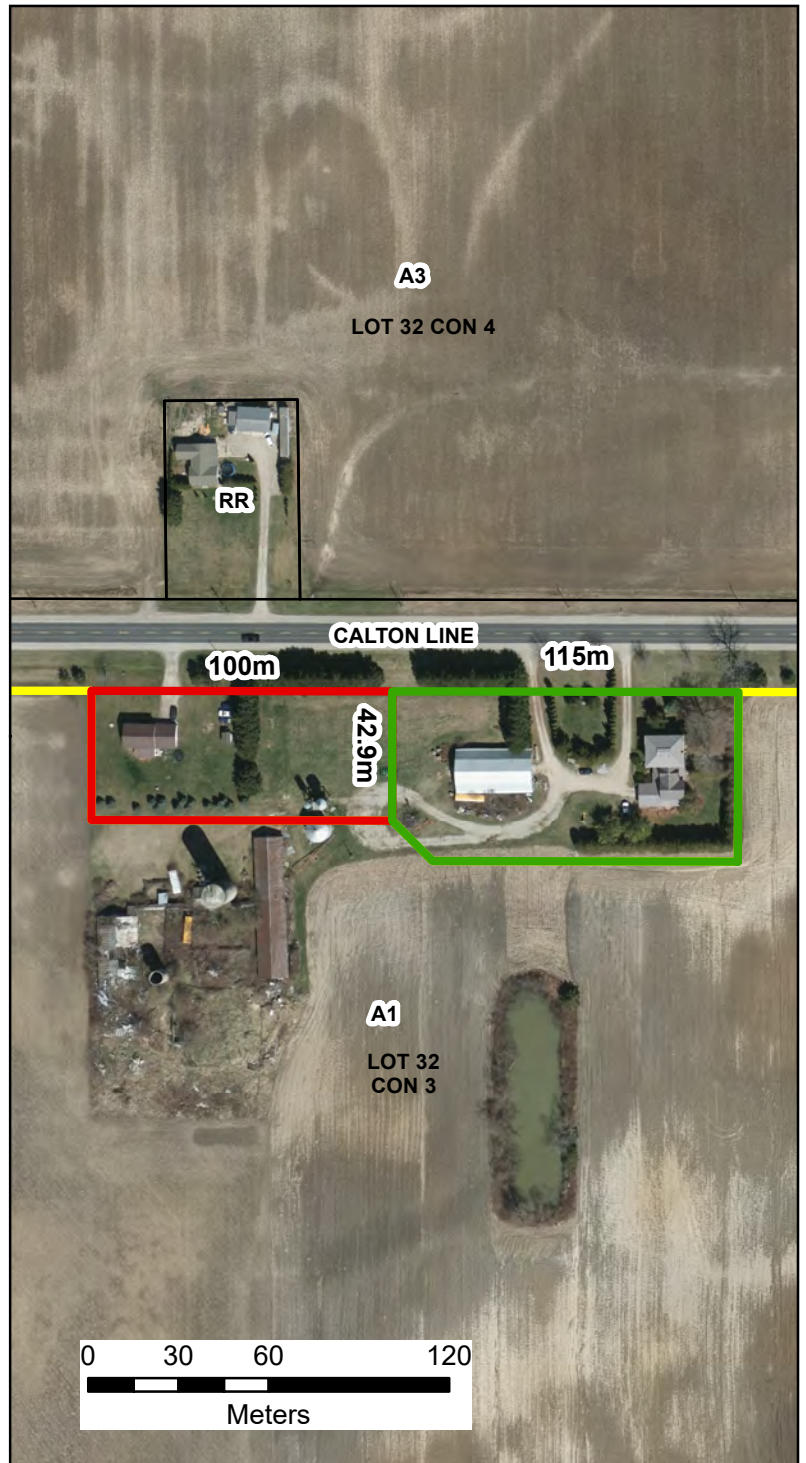
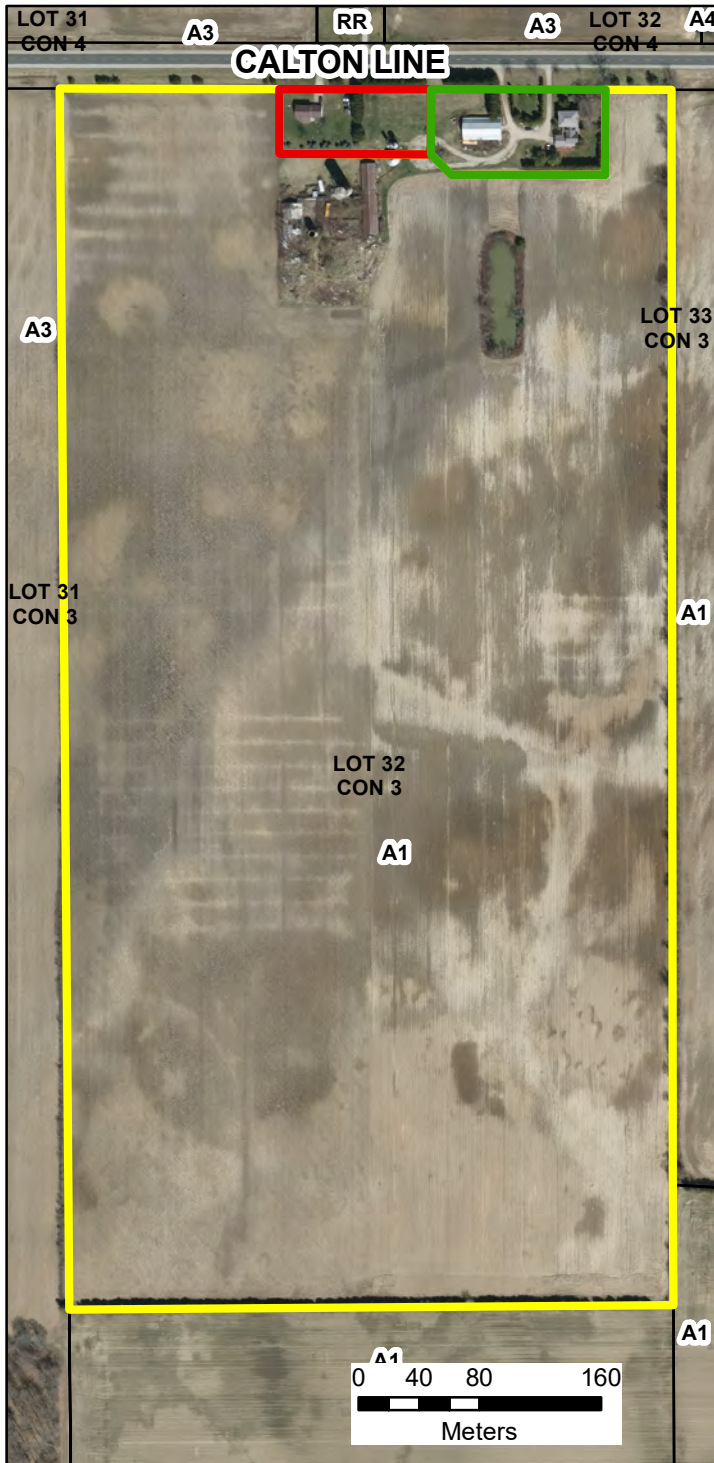
One of the goals that supports the “Our Land” Strategic Pillar is “Protect & Enhance Malahide’s Agricultural Character”. By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved By:
Adam Betteridge, MCIP, RPP Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Scott Hayhoe Farms Inc
(Authorized Agent: David Roe c/o Civic Planning Solutions)
 52887 and 52947 Calton Line
 Lot 32, Concession 3
 Township of Malahide

**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING
 A1 General Agricultural



To be Severed by Application No. E14-22 (52947 Calton Line)



To be Severed by Application No. E15-22 (52887 Calton Line)



Retained



MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E14-22

Applicant Scott Hayhoe Farms Inc., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.)

Location Part Lot 32, Concession 3 (52947 Calton 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

Policies: The policies of Section 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 severed lot will require a re-zoning to Small Lot Agricultural (A4) to reflect its size and use for residential purposes. The proposed retained lot will require a re-zoning to Special Agricultural (A2) to prohibit the erection of a dwelling thereon. It is noted that certain setbacks are not shown on the submitted site plan and a complete review for zoning compliance of the existing buildings will be completed at the time of the Zoning By-law Amendment application.

- | | | |
|--|-----------|--------|
| 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: [Land Division](#)
Subject: Severance Applications E13, E14, E15, & E18_22
Date: March 23, 2022 8:28:32 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Julie,

We (CCCA) have no concerns with the above noted Consent Applications.

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

Regards,

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 14-22

OWNER: Scott Hayhoe Farms Inc.

PROPERTY: LOT NO. Lot 32 CONCESSION: 3

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 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.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 14-22

Owner:
Scott Hayhoe Farms Inc.
5045 Wales Crescent, Aylmer, ON N5H
2R2

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

Location: 52947 Calton Line, Concession 3, Lot 32, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 115.0 metres (377.30 feet) along Calton Line by a depth of 56.37 metres (184.94 feet) and an area of 0.64 hectares (1.58 acres) containing a residence, barn, and 2 sheds for residential use. The applicants are retaining 31.8 hectares (78.58 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – THAT Report No. DS-22-17 entitled “Application for Consent to Sever of Scott Hayhoe Farms Inc.” be received;

AND THAT the Application for Consent to Sever of Scott Hayhoe Farms Inc. relating to the property located at Part Lot 32, Concession 3 and known municipally as 52947 Calton 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..

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

The PPS encourages the protection of prime agricultural areas for long-term use for agriculture. There are limited options for severances on prime agricultural lands.

Policies in 2.3.4.1(c) state that Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;

It is staff's opinion that the proposed severance is consistent with these policies giving consideration to the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prevent a new residence on the retained parcel.

County of Elgin Official Plan

The subject lands are within the Agricultural Area. Policies for Lot Creation on Lands in the Agricultural Area are found in Subsection E1.2.3.4. The policies state that new lots may be permitted if the local Official Plan supports their creation and if, among other things:

"b) the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation;"

This policy is consistent with the direction of the PPS. Further, there are policies in the local Official Plan that support the severance of a residence that is surplus to a farm operation. It is staff's opinion that the proposed severance complies with the County Official Plan policies, subject to a zoning amendment to prevent a new residence on the retained parcel.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agriculture on Schedule 'A1' Future Land Use. The OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 2.1.7 of the Official Plan contains the policies applicable to surplus farm dwelling severances. Those policies provide the following:

2.1.7.1 In accordance with the Provincial Policy Statement, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings which are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied for a minimum of ten years, and which are surplus to a consolidated farm operation, may be permitted within the Agriculture designation in accordance with the following policies:

- a) In the opinion of Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be large enough to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Be situated within approximately 100 metres of an opened travelled road and should not be positioned so as to require cultivatable farmland as part of the severed lot.
- c) Meet the provisions of the applicable Minimum Distance Separation formula of OMAFRA;
- d) Be rezoned in a Special Agricultural Zone in the Zoning By-law.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Township Council a land use conflict will not be created. Farm buildings which may be incompatible with the existing dwelling on the lot proposed to be severed may be required to be removed as a condition of the severance. Their location on the farm and the structural condition of such farm buildings will be evaluated as part of the planning process.

2.1.7.4 The parcel of property constituting the retained agricultural lands shall:

- a) Comprise a size appropriate for the type of agricultural use(s) common in the area and be sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation;

- b) Meet the provisions of the Agricultural (A1) or Special Agricultural (A2) Zone regulations of the Zoning By-law;
- c) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership

The subject lands are zoned General Agricultural Zone (A1) in the Township of Malahide Zoning By-law 18-22. An amendment to the By-law will be required to implement the policies of the County of Elgin and Township of Malahide Official Plans.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Township of Malahide Official Plans regarding lot creation for surplus farm dwellings in the Agricultural Area. As such, planning staff are of the opinion that the application is supportable 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; and
- 2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

THAT the Malahide Township Council has no objection to the Land Severance No. E14-22 in the name of Scott Hayhoe Farms Inc., relating to the property located Part Lot 32, Concession 3 (52947 Calton Line), Township of Malahide, subject to the following conditions:

- 1. 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.
- 2. 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.
- 3. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
- 4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.

5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the 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.
8. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 15-22**

**LOT 32, CONCESSION 3
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 52887 CALTON LINE**

TAKE NOTICE that an application has been made by Scott Hayhoe Farms Inc., 5045 Wales Crescent, Aylmer, ON N5H 2R2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 52887 Calton Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 100.0 metres (328.08 feet) along Calton Line by a depth of 42.92 metres (140.81 feet) and an area of 0.43 hectares (1.06 acres) containing a residence, and 1 shed for residential use. The applicants are retaining 31.3 hectares (77.34 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 April 27, 2022 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 landdivision@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 2nd day of March, 2022.

Julie Gonyou
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



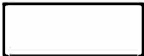
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Subject Site: 52947 Calton Line
File Number: E 15-2022 Owner:
Scott Hayhoe Farms Inc.
Planner: Unknown
Created By: TE
Date: 02/08/2022

Legend



Subject Site



Severed



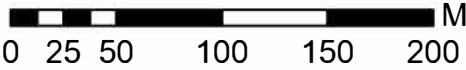
Retained

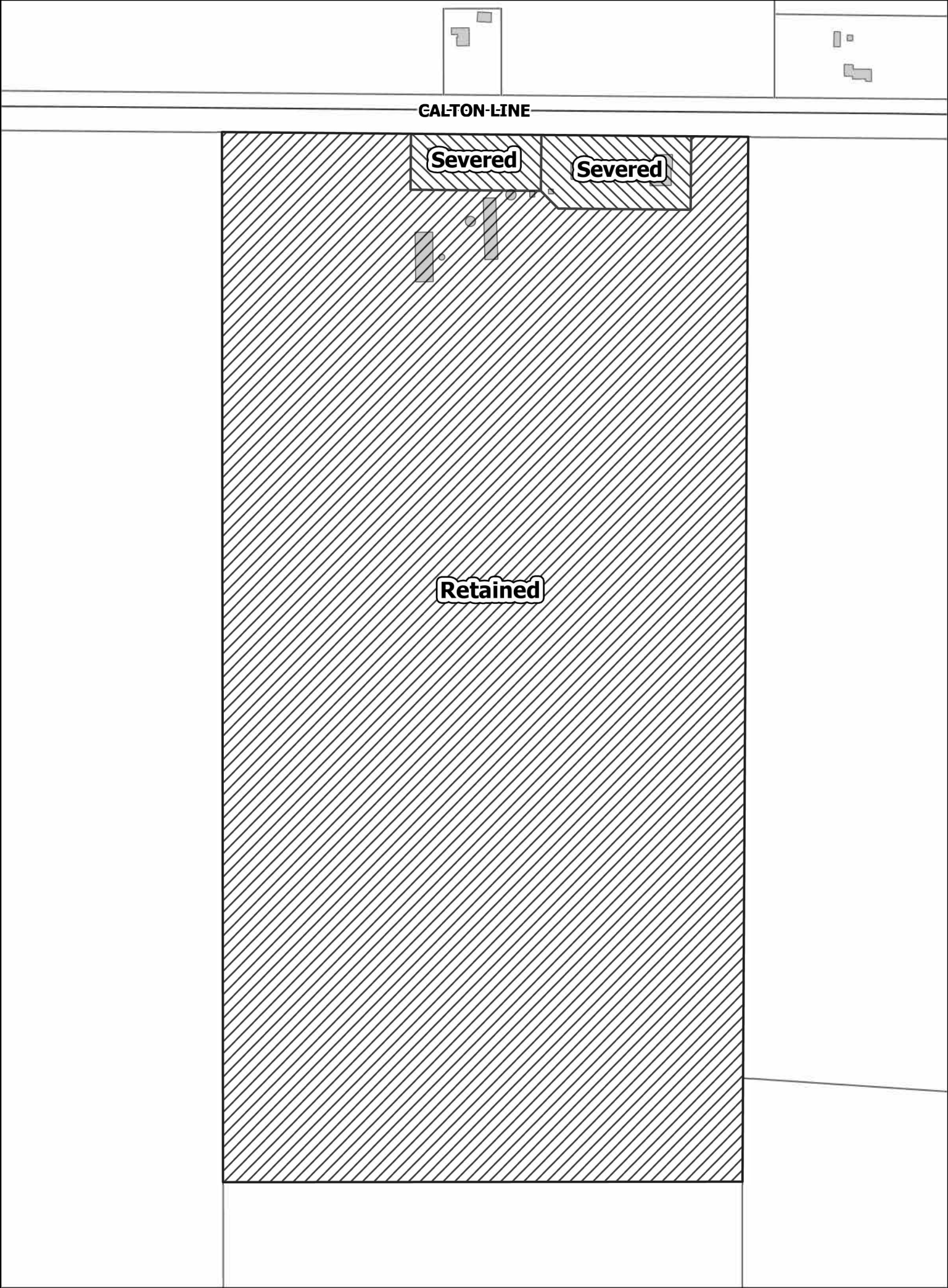


Elgin Road Network



Buildings



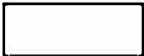


Location Map



Subject Site: 52947 Calton Line
File Number: E 15-2022 Owner:
Scott Hayhoe Farms Inc.
Planner: Unknown
Created By: TE
Date: 02/08/2022

Legend



Subject Site



Severed



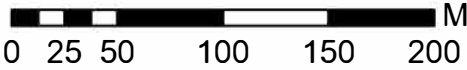
Retained



Elgin Road Network



Buildings





April 8, 2022

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

Dear Committee Members:

RE: Land Severance Application E15-22 - Scott Hayhoe Farms Inc, (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.) - Part Lot 32, Concession 3 (52887 Calton Line)

The Malahide Township Council passed the following Resolutions on April 7, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E15-22 in the name of Scott Hayhoe Farms Inc, relating to the property located Part Lot 32, Concession 3 (52887 Calton Line), Township of Malahide, subject to the following conditions:

1. 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.
2. 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.
3. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the 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.
8. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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-22-18 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
Scott Hayhoe Farms Inc
David Roe c/o Civic Planning Solutions Inc



Report to Council

REPORT NO.: DS-22-18

DATE: April 7, 2022
(Report submitted April 1, 2022)

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **Application for Consent to Sever of Scott Hayhoe Farms Inc,
(Authorized Agent: David Roe c/o Civic Planning Solutions
Inc.)**

LOCATION: Part Lot 32, Concession 3 (52887 Calton Line)

Recommendation:

THAT Report No. DS-22-18 entitled “Application for Consent to Sever of Scott Hayhoe Farms Inc.” be received;

AND THAT the Application for Consent to Sever of Scott Hayhoe Farms Inc. relating to the property located at Part Lot 32, Concession 3 and known municipally as 52887 Calton 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 (E 15-22) for Consent to Sever (the “Application”) has been submitted by Civic Planning Solutions Inc. on behalf of Scott Hayhoe Farms in order to sever a surplus farm dwelling from an agricultural parcel.

