



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, May 25, 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

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|---------|---------|--|
| 9:00 am | E 24-22 | W. Noorloos Farms Inc.
31395 Talbot Line
Municipality of Dutton Dunwich |
| 9:10 am | E 85-21 | 1551945 Ontario Limited (David Russell)
431 Front Street
Municipality of Central Elgin |
| 9:20 am | E 27-22 | John and Kristen Lethbridge
46434 McDiarmid Line
Township of Southwold |
| 9:30 am | E 70-21 | Brady & Erin Zimak
54694 Calton Line
Municipality of Bayham |
| 9:40 am | E 3-22 | Pioneer Hay Sales Inc.
35229 Third Line
Township of Southwold |



9:50 am	E 44-21	Brett Allen, 10247 Talbotville Gore Road, Township of Southwold
	E 45-21	Brett Allen, 10247 Talbotville Gore Road, Township of Southwold
	E 46-21	Brett Allen, 10247 Talbotville Gore Road, Township of Southwold
	E 47-21	Brett Allen, 10247 Talbotville Gore Road, Township of Southwold

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

April 27, 2022

County of Elgin Land Division Committee met this 27th day of April 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
Jack Van Kasteren, Vice-Chairman

Staff Present (in-person / electronic):

Julie Gonyou, CAO & Clerk / Land Division Committee Secretary-Treasurer
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):

Lou Pompilii, Director, Planning and Building 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: John Andrews

Seconded by: Jack VanKasteren

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 12-22 – 9:10 a.m.

Eleanor Limited Partnership, 11884 Sunset Road, Southwold, ON

The applicant proposes 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.

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: Rachel Bossie, GSP Group was present electronically.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
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: Dennis O'Grady

Seconded by: John Andrews

RESOLVED THAT severance application E 12-22 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 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 have 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.

- Motion Carried.

Application E 13-22 – 9:20 a.m.

Steven James Prance, Jennifer Lynn Prance, Mary Ellen Keagan, 61 Coulter Avenue, St. Thomas, ON N5R 5A5

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.

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: no agent(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	No concerns
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: Rosemary Kennedy

RESOLVED THAT severance application E 13-22 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.

Additionally, 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.

- Motion Carried.

Application E 14-22 – 9:30 a.m.

Scott Hayhoe Farms Inc., 52947 Calton Line, Aylmer, ON N0J 1T0

The applicant proposes 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.

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: Scott Hayhoe was present in-person.

Agent: David Roe, Civic Planning Solutions Inc. was present in-person.

Written submissions (*) were received from the following:

Submission	Comments
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1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
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 14-22 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.

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

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.

- Motion Carried.

Application E 15-22 – 9:40 a.m.

Scott Hayhoe Farms Inc., 52887 Calton Line, Port Burwell, ON N0J 1T0

The applicant proposes 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.

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: Scott Hayhoe was present in-person.

Agent: David Roe, Civic Planning Solutions Inc. was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of a revised application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
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: Jack Van Kasteren

RESOLVED THAT the severance application E 15-22 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.

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

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.

- Motion Carried.

Application E 17-22 – 9:50 a.m.

G & M Howe & Sons Ltd., 7077 Rogers Road, Aylmer, ON N5H 2R4

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.

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: David Roe, Civic Planning Solutions Inc. was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of a revised application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
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: Rosemary Kennedy

RESOLVED THAT the severance application E 17-22 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. That the properties be merged and/or consolidated and the appropriate planning act provisions be applied.
4. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

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

1. That 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.

- Motion Carried.

Application E 18-22 – 10:00 a.m.

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

The applicant proposes 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.

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: Susan Wiebe was present electronically.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	None
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County road
4	Elgin County Planning Services	Recommends approval of application not be supported

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

Moved by: Dennis O'Grady
Seconded by: Rosemary Kennedy

RESOLVED THAT the severance application E 18-22 be deferred and that the Applicants confirm with the Township of Malahide the requirements of the Official Plan and Zoning By-law designation could be achieved in support of the proposal.

- Motion Defeated.

Moved by: Jack Van Kasteren
Seconded by: John Andrews

RESOLVED THAT the severance application E 18-22 as presented be denied.

- Motion Carried.

Application E 20-22 – 10:10 a.m.

Eva Dyck, 10 Spruce Street E, Aylmer, ON N5H 1A8

The applicant proposes 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.

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: no agent(s) present.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of a revised application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
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: Jack VanKasteren

RESOLVED THAT the severance application E 20-22 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.

Additionally, it is recommended that the following conditions from the Township of Malahide 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.

- Motion Carried.

Application E 21-22 – 10:20 a.m.

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

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.

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: Richard Glover was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of a revised application subject to the conditions provided
2	Kettle Creek Conservation Authority	No concerns
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: John Andrews

Seconded by: Dugald Aldred

RESOLVED THAT the severance application E 21-22 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.

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.
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.

- Motion Carried.

Application E 22-22 – 10:30 a.m.

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

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.

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

Mr. Shackelton and Mr. Wintermute – in attendance

Owner: Richard Glover was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of a revised application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
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: John Andrews

RESOLVED THAT the severance application E 22-22 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.

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.

- Motion Carried.

Application E 23-22 – 10:40 a.m.

AGinvest Farmland One Inc., 57905 Heritage Line

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.

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: Ron Stevens was present in-person.

Agent: David Roe, Civic Planning Solutions Inc. was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham	Recommends approval of a revised application subject to the conditions provided
2	Long Point Region Conservation Authority	No comments received
3	Elgin County Engineering Services	No concerns
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: Dennis O'Grady

RESOLVED THAT the severance application E 23-22 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.

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-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.

- Motion Carried.
1 opposed

Application E 1-22 – 10:50 a.m.

Wendy D'Angelo, 11789 Superior St. Springfield ON N0L 2J0

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.

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: Wendy D'Angelo was present electronically.

Agent: Matt Campbell, Zelinka Priamo Ltd. was present electronically.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of a revised

		application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
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: Jack Van Kasteren
Seconded by: Rosemary Kennedy

RESOLVED THAT the amended severance application E 1-22 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.

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.

- Motion Carried.

Application E 16-21 – 11:00 a.m.

Application E 17-21

Application E 18-21

Application E 19-21

Parezanovic Farms & Peter Parezanovic, Furnival Road, Rodney, ON

The applicants were granted four consents to create parcels with a frontage of 34.138 metres (112.0 feet) along Furnival Road 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.

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: Peter and Michael Parezanovic were present in-person.

Agent: Gary Merritt, was present electronically

Moved by: Dugald Aldred

Seconded by: John Andrews

RESOLVED THAT the Decision and the Applicants requirement to fulfill all conditions previously granted by the Elgin County Land Division Committee be extended to expire no later than April 21, 2023, unless a deed is presented for stamping.

- Motion Carried.

3. DATE OF NEXT MEETING

The Land Division Committee will meet again on May 25, 2022 at 9:00 a.m.

4. ADJOURNMENT

Moved by: Jack VanKasteren

Seconded by: John Andrews

RESOLVED THAT the Committee adjourn at 11:18 a.m. to meet again on May 25, 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 24-22**

**PT LOTS 19, 20 AND RP, CONCESSION 8
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 31395 TALBOT LINE**

TAKE NOTICE that an application has been made by W. Noorloos Farms Inc., 31395 Talbot Line, Iona Station, ON, N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 31395 Talbot Line, Municipality of Dutton Dunwich.

The applicant proposes to sever a parcel with a frontage of 99 metres (324.8 feet) and a depth of 75 metres (246.06 feet) and an area of 0.7425 hectares (1.83 acres) to remain in residential use. The applicants are retaining 59 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 MAY 25, 2022 AT 9:00 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.

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 29th day of April, 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

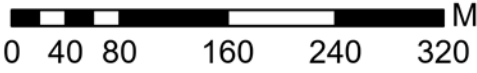


Location Map



Subject Site: 31395 Talbot Line
File Number: E 24-2022
Owner: W. NOORLOOS FARMS INC
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 04/29/2022
Municipality of Dutton Dunwich

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



Legend



Subject Site



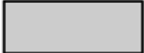
Severed



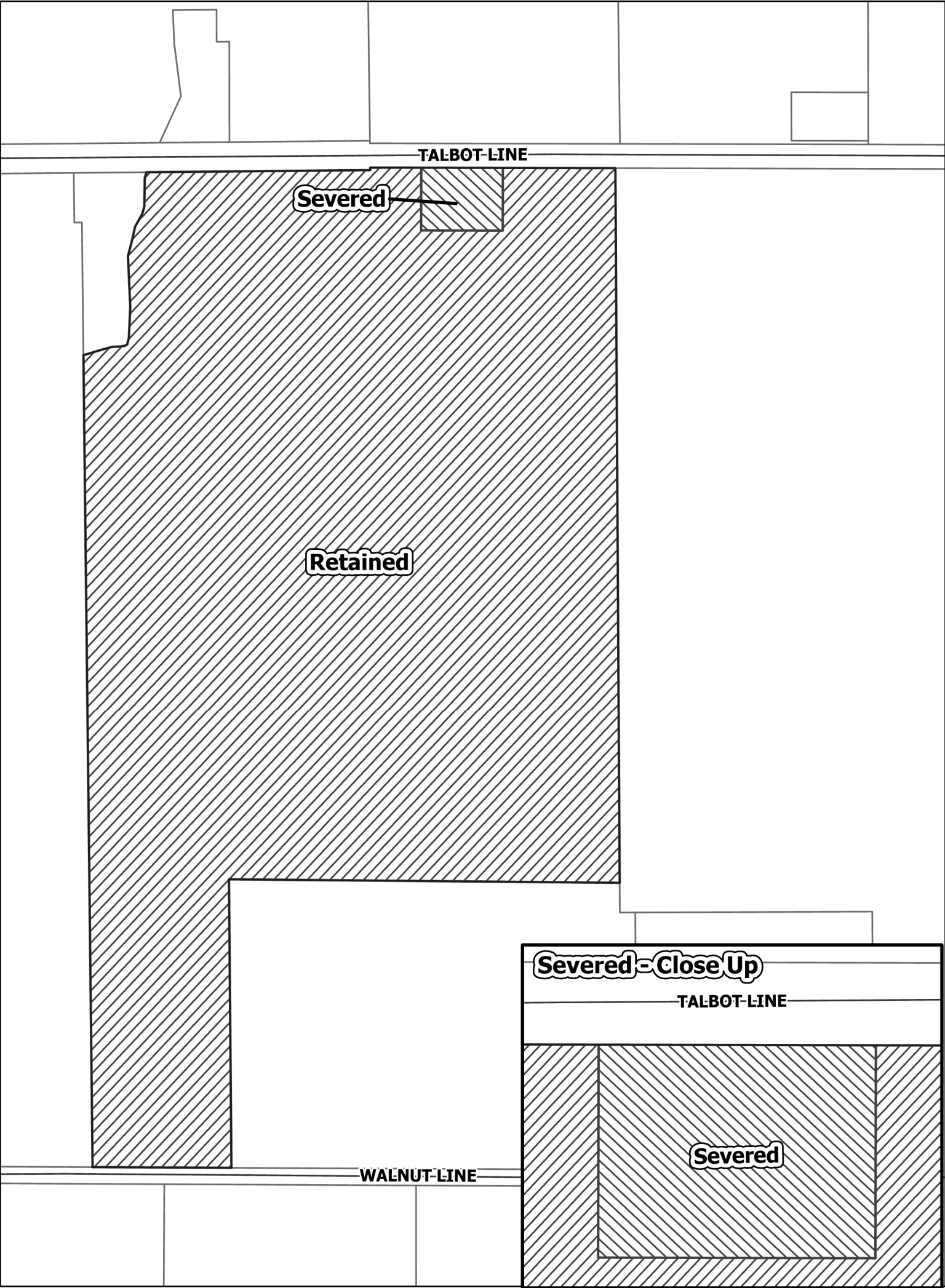
Retained



Elgin Road Network



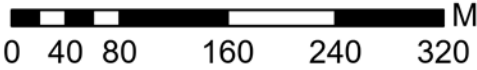
Buildings



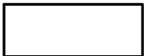
Location Map



Subject Site: 31395 Talbot Line
File Number: E 24-2022
Owner: W. NOORLOOS FARMS INC
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 04/29/2022
Municipality of Dutton Dunwich



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: May 11, 2022

SUBJECT: Application for Severance (E24-22), 31395 Talbot Line, Municipality of Dutton Dunwich, W. Noorloos Farms Inc.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E24-22 for 31395 Talbot Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
- i) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
- j) That the applicant confirms with the Municipality that they are a bona fide farmer; and
- k) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application (E24-22) was submitted to the County of Elgin Land Division Committee (LDC) by W. Noorloos Farms Inc., the owner of the subject property.

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

The subject parcel is legally described as Concession 8 Part Lots 19 and 20, RP;11R7877 Part 1 and RP;11R8217 Parts 1 and 3 and locally known as 31395 Talbot Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel has access from Talbot Line, which is a maintained roadway.

The proposed severed parcel will have an area of 7,425 m² (0.7425 ha), depth of 75 m and frontage of 99 m. The proposed severed parcel has one house and accessory buildings and structures with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 59 ha, an irregular depth and frontage of approximately 559 m. The proposed retained land is used for agricultural uses with one silo with no services (see attached Sketch).

There is a portion of the lands that are subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA).

Several drains cross the subject lands. There is a woodlot located on a portion of the subject lands.

Agricultural and rural residential uses surround the subject lands.

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

Planning Policy Review

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

The surplus residence is the result of farm consolidation for the current owners.

As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

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

County of Elgin Official Plan

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

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

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

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

Comment: The proposed severance conforms to the COP.

The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed and that the lands are appropriately zoned.

The house is habitable, the owners have indicated the severance is the result of farm consolidation and as a condition of severance a zoning by-law amendment is required to prohibit the development of a new residential use.

No development is proposed for the natural heritage feature; therefore, no EIS is required.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021, with a portion subject to Schedule 'B' Natural Heritage and Natural Hazards overlay.

Section 4.1 sets out the policies for the natural heritage and natural hazards.

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

Evaluation of the criteria is as follows:

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

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

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

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

No development is proposed for the natural heritage feature; therefore, no EIS is required.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned site specific Special Agricultural (A2-9) Zone and Large Lot Agricultural (A3) Zone on Map 11, Schedule 'A' with a portion of land to the southeast corner of the parcel subject to the LTVCA Regulation Limit.

Permitted uses in the A2-9 and A3 zones include agricultural use and accessory uses.

The existing single detached dwelling is located on the portion of the land that is zoned A3.

The A2-9 was created as a result of a previous severance and requires a minimum lot area of 18.9 ha.

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

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

CONCLUSION:

The dwelling to be severed is existing. No new residential use will be created. The balance of the farm will prohibit any new residential buildings and structures.