The Application relates to the property located at Part Lot 32, Concession 3 and known municipally as 52887 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on April 27th, 2022.

Comments/Analysis:

The subject property is approximately 32.8 hectares (acres) in area and has approximately 410 metres of frontage on Calton Line. The subject property currently contains two existing dwellings, a barn, and three accessory sheds located at the north end of the property. The remainder of the property is agricultural land.

The Application proposes to create a new residential lot by severing one of the existing dwellings from the proposed retained farmland, as it would be surplus to the needs of a bona fide farmer who is intending to purchase the agricultural land. The proposed severed lot (shown as 'Parcel B' on the submitted site plan) would be approximately 0.68 hectares (1.58 acres) in area, approximately 42.9 metres in depth, and would have approximately 115 metres of frontage on Carlton Line containing a residence and an accessory shed. The retained parcel (shown as 'Parcel C' on the submitted site plan) would be approximately 31.8 hectares (78.5 acres) in area, approximately 807 metres in depth, and would have approximately 195 metres of frontage on Calton Line. None of the outbuildings on the severed parcel are proposed to be used to accommodate livestock.

The second dwelling is also proposed to be severed through a related consent application (shown as 'Parcel A' on submitted site plan).

County of Elgin Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A' – Land Use Plan. The subject property is also identified as having frontage on a 'County – Minor Arterial' Road on Schedule 'B' – Transportation Plan.

The County permits the creation of a lot for a dwelling that has become surplus to a farm operation provided residential uses are prohibited on the retained parcel of farmland (Section E1.2.3.4b). The County Official Plan does not contain policies that limit the number of surplus farm dwellings that may be severed from an agricultural lot. The Official Plan does require that the retained parcel be rezoned to prohibit a new residential use (Section E1.2.3.4b).

Malahide Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A1' – Land Use Plan. The Official Plan permits the creation of new lots for the purposes of severing a surplus farm dwelling, subject to certain criteria, including that the existing dwelling be occupied for a minimum of ten years, a land use conflict is not created with agricultural operations in the surrounding area, and Minimum Distance Separation requirements are met (Section 2.1.7). The severed parcel is also able to be serviced by a private sanitary waste disposal system and potable water supply that is situated within the proposed lot, as well as being within 100 metres of an opened travelled road (Section 2.1.7.2). The proposed severance meets these criteria.

The Official Plan also requires that the severed parcel be rezoned to a Special Agricultural Zone that permits surplus farm dwellings and the retained parcel be

rezoned to prohibit the establishment of a residential dwelling on the farm parcel. This matter is appropriately addressed as a condition of the severance.

Malahide Zoning By-law No. 18-22

The subject property is within the 'General Agricultural (A1)' zone on Map No. 86 of the Township of Malahide zoning By-law No. 18-22.

The proposed severed lot will require a re-zoning to Small Lot Agricultural (A4) to reflect its size and use for residential purposes. The proposed retained lot will require a re-zoning to Special Agricultural (A2) to prohibit the erection of a dwelling thereon. It is noted that certain setbacks are not shown on the submitted site plan and a complete review for zoning compliance of the existing buildings will be completed at the time of the Zoning By-law Amendment application.

General Comments

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

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

- a) 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.
- b) The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.

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

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

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 promotes protection of natural and agricultural lands.

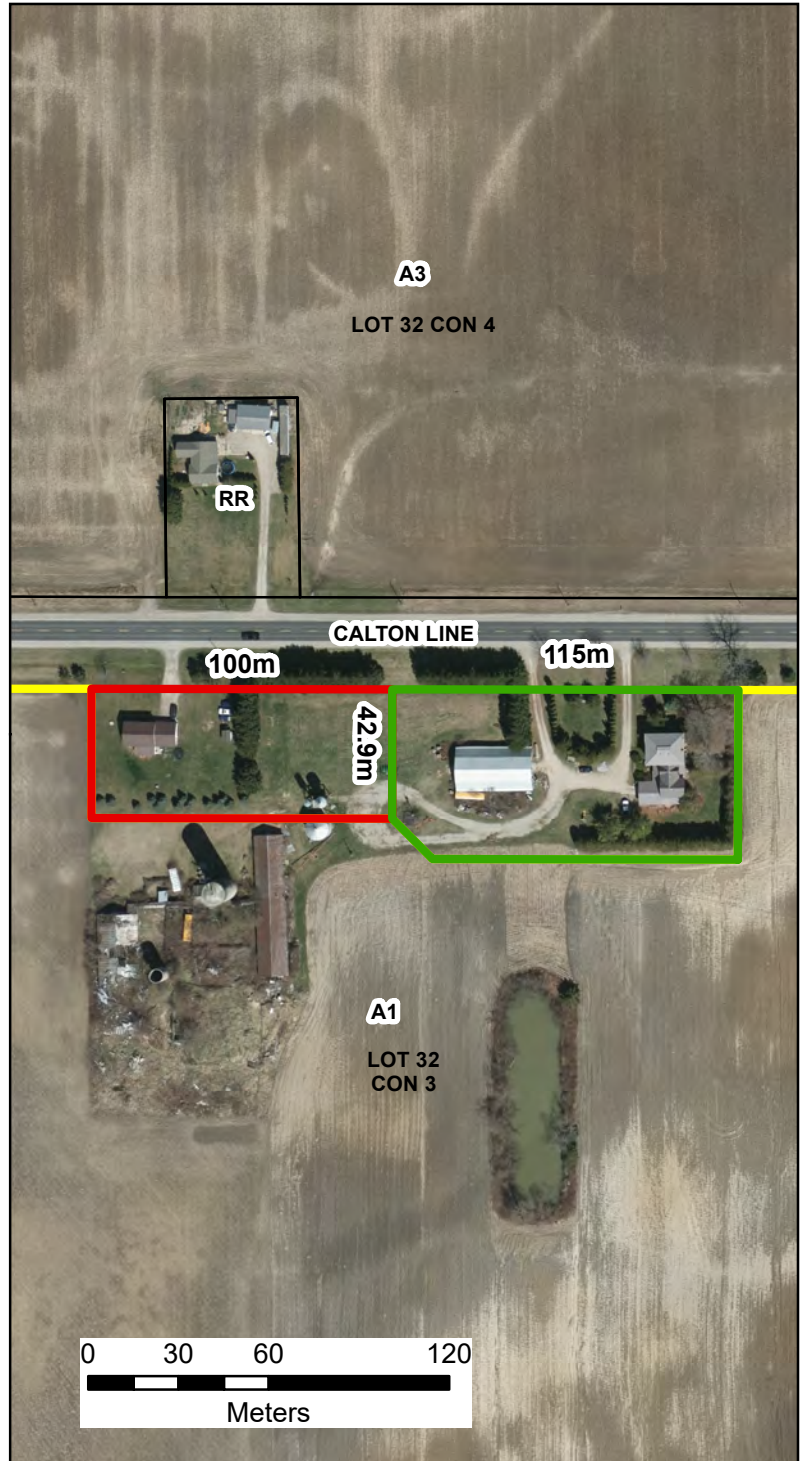
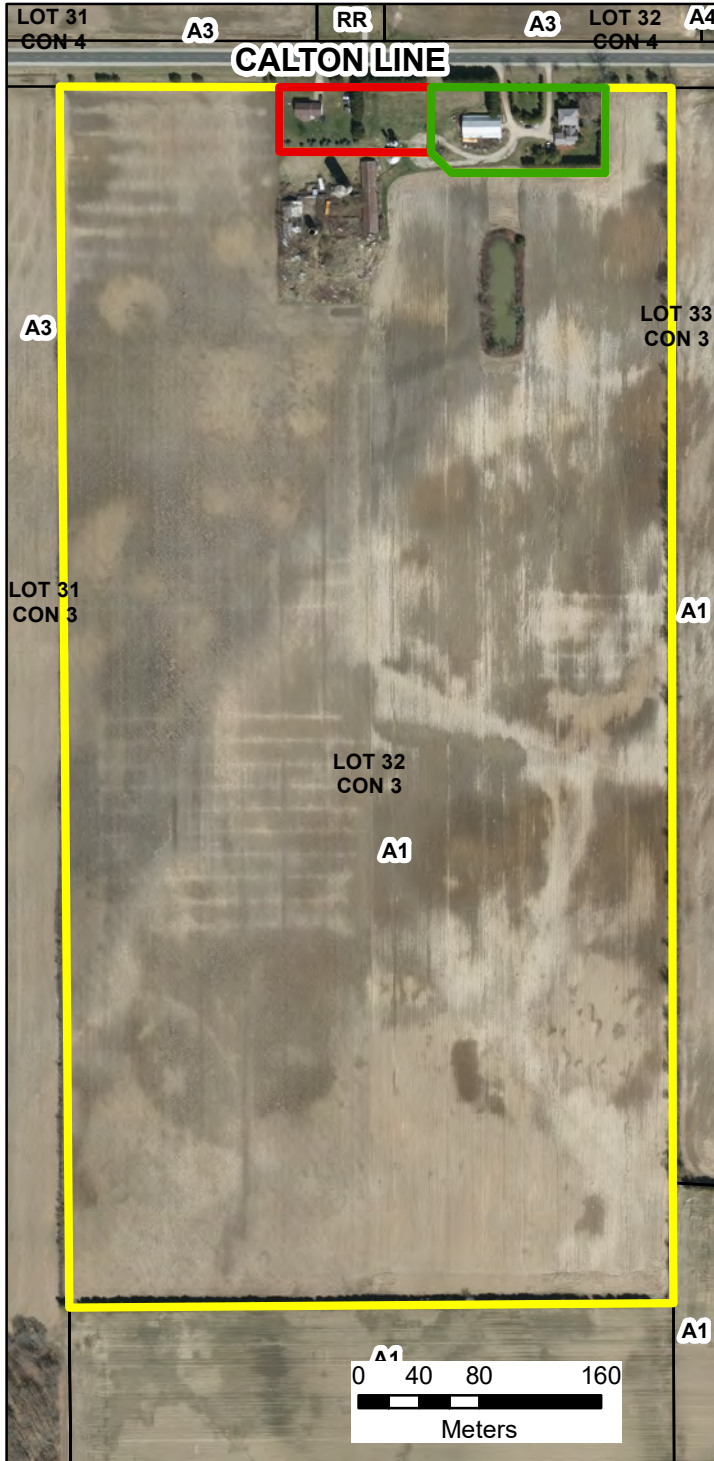
One of the goals that supports the “Our Land” Strategic Pillar is “Protect & Enhance Malahide’s Agricultural Character”. By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved By:
Adam Betteridge, MCIP, RPP Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Scott Hayhoe Farms Inc
(Authorized Agent: David Roe c/o Civic Planning Solutions)
 52887 and 52947 Calton Line
 Lot 32, Concession 3
 Township of Malahide

**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING
 A1 General Agricultural



To be Severed by Application No. E14-22 (52947 Calton Line)



To be Severed by Application No. E15-22 (52887 Calton Line)



Retained



MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E15-22

Applicant Scott Hayhoe Farms Inc., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.)

Location Part Lot 32, Concession 3 (52887 Calton 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

Policies: The policies of Section 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 severed lot will require a re-zoning to Small Lot Agricultural (A4) to reflect its size and use for residential purposes. The proposed retained lot will require a re-zoning to Special Agricultural (A2) to prohibit the erection of a dwelling thereon. It is noted that certain setbacks are not shown on the submitted site plan and a complete review for zoning compliance of the existing buildings will be completed at the time of the Zoning By-law Amendment application.

- | | | |
|--|-----------|--------|
| 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: [Land Division](#)
Subject: Severance Applications E13, E14, E15, & E18_22
Date: March 23, 2022 8:28:32 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Julie,

We (CCCA) have no concerns with the above noted Consent Applications.

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

Regards,

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 15-22

OWNER: Scott Hayhoe Farms Inc.

PROPERTY: LOT NO. Lot 32 CONCESSION: 3

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

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



BRIAN LIMA, P. ENG.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 15-22

Owner:
Scott Hayhoe Farms Inc.
5045 Wales Crescent, Aylmer, ON N5H
2R2

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

Location: 52887 Calton Line, Concession 3, Lot 32, Township of Malahide.

PROPOSAL

The applicants propose to sever a parcel with a frontage of 100.0 metres (328.08 feet) along Calton Line by a depth of 42.92 metres (140.81 feet) and an area of 0.43 hectares (1.06 acres) containing a residence, and 1 shed for residential use. The applicants are retaining 31.3 hectares (77.34 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – THAT Report No. DS-22-18 entitled “Application for Consent to Sever of Scott Hayhoe Farms Inc.” be received;

AND THAT the Application for Consent to Sever of Scott Hayhoe Farms Inc. relating to the property located at Part Lot 32, Concession 3 and known municipally as 52887 Calton 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..

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

The PPS encourages the protection of prime agricultural areas for long-term use for agriculture. There are limited options for severances on prime agricultural lands.

Policies in 2.3.4.1(c) state that Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;

It is staff's opinion that the proposed severance is consistent with these policies giving consideration to the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prevent a new residence on the retained parcel.

County of Elgin Official Plan

The subject lands are within the Agricultural Area. Policies for Lot Creation on Lands in the Agricultural Area are found in Subsection E1.2.3.4. The policies state that new lots may be permitted if the local Official Plan supports their creation and if, among other things:

"b) the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation;"

This policy is consistent with the direction of the PPS. Further, there are policies in the local Official Plan that support the severance of a residence that is surplus to a farm operation. It is staff's opinion that the proposed severance complies with the County Official Plan policies, subject to a zoning amendment to prevent a new residence on the retained parcel.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agriculture on Schedule 'A1' Future Land Use. The OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 2.1.7 of the Official Plan contains the policies applicable to surplus farm dwelling severances. Those policies provide the following:

2.1.7.1 In accordance with the Provincial Policy Statement, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings which are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied for a minimum of ten years, and which are surplus to a consolidated farm operation, may be permitted within the Agriculture designation in accordance with the following policies:

- a) In the opinion of Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be large enough to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Be situated within approximately 100 metres of an opened travelled road and should not be positioned so as to require cultivatable farmland as part of the severed lot.
- c) Meet the provisions of the applicable Minimum Distance Separation formula of OMAFRA;
- d) Be rezoned in a Special Agricultural Zone in the Zoning By-law.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Township Council a land use conflict will not be created. Farm buildings which may be incompatible with the existing dwelling on the lot proposed to be severed may be required to be removed as a condition of the severance. Their location on the farm and the structural condition of such farm buildings will be evaluated as part of the planning process.

2.1.7.4 The parcel of property constituting the retained agricultural lands shall:

- a) Comprise a size appropriate for the type of agricultural use(s) common in the area and be sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation;

- b) Meet the provisions of the Agricultural (A1) or Special Agricultural (A2) Zone regulations of the Zoning By-law;
- c) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership

The subject lands are zoned General Agricultural Zone (A1) in the Township of Malahide Zoning By-law 18-22. An amendment to the By-law will be required to implement the policies of the County of Elgin and Township of Malahide Official Plans.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Township of Malahide Official Plans regarding lot creation for surplus farm dwellings in the Agricultural Area. As such, planning staff are of the opinion that the application is supportable 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; and
- 2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

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

THAT the Malahide Township Council has no objection to the Land Severance No. E15-22 in the name of Scott Hayhoe Farms Inc, relating to the property located Part Lot 32, Concession 3 (52887 Calton Line), Township of Malahide, subject to the following conditions:

- 1. 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.
- 2. 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.
- 3. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
- 4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- 5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.