Administration recommends that Council recommends approval to the LDC for the proposed severance application with conditions. The conditions will then be forwarded to the LDC for a final decision.

Once a decision is made, notices will be sent by the County of Elgin to those who have requested a copy and/or attended the public meeting.

There will be a 20 day appeal period after the notices are mailed out. Any appeals received will be forwarded to the Ontario Land Tribunal (OLT) for a hearing.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

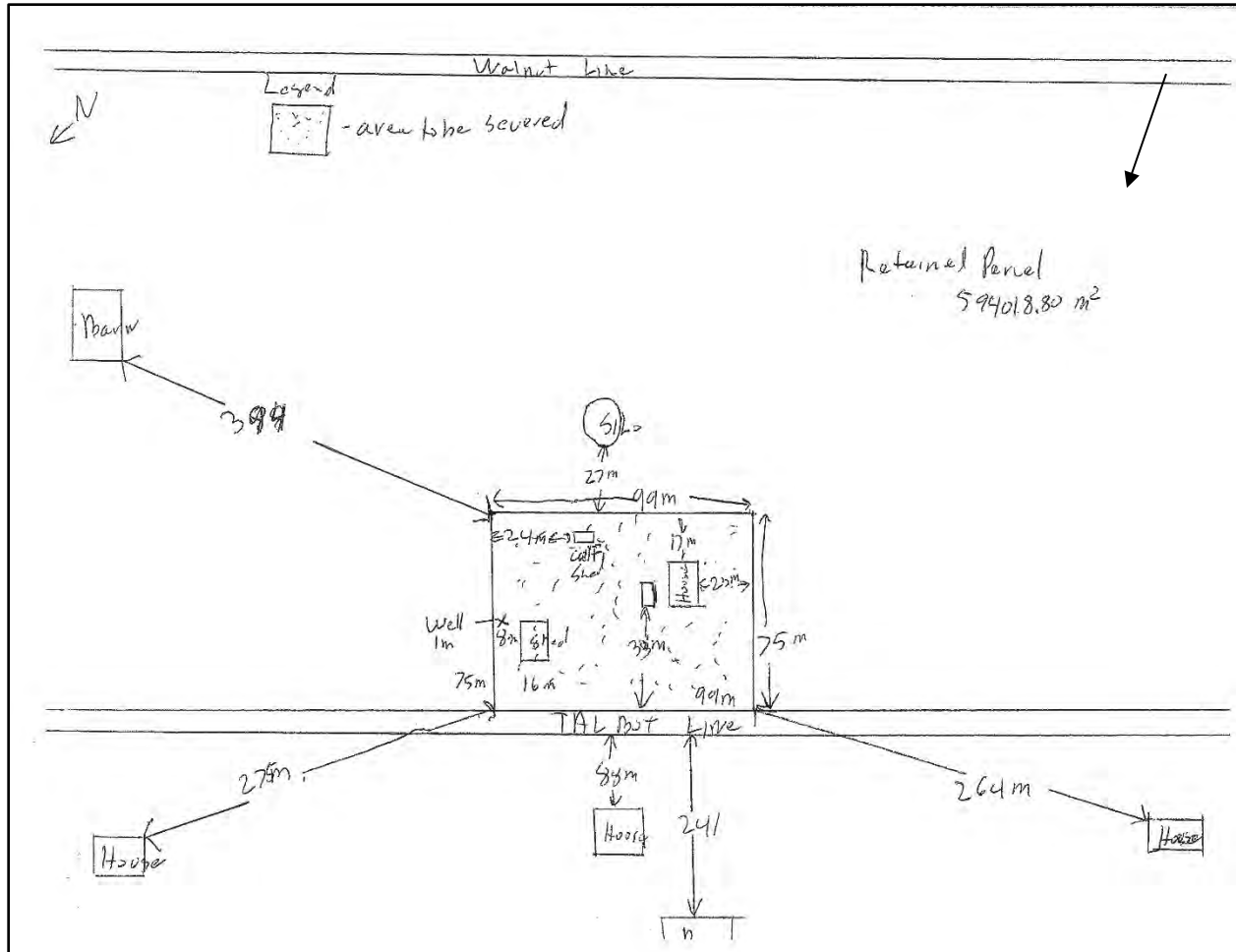
Approved for Submission

Heather Bouw
CAO/Clerk

KEY MAP



SKETCH



COMMENTS

From: [Jackie Morgan-Beunen](#)
To: [Tracey Pillon-Abbs](#)
Subject: RE: E 24-22 - Notice of Application - Request for Agency Review
Date: May 4, 2022 11:51:30 AM
Attachments: [image005.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Hi Tracey. A review of the existing septic system will be required including the fee of \$150.00 for an "inspection due to severance". The review of the existing septic system will be required to be completed by myself along with a qualified and licensed sewage system installer. If a new system is required, the septic inspection fee is not required as the inspection will be covered under the permit fee for a new sewage system.

Thank you

Kind regards,

Jackie Morgan-Beunen, CBCO
Chief Building Official



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



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.

From: Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>
Sent: Wednesday, May 4, 2022 11:13 AM
To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Colin Shewell <firechief@duttondunwich.on.ca>; Heather Bouw

From: [Brent Clutterbuck](#)
To: [Tracey Pillon-Abbs](#)
Subject: Re: E 24-22 - Notice of Application - Request for Agency Review
Date: May 4, 2022 11:54:56 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Reapportion of McFarlane Blue and Shoemaker Drain

Mutual Agreement drain

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

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

From: Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>
Sent: May 4, 2022 11:13 AM
To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Colin Shewell <firechief@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>
Subject: FW: E 24-22 - Notice of Application - Request for Agency Review

Good Afternoon

Please see attached Consent application and notice for a surplus dwelling for 31395 Talbot Line.

The applicant proposes to sever a parcel with a frontage of 99 metres (324.8 feet) and a depth of 75 metres (246.06 feet) and an area of 0.7425 hectares (1.83 acres) to remain in residential use. The applicants are retaining 59 hectares (131 acres), proposed to remain in agricultural use.

Comments and conditions to me ASAP as this will need to go to the next council meeting.

Thanks
Tracey

From: Brian Lima <blima@ELGIN.ca>
Sent: April 29, 2022 4:02 PM

From: [Murray Wickerson](#)
To: [Tracey Pillon-Abbs](#); [Archie Leitch](#); [Brent Clutterbuck](#); [Jackie Morgan-Beunen](#); [Colin Shewell](#); [Heather Bouw](#); [Ryan McLeod](#); [Tara Kretschmer](#); [Tim Hansen](#)
Subject: RE: E 24-22 - Notice of Application - Request for Agency Review
Date: May 4, 2022 11:36:19 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Severance appears to be using existing driveways. No concerns from Dutton Dunwich Public Works.

From: Tracey Pillon-Abbs
Sent: Wednesday, May 04, 2022 11:13 AM
To: Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Colin Shewell <firechief@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>
Subject: FW: E 24-22 - Notice of Application - Request for Agency Review

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The applicant proposes to sever a parcel with a frontage of 99 metres (324.8 feet) and a depth of 75 metres (246.06 feet) and an area of 0.7425 hectares (1.83 acres) to remain in residential use. The applicants are retaining 59 hectares (131 acres), proposed to remain in agricultural use.

Comments and conditions to me ASAP as this will need to go to the next council meeting.