6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the 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.
8. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 17-22**

**LOT 5, CONCESSION 5
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 7077 ROGERS ROAD**

TAKE NOTICE that an application has been made by G & M Howe & Sons Ltd., 7841 Rogers Road, Aylmer, ON N5H 2R4 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 7077 Rogers Road, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 53.65 metres (176.02 feet) along Rodgers Road by a depth of 154.0 metres (505.25 feet) and an area of 1.06 hectares (2.62 acres) to be conveyed to the adjacent property. The applicants are retaining 26.82 hectares (66.27 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 April 27, 2022 AT 9:50 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

Julie Gonyou
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



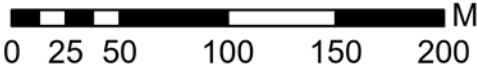
Elgin Road Network

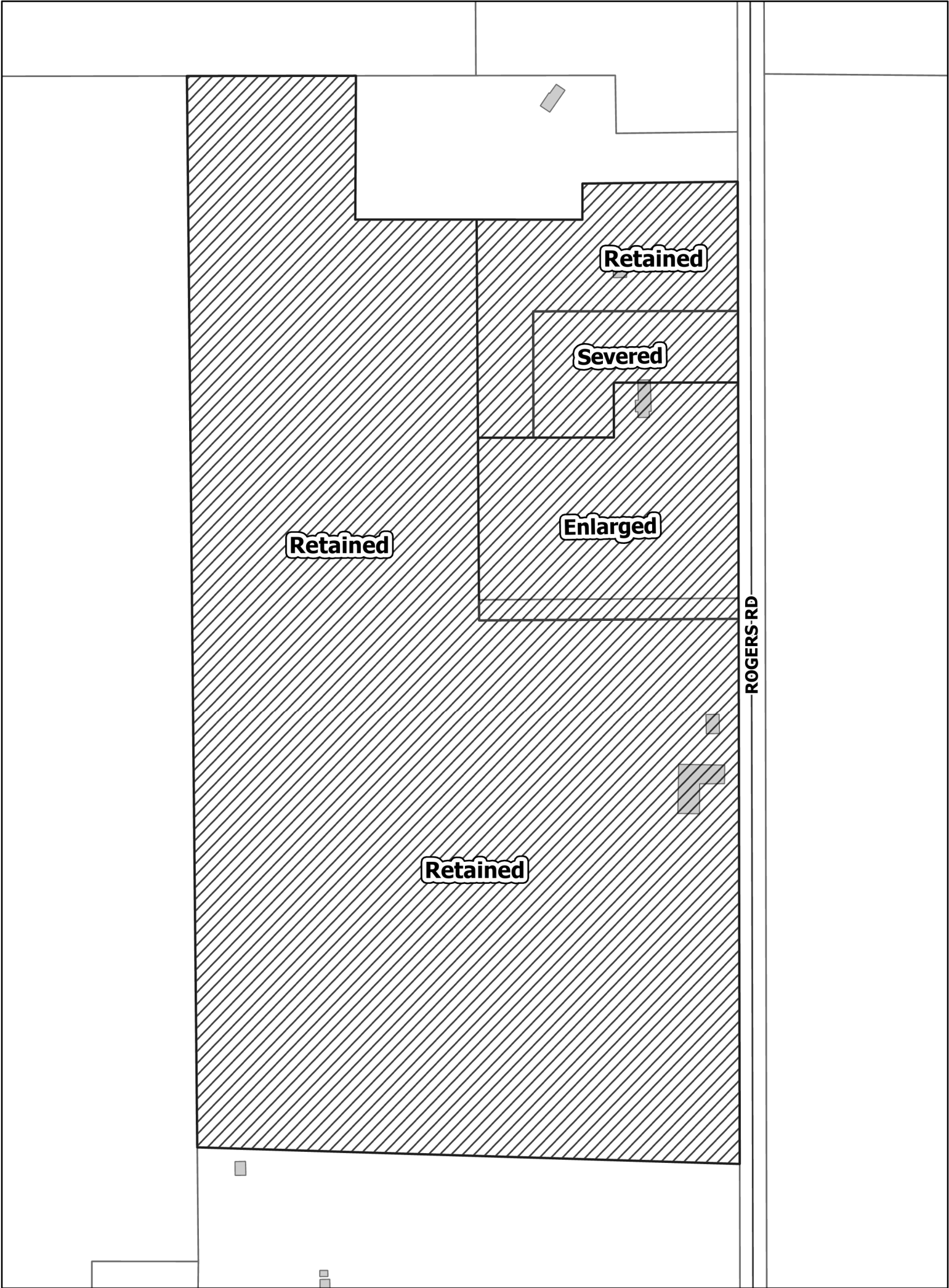


Buildings

Subject Site: 7077 Rogers Road
File Number: E 17-2022
Owner: G & M Howe & Sons Ltd.
Planner: Unknown
Created By: TE
Date: 02/08/2022

Parcel "A" to be added
to parcel "B"





Location Map



Legend



Subject Site



Severed



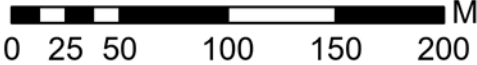
Retained



Elgin Road Network



Buildings





April 8, 2022

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

Dear Committee Members:

RE: Land Severance Application E17-22 - G. & M. Howe & Sons Ltd., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.)- Part Lot 5, Concession 5 (Geographic Township of Malahide) (7077 Rogers Road)

The Malahide Township Council passed the following Resolutions on April 7, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E17-22 - G. & M. Howe & Sons Ltd., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.) - Part Lot 5, Concession 5, Geographic Township of Malahide, Township of Malahide (7077 Rogers Road), subject to the following conditions:

1. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy
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. 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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-22-19 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
G. & M. Howe & Sons Ltd.
David Roe c/o Civic Planning Solutions Inc



Report to Council

REPORT NO.: DS-22-19

DATE: April 7, 2021
(Report submitted April 1, 2022)

ATTACHMENT: Report Photo, Application, Conditions

SUBJECT: **Application for Consent to Sever of G. & M. Howe & Sons Ltd.,
(Authorized Agent: David Roe c/o Civic Planning Solutions
Inc.)**

LOCATION: Part Lot 5, Concession 5 (Geographic Township of Malahide) (7077 Rogers Road)

Recommendation:

THAT Report No.: DS-22-19 entitled “Application for Consent to Sever of G. & M. Howe & Sons Ltd” be received;

AND THAT the Application for Consent to Sever of G. & M. Howe & Sons Ltd, relating to the property located in Part Lot 5, Concession 5, (Geographic Township of Malahide) (7077 Rogers Road), be supported for the reasons set out in this Report;

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

Background:

The subject application (E 17-22) for Consent to Sever (the “Application”) has been submitted by Civic Planning Solutions Inc. (David Roe), authorized agent of G. & M. Howe & Sons Ltd., in order to enlarge an existing lot through the conveyance of lands where no new lot is proposed to be created

The Application relates to the property located in part of Lot 5, Concession 5, (Geographic Township of Malahide) and known municipally as 7077 Rogers Road.

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

Comments/Analysis:

The lands proposed to be severed comprise an area of approximately 1.06 hectares (2.6 ac) with a depth of approximately 154 metres (505 ft) and a frontage of approximately 53.6 metres (176 ft) on Rogers Road. The parcel is occupied by a small cabin (unoccupied) and a portion of a barn. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the south known municipally as 7841 Rogers Road. The enlarged parcel would be increased in area from approximately 3.1 hectares (7.7 ac) to approximately 4.16 hectares (10.3 ac), and increased in frontage from approximately 178.3 metres (585 ft) to approximately 231.9 metres (761 ft).

The parcel being enlarged is occupied by an existing single detached dwelling and a portion of the aforementioned barn. The effect of the boundary adjustment would be to ensure that the barn, access driveway and landscaped open space associated with the dwelling are all wholly contained on one lot. No new lot is proposed to be created.

The lands proposed to be retained comprise an area of approximately 26.8 hectares (66.3 ac) with a depth of approximately 407 metres (1,335 ft) and a frontage of approximately 519.1 metres (1,703 ft) on Rogers Road. Existing buildings and structures on the lands include a single detached dwelling and two outbuildings (barns). The lands would remain in agricultural use, including productive farmland and mature woodlands.

The subject lands are situated on the west side of Rogers Road south of Conservation Line in an area characterized by agricultural uses (cash crop and market gardening) interspersed by extensive areas of woodlands and scattered residential development.

County of Elgin Official Plan

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. The subject property has been identified as being occupied by 'Woodlands' in Appendix 1 (Natural Heritage Features and Areas) of the County Official Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan.

Malahide Official Plan

The subject property is designated 'Agriculture', with the woodlands identified as 'Natural Heritage' on Schedule 'A1'. The woodlands are further identified as 'Provincially Significant Woodland', 'Hazard Lands', and 'Significant A.N.S.I. on Schedule 'A2'. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Plan and the Zoning By-law. The lot line adjustment would follow the edge of the existing grassed lawn and the natural heritage features would not be contained within the proposed severed parcel, nor is it located within the hazardous lands. The proposed lot addition would not create a conflict with agricultural

uses, as the severed parcel is not used for agricultural purposes (Section 2.1.1.2). A Zoning By-law Amendment would be required to recognize the reduced lot area of the subject property.

Malahide Zoning By-law No. 18-22

The subject property is zoned General Agricultural (A1) on Schedule 'A', Map No. 61 to the Township Of Malahide Zoning By-law No. 18-22.

As previously indicated, the proposed enlarged lot would comprise an area of approximately 4.16 hectares (10.3 ac). Accordingly, the lands proposed to be severed and the existing lot to which they are being added would require a re-zoning to 'site-specific' General Agricultural (A1-#) to recognize a new minimum lot area of less than 20.2 ha. Upon the granting of consent, the lands effectively forfeit their "existing" status under the Zoning By-law. Further, the Zoning By-law does not include a forgiveness clause or general provision with respect to existing undersized lots being increased in greater compliance with the minimum lot area requirements of the A1 zone.

The lands proposed to be retained would readily satisfy the minimum lot area and lot frontage requirements (20 ha and 150 m respectively) of the A1 Zone and a re-zoning of this parcel is not required.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application.

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

- a) 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.
- b) That all entrance permits are acquired from the appropriate road authority as per our entrance control policy

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

The Township's Consulting Planner has also reviewed the application and provides the following comments:

Prevailing Provincial policy as set out in the Provincial Policy Statement (PPS) 2020, the County of Elgin Official Plan and the Township of Malahide Official Plan permit lot additions and boundary adjustments in all land use designations where the creation of a new lot is not proposed. While portions of the subject lands occupied by woodlands are identified as comprising a natural heritage feature, the said feature is not proposed to be fragmented nor is "development" (i.e. the creation of a new lot) being proposed.

In this instance, the severance would result in the enlargement of an existing lot to rectify and clarify the use of features (barn, driveway, landscaped open space) which encroach onto abutting lands, thereby ensuring that these features are appropriately located and wholly contained on the lands which they continue to serve. No loss of productive agricultural land would occur.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

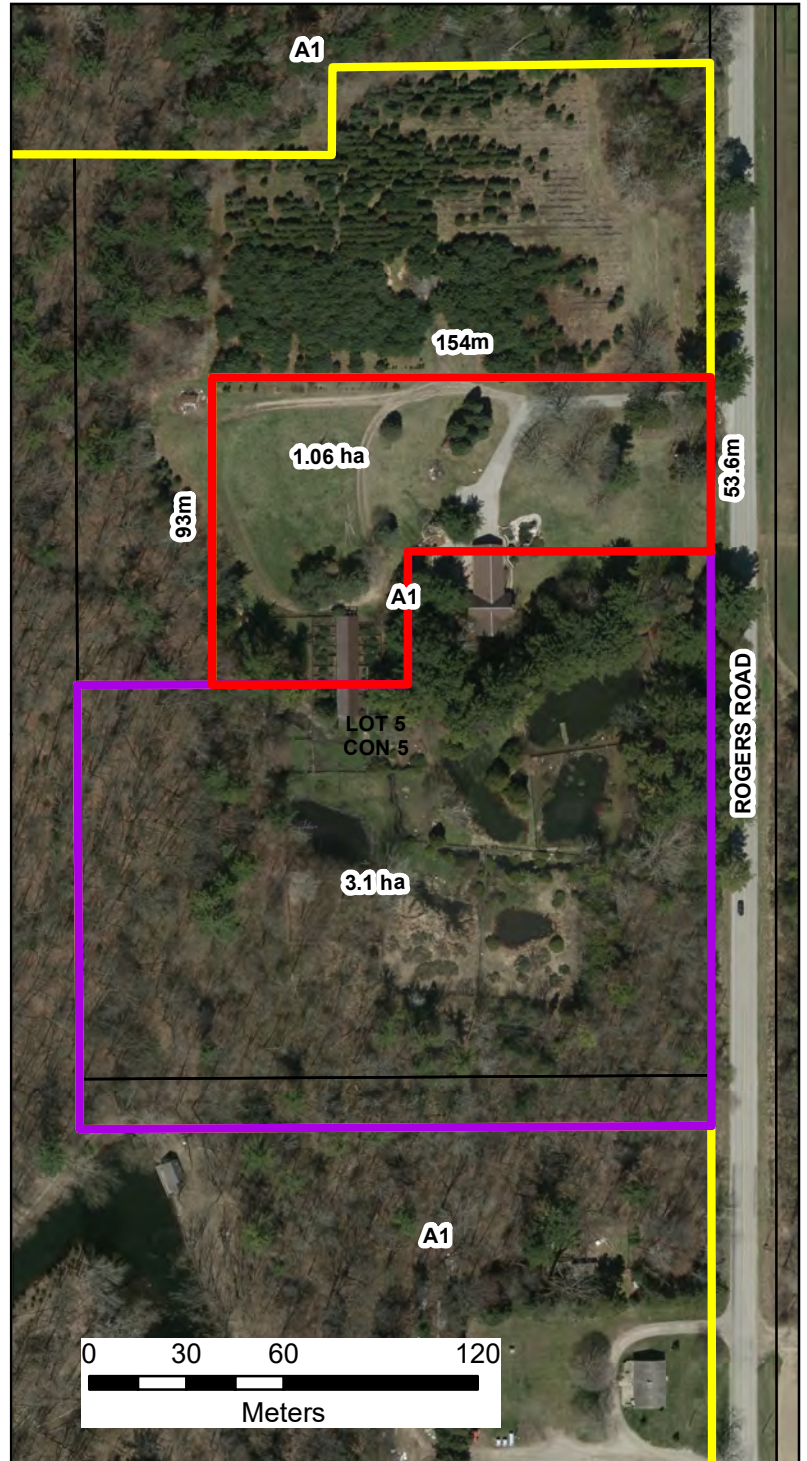
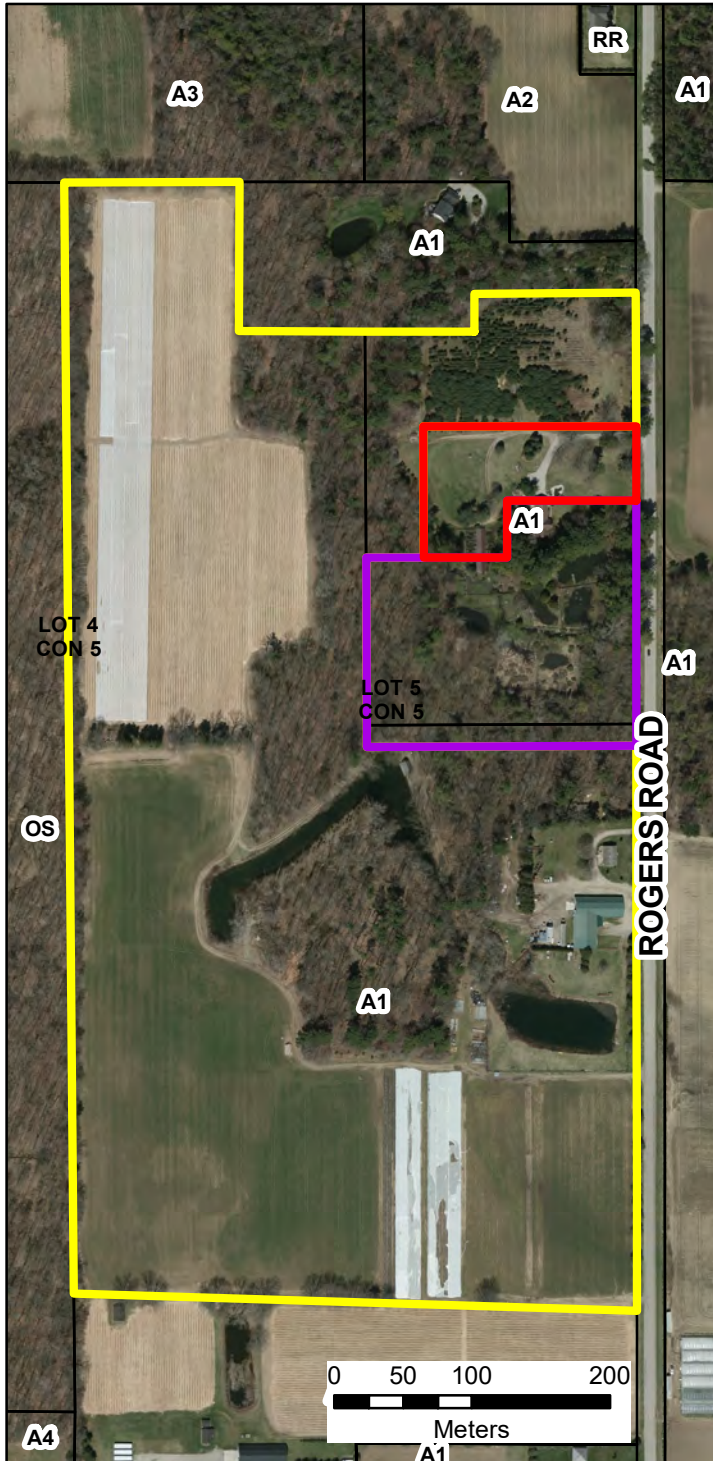
One of the goals that supports the "Our Land" Strategic Pillar is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

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

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
G & M Howe Sones Ltd.
(Authorized Agent: David Roe c/o Civic Planning Solutions)
 7077 Rogers Road
 Lot 5, Concession 5
 Township of Malahide

**Township
 of Malahide
 Figure 1**




OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING
 A1 General Agricultural

 Severed

 Retained

 Lands to which the severed lands will be conveyed



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 17-22

Applicant G. & M. Howe & Sons Ltd., (Authorized Agent: David Roe c/o Civic Planning Solutions Inc.)

Location Part Lot 5, Concession 5 (Geographic Township of Malahide) (7077 Rogers Road)

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” and ‘Natural Heritage’ on Schedule ‘A1’ (Land Use Plan) and “Provincially Significant Woodland’, ‘Hazard Lands’, and ‘Significant A.N.S.I.” on Schedule ‘A2’ (Constraints Plan).
Policies: The policies of Sections 2.1.1.2 and 8.7.1.7 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:

- lands proposed to be severed and the existing lot to which they are being added would require a re-zoning to ‘site-specific’ General Agricultural (A1-#) to recognize a new minimum lot area of less than 20.2 ha.
- lands proposed to be retained do not require rezoning.

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: [Land Division](#)
Subject: Severance Application E 17-22
Date: March 16, 2022 2:22:10 PM
Attachments: [image003.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

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

Hi Julie,

We (CCCA) have no concerns with the above noted application at 7077 Rogers Road (G&M Howe & Sons Ltd.) at 7077 Rogers Road in Malahide Township.

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

Regards

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 17-22

OWNER: G & M Howe & Sons Ltd.

PROPERTY: LOT NO. Lot 5 CONCESSION: 5

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 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.



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GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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

To: Elgin County Land Division Committee
From: City of St. Thomas Planning Department
Date: April 27, 2022
Application: E 17-22

Owner:
G&M Howe & Sons Ltd.
7841 Rogers Road
Aylmer, ON N5H 2R4

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

Location: 7077 Rogers Road, legally described Part Lot 5, Concession 5, Geographic Township of Malahide.

PROPOSAL

The applicant is proposing to enlarge an existing 3.1 hectare (7.7 acre) lot by 1.06 hectares (2.6 acres) through a lot addition. The purpose of this expansion is to ensure that the barn, access driveway and landscaped open space associated with the dwelling are contained entirely on one lot. Currently, a small cabin and a portion of an existing barn encroach on to the property to the north.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – No objections subject to provided conditions.

County Engineering – Not a County road.

Catfish Creek Conservation Authority – No concerns.

Planning Act

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 section 2.3.4 speaks to lot creation and lot adjustments in prime agricultural areas, with policy 2.3.4.2 providing that, "Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons". This can include minor boundary adjustments that do not result in the creation of a new lot.

The applicants propose to enlarge an existing lot of record to ensure that an existing barn, small cabin, and road access to the property is contained completely on one site. The creation of a new lot is not contemplated through this application.

County of Elgin Official Plan

The subject lands are within an Agricultural Area. Section C2 of the Official Plan recognizes agriculture as the primary activity and land use. Section C2.4 speaks to lot creation and consents within agricultural areas and directs the reader to Section E1.2.3 of the Plan.

E1.2.3 states that approval of consents to sever land in the County shall be in conformity with the policies in the County and Local Plans, with Section E1.2.3.4 speaking specifically to lot creation on lands in the agricultural area. The policy direction in this section is consistent with the PPS in that it permits, "*Consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot*".

As has been stated previously, the applicants are enlarging an existing lot of record to ensure that an existing barn, small cabin, and road access to the property is contained completely on one site. The lot adjustment will not result in the creation of a new lot.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Agricultural" on Schedule 'A1' of the Township of Malahide Official Plan and zoned General Agricultural (A1) within the Township's Zoning By-law.

Section 8.7.1.7 of the Official Plan provides that "*Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severed and retained parcels comply with the other applicable requirements of this Plan, and the Zoning By-law*". The Township's Staff report notes that the proposed lot addition would not create a conflict with agricultural uses, however, a zoning by-law amendment would be required to recognize the revised lot area of the property.

The enlarged lot would need to be rezoned to recognize a lot area of less than 20.2 hectares as required through the by-law. The retained lot would meet all of the requirements of the A1 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, 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.

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

1. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy
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. 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 18-22**

**PT LOT 89, CONCESSION NTR S
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 9060 HACIENDA ROAD**

TAKE NOTICE that an application has been made by Open Bible Baptist Church, 9060 Hacienda Road, Aylmer, ON N5H 2R1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 9060 Hacienda Road, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 53.65 metres (180 feet) along Hacienda Road by a depth of 154.0 metres (240 feet) and an area of 0.40 hectares (0.99 acres) to create a new residential lot. The applicants are retaining 1.51 hectares (3.72 acres), proposed to remain in institutional 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 April 27, 2022 AT 10:00 AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

Julie Gonyou
Secretary-Treasurer
Land Division Committee

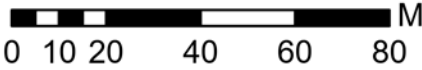
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Subject Site: 9060 Hacienda Rd.
File Number: E 18-2022
Owner: Open Bible Baptist Church
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 03/01/2022



Legend



Subject Site



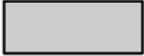
Severed



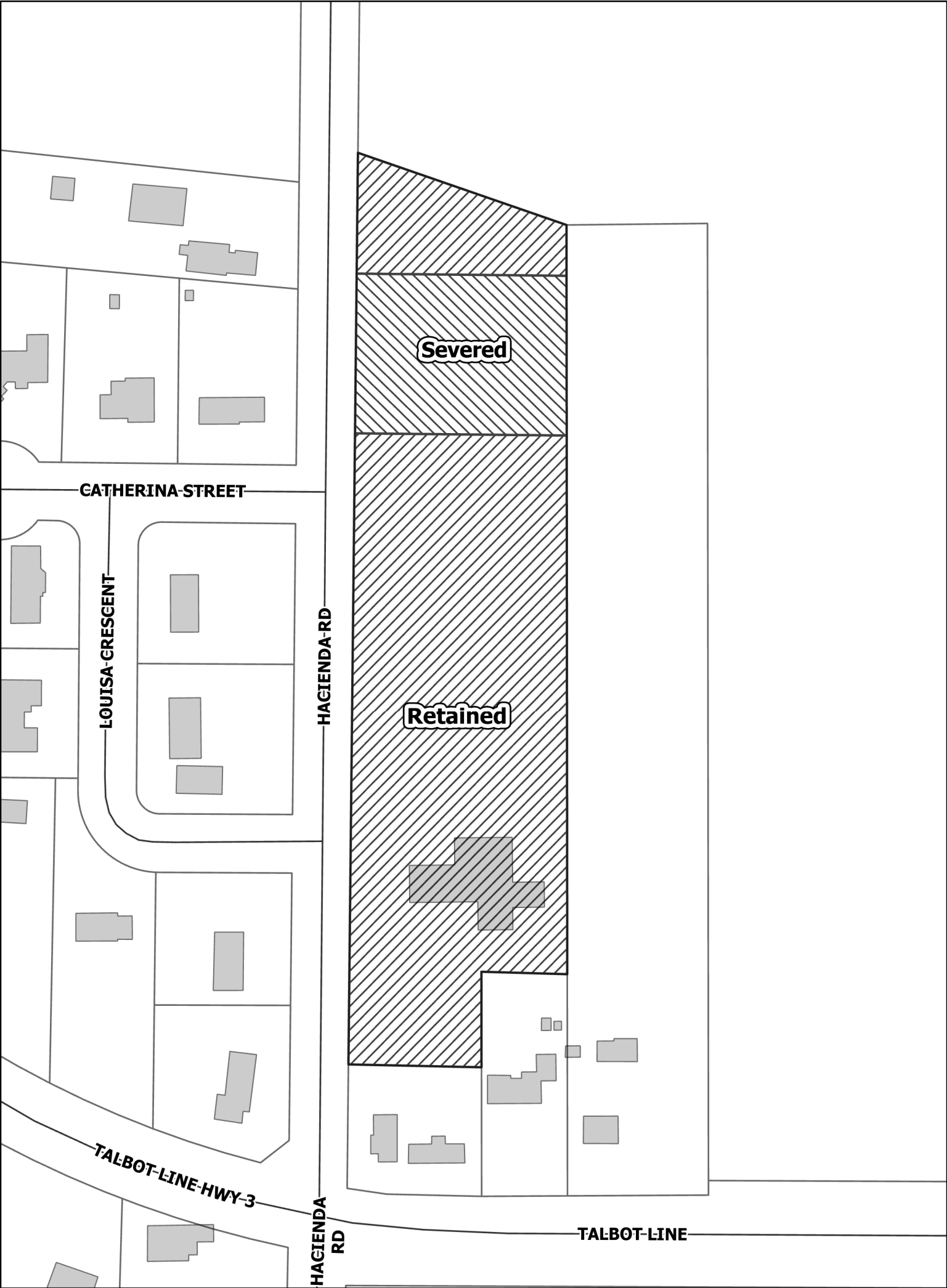
Retained



Elgin Road Network



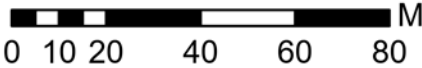
Buildings



Location Map



Subject Site: 9060 Hacienda Rd.
File Number: E 18-2022
Owner: Open Bible Baptist Church
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 03/01/2022



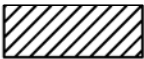
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



April 14, 2022

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

Dear Committee Members:

RE: Land Severance Application E18-22 - Susan Wiebe, on behalf of Open Bible Baptist Church - Part Lot 89, Concession NTR S, Geographic Township of Malahide, Township of Malahide, (9060 Hacienda Road)

The Malahide Township Council passed the following Resolutions on April 7, 2022:

THAT Report No. DS-22-20 entitled "Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church" be received;

AND THAT the Application for Consent to Sever No. E18-22 of Susan Wiebe, on behalf of Open Bible Baptist Church, relating to the property located at Part Lot 89, Concession NTR S, Geographic Township of Malahide, Township of Malahide and known municipally as 9060 Hacienda Road, not be supported for the reasons set out in this Report;

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

We enclose Municipal Appraisal together with Municipal Report DS-22-20 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read "A Adams". The signature is fluid and cursive.

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

Copy - Rosemary Kennedy
Susan Wiebe



Report to Council

REPORT NO.: DS-22-20

DATE: April 7, 2021
(Report submitted April 1, 2022)

ATTACHMENT: Report Photo, Application

SUBJECT: **Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church,**

LOCATION: Part Lot 89, Concession NTR S (Geographic Township of Malahide) (9060 Hacienda Road)

Recommendation:

THAT REPORT NO.: DS-22-20 entitled “Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church” be received;

AND THAT the Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church, relating to the property located in Part Lot 89, Concession NTR S (Geographic Township of Malahide) (9060 Hacienda Road) not be supported for the reasons set out herein;

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

Background:

The subject application (E 18-22) for Consent to Sever (the “Application”) has been submitted by Susan Wiebe, authorized agent of Open Bible Baptist Church, in order to create a residential building lot from a larger parcel occupied by an existing institutional use (place of worship).

The Application relates to the property located in part of Part Lot 89, Concession NTR S, (Geographic Township of Malahide) and known municipally as 9060 Hacienda Road.

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

The lands were previously the subject of an agreement when the Open Bible Baptist Church purchased the subject lands circa 1975. At the time it was agreed that a portion of the land be sold to Peter and Maryanne Harms and Anna Kroeker. Based on the information provided, the Township was approached circa 2004 with respect to a severance of the parcel although it was not pursued due to the presence of the proposed Highway No. 3 by-pass. The Ministry of Transportation has recently confirmed that it has abandoned plans to proceed with the by-pass and, as such, the owner is interested in pursuing a severance at this time.

Comments/Analysis:

The lands proposed to be severed comprise an area of approximately 3,995 square metres (0.98 ac) with a depth of approximately 73.2 metres (240 ft) and a frontage of approximately 54.9 metres (180 ft) on Hacienda Road. The parcel is devoid of buildings and structures and is occupied primarily by a mature woodlot. It is proposed that the new lot be used for residential purposes comprising a single detached dwelling and accessory building (shed).

The lands proposed to be retained comprise an area of approximately 1.5 hectares (3.0 ac) with a depth of approximately 73.2 metres (240 ft) and a frontage of approximately 217 metres (712 ft) on Hacienda Road. Existing buildings and structures on the lands are described in the application as a church and an accessory building (shed). It is proposed that these lands remain in institutional use.

The subject lands are situated north of Talbot Line in an area characterized by a mix of agricultural uses and an existing residential subdivision on the west side of Hacienda Road. A commercial use (RNA Automotive) is situated opposite the proposed residential lot.

County of Elgin Official Plan

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

Malahide Official Plan

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

Malahide Zoning By-law No. 18-22

The subject property is zoned Institutional (I) on Schedule 'A', Map No. 46 to the Township's Zoning By-law No. 18-22.

The lands proposed to be severed and used for residential purposes would require a re-zoning to Rural Residential (RR) insofar as a single unit dwelling is not a permitted use

in the I Zone. The proposed lot is capable of satisfying the minimum lot area and lot frontage requirements (2,000 sq m and 30 m respectively) of the RR Zone.

The lands proposed to be retained would readily satisfy the minimum lot area and lot frontage requirements (1,850 sq m and 30 m respectively) of the I Zone and a re-zoning of this parcel is not required.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council not support the Application.

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

- The Township's Drainage Superintendent/Engineering Technologist has advised that:
 - a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required; and,
 - a new or relocation of a municipal drain is required in accordance with the Drainage Act, RSO 1990.
- The Township's Roads & Construction Manager has advised that an engineered lot and ditch grading plan prepared in accordance with good engineering practices is required.

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

The Township's Consulting Planner has also reviewed the application and provides the following comments:

Prevailing Provincial policy as set out in the Provincial Policy Statement (PPS) 2020 restricts the creation of residential lot in designated Agricultural areas to those situations where a surplus farm dwelling severance is proposed and is able to meet the tests for farm consolidation by a bona-fide farmer. This policy is mirrored by policies in both the County of Elgin Official Plan and in the Township of Malahide Official Plan. The creation of a residential building lot in the agricultural area is not permitted irrespective of the size and/or configuration of the subject lot, or the circumstances under which the lot would be created and sold (i.e. honouring previous internal agreements/arrangements).

Creation of the proposed residential lot in this instance is not permitted under prevailing Provincial, County and Township planning policies. The severance cannot be reconciled with applicable requirements which do not otherwise allow for residential severances in designated 'Agricultural' areas (outside of a surplus farm dwelling situation) in the Township of Malahide.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

One of the goals that supports the "Our Land" Strategic Pillar is "Protect and Enhance Malahide's Agricultural Character". By not supporting the proposed severance in accordance with applicable planning documents, the Council is achieving this goal.

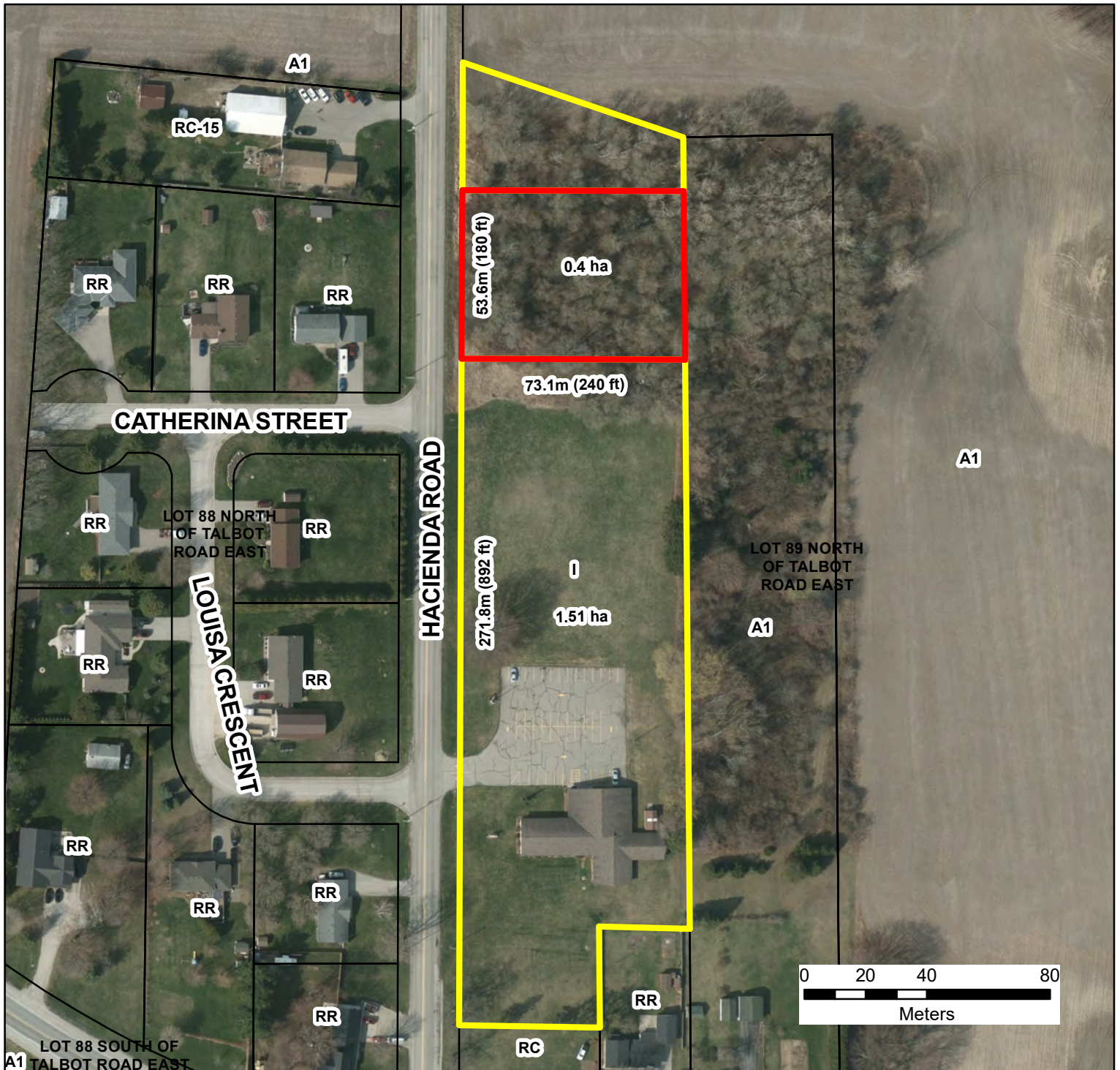
Submitted by:	Reviewed by:
Dan Smith, MA Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Open Baptist Church

9060 Hacienda Road
Part of Lot 89, Concession NTR S
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
I Institutional



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 E18-22

Applicant Susan Wiebe, on behalf of Open Bible Baptist Church

Location Part Lot 89, Concession NTR S (Geographic Township of Malahide) (9060 Hacienda Road)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: “Agricultural” on Schedule ‘A1’ (Land Use Plan)
Policies: The policies of Section 2.1.6 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 lands proposed to be severed and used for residential purposes would require a re-zoning to Rural Residential (RR) insofar as a single unit dwelling is not a permitted use in the I Zone. The proposed lot is capable of satisfying the minimum lot area and lot frontage requirements (2,000 sq m and 30 m respectively) of the RR Zone.

The lands proposed to be retained would readily satisfy the minimum lot area and lot frontage requirements (1,850 sq m and 30 m respectively) of the I Zone and a re-zoning of this parcel is not required.

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

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 ()No (x)
- 10.Does the municipality have other concerns that should be considered by the Committee?