Thanks
Tracey

From: Brian Lima <blima@ELGIN.ca>
Sent: April 29, 2022 4:02 PM
To: Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>; valerie.towsley@ltvca.ca; Elgin Federation of Agriculture <elginfarmers@gmail.com>
Cc: waynoorfarm@aol.com; Marlene Bainbridge <mbainbridge@ELGIN.ca>
Subject: E 24-22 - Notice of Application - Request for Agency Review

Good Afternoon,

Please find attached a Notice of Application associated with consent application E 24-22 for the Elgin County Land Division Committee meeting scheduled for May 25, 2022.



COUNCIL RESOLUTION



Res: 2022.13. 18

Wednesday, May 11, 2022

Moved by: _____Hentz_____

Seconded by: _____Drouillard_____

THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E 24-22 for 31395 Talbot Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That a septic system review for the severed parcel has been completed;
- c) That municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- e) That two (2) hard copies and one (1) digital copy of the registered survey has been provided to the Municipality;
- f) That taxes are to be paid in full;
- g) That a 911 sign be established for the severed and retained parcels;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
- i) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
- j) That the applicant confirms with the Municipality that they are a bona fide farmer; and
- k) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

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

CARRIED:

B. B.
Mayor

DEFEATED:

Mayor

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 E24-22

Applicant W. Noorloos Farms Inc.

Location 31395 Talbot Line

OFFICIAL PLAN

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

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

Policies: Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. The area also subject to Natural Heritage on Schedule 'B', however, no EIS is required as the proposed development is outside of the protected area.

ZONING

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

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

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

OTHER

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

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

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

Staff Report and Council Resolution attached.

Revised 30/01/20

May 02, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 27-22)**
31395 Talbot Line (W. Noorloos Farms Inc.)
Part Lots 19 & 20; Concession 8
Municipality of Dutton Dunwich

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

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

Please be advised that the subject property is located in an area with a Highly Vulnerable Aquifer [HVA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

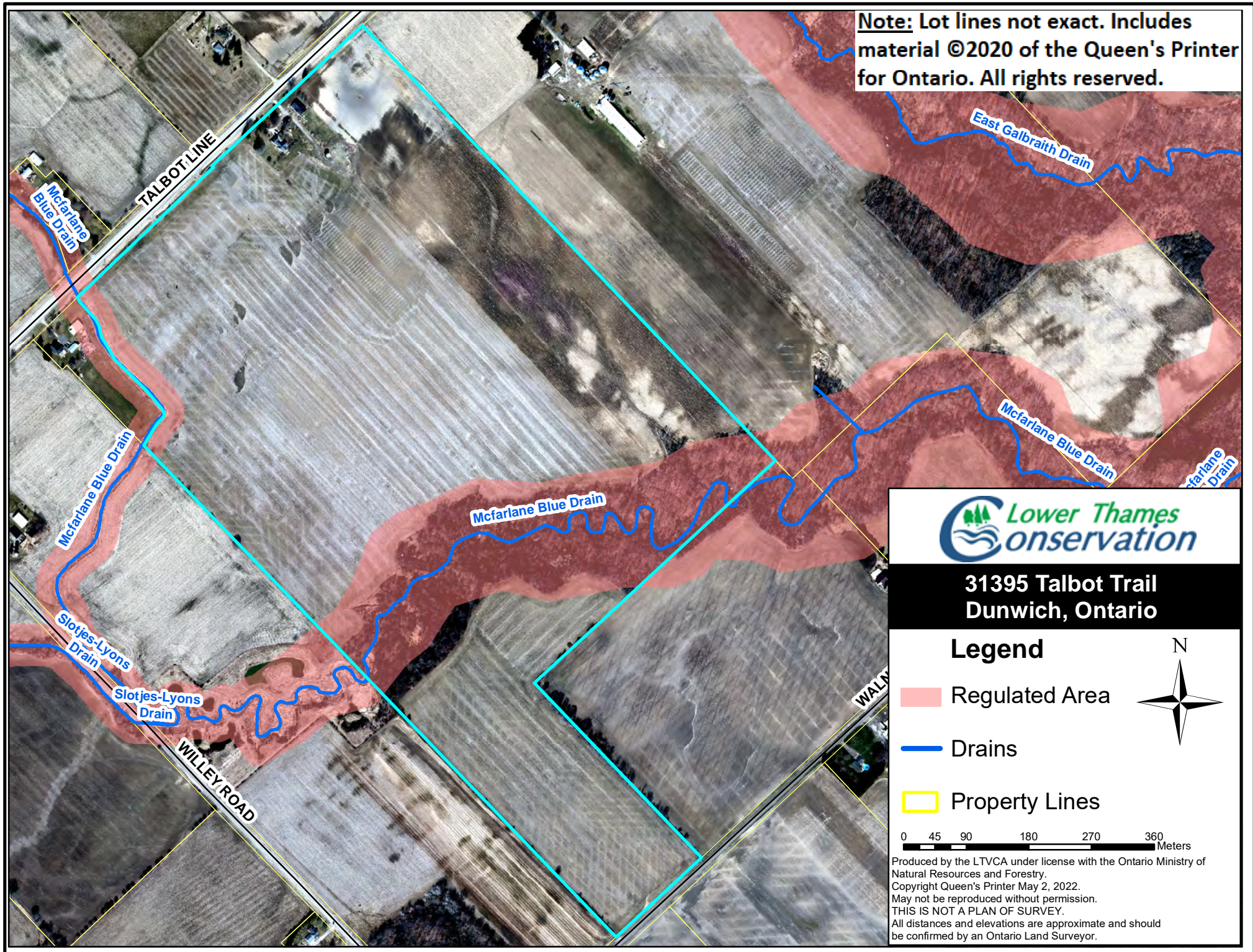
I trust this is satisfactory, but if you should have any questions, or require more information, please let us know.

Yours truly



Connor Wilson
Planning Technician

Note: Lot lines not exact. Includes material ©2020 of the Queen's Printer for Ontario. All rights reserved.



COUNTY OF ELGIN ROAD SYSTEM

DATE: May 16, 2022 ELGIN COUNTY ROAD NO.: 3 – 31395 Talbot Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 24-22

OWNER: W. Noorloos Farms Inc.

PROPERTY: LOT NO. Pt Lots 19 & 20 CONCESSION: 8

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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: Planning Division, County of Elgin
Date: May 19, 2022
Application: E 24-22

Owner:
W. Noorloos Farms Inc.
31395 Talbot Line
Iona Station, ON N0L 1P0

Agent:
N/A

Location: 31395 Talbot Line, legally described as Part of Lots 19 and 20, Concession 8, Part 1 on RP 11R-7877, and Parts 1 and 3 on RP 11R-8217, MUNICIPALITY OF DUTTON DUNWICH.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 99 metres (324.8 feet) and a depth of 75 metres (246.06 feet) and an area of 0.7425 hectares (1.83 acres) to remain in residential use. The applicants are retaining 59 hectares (131 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Special Agricultural (A2-9)
Zone & Large Lot
Agricultural (A3) Zone

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – “THAT Council of the Municipality of Dutton Dunwich recommends APPROVAL to the Land Division Committee of the County of Elgin for proposed severance application E24-22 for 31395 Talbot Line, Municipality of Dutton Dunwich”, provided the conditions of approval outlined in the Recommendation section of this report are included.

County Engineering – have indicated no concerns.

Conservation Authority – Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to the proposal as submitted to this office. The property in question is subject to the Authority’s Development and Alteration to Watercourses portion of the regulations (O. Reg. 152/06 under the Conservation Authorities Act). The issue of concern in this area is the McFarlane Blue Drain, its associated ravine

systems and erosion. An application from this office is required prior to any works/construction taking place within the regulated area.