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council not support the Application.

From: [Tony Difazio](#)
To: [Land Division](#)
Subject: Severance Applications E13, E14, E15, & E18_22
Date: March 23, 2022 8:28:32 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Julie,

We (CCCA) have no concerns with the above noted Consent Applications.

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

Regards,

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 18-22

OWNER: Open Bible Baptist Church

PROPERTY: LOT NO. Pt Lot 89 CONCESSION: NTR S

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 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

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

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



BRIAN LIMA, P. ENG.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: City of St. Thomas Planning Department
Date: April 27, 2022
Application: E 18-22

Owner:
Open Bible Baptist Church
9060 Hacienda Road
Aylmer, ON N5H 2R1

Agent:
Susan Wiebe
6006 Imperial Road
Aylmer, ON N5H 2R2

Location: 9060 Hacienda Road, legally described Part Lot 89, Concession NTR S,
Geographic Township of Malahide.

PROPOSAL

The applicant is seeking to sever a 0.39 hectare (0.98 arce) lot from the larger institutional use (place of worship) to permit the creation of a residential building lot. The proposed severed lot would have a depth of approximately 73.2 metres (240 feet) and a frontage of 54.9 metres (180 feet) on Hacienda Road. The area of land proposed for severance is primarily occupied by a mature woodlot.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Institutional (I) Zone

REVIEW & ANALYSIS:

Public and Agency Comments
Township of Malahide –

THAT REPORT NO.: DS-22-20 entitled "Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church" be received;

AND THAT the Application for Consent to Sever of Susan Wiebe, on behalf of Open Bible Baptist Church, relating to the property located in Part Lot 89, Concession NTR S (Geographic Township of Malahide) (9060 Hacienda Road) not be supported for the reasons set out herein;

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

County Engineering – Not a County road.

Catfish Creek Conservation Authority – No concerns.

Planning Act

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 PPS encourages the protection of prime agricultural areas for long-term use for agriculture. There are limited options for severances on prime agricultural lands.

Policies in 2.3.4.1(c) state that Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;

The proposed residential severance would not be consistent with the lot creation policies of the PPS as there is no residence surplus to a farming operation as a result of farm consolidation.

County of Elgin Official Plan

The subject lands are within the Agricultural Area. Policies for Lot Creation on Lands in the Agricultural Area are found in Subsection E1.2.3.4. The policies state that new lots may be permitted if the local Official Plan supports their creation and if, among other things:

- “b) the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two



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

adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation;”

This policy is consistent with the direction of the PPS. As such, the proposed severance would not conform to the County’s policies on lot creation in an agricultural area.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Agricultural" on Schedule 'A1' Land Use Plan, of the Township of Malahide Official Plan. The lands are zoned Institutional (I) zone within the Municipality’s Zoning By-law.

Section 2.1.7 of the Malahide Official Plan provides consistent policy direction to the PPS and County of Elgin Official Plan on lot creation with agricultural areas. As such, the proposed severance would not conform to the Township of Malahide Official Plan.

The lands proposed to be severed would require to be rezoned as the Institutional zone would not permit a rural residential use, however, the retained lands for the place of worship would not require a rezoning.

RECOMMENDATION:

This application for consent is **not consistent** with the 2020 Provincial Policy Statement and **does not conform** with the County of Elgin or Township of Malahide Official Plan regarding lot creation in agricultural areas. As such, Staff is of the opinion that the application should be denied from a planning perspective. The above noted position is consistent with the Township of Malahide’s recommendation for the application to **not be supported** by the Land Division Committee.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 20-22**

**LOT 24, REGISTERED PLAN NO. 164
TOWN OF AYLMER
MUNICIPAL ADDRESS: 10 SPRUCE STREET E**

TAKE NOTICE that an application has been made by Eva Dyck, 448 John Street S, Aylmer, ON N5H 2E4 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10 Spruce Street E, Town of Aylmer.

The applicant proposes to sever a parcel with a frontage of 17.7 metres (58.07 feet) along Spruce Street E by a depth of 19.9 metres (65.29 feet) and an area of 0.036 hectares (0.09 acres) to create a new residential lot. The applicants are retaining 0.048 hectares (0.12 acres), proposed to remain in residential use.

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

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

**WEDNESDAY April 27, 2022 AT 10:10 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

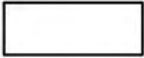




Julie Gonyou
Secretary-Treasurer
Land Division Committee

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

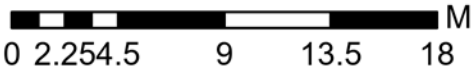


Location Map



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

Subject Site: 10 Spruce Street East
File Number: E 20-2022
Owner: Eva Dyck
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 03/01/2022





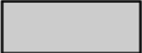


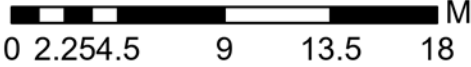


Location Map



Subject Site: 10 Spruce Street East
File Number: E 20-2022
Owner: Eva Dyck
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 03/01/2022

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



Town of Aylmer

Report PLAN 07-22



Report Title:	Planning Evaluation Report: Application for Consent to Sever No. E20-22 – 10 Spruce Street East (Dyck / Klassen)
Submitted for:	Council – March 16, 2022
Report Author:	Christie Kent, Manager of Planning and Development
<input type="checkbox"/> Receive for Information	<input checked="" type="checkbox"/> Recommendation

Recommendation:

That Report PLAN07-22, entitled **Planning Evaluation Report: Application for Consent to Sever No. E20-22 – 10 Spruce Street East (Dyck / Klassen)**, be received for information; and,

That the **Application for Consent to Sever No. E20-22** relating to the property located at **Lot 24 W/S Murray, S/S Spruce, Plan 164**, and known municipally as **10 Spruce Street East**, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Background:

The Elgin County Land Division Committee is in receipt an application for consent to sever submitted by Lena Klassen, acting as agent for the owner Eva Dyck, and pertaining to the lands known municipally as 10 Spruce Street East. The purpose and effect of the subject application is to create one new residential lot with frontage along Murray Street.

The Elgin County Land Division Committee has scheduled a Public Hearing for this application to be considered on April 27, 2022.

Analysis:

The subject lands comprise an area of approximately 832 m² (0.21 ac) and contain an existing single detached dwelling. Application E20-22 proposes to split the existing lot to create one new residential lot. The agent has advised that the new lot would be retained and the lot with the existing dwelling would be severed for conveyance.

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

County of Elgin Official Plan

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

Town of Aylmer Official Plan

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

Town of Aylmer Zoning By-law 57-99

The subject lands are zoned Residential Type 1A (R1A) Zone within the Town's Zoning By-law.

The Zone Requirements for the R1A Zone are as follows:

R1B Zone Requirements		Proposed Lot to be Severed	Proposed Lot to be Retained
Min. Lot Area	450 m ²	~358 m ²	~479 m ²
Min. Lot Frontage	15.0 m	17.7 m (Spruce)	20.55 m (Murray)

The proposed lot to be severed does not meet the minimum lot area provisions of the Zoning By-law. Relief from this provision, achieved through an Application for Minor Variance, would be required to facilitate the severance, and as such, support is recommended to be conditional on successful completion of said application.

Attachment

Location Map – Application for Consent to Sever E20-22 (Dyk/Klassen)

Recommendation

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

1. That the Owner initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.

2. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
3. That the Owner make payment of cash-in-lieu of parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction of the Town of Aylmer.
4. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be severed'. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
5. That the 'lot to be retained' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
6. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E20-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
7. That municipal addressing be assigned to the 'lot to be retained' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
9. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,
Christie Kent RPP
Manager of Planning and Development

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

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

Location Map: Application for Consent to Sever E20-22 (Dyck/Klassen)



From: [Tony Difazio](#)
To: [Land Division](#)
Subject: Consent Application E 20-22
Date: March 16, 2022 2:13:32 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Julie,

We (CCCA) have no concerns with the above noted Severance Application at 10 Spruce Street in Aylmer.

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

Regards,

Tony



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 20-22

OWNER: Eva Dyck

PROPERTY: LOT NO. Lot 24 CONCESSION: _____

REG'D PLAN: 164 MUNICIPALITY: Aylmer

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Service, on behalf of Engineering & Planning
Department, County of Elgin
Date: April 22, 2022
Application: E 20-22

Owner:
Eva Dyck
448 John Street, Aylmer ON N5H 2E4

Location: 10 Spruce Street E., Lot 24, Registered Plan No.164, TOWN OF AYLMER

PROPOSAL

The applicants propose to sever a parcel with a frontage of 17.7 meters (58.07 feet) along Spruce Street E., by a depth of 19.9 metres (65.29 feet) and an area of 0.036 hectares (0.09 acres) for to create a new residential lot. The applicants are retaining 0.048 hectares (0.12 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Low Density Residential

**Local Municipality Zoning
By-law**

Residential Type 1A (R1A)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – Property is not located on a County Road.

Catfish Creek Conservation Authority (CCCA) – We (CCCA) have no concerns with the above noted applications.

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 residential use on the retained lands 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 1 in the Elgin County Official Plan (OP). The first tier includes those settlement areas where the intent of the designation is to function as the center for a range of uses and opportunities, and where most of the expected population growth shall occur.

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 are undersized and will require a future Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; 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 "Low Density Residential" on Schedule 'A1' Land Use, of the Town of Aylmer Official Plan. The lands are zoned Residential Type 1 (R1A) within the Town's Zoning By-law.

The created lots are slightly deficient in lot area and will require relief to the Zoning By-law by way of a Minor Variance.

RECOMMENDATION:

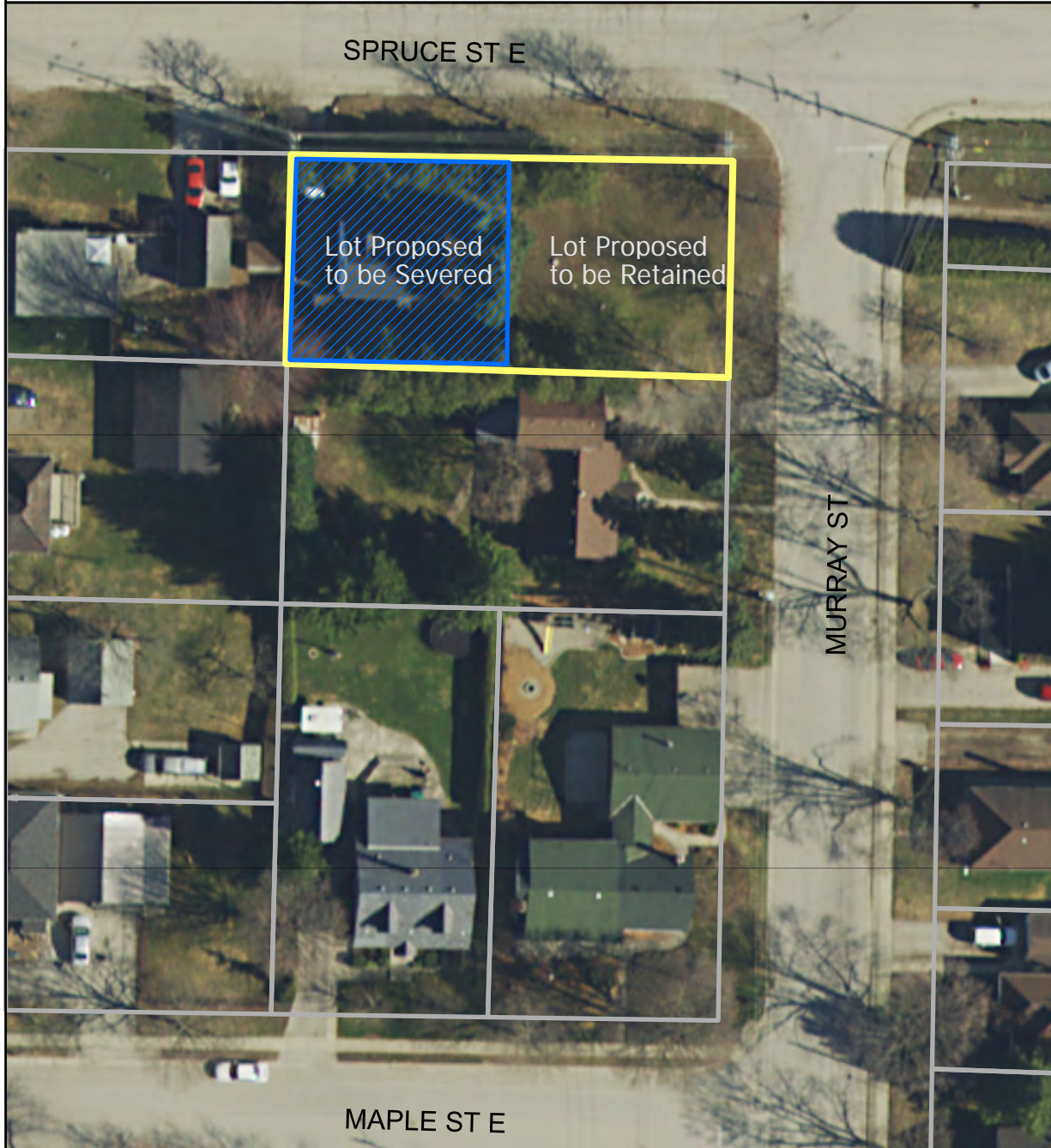
This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends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



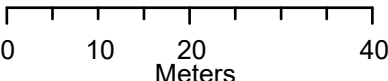
1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final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

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

1. That the Owner initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.
2. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
3. That the Owner make payment of cash-in-lieu of parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction of the Town of Aylmer.
4. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be severed'. Services cannot traverse the adjoining lots and any conflicts must be redirected at the cost of the applicants, to the satisfaction of the Town of Aylmer.
5. That the 'lot to be retained' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
6. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E20-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
7. That municipal addressing be assigned to the 'lot to be retained' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
9. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Location Map: Application for Consent to Sever E20-22 (Dyck/Klassen)



	TOWN OF AYLMER	
	 Subject Property	





**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 21-22**

**BLK E, LOT 1, REGISTERED PLAN NO. 319
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 204 UNION STREET**

TAKE NOTICE that an application has been made by Paul Marks, 204 Union Street, Belmont, ON N0L 1B0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 204 Union Street, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 19.81 metres (64.99 feet) along Victoria Street by a depth of 20.09 metres (65.91 feet) and an area of 0.04 hectares (0.10 acres) to create a new residential lot. The applicants are retaining 0.077 hectares (0.19 acres), proposed to remain in residential use.

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

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

**WEDNESDAY April 27, 2022 AT 10:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

Julie Gonyou
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

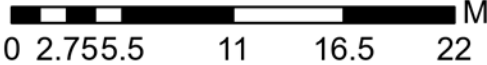


Elgin Road Network



Buildings

Subject Site: 204 Union St.
File Number: E 21-2022
Owner: Paul Marks
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 02/08/2022





Location Map



- Legend
- Subject Site

Severed

Retained

Elgin Road Network

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

From: [Joe Gordon](#)
To: [Brian Lima](#)
Subject: Notices of Application for Consent
Date: March 17, 2022 1:27:51 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

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

Hi Brian

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices of Application for Consent and based on our mandate and policies, we have no objection to their approval:

- E12-22_11884 Sunset Road, Southwold
- E12-22_204 Union St, Belmont, Central Elgin
- E22-22_206 Union Street, Belmont, Central Elgin

Thank you for the opportunity to comment.

Thank you,
Joe Gordon

Assistant Manager
Supervisor of Planning & Conservation Areas
(Regulations Enforcement Officer)

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca



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COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 21-22

OWNER: Paul Marks

PROPERTY: LOT NO. Blk E Lot 1 CONCESSION:

REG'D PLAN: 319 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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

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

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



BRIAN LIMA, P. ENG.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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

To: Elgin County Land Division Committee
From: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 21-22

Owner:
Paul Marks
204 Union Street, Belmont ON., N0L 1B0

Agent:

Location: 204 Union Street, BLK E, Lot 1, Registered Plan No.319, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage 19.81 metres along Victoria Street by a depth of 20.09 metres (65.91 feet) and an area of 0.04 hectares (0.10 acres) to create a new residential lot. The applicants are retaining 0.077 hectares (0.19 acres) to remain in residential use.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Single Residential" R2" Zone
(R2)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin –

Consent application E021/22 & E22/22 have been filed concurrently for the purpose of assembling lands to create one residential building lot on Victoria Street.

County Engineering – Not on a County Road.

Kettle Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

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

The applicants propose to sever vacant land for future rural residential use and retain the existing residential use 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 2 in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller than Tier 1 settlement areas and are on partial services. Limited development is permitted in these areas given the absence of full services. Development on partial services is permitted for infilling and rounding out subject to the proposal being within the reserve capacity of the municipal system and site conditions being suitable for the long-term provision of the required services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; 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.

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 (E1.2.3.4). Respectfully submitted:
Approved for submission

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Residential" – In accordance to Schedule G, Community of Belmont, Land Use Plan, to the Municipality of Central Elgin Official Plan.

The "Residential" designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure" (4.2). Where land is designated Residential a range of residential dwelling types and

densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings (4.2.1(a)).

The subject lands are within the Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21, as amended. Permitted uses of the R2 zone include one single detached dwelling per lot (5.3.2). The minimum lot area for a single detached dwelling on an interior lot is 464.5m² (5.3.3(a)) and the minimum lot frontage is 15m (5.3.3(c)). The minimum lot area for a single detached dwelling on a corner lot is 558.0sqm (5.3.3(a)) and the minimum lot frontage is 18m (5.3.3(c)).:

RECOMMENDATION:

NOTE: As of the date of Submission of this Report, the Council for the Municipality of Central Elgin had not reviewed the staff report or condition for this subject Consent Application. This matter is scheduled to go before the Central Elgin Municipal Council on Monday, April 25, 2022. County Planning Staff representatives will report amendments, if any, to the Land Division Committee in person, at their April 27, 2022, Meeting.

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, 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.

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

1. the applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters.
2. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes.
3. the severed land be merged in title with Parcel “B”, Consent Application E22-22.
4. 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.