No further comments have been received at the time of writing.

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 consent provisions in accordance with Section 53 of the PA. The proposal must also be consistent with the 2020 Provincial Policy Statement (PPS).

The subject lands are located within a *prime agricultural area*, as defined by the PPS. The proposal was therefore evaluated against the criteria in Policy 2.3.4, which deals with lot creation and lot adjustments in prime agricultural areas. Lot creation in prime agricultural areas is discouraged and may only be permitted in a limited number of scenarios, one of which being a residence surplus to a farming operation as a result of a farm consolidation, provided that:

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

The existing dwelling on the severed lands is a surplus residence resulting from a farm consolidation, and the proposal is consistent with the policies for lot creation outlined in Policy 2.3.4, described above, subject to the balance of the farmland being rezoned to prohibit residential uses. The proposal is consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Agricultural Area on Schedule 'A' Land Use of the County Official Plan, with some woodlands being identified on the retained lands on Appendix #1 'Natural Heritage Features and Areas'. As the designation suggests, the lands are primarily reserved for agricultural purposes as well as limited residential uses in conjunction with agriculture. The policies in the Agricultural Area are consistent with those contained in the PPS in terms of permitted uses and protection of farmland – this includes proposals for lot creation. No development is proposed on the retained lands around the natural heritage feature, as such staff do not have concerns with respect to this. Both the existing and proposed uses of the lands conform to the County OP.

Section E1.2.3 'New Lots by Consent' states that the approval of consents to sever land in the County shall conform to the provisions of the Planning Act and policies of the Provincial Policy Statement, County Official Plan, and applicable local official plan. Section E1.2.3.1 'General Criteria' outlines the criteria applicable to the creation of a new lot for any purpose, and states that prior to issuing a provisional consent, the severed and retained lots shall satisfy said criteria, which generally includes but is not limited to: any conditions of approval that may be affixed to the provisional consent; maintaining frontage and access on a public

road; not introducing traffic issues; compliance with minimum zoning provisions; conformity with the local official plan; maintaining or introducing appropriate servicing; ensuring no restriction or adverse impact to development or uses on the retained lands, adjacent lands, drainage system, or natural heritage/hazard features.

Section E1.2.3.4 further outlines the scenarios under which lot creation in the Agricultural Area may be permitted, one of which includes the creation of a lot intended to accommodate a residence surplus to a farming operation as a result of a farm consolidation, subject to prohibiting residential uses on the retained lands and ensuring the parcel is limited in area (consistent with PPS policies).

Following a review of the application and subject lands, staff are of the opinion that the proposal can satisfy the minimum criteria outlined in E1.2.3.1 & E1.2.3.4, subject to fulfilling all conditions of approval outlined in the Recommendation section of this report.

The proposal therefore conforms to the County Official Plan.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the Dutton Dunwich Official Plan. A portion of the subject lands are identified as Natural Heritage pursuant to Schedule 'B' of the Plan.

Section 4.1 outlines the policies dealing with natural heritage features and natural hazards. Considering there is no development proposed on the retained lands/natural feature, and the requirement to rezone the retained lands to prohibit future residential uses, staff do not have concerns that the proposal will impact the natural heritage feature. No Environmental Impact Statement (EIS) is requested to support the application.

Section 8.3.4 of the OP states that the type of severance proposed under the subject application may be permitted, subject to fulfilling the evaluation criteria outlined therein. These criteria are aligned with and expand on the PPS and County OP policies for a surplus residence severance. Based on a review of the proposal and comments provided by Municipal staff, the proposal can satisfy the criteria outlined in the OP. The proposal conforms to the local OP.

The subject lands are zoned Special Agricultural (A2-9) Zone & Large Lot Agricultural (A3) Zone. The proposed uses for the severed and retained parcels are permitted. Notwithstanding this, an amendment to the zoning by-law will be required to implement the policies of the County of Elgin and Township of Southwold Official Plans, specifically to prohibit residential uses on the retained lands.

RECOMMENDATION:

This application for consent is consistent with the 2020 Provincial Policy Statement and is in conformity with both the County of Elgin Official Plan and Municipality of Dutton Dunwich policies regarding lot creation in an agricultural area. Therefore, planning staff are of the

opinion that the application is acceptable from a planning perspective and recommend approval, subject to the following conditions:

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

Additionally, it is recommended that the following conditions provided by the Municipality of Dutton Dunwich be included as conditions for consent:

4. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels to rezone the severed parcel to Special Rural Residential (RS) Zone and rezone the retained parcel to a Special Agricultural (A2) Zone to prohibit all residential uses;
5. That septic system review for the severed parcel has been completed;
6. That Municipal drain re-apportionments have been completed;
7. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
8. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
9. That taxes are to be paid in full;
10. That a 911 sign be established for the severed and retained parcels;
11. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
12. 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;
13. That the applicant confirms with the Municipality that they are a bona fide farmer; and,
14. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



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

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

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

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

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

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

**WEDNESDAY MAY 25, 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.

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.

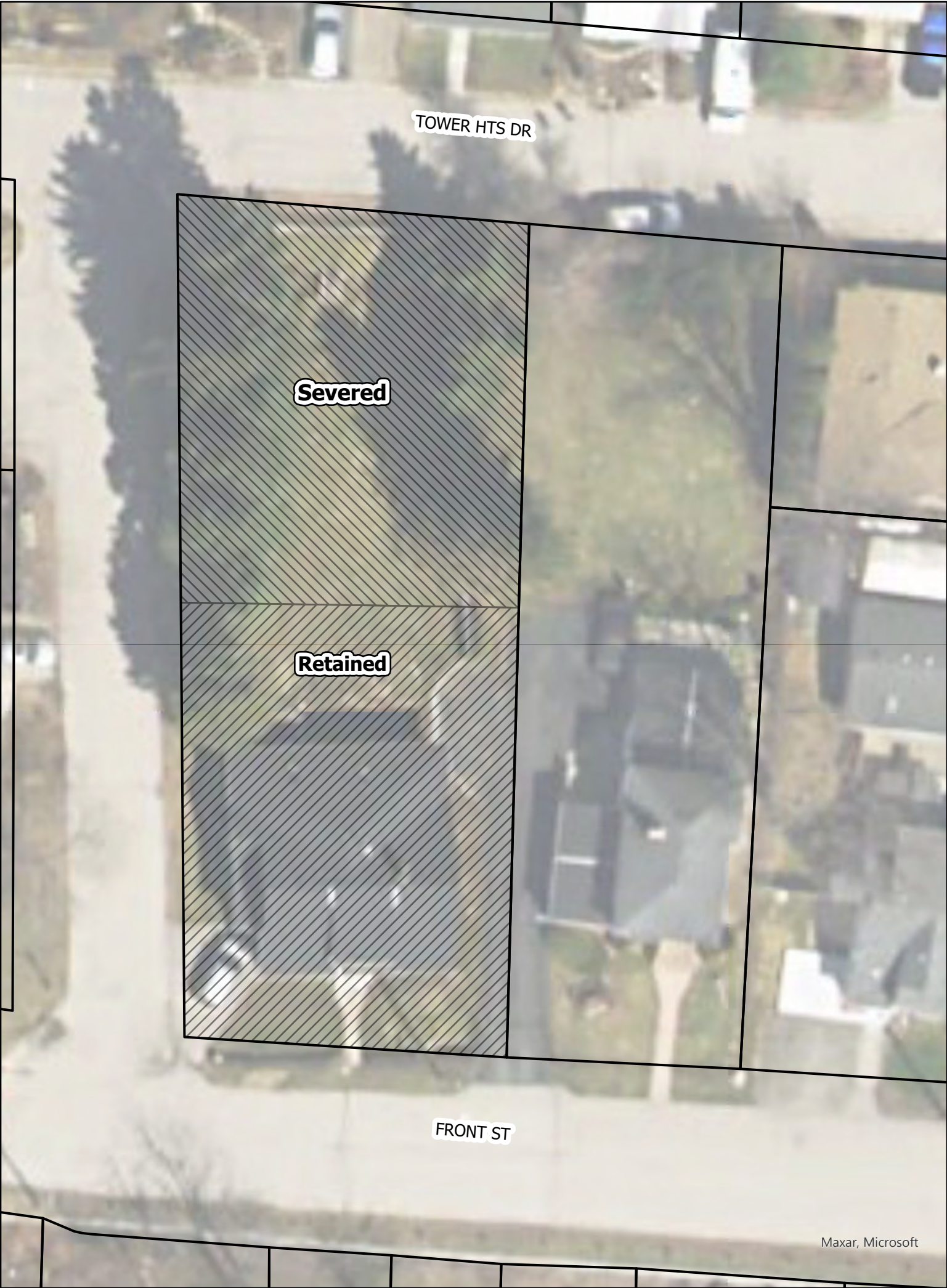
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 29th day of April, 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



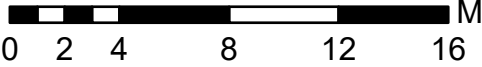
Maxar, Microsoft

Location Map

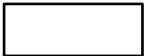


Subject Site: 431 Front Street
File Number: E 85-2021
Owner: 1551945 Ontario Limited (David Russell)
Planner: Nancy Pasato
Created By: AL
Date: 10/12/2021

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



Legend



Subject Site



Severed



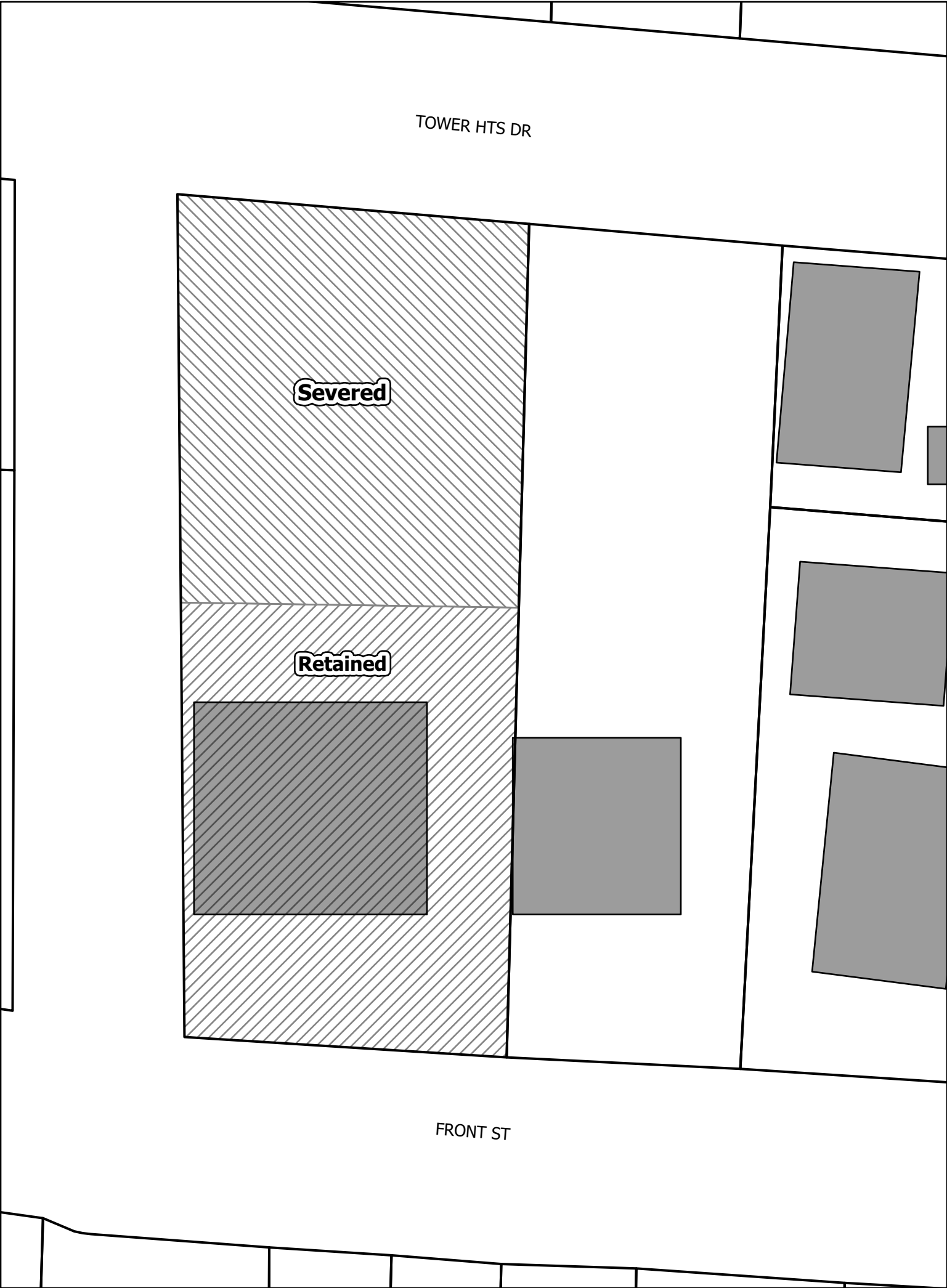
Retained



Elgin Road Network








Buildings



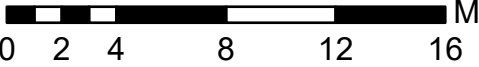
Location Map



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

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

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





November 29, 2021

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

Dear 1551945 Ontario Limited (David Russell),

**Re: Severance Application E 85-21, 431 FRONT STREET, PT LOTA 13 & 14,
MUNICIPALITY OF CENTRAL ELGIN**

A decision on application E 85-21 was deferred at the request of the Municipality of Central Elgin on November 24, 2021 in order for the applicant to provide further submissions as detailed in the recommendation from Central Elgin Council.

Applications deferred by the Land Division Committee will be held for a period of one year from the date of deferral, at which time if no action has been taken the application will lapse. If no action is taken on this file by **November 24, 2022**, this application will lapse.

Please submit any requested information to the Secretary Treasurer of the Land Division Committee and the Municipality of Central Elgin. A fee of \$300 for recirculation will also be required. Please submit at your earliest convenience so it may be placed on the next available Land Division Committee agenda.