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

5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest, and
6. the Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 22-22**

**BLK E, LOT 1, REGISTERED PLAN NO. 319
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 206 UNION STREET**

TAKE NOTICE that an application has been made by Richard Glover, 206 Union Street, Belmont, ON N0L 1B0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 206 Union Street, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 19.8 metres (64.96 feet) and a depth of 20.09 metres (65.91 feet) and an area of 0.040 hectares (0.098 acres) to create a new residential lot. The applicants are retaining 0.077 hectares (0.19 acres), proposed to remain in residential use.

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

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

**WEDNESDAY April 27, 2022 AT 10:30 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

Julie Gonyou
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



Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Legend



Subject Site



Severed



Retained

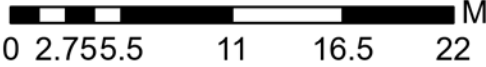


Elgin Road Network



Buildings

Subject Site: 204 Union St.
File Number: E 21-2022
Owner: Paul Marks
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 02/08/2022





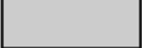


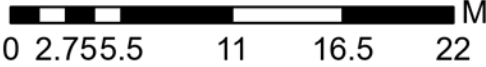


Location Map



Subject Site: 204 Union St.
File Number: E 21-2022
Owner: Paul Marks
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 02/08/2022

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



From: [Joe Gordon](#)
To: [Brian Lima](#)
Subject: Notices of Application for Consent
Date: March 17, 2022 1:27:51 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

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

Hi Brian

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices of Application for Consent and based on our mandate and policies, we have no objection to their approval:

- E12-22_11884 Sunset Road, Southwold
- E12-22_204 Union St, Belmont, Central Elgin
- E22-22_206 Union Street, Belmont, Central Elgin

Thank you for the opportunity to comment.

Thank you,
Joe Gordon

Assistant Manager
Supervisor of Planning & Conservation Areas
(Regulations Enforcement Officer)

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca



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COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 22-22

OWNER: Richard Glover

PROPERTY: LOT NO. Blk E Lot 1 CONCESSION:

REG'D PLAN: 319 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
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APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,
1990, AS AMENDED.

To: Elgin County Land Division Committee
From: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 22-22

Owner:
Richard Glover
206 Union Street, Belmont ON., N0L 1B0

Agent:

Location: 206 Union Street, BLK E, Lot 1, Registered Plan No.319, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage 19.8 metres (64.96 feet) along Victoria Street by a depth of 20.09 metres (65.91 feet) and an area of 0.04 hectares (0.10 acres) to create a new residential lot. The applicants are retaining 0.077 hectares (0.19 acres) to remain in residential use.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Single Residential" R2" Zone
(R2)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin –

Consent application E021/22 & E22/22 have been filed concurrently for the purpose of assembling lands to create one residential building lot on Victoria Street.

County Engineering – Not on a County Road.

Kettle Creek Conservation Authority – No concerns.

Planning Act and Provincial Policy Statement

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

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

The applicants propose to sever vacant land for future rural residential use and retain the existing residential use 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 2 in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller than Tier 1 settlement areas and are on partial services. Limited development is permitted in these areas given the absence of full services. Development on partial services is permitted for infilling and rounding out subject to the proposal being within the reserve capacity of the municipal system and site conditions being suitable for the long-term provision of the required services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; 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.

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 (E1.2.3.4). Respectfully submitted:
Approved for submission

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Residential" – In accordance to Schedule G, Community of Belmont, Land Use Plan, to the Municipality of Central Elgin Official Plan.

The "Residential" designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure" (4.2). Where land is designated Residential a range of residential dwelling types and

densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings (4.2.1(a)).

The subject lands are within the Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21, as amended. Permitted uses of the R2 zone include one single detached dwelling per lot (5.3.2). The minimum lot area for a single detached dwelling on an interior lot is 464.5m² (5.3.3(a)) and the minimum lot frontage is 15m (5.3.3(c)). The minimum lot area for a single detached dwelling on a corner lot is 558.0sqm (5.3.3(a)) and the minimum lot frontage is 18m (5.3.3(c)).:

RECOMMENDATION:

NOTE: As of the date of Submission of this Report, the Council for the Municipality of Central Elgin had not reviewed the staff report or condition for this subject Consent Application. This matter is scheduled to go before the Central Elgin Municipal Council on Monday, April 25, 2022. County Planning Staff representatives will report amendments, if any, to the Land Division Committee in person, at their April 27, 2022, Meeting.

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, 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.

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

1. the applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters.
2. The metal sheds located on the retained lot north of the existing metal clad garage be removed or relocated to the satisfaction of the Municipality of Central Elgin.
3. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes.
4. the severed land be merged in title with Parcel “B”, Consent Application E21-22.

5. 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.
6. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest, and
7. the Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 23-22**

**LOT 143, CONCESSION STR
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 57905 HERITAGE LINE**

TAKE NOTICE that an application has been made by AGinvest Farmland One Inc., 80 Kell Drive, Suite 3, Chatham, ON N7M 3H1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 57905 Heritage Line, Municipality of Bayham.

The applicant proposes to sever a parcel with a frontage of 60.09 metres (197.15 feet) and a depth of 71.23 metres (233.69 feet) and an area of 0.43 hectares (1.06 acres) to create a new residential lot containing an existing dwelling and garage. The applicants are retaining 53.01 hectares (131 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 April 27, 2022 AT 10:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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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 2nd day of March, 2022.

Julie Gonyou
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

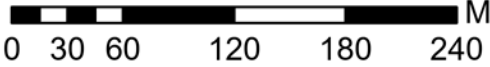


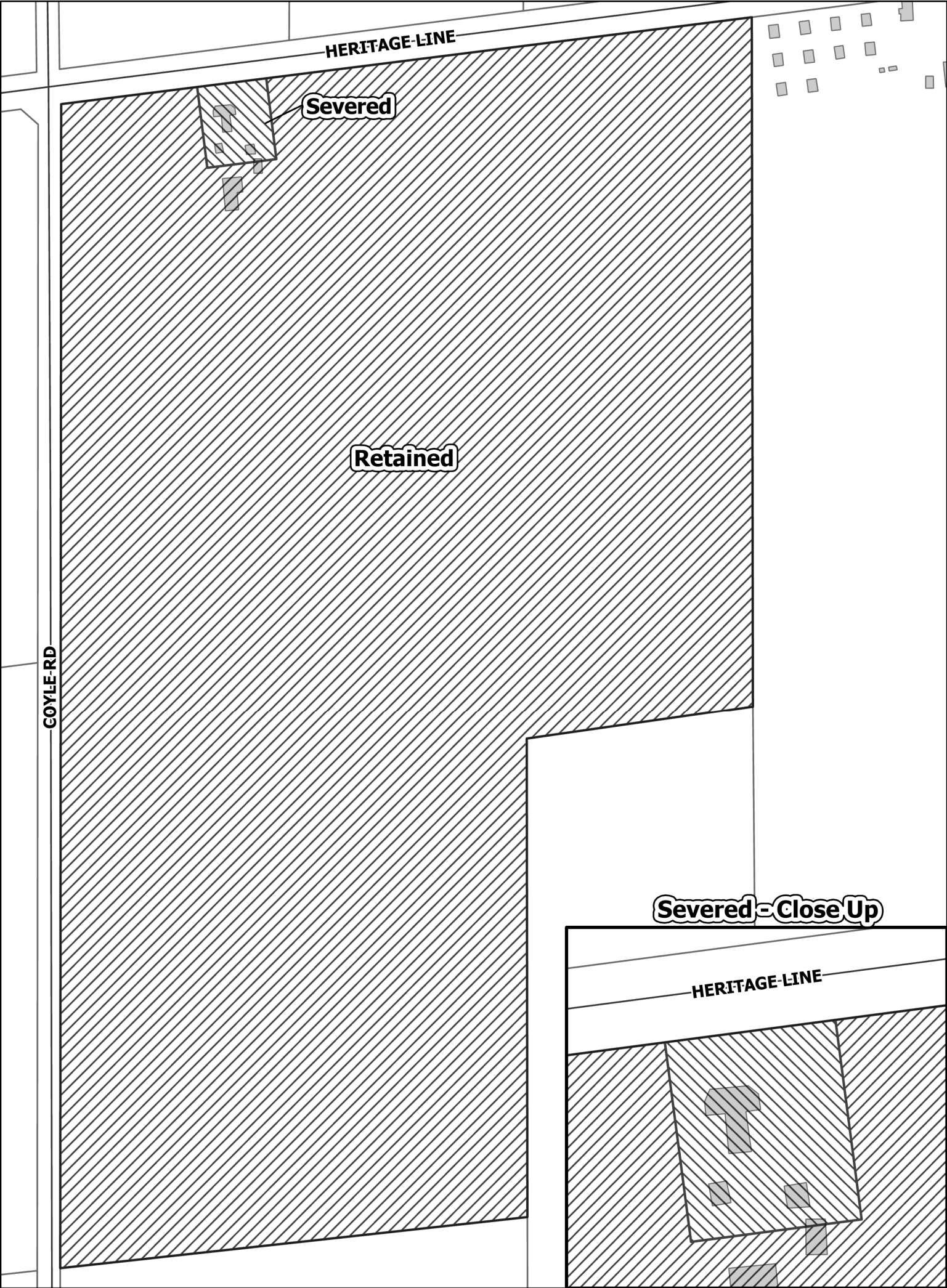
Elgin Road Network



Buildings

Subject Site: 57905 Heritage Line
File Number: E 23-2022
Owner: AGinvest Farmland One Inc.
Planner: Unknown
CA: Long Point Region Conservation Authority
Created By: TE
Date: 03/01/2022





Location Map



Subject Site: 57905 Heritage Line
File Number: E 23-2022
Owner: AGinvest Farmland One Inc.
Planner: Unknown
CA: Long Point Region Conservation Authority
Created By: TE
Date: 03/01/2022

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



April 8, 2022

Julie Gonyou
Secretary-Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

DELIVERED

Dear Ms. Gonyou

Re: Application for Consent No. E23-22 AGinvest Farmland One Inc.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 7, 2022 meeting:

THAT Report DS-16/22 regarding Consent Applications E23-22 for AGinvest Farmland One Inc. be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E23-22 be granted subject to the following conditions and considerations:

1. Rezoning of the severed lot from Agricultural (A1-A) to Rural Residential (RR) Zone and the retained lands from Agricultural (A1-A) to Special Agricultural (A2) to prohibit new dwellings
2. Municipal Road Access Permit required for access to the retained lands from Coyle Road
3. Purchase civic number signage for the retained parcel
4. Planning Report fee payable to the municipality
5. Digital copy of the final survey provided to the municipality
6. 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 Municipality 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.

Municipal Appraisal Sheet and Staff Report DS-16/22 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill
Deputy Clerk|Planning Coordinator

D09.AGin
Cc: D. Roe (email)



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: April 7, 2022
REPORT: DS-16/22 **FILE NO. C-07 / D09.22 AGinvest**
Roll # 3401-000-004-07100

SUBJECT: Consent Application E23-22
AGinvest Farmland One Inc – 57905 Heritage Line

BACKGROUND:

Consent application E23-22 was received from the Elgin County Land Division Committee submitted by Agent David Roe proposing to sever a surplus farm dwelling parcel 0.43 ha (1 acre) and retain 53 ha (131 acres) in Concession STR Lot 134, municipally known as 57905 Heritage Line.

The subject lands are designated "Agriculture", "Natural Heritage" and "Natural Gas Reservoir" on Schedule 'A1' Land Use; and "Significant Woodlands" on Schedule 'A2' Constraints of the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1-A) on Schedule 'A' Map No. 9 of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on April 27, 2022.

DISCUSSION:

The planner's memorandum dated March 29, 2022 analyzes the application subject to the Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

The lands are in the Deli Drain watershed. Staff recommend to Council that the Applicant pay full costs for the Municipality to engage the municipal engineer to prepare a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended. A condition has been included addressing this matter.

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 a surplus farm dwelling parcel.

ATTACHMENTS

1. Consent Application E23-22
2. IBI Memorandum dated March 29, 2022

RECOMMENDATION

THAT Report DS-16/22 regarding Consent Application E23-22 for AGinvest Farmland One Inc. be received for information;

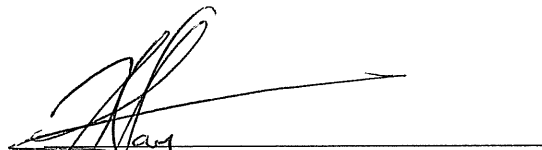
AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E23-22 be granted subject to the following conditions and considerations:

1. Rezoning of the severed lot from Agricultural (A1-A) to Rural Residential (RR) Zone and the retained lands from Agricultural (A1-A) to Special Agricultural (A2) to prohibit new dwellings
2. Municipal Road Access Permit required for access to the retained lands from Coyle Road
3. Purchase civic number signage for the retained parcel
4. Planning Report fee payable to the municipality
5. Digital copy of the final survey provided to the municipality
6. 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 Municipality 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.

Respectfully Submitted by:

Reviewed by:


Margaret Underhill
Deputy Clerk|Planning Coordinator


Thomas Thayer
CAO|Clerk



DECISION
COMMITTEE OF ADJUSTMENT
MUNICIPALITY OF BAYHAM

56169 Heritage Line, P.O. Box 160, Stratfordville, Ontario, N0J 1Y0
Telephone: 519-866-5521 Fax: 519-866-3884

B. Line

Application No. A-23/21 Resubmission
Applicant: Andrew and Kim Heutinck
Lot: Concession 10 Part Lots 20, 21
Roll Numbers: 34-01-000-006-16600
Street Address: Green Line
Date of Hearing: April 7, 2022
Date of Decision: April 7, 2022

RECOMMENDATION

THAT the Committee of Adjustment Secretary/Treasurer's report DS-13/22 regarding the Heutinck minor variance be received;

AND THAT the Committee of Adjustment considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision;

AND THAT application A-23/21 is a resubmission of a previously approved minor variance on November 4, 2021 due to unfulfilled conditions;

AND WHEREAS the Committee agrees that the proposed variance as presented meets Section 45.1(1) of the Planning Act and is considered minor;

THEREFORE resubmitted application A-23/21 submitted by Andrew and Kim Heutinck, pursuant to Section 45 of the Planning Act for a minor variance, is granted to allow relief from Municipality of Bayham Zoning By-law Z456-2003:

- Section 5.4 Minimum Lot Frontage – to permit a minimum lot frontage of 50.0 metres (164 ft.) whereas 150.0 metres (492 ft.) is the permitted minimum on the Agricultural (A1-A) subject lands

Condition: Development Agreement for Green Line road extension to be executed within one year of the minor variance approval.

Decision: GRANTED

Reasons for the Decision:

- the variance is considered to be minor in nature in accordance with the requirements of the Planning Act
- the variance application meets the "four tests" of Section 45.1(1) Planning Act
- the variances maintain the general intent and purpose of the Official Plan and Zoning By-law

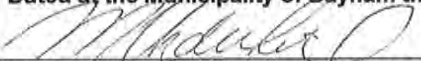
Concur in the Decision: ELECTRONIC MEETING DECISION RECORDED VOTE

Ed Ketchabaw _____ yes _____
Rainey Weisler _____ yes _____
C. Valerie Donnell _____ yes _____
Dan Froese _____ yes _____
Susan Chilcott _____ yes _____

NOTICE OF LAST DATE OF APPEAL

TAKE NOTICE that any person or agency may appeal to the Ontario Land Tribunal (OLT) in respect of the By-law variance within 20-days of the Notice of Decision by filing with the undersigned, not later than the **28th DAY OF APRIL 2022**, a notice of appeal setting out the objection to the Decision and the reasons in support of the objections. It is also necessary to submit a filing fee as per the OLT Set Rates & Fees with the notice of objection.

Dated at the Municipality of Bayham this 8th day of April 2022.


Margaret Underhill, Secretary Treasurer Committee of Adjustment



**PLANNING ACT
NOTICE OF THE PASSING OF
ZONING BY-LAW Z738-2022 BY
THE CORPORATION OF THE MUNICIPALITY OF BAYHAM**

B. Lima

**APPLICANT: W. & A. HILDEBRANDT, 55881 LIGHT LINE
ZBA-06/22**

TAKE NOTICE that the Council of the Corporation of the Municipality of Bayham passed By-Law No. Z738-2022 on the 7th day of April 2022, under Section 34 of **THE PLANNING ACT**.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Land Tribunal in respect of the By-law by filing with the Clerk of the Municipality of Bayham not later than the **28th day of April 2022** a notice of appeal setting out the objection to the By-law and the reasons in support of the objection.

THE PURPOSE of this By-law is amendment to change the zoning regulations on an 8.9 ha (22 acre) parcel of land in the Estate Residential (ER) Zone to a site-specific Estate Residential (ER-10) Zone, to permit: combined accessory building floor area maximum of 228 m² (2,454 ft²) whereas 55 m² (592 ft²) is the permitted maximum for personal storage; and, to permit an oversized accessory building for the keeping of livestock as a hobby farm in an existing accessory building with floor area maximum of 228 m², in Zoning By-law Z456-2003. The subject lands are located on the south side of Light Line, east of Plank Road, known as 55881 Light Line.

THE EFFECT of this By-law will be to permit a new 177.3 m² (1,908 ft²) oversized accessory building for personal and vehicle storage and maintenance in addition to an existing accessory building ("workshop") with floor area of 50 m² (540 ft²); and to recognize an existing accessory building (barn) with floor area of 228 m² housing no more than 4-6 bulls at any one time.

ONLY INDIVIDUALS, CORPORATIONS AND PUBLIC BODIES may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

NO PERSON OR PUBLIC BODY SHALL be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

The complete By-law is available for inspection in the municipal office during regular office hours.

DATED AT THE MUNICIPALITY OF BAYHAM THIS 8TH DAY OF APRIL 2022.