Sincerely,

Nancy Pasato
Acting Secretary Treasurer
Land Division Committee
County of Elgin

c.c. Municipality of Central Elgin: dwilson@centralelgin.org, scraig@stthomas.ca
Agent: Ted Halwa thalwa@bell.net

The Corporation of the Municipality of Central Elgin

Resolution _____

November 22, 2021

Moved by

C Row

Seconded by

T marks

THAT Report CEP 50.21 be received for information;

AND THAT Council request the Elgin County Land Division Committee to defer Consent Application E85/21 - 1551945 Ontario Limited (David Russell), 431 Front Street, Port Stanley pending the submission of the following:

- Geotechnical Analysis, Issues Scoping Report (ISR) and Environmental Impact Study (EIS);
- Zoning matrix for the retained lot;
- Site plan that demonstrates to the satisfaction of Director of Asset Management and Development Services that Parcel "A" can accommodate off-street parking, in accordance with the Village of Port Stanley Zoning By-Law 1507, as amended

MUNICIPALITY OF CENTRAL ELGIN
RECORDED VOTE OF COUNCIL

	YEA	NEA		YEA	NEA
ROW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WYNN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CREVITS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MARKS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COOK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MARTYN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FEHR	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

C



April 26th, 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 E85/21
1551945 Ontario Limited (David Russell), 431 Front Street

Dear Mr. Lima:

Please be advised that Council discussed a report on the above noted application at their Regular/Planning Meeting of Council dated Monday, April 25, 2022 and the following resolution was passed:

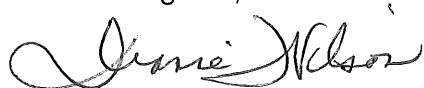
THAT Report CEP.18.22 be received for information;

AND THAT Council has no objections to consent application E85/21, 1551945 Ontario Limited (David Russell), 431 Front Street, subject to the following recommended conditions:

1. the applicant obtains a planning approval for any zoning deficiencies, relative to Parcel A and Parcel B;
2. the applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical (Implement recommendations in the Geotechnical and ISR reports), and financial matters;
3. the applicant removes the parking area and air conditioning unit located on the municipal right-of-way to the Satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
4. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. the Municipality of Central Elgin be provided with a copy of the Reference Plan
6. a drainage reassessment be completed, 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 should you have any questions regarding this information.

Kind Regards,

A handwritten signature in cursive script, appearing to read "Dianne Wilson".

Dianne Wilson
Deputy Clerk/Records Management Coordinator

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

Encl.

c.c. 1551945 Ontario Limited, Owner
T. Halwa, Agent
S. Craig, Senior Planner, CEPO



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.18.22
CEPO FILE NO. E85/21
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - 431 Front Street (Community of Port Stanley)
Applicant - 1551945 Ontario Limited (David Russell)
DATE April 25, 2022

RECOMMENDATION

THAT Report CEP.18.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E22/22 to the Land Division Committee, staff recommends the following conditions:

4. the applicant obtains a planning approval for any zoning deficiencies, relative to Parcel A and Parcel B;
 5. the applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical (Implement recommendations in the Geotechnical and ISR reports), and financial matters;
 6. the applicant removes the parking area and air conditioning unit located on the municipal right-of-way to the Satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
 7. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
 8. the Municipality of Central Elgin be provided with a copy of the Reference Plan.
-

REPORT

Background:

Consent Application E85/21 was filed in 2021 for the purpose of creating one new residential building lot on Tower Heights Drive, the application was deferred subject to the following:

1. Geotechnical Analysis;
2. Issues Scoping Report (ISR) and Environmental Impact Study (EIS);
3. Zoning Matrix; and

4. Site plan that demonstrates to the satisfaction of Director of Asset Management and Development, Municipality of Central Elgin that Parcel "A" can accommodate off-street parking, in accordance with the Village of Port Stanley Zoning By-Law 1507, as amended.

Location:

The subject lands are located on the northeast corner of Front Street and Invererie Heights Lane and are legally described as, Plan 73, Part Lot 13 and Part Lot 14, RP 11R964, Part of Part 1, Municipality of Central Elgin.

Proposal:

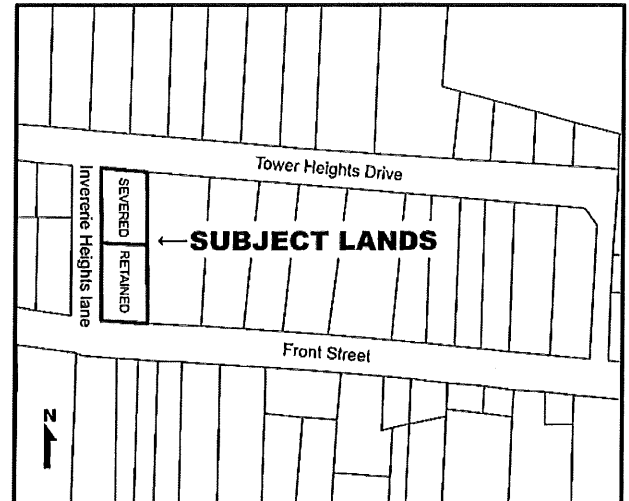
The applicant is proposing to sever one lot (Parcel B) with frontage of 15m on Tower Heights Drive, a depth of 24m and an area of 371.6sqm, containing one shed. The severed lot will be used for one new residential building lot. The applicant is proposing to retain one lot (Parcel A) with frontage of 15.4m on Front Street, a depth of 25m and an area of 385.8sqm, containing one single detached dwelling. The retained lot 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 "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The "Residential" designation permits a range of residential dwelling types and densities, including single detached dwellings (4.2.1(a)).
- The "Natural Heritage" designation permits passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, existing agricultural uses, necessary public utilities and services, and accessory buildings and structures thereto (3.1.1(a)). Where development or site alteration is proposed on adjacent lands the proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated (3.1.2(a)1.). Adjacent lands include those lands within 120 metres of an area designated as "Natural Heritage" on the Land Use Schedules (3.1.2).
- Lots created by consent will comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, Central Elgin may amend the standards in the By-law, or a Minor Variance may be granted as a condition of approval where it is considered appropriate (5.3.9.1(c)(6)).
- The "Natural Hazard" designation shall be interpreted as a performance category in which the policies are to apply in conjunction with the policies of the underlying land use designation (3.2). Where new development and/or site alteration is proposed within 30m of a "Natural Hazard" designation the proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit. The analysis is to be prepared by a qualified professional having recognized expertise in the appropriate principles using accepted methodologies and approved by the Municipality and the Conservation Authority (3.2.2(b) (1.)).

Location Plan:



- Consents intended for development purposes will not be permitted under the following circumstances (5.3.9.1(e)):
 1. The land is located within any Natural Heritage Feature, and a suitable building envelope cannot be supported through the evaluation of an Environmental Impact Study;
 2. The land is located in a Natural Hazard Area as identified in this Plan;
 3. Provincial, County or Municipal transportation objectives, standards or policies cannot be maintained; or
 4. The severed and retained parcels cannot be provided with an adequate level of service.

2. Zoning By-Law

- The subject lands are within the Residential Zone 1 (R1) of the Village of Port Stanley Zoning By-law No. 1507, as amended. Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), permitted buildings and other structures include single detached dwellings and accessory buildings on residential lots. (9.2.1.2(a)(c)).
- The minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:

- The subject lands are designated as "Settlement Area" within the County of Elgin Official Plan.
- The Village of Port Stanley is categorized as a Tier 1 Settlement Area and is intended to be one of the settlements where new growth is to occur.
- Adjacent lands are lands contiguous to a natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. No development or site alteration shall be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated, through an Environmental Impact Study (EIS), that there will be no negative impact on the natural features or their ecological functions (D1.2.7). Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed will not have a negative impact on the significant features and functions of any natural heritage feature and will not have an adverse effect on natural hazard processes. (E1.2.3.1 (I)(K)).
- Development shall be directed to an area outside of the erosion hazard limit of a riverine valley slope. The erosion hazard limit distance shall be determined in consultation with the affected Municipality and Conservation Authority and be subject to the following criteria as identified within the provincial technical guide for natural hazards:
 - a) toe erosion allowance;
 - b) stable slope allowance (3:1);
 - c) flooding hazard limit or meander belt allowance; and,
 - d) erosion/erosion access allowance.
- The erosion hazard limit will be defined on a site-by-site basis in consultation with the appropriate Conservation Authority. Provincial guidelines related to natural hazards will be used as a basis in determining the erosion hazard limit (D3.4). Development shall be sufficiently setback from the top of bank of slopes greater than 3:1. The development setback distance shall be determined by a qualified geotechnical engineer in consultation with the local

municipality and the appropriate Conservation Authority and be subject to the following criteria (D3.5):

- i) soil type and groundwater patterns;
- ii) vegetation type and cover;
- iii) severity of slope; and,
- iv) nature of development.