KEY MAP

MUNICIPALITY OF BAYHAM



Margaret Underhill
Deputy Clerk/Planning Coordinator
Municipality of Bayham
56169 Heritage Line P.O. Box 160
Stratfordville, ON, N0J 1Y0
Tel: 519-866-5521 Ext 222
Fax: 519-866-3884
E-mail: munderhill@bayham.on.ca

W: www.bayham.on.ca

NOTE: For information regarding the fees associated with an appeal to the Ontario Land Tribunal, please see the following link: <https://olt.gov.on.ca/appeals-process/fee-chart/> or contact the Municipality.



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	March 29, 2022
From	Paul Riley, CPT	Project No	3404-855
cc	William Pol, MCIP, RPP		
Subject	AGinvest Farmland One Inc. - 57905 Heritage Line - Application for Consent E23/22		

1. We have completed our review of Consent Application E23-22 submitted by AGinvest Farmland One Inc. for lands located at 57905 Heritage Line, south side, east of Coyle Road. The applicant is requesting a Consent to sever 0.43 ha (1 acre) of land and to retain 53 ha (131 acres) of land. The intent of this Consent is to sever surplus farm dwelling lands. The subject lands are designated 'Agriculture', 'Natural Heritage' and 'Natural Gas Reservoir' on Schedule 'A1' Land Use; and 'Significant Woodlands' on Schedule 'A2' Constraints, of the Municipality of Bayham Official Plan (hereafter, 'Bayham OP'). The subject lands are zoned Agricultural (A1-A) on Schedule 'A' Map No. 9 of Zoning By-law Z456-2003.
2. The proposed retained parcel will have lot frontage of 553 m (1,814 ft) and lot depth of 1,020 m (3,346 ft) and the lands are currently occupied by agricultural uses and woodlands. Several older barns and structures have been recently removed from the subject lands. The proposed severed parcel will have lot frontage of 60.9 m (200 ft) and lot depth of 71.2 m (233 ft) and comprises a single detached dwelling and accessory garage building. Surrounding land uses are agricultural as well as a residential lot to the northwest.
3. The subject lands are part of a larger farm operation with an additional four (4) farms in Norfolk County, a residential dwelling lot located at 11432 Plank Road, on the south end of the hamlet of Eden, and a primary farm residence in the Municipality of Chatham-Kent. The total farmland in agricultural production is 243 ha (601 acres) and the total farmland owned is 371.9 ha (919 acres).
4. Elgin County Official Plan (hereafter, 'Elgin OP') policies for Consent and Lots Creation on Lands in the Agricultural Areas are found in Section E1.2.3 New Lots by Consent. Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

Municipality of Bayham – March 29, 2022

5. Elgin County OP Section E1.2.3.1 indicates that provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot and that prior to issuing provisional consent the approval authority shall be satisfied that the lot to be retained and severed lot shall:
- a) Frontage: the proposed severed and retained lots have frontage on Heritage Line, the retained lands will be required to enter into an Entrance Permit with the Municipality to establish a new direct access to the retained lot on Coyle Road where there is an existing informal grass access.
 - b) Provincial/County Road Access: the severed lot has an existing driveway with direct access from a County Road, Heritage Line. The County may require further road occupancy permitting as part of Consent approval.
 - c) Traffic hazard: the driveway to the severed lands is existing, Heritage Line is flat and straight at the frontage, therefore, no traffic hazard is anticipated with the proposed consent. A new farm access along Coyle Road, a municipal road with low traffic levels, for farm vehicles in the planting season would not likely create a traffic hazard.
 - d) Size and Frontage: the severed and retained lots provide adequate frontage and lot area in accordance to the Municipality of Bayham Zoning By-law, as well as adequate yard setbacks for the severed lot.
 - e) Zoning amendment or variance: the owners will be required to rezoning the severed lands from an Agricultural (A1-A) zone to a Rural Residential (RR) zone and to rezone the retained lands from A1-A to Special Agricultural (A2) zone to prohibit new dwellings in accordance to the Bayham OP policies reviewed below.
 - f) Water and Sewer Services: the owners have provided supporting private water and sewer servicing information as part of the complete application. The existing septic system was inspected by Exact Septic and their report, dated July 21, 2021, provided confirmation it is in good condition. The existing water well was inspected by J.B. Wilson & Son Well Drilling Ltd. and their report, dated September 9, 2021, provided confirmation of adequate water quantity. Also submitted was a water quality test result dated January 28, 2022 supporting water quality for the existing well.
 - g) Drainage Patterns: aside from establishing a new access to the retained lands which requires Entrance Permit approval to the Municipality whereby the Municipality can ensure the adequacy of any ditch alterations, there are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated. However, Municipal Staff have advised that the Drainage Assessment Schedule for the area will need to be

Municipality of Bayham – March 29, 2022

revised and that the owner shall provide a deposit and cover all costs to complete this work.

- h) Potential restriction of future development and/or access: the proposed severed lot includes the current farm field access and the owners will be required to establish a new access by permit, however, there are no limitations to such access based on the extensive frontage/flankage on opened roads of the retained lands.
 - i) Natural Heritage Features: the southern portion of the subject lands includes woodlot, pond and ditch features which are at least 220 m (720 ft) south of the proposed severed lot boundaries, therefore, the natural heritage features are conserved on one larger lot and will not have an impact on the proposed residential lands.
 - j) Quality and Quantity of Ground Water: the proposed consent will not have a negative impact on local groundwater due to the existence of the dwelling and well and the retained lands will be prohibited from adding additional dwellings which might impact water quantity.
 - k) Natural Hazard: the proposed consent does not propose any physical changes to the subject lands and the proposed residential lot is not within proximity to any potential natural hazards, therefore, no adverse impacts are created.
 - l) Local Official Plan: the Bayham OP is reviewed below.
 - m) Planning Act Section 51(24) Criteria: in reviewing the criteria it is evident that the considerations of the criteria are addressed within the Elgin OP and Bayham OP review portions of this memorandum and that the proposed consent is in conformity to the Planning Act.
6. The Municipality of Bayham Official Plan Section 2.1.7.1 permits the severance of surplus farm dwellings at time of acquisition of new farm parcels to the farm operation provided: no land use conflicts are created with adjacent uses; no other dwellings had been severed previously from the original farm parcel; and, the dwelling has existed for at least ten (10) years prior to the date of the Consent application. Based on the existing nature of the dwelling it is not anticipated that the proposed Consent will produce land use conflicts with any nearby land uses. The lot configuration suggests no previous dwelling were severed and the dwelling was built over ten (10) years ago. A minimum of one (1) existing dwelling must be retained by the farm operation within the Municipality of Bayham and the applicant indicates such dwelling is located at 11432 Plank Road. The subject lands were acquired by the applicant in 2019 which is an adequate timeframe to be considered for surplus farm dwelling severance.

Municipality of Bayham – March 29, 2022

7. Bayham OP Section 2.1.7.2 to 2.1.7.4 provide considerations for the approval and requirements for consent for surplus farm dwellings, to which the following points address:

Section 2.1.7.2 Severed Lot: the lot is no larger than necessary to accommodate the existing private water and sewer services and has adequate private water quality and quantity; there are no livestock operations identified in the area warranting MDS concerns; and the owner will be required to rezone the severed lands to a Rural Residential (RR) zone.

Section 2.1.7.3 Severed Lot: there are no retained agricultural accessory buildings.

Section 2.1.7.4 Retained Lot: the retained lands have lot area of 53 ha and the owner will be required to rezone the retained lands to a Special Agricultural (A2) zone to prohibit new dwellings.

The proposed consent is in conformity to the Municipality of Bayham Official Plan.

8. The severed parcel must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration can accommodate the setback and lot configuration regulations in the RR zone.

The retained lands must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings as per Official Plan Section 2.1.7.4. The proposed lot area meets the minimum lot area and minimum frontage requirements in the A2 zone. The farm is accessed by way of the driveway for the proposed residential lot, therefore, an alternative access will need to be established to serve the retained lands as discussed above.

9. Based on the above review of Consent Application E23/22, we have no objection to the proposed Consent to sever a portion of land from 57905 Heritage Line as a surplus farm dwelling. The following conditions for Consent approval are recommended:
- a) That the owner obtain approval of a zoning by-law amendment for the severed parcel from an Agricultural (A1-A) zone to a Rural Residential (RR) Zone.
 - b) That the owner obtain approval of a zoning by-law amendment for the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings;
 - c) That the owner receive approval from the Municipality of Bayham for road entrance permit for a new access to the retained lands.
 - d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Municipality of Bayham – March 29, 2022

- e) That the owner provides a digital copy of a survey of the subject lands.
- f) 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 Municipality 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.
- g) That the owner applies and pay's all fees and to the Municipality with respect to obtaining Civic Addressing/signage for the retained lot.

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham

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 23-22 _____

Applicant AGinvest Farmland One Inc. _____

Location Bayham – 57905 Heritage Line Con STR Lot 134 _____

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, Natural Heritage and Natural Gas Reservoir and Significant Woodlands

Policies: __2.1.7.1, 2.1.7.2 and 2.1.7.4 Surplus Farm Dwellings_____

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1-A)

Rezoning of both the severed and retained lands required by application _____

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

Additional conditions are recommended _____

Staff Report and Resolution included – Council meeting held April 7, 2022 _____

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 19, 2022 **ELGIN COUNTY ROAD NO.:** 38 – 57905 Heritage Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 23-22

OWNER: AGinvest Farmland One Inc.

PROPERTY: **LOT NO.** 134 **CONCESSION:** STR

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

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of 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.
GENERAL MANAGER OF ENGINEERING,
PLANNING & ENTERPRISE / DEPUTY CAO



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: St. Thomas Planning & Building Department
Date: April 22, 2022
Application: E 23-22

Owner: AGinvest Farmland One Inc.
80 Kell Drive, Suite 3, Chatham, ON N7M 3H1
Agent: David Roe, Civic Planning Solutions Inc.
61 Trailview Dr. Tillsonburg, ON N4G OC6

Location: 57905 Heritage Line, Lot 143, Concession STR, Municipality of Bayham.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 60.09 metres (197.15 feet) by a depth of 71.23 metres (233.69 feet) and an area of 0.43 hectares (1.06 acres) to create a new residential lot containing an existing dwelling and garage. The applicant is retaining 53.01 hectares (131 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural

**Local Municipality Official
Plan**

Agricultural, Natural
Heritage, Natural Gas
Reservoir, Significant
Woodland

**Local Municipality Zoning
By-law**

Agricultural (A1-1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Planning Staff's opinion is that the proposed consent, would appear to be consistent with the PPS, conforms to the County of Elgin Official Plan and conforms to the Municipality's Official Plan, complies with the zoning by-law (subject to a zoning by-law amendment); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in the report.

County Engineering – No concerns.

Planning Act and Provincial Policy Statement (PPS)

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 a Prime Agricultural Area, Section 2.3 of the 2020 PPS apply. Subsection 2.3.4 of the PPS deals with Lot Creation and Lot Adjustments. The policies state that lot creation in prime agricultural areas is discouraged and may only be permitted for, among other things:

- “c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*
1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;”*

It is staff’s opinion that the proposed severance is consistent with these policies considering the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prevent a new residence on the retained parcel.

County of Elgin Official Plan

The Elgin County Official Plan (OP) for Consent and Lot Creation on lands in the Agricultural Areas are found in Section E1.2.3 New Lots by Consent. Section E1.2.3 indicated that proposals for Consents shall be in conformity with the relevant policies in the Elgin OP, the local OP and the provisions of the Planning Act.

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 being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; a Rezoning is included as a condition of the consent; appropriate servicing exists; 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 consent and that appropriate conditions have been recommended to the land division committee.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Agricultural", "Natural Heritage" and Natural Gas Reservoir in the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1-1) within the Municipality's Zoning By-law.

The subject lands are part of a larger farm operation with an overall farmland in agricultural production at 243 hectares (601 acres). The request to sever a surplus farm dwelling by way of severing 0.43 hectares (1 acres) and retaining 53 hectares (131 acres) within the Municipality of Bayham, has been evaluated by Municipal staff and Council and, subject to conditions, is consistent with applicable policies in place.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan for surplus farm dwelling. 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.

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

1. Rezoning of the severed lot from Agricultural (A1-1) to Rural Residential (RR) Zone and the retained lands from Agricultural (A1-1) to Special Agricultural (A2) to prohibit new dwellings.
2. Municipal Road Access Permit required for access to the retained lands from Coyle Road
3. Purchase civic number signage for the retained parcel.
4. Planning Report fee payable to the municipality
5. Digital copy of the final survey provided to the municipality
6. That the applicant initiates 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 Municipality 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 1-22**

**LOTS 105-110,
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 11789 SUPERIOR STREET**

TAKE NOTICE that an application has been made by Wendy D'Angelo, 11789 Superior St. Springfield ON N0L 2J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11789 Superior St, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 60.38 metres (198.10 feet) along Superior Street by a depth of 24.14 metres (79.20 feet) and an area of 0.14 hectares (.35 acres) for future residential use. The applicants are retaining 0.13 hectares (.32 acres), proposed to remain in residential use.

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

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

**WEDNESDAY APRIL 27, 2022 AT 10:50 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT landdivision@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 2nd day of March, 2022.

Julie Gonyou
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



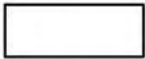
Location Map

Subject Site: 11789 Superior Street
File Number: E 1-2022
Owner: Wendy D'Angelo
Planner: Unknown
Created By: TE
Date: 12/16/2021

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



Legend



Subject Site



Severed



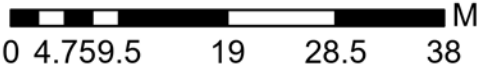
Retained



Elgin Road Network



Buildings



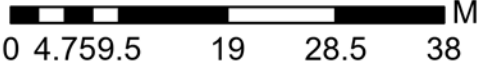


Location Map

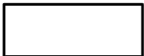


Subject Site: 11789 Superior Street
File Number: E 1-2022
Owner: Wendy D'Angelo
Planner: Unknown
Created By: TE
Date: 12/16/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



January 21, 2022

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

Dear Committee Members:

RE: Land Severance Application E 1-22 – Wendy D’Angelo - 11789 Superior St

The Malahide Township Council passed the following Resolutions on January 20, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E 1/22 in the name of Wendy D’Angelo, relating to the property located at Lots 105 through 110 on Plan 78, Parts 1 and 2 on 11R1568, Township of Malahide, subject to the following conditions:

- (i) That the applicant be required to initiate and assume, if required, all cost associate with connection to the Municipal Sanitary Sewer Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
- (ii) 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.
- (iii) That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
- (iv) That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
- (v) 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.

- (vi) 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.
- (xi) That the applicants initiate and assume the full cost associated with the required Development Agreement with the Township of Malahide in accordance with section 53 of the Ontario Planning Act, R.S.O. 1990 to ensure a single unit dwelling is constructed in accordance with the Ontario Building Code and within a specified period of time to the satisfaction of the Township of Malahide.

We enclose Municipal Appraisal together with Municipal Report DS- 22-04 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy - Rosemary Kennedy
- Wendy D'Angelo
- Matt Campbell c/o Zelinka Priamo

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 1-22

Applicant Wendy D’Angelo

Location 11789 Superior St

PART 1 - 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: “Residential” on Schedule ‘B’ (Springfield Land Use Plan)
Policies: The policies of Section 4 and 2.1.6 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 (X)

No ()

Comments:

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

Yes ()

No ()

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

6. Does the Municipality foresee demand for new municipal services?
- connection to the Municipal Sanitary Sewer Service

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?

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: E 1-22 & E 2-22 - Notice of Application
Date: January 17, 2022 10:14:06 AM

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

Hi Dawn,

We (CCCA) have no concerns with the above noted applications.

Regards,

Tony Difazio
Resource Planning Coordinator

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

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: January 10, 2022 3:09 PM
To: Tony Difazio <planning@catfishcreek.ca>
Subject: E 1-22 & E 2-22 - Notice of Application

Good afternoon,

Please find attached the Notice of Application for file number E 1-22 & E 2-22 for the Elgin County Land Division Committee meeting being held on January 26, 2022.

If you wish to provide comments on this application please submit them to Brian Lima (blima@elgin.ca), Acting for the Secretary-Treasurer by Tuesday, January 18, 2022 to be included in the agenda package and considered by the Land Division Committee.

My apologies on sending this later than normal. The Applicants and neighbouring properties mailings went out in the December 23, 2021.

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

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 1-22

OWNER: Wendy D'Angelo

PROPERTY: **LOT NO.** 105-110 **CONCESSION:** _____

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

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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: City of St. Thomas Planning Department
Date: April 27, 2022
Application: E 1-22

Owner:
Wendy D'Angelo
11789 Superior Street
Springfield ON N0L 2J0

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

Location: 11789 Superior Street, legally described Lots 105 – 110, Registered Plan No. 78, Village of Springfield, Geographic Township of Malahide.

PROPOSAL

The applicant is seeking to create two parcels of land. The severed parcel is proposed to have a frontage of 60.38 metres (198.10 feet) along Superior Street, a depth of 24.14 metres (79.20 feet) and an area of 0.14 hectares (0.35 acres). The retained lands would have 25.7 metres of frontage on to Finney Street and would be approximately 0.13 hectares (0.32 acres).

The application was originally heard at the January 26th, 2022 Land Division Committee meeting where it was recommended to be deferred pending a legal interpretation of the status of the lots. The result of that interpretation was that the lots were existing conveyable lots as part of a registered plan of subdivision. To “merge” the lots to permit the proposed consent application, the applicant applied to have the lots deemed. A deeming by-law was passed by the Township of Malahide on March 3, 2022 which is now allowing the applicant to proceed with the original severance proposal.

**County of Elgin Official
Plan**
Tier 2 Settlement Area
(Springfield)

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Village Residential One
(VR1) Zone

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – No objections subject to provided conditions.

County Engineering – Not a County road.

Catfish Creek Conservation Authority – No concerns.

Planning Act

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 residential use on the retained lands 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 2 in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller than Tier 1 settlement areas and are on partial services. Limited development is permitted in these areas given the absence of full services. Development on partial services is permitted for infilling and rounding out subject to the proposal being within the reserve capacity of the municipal system and site conditions being suitable for the long-term provision of the required services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; 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 "Residential" on Schedule 'B' Springfield: Land Use and Constraints Plan, of the Township of Malahide Official Plan. The lands are zoned Village Residential One (VR1) zone within the Municipality's Zoning By-law.

The severed and retained lots meet the requirements of the zone and the Township has no concerns with the proposal. The severed lot will contain an accessory structure on the property prior to a primary dwelling being proposal, however, the Township is satisfied that a residence will be constructed within an appropriate amount of time and the matter can be addressed through a condition of severance.

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, 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.

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

1. That the applicant be required to initiate and assume, if required, all cost associate with connection to the Municipal Sanitary Sewer Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
2. 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.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.

5. 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.
6. 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.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. 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.
11. That the applicants initiate and assume the full cost associated with the required Development Agreement with the Township of Malahide in accordance with section 53 of the Ontario Planning Act, R.S.O. 1990 to ensure a single unit dwelling is constructed in accordance with the Ontario Building Code and within a specified period of time to the satisfaction of the Township of Malahide.

DOYLE PRENDERGAST
BARRISTERS & SOLICITORS

MICHAEL DOYLE, B.A., LL.B. Retired May 1, 2015

***DONALD J. PRENDERGAST, B.A., LL.B.**

***CHRISTIE HARRIS, B.A., JD**

* Practicing through Donald J. Prendergast Professional Corporation

10 SYDENHAM STREET EAST

AYLMER, ONTARIO

N5H 1L2

TELEPHONE (519) 773-3105

FAX NO. (519) 765-1728

doylpren@amtelecom.net

February 9, 2022

Township of Malahide

ATTENTION: Planning Superintendent

Dear Sir/Madam:

Re: D'Angelo Wendy 11789 Super Street, Springfield
File No. R34879/22

I act for Wendy D'Angelo who owns 11789 Superior Street, Springfield, Ontario.

She intends to sell Lots 108, 109 and 110 Plan 78 and retain Lots 105, 106 and 107.

Plan 78, in my opinion, is a registered plan of subdivision and we are requesting the Township pass a deeming by law and have it registered on title.

Yours very truly,

Doyle Prendergast


Donald J. Prendergast
DJP:kp

DOYLE PRENDERGAST

BARRISTERS & SOLICITORS

MICHAEL DOYLE, B.A., LL.B. Retired May 1, 2015

DONALD J. PRENDERGAST, B.A., LL.B. *

CHRISTIE HARRIS, B.A., JD *

10 SYDENHAM STREET EAST

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N5H 1L2

TELEPHONE (519) 773-3105

FAX NO. (519) 765-1728

doylpre@amtelecom.net

* Practicing through Donald J. Prendergast Professional Corporation

February 3, 2022

Zelinka Priamo Ltd.
318 Wellington Rd.
London, ON
N6C 4P4

Email: matt.c@zpplan.com

Attention: Matt Campbell

Re: D'Angelo Consent - 11789 Superior Street, Springfield
File No. R34879/22

Further to your request I have reviewed your letter, Mr. McClure's correspondence to you and Plan 78 Village of Springfield, Township of Malahide, County of Elgin.

It is my opinion Plan 78 is a registered Plan of Subdivision. A whole lot on a Plan of Subdivision may be conveyed, provided the transferor/owner does retain an abutting part lot.

If Ms. D'Angelo intends to transfer three whole lots namely 108, 109 & 110, she can since they are whole lots and she is retaining whole lots. The boundary between lots 108 & 107 according to Mr. Husted O.L.S. is the lot line between lots 108 & 107.

I would recommend she enter into a cite plan agreement with Malahide Township and do all the preliminary work with Malahide before a transfer is registered.

The new home on the severed lot will likely straddle a lot boundary but this should not pose a problem if the zoning by-law does not provide for one dwelling per lot.

Hopefully this answers the questions asked and if you have any further questions please contact me.

Yours truly,


Donald Prendergast
Doyle and Prendergast
DJP/ts



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 16-21

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

TAKE NOTICE that an application has been made by **Parezanovic Farms Inc.** 25468 Talbot Line, West Lorne ON N0L 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 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 April 28, 2021 AT 9:40AM.
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.

IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT npasato@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.

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

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

Dated at the Municipality of Central Elgin this 7th day of April, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

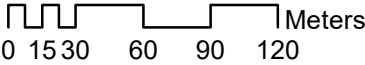
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: Furnival Road
File Number: E16-2021,E17-2021,E18-2021,E19-2021
Owner: Parezanovic Farms Inc. and Peter Parezanovic
Planner: Nancy Pasato
Created By: TE
Date: 31/03/2021

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

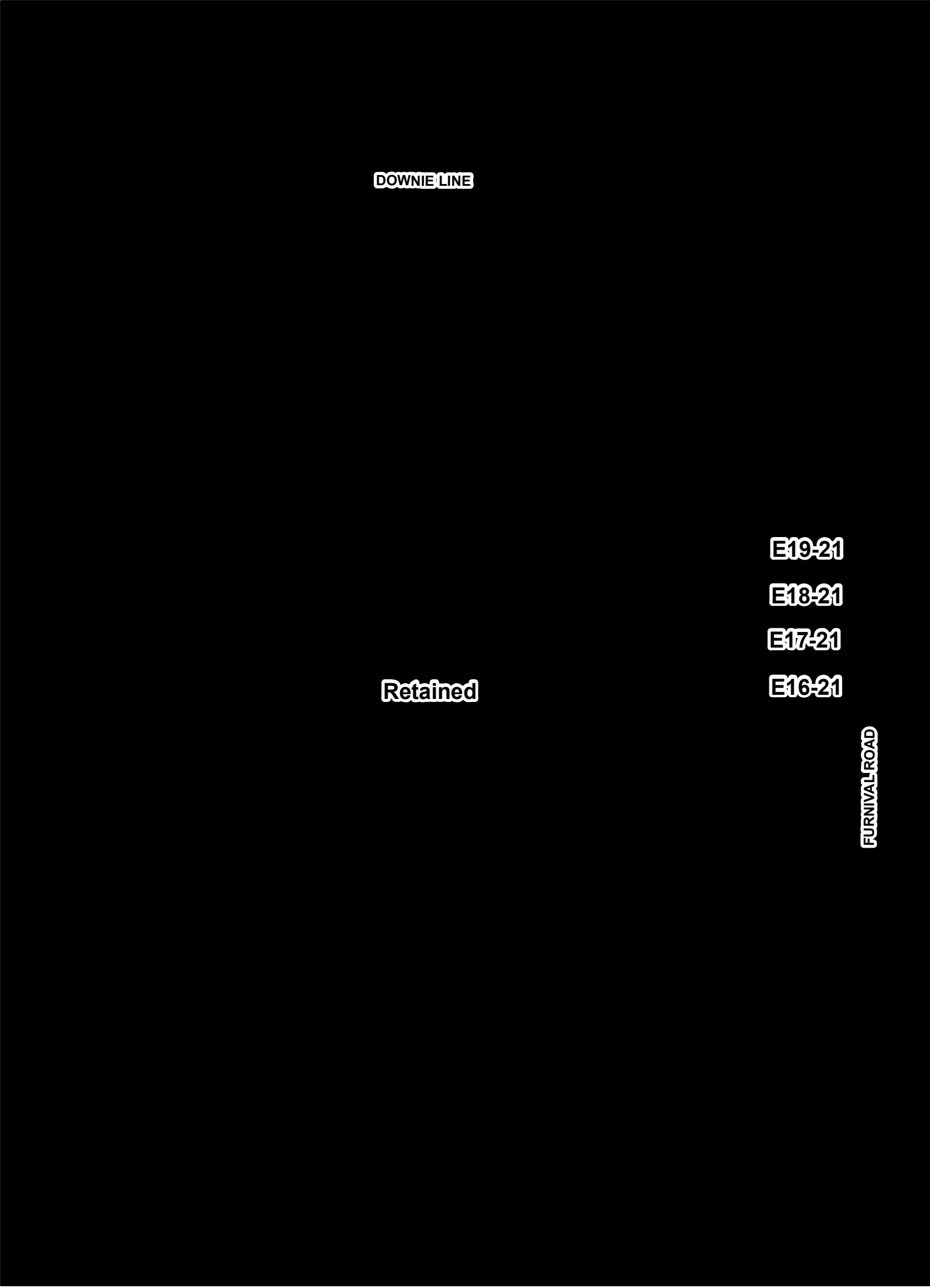


Scale 1:3,363



Legend

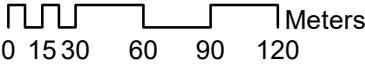
- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings



Location Map

Subject Site: Furnival Road
File Number: E16-2021,E17-2021,E18-2021,E19-2021
Owner: Parezanovic Farms Inc. and Peter Parezanovic
Planner: Nancy Pasato
Created By: TE
Date: 31/03/2021






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



Scale 1:3,363



Legend

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



Application #E 16-21

April 28, 2021

DECISION

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

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.83 hectares (91.0 acres) proposed to remain in agricultural use.

Consent requested by: Parezanovic Farms Inc

Consent granted to: Parezanovic Farms Inc

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

Conditions: This Decision will expire unless a deed is presented for stamping by: April 28, 2022.

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - a. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and retained parcel and having such relief to the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
 - f. That the South Branch of the McKenzie Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - g. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - h. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
 - i. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - j. 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.
 - k. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.

- I. 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*.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - a. 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;
 - b. 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
 - c. A lot grading plan is required for the severed lot.
 - d. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
 - e. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Reasons: Creation of a new lot.

**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

DECISION

Application #E 16-21

April 28, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John “Ian” Fleck (Chair)	X	
Dennis O’Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews		X
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or(33).

CERTIFICATION

I, Nancy Pasato, Acting Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 28th day of April, 2021.



Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 16-21

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

PAREZANOVIC FARMS INC

ATTACHED is a certified copy of the decision of the Land Division Committee of the County of Elgin in the matter of an Application E 16-21 for a consent pursuant to Section 53 (17) of the Planning Act, R.S.O. 1990, as amended.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

ANY PERSON or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **17th day of May, 2021**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the LPAT'S website at www.elto.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

ADDITIONAL INFORMATION regarding this application for consent 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.

Dated at the Municipality of Central Elgin this 28th day of April, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin, jnethercott@westelgin.net, planning@westelgin.net
Agent: Gary Merritt, gmerritt@eastlink.ca

**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



Application #E 17-21

April 28, 2021

DECISION

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

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.62 hectares (90.5 acres) proposed to remain in agricultural use.

Consent requested by: Parezanovic Farms Inc

Consent granted to: Parezanovic Farms Inc

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

Conditions: This Decision will expire unless a deed is presented for stamping by: April 28, 2022.

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - a. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and retained parcel and having such relief to the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
 - f. That the South Branch of the McKenzie Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - g. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - h. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
 - i. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - j. 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.
 - k. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.

- I. 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*.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - a. 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;
 - b. 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
 - c. A lot grading plan is required for the severed lot.
 - d. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
 - e. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Reasons: Creation of a new lot.

DECISION

Application #E 17-21

April 28, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John “Ian” Fleck (Chair)	X	
Dennis O’Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews		X
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or(33).

CERTIFICATION

I, Nancy Pasato, Acting Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 28th day of April, 2021.



Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 17-21

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

PAREZANOVIC FARMS INC

ATTACHED is a certified copy of the decision of the Land Division Committee of the County of Elgin in the matter of an Application E 17-21 for a consent pursuant to Section 53 (17) of the Planning Act, R.S.O. 1990, as amended.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

ANY PERSON or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **17th day of May, 2021**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the LPAT'S website at www.elto.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

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ADDITIONAL INFORMATION regarding this application for consent 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.

Dated at the Municipality of Central Elgin this 28th day of April, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin, jnethercott@westelgin.net, planning@westelgin.net
Agent: Gary Merritt, gmerritt@eastlink.ca

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



Application #E 18-21

April 28, 2021

DECISION

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

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.42 hectares (90.0 acres) proposed to remain in vacant land agricultural use.

Consent requested by: Parezanovic Farms Inc

Consent granted to: Parezanovic Farms Inc

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

Conditions: This Decision will expire unless a deed is presented for stamping by: April 28, 2022.

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - a. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and retained parcel and having such relief to the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
 - f. That the South Branch of the McKenzie Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - g. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - h. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
 - i. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - j. 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.
 - k. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.

- I. 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*.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - a. 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;
 - b. 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
 - c. A lot grading plan is required for the severed lot.
 - d. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
 - e. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Reasons: Creation of a new lot.

**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

DECISION

Application #E 18-21

April 28, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John “Ian” Fleck (Chair)	X	
Dennis O’Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews		X
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or(33).

CERTIFICATION

I, Nancy Pasato, Acting Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 28th day of April, 2021.



Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 18-21

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

PAREZANOVIC FARMS INC

ATTACHED is a certified copy of the decision of the Land Division Committee of the County of Elgin in the matter of an Application E 18-21 for a consent pursuant to Section 53 (17) of the Planning Act, R.S.O. 1990, as amended.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

ANY PERSON or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **17th day of May, 2021**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the LPAT'S website at www.elto.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

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ADDITIONAL INFORMATION regarding this application for consent 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.

Dated at the Municipality of Central Elgin this 28th day of April, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin, jnethercott@westelgin.net, planning@westelgin.net
Agent: Gary Merritt, gmerritt@eastlink.ca

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Application #E 19-21

April 28, 2021

DECISION

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

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

The applicants propose to sever a parcel with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use. The owners are retaining 36.21 hectares (89.5 acres) proposed to remain in agricultural use.

Consent requested by: Parezanovic Farms Inc

Consent granted to: Parezanovic Farms Inc

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

Conditions: This Decision will expire unless a deed is presented for stamping by: April 28, 2022.

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - a. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and retained parcel and having such relief to the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
 - f. That the South Branch of the McKenzie Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - g. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - h. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
 - i. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - j. 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.
 - k. That the conditions of Applications E17-21, E18-21 and E19-21 be fulfilled, in conjunction with Application E16-21.

- I. 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*.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
 - a. 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;
 - b. 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
 - c. A lot grading plan is required for the severed lot.
 - d. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
 - e. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Reasons: Creation of a new lot.

**County of Elgin
Planning Department**
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N5R 5V1 Canada
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DECISION

Application #E 19-21

April 28, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John “Ian” Fleck (Chair)	X	
Dennis O’Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews		X
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or(33).

CERTIFICATION

I, Nancy Pasato, Acting Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 28th day of April, 2021.



Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 19-21

**PART LOT 6, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: FURNIVAL ROAD**

PAREZANOVIC FARMS INC

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ANY PERSON or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **17th day of May, 2021**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the LPAT'S website at www.elto.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

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ADDITIONAL INFORMATION regarding this application for consent 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.

Dated at the Municipality of Central Elgin this 28th day of April, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin, jnethercott@westelgin.net, planning@westelgin.net
Agent: Gary Merritt, gmerritt@eastlink.ca

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

To: Elgin County Land Division Committee
From: Nancy Pasato, Manager of Planning
Date: April 28, 2021
Application: E 16-21, E 17-21, E 18-21, and E 19-21

Owner:
Parezanovic Farms Inc. & Peter Parezanovic
25468 Talbot Line
West Lorne ON N0L 2P0

Agent:
Gary Merritt
213 Main Street
Glencoe ON N0L 1M0

Location: Part Lot 6, Concession 7 Furnival Rd Municipality of West Elgin.

PROPOSAL

The applicants were granted four consents to create parcels with a frontage of 34.138 metres (112.0 feet) along Furnival Rd by a depth of 60.96 metres (200.0 feet) and an area of 0.208 hectares (0.51 acres) for future residential use on April 28, 2021 (Application #E 16-21 – E19-21). The retained 36.83 hectares (91.0 acres) were to remain in agricultural use.

To satisfy the conditions of the consents, the applicant was required to rezone the severed parcel to an appropriate Rural Residential zone. Correspondence has been received that zoning by-law amendments were approved at the local level but have subsequently been appealed to the Ontario Land Tribunal. The timing of the hearing has made them unable to satisfy the conditions and they are looking for an extension of the lapsing date.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Applications E 16-21, E 17-21, E 18-21, and E 19-21 were granted provisional consent on April 28, 2021. The notices of decision have a condition that provides that *“This Decision will expire unless a deed is presented for stamping by: April 28, 2022”*.

Bill 276, *Supporting Recovery and Competitiveness Act, 2021*, made changes to several pieces of legislation. Specifically, revisions came into effect with respect to the *Planning Act* that allowed for the lapsing date to fulfill conditions of a provisional consent to be increased to two-years. Specifically, section 53(41) states;

“(41) If conditions have been imposed and the applicant has not, within a period of two years after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to

be refused for failure to fulfil the conditions until the expiry of two years from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 2021, c. 25, Sched. 24, s. 4 (11)."

The applicant has submitted a request to the Land Division Committee to permit a one-year extension to the conditions that were imposed given that the associated zoning by-law amendment applications that were required as a condition of those consents have been appealed to the Ontario Land Tribunal and they will be unable to satisfy the conditions by April 28, 2021.

The Planning Act, through section 53(23), provides that:

"(23) The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given. 1994, c. 23, s. 32."

As such, the applicant is requesting the committee to consider its request a one-year extension from the lapsing date of "April 28, 2022".

The one-year lapsing date was a condition requested by the Municipality of West Elgin as part of the original decisions. No correspondence has been received by the Municipality if they are amenable to the extension of the lapsing date for the consents.

RECOMMENDATION:

Changes to the *Planning Act* now permit a lapsing date of two-years for provisional consents. The decisions on applications E 16-21, E 17-21, E 18-21, and E 19-21 were given before these changes came into force and effect. As lesser lapsing dates are permitted by the *Act*, and a specific lapsing date was provided as part of the decisions, there is a level of uncertainty whether the generalities of the extension from one to two-years could be applied "as-of-right".

Given the information noted above, the *Planning Act*, through section 53(23), allows for the change in conditions. Should the committee be satisfied with the request made by the applicant at the Land Division Committee meeting, that a date be provided no later than April 21, 2023. As noted in the report, this lapsing date was requested by the Municipality and no correspondence has been received by the County that they are amenable to this request.