9. Comments


- A Slope Review, prepared by LDS Consultants Inc., dated February 16, 2022 (GE-00638) was submitted in support of the application. According to the report the overall slope condition is considered stable, and the proposed severance in the north end of the property is outside of the Erosion Hazard Limit, for the existing slope located on the south side of Front Street. Further it is important to note that stable slope analysis for the proposed condition has been determined based on assumptions regarding the proposed loading of a future structure, as such, verification of the soil and groundwater conditions in the area of any new buildings, and the design loading associated with any new structures should be reviewed by a geotechnical engineer. Plans for construction on the severed parcel should include consultation with the Municipality of Central Elgin and Kettle Creek Conservation Authority (KCCA) to identify if site specific geotechnical studies are required to support development plans within the severed parcel of land.
- An Issues Scoping Report (ISR) prepared by MTE Consultants, dated February 28, 2022 (MTE File No.: 50232-100) was submitted in support of the application. According to the report MTE evaluated the proposed severance and determined that the potential minor impacts to natural heritage features on Adjacent Lands can be avoided and/or mitigated provided their recommendations are undertaken and further as the potential impacts are considered minor or negligible, it is MTE's opinion that an Environmental Impact Study (EIS) is not required.
- A Zoning Matrix for Parcel "A" was submitted in support of the application, which identifies the following deficiencies, lot depth (Parcel "A" and Parcel "B") and lot coverage (Parcel "A"). The front yard and side yard setbacks for the existing single detached dwelling are existing and may be considered legal non-complying. A rear yard is not required on corner lots, but the lesser side yard requirements shall apply instead (7.11).
- A Site Plan was submitted in support of the application that demonstrates that Parcel "A" can accommodate two off-street parking spaces, in accordance with the Village of Port Stanley Zoning By-Law 1507, as amended.

Respectfully submitted:

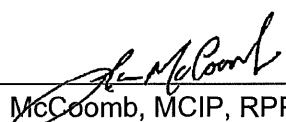
Approved for submission:



Steve Craig
Sr. Planning Technician



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

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

Good morning Aisling

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

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

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

Thank you for the opportunity to comment.

Please note that KCCA intends to submit comments on the Consent Applications E821/21 and E83/21 affecting 485 George Street. However, we are currently awaiting for submission of a geotechnical assessment to support the applications prior to submission of comments. If KCCA does not have an opportunity to review the geotechnical information prior to the public meeting, we intend to submit comments recommending deferral on a decision until receipt of a satisfactory geotechnical report.

Have a good day!

Thank you,
Joe Gordon

Assistant Manager
Supervisor of Planning & Conservation Areas

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca

cid:image001.jpg@01CF0DFB.E01B9490



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COUNTY OF ELGIN ROAD SYSTEM

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 85-21

OWNER: 1551945 Ontario Limited (David Russell)

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

REG'D PLAN: 73 MUNICIPALITY: Central Elgin

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

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: May 19, 2022
Application: E 85-21 (Deferred from November 24, 2021)

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

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

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

PROPOSAL

**Please note that a decision on this proposal was deferred on November 24, 2021 in order for additional information to be submitted in support of the application, including:*

- *Geotechnical Analysis, Issues Scoping Report (ISR) and Environmental Impact Study (EIS);*
- *Zoning matrix for retained lot; and,*
- *Site plan that demonstrates to the satisfaction of the [Municipality of Central Elgin] Director of Asset Management and Development Services that Parcel "A" can accommodate off-street parking, in accordance with the Village of Port Stanley Zoning By-law 1507, as amended*

The above information has since been submitted to the satisfaction of the Municipality of Central Elgin.

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

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

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Residential Zone 1

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – “THAT Council has no objections to consent application E 85-21, 1551945 Ontario Limited (David Russell), 431 Front Street” subject to the satisfaction of the conditions of approval recommended by the Municipality.

County Engineering – indicated this application is not on a county road and as such have no concerns.

Conservation Authority – Kettle Creek Conservation Authority advised of no concerns or objections to approval.

No further comments have been received at the time of writing.

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 consent provisions in accordance with Section 53 of the PA.

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

The Applicant has indicated the severed lot (0.03 hectares/0.09 acres) will be created for future residential use. The retained parcel (0.04 hectares/0.1 acres) will be used for the existing residential use and contains a dwelling. Both the proposed severed and retained lots are within a settlement area (Port Stanley), and the PPS expressly encourages infill and redevelopment in support of more compact development forms.

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

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with

the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards.

Due to the presence of identified Natural Heritage Features to the north of the site and Natural Hazard (Erosion Hazard Limit) to the south of the site, the applicant was required to provide additional information to investigate potential impacts/hazards as a result of the consent.

The applicant has addressed the abovementioned criteria and planning staff are satisfied there will be no adverse impacts as a result of the lot creation, based on the additional information submitted to the Municipality (Geotechnical Analysis, ISR, Zoning Matrix, and Site Plan), in relation to the adjacent natural heritage features and hazards.

The applicant has indicated that the proposed development (i.e. lot creation) will be fully serviced. The proposal is in conformity with the County OP.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential in accordance with Schedule 'G' – Community of Port Stanley, Land Use Plan of the Municipality of Central Elgin Official Plan. The existing and proposed uses on the lands are permitted in this designation. Due to the presence of Natural heritage features north and south of the site, additional information (Geotechnical Analysis, Issues Scoping Report, Zoning Matrix, and a site plan) were requested by the Municipality to confirm no negative impacts and appropriateness of the proposal.

The slope review submitted by the applicant confirmed the overall slope condition is stable, and the proposed severance is outside of the Erosion Hazard Limit. Notwithstanding this, the review recommended further investigation as part of future site development to ensure geotechnical matters are appropriately considered. The Issues Scoping Report (ISR) submitted by the applicant investigated potential impacts of the severance on the adjacent Natural Heritage Features – the report confirmed that potential impacts are minor or negligible, and that an Environmental Impact Statement (EIS) was not required.

The subject lands are zoned Residential 1 (R1) Zone in the Village of Port Stanley Zoning By-law No. 1507, as amended. The existing and proposed uses are permitted in this zone; however, the zoning matrix and site plan prepared in support of the proposal confirmed deficiencies with lot depth for both severed and retained parcels, as well as lot coverage for the retained parcel. The site plan confirmed that the retained lands could accommodate off-street parking, a concern raised when the proposal was last considered.

Considering the above, the proposal conforms to the local OP, subject to addressing the identified zoning deficiencies through a zoning by-law amendment.

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

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

4. The applicant obtains a planning approval for any zoning deficiencies, relative to Parcel A (retained) and Parcel B (severed);
5. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical (Implement recommendations in the Geotechnical and ISR report), and financial matters;
6. The applicant removes the parking area and air conditioning unit located on the municipal right-of-way to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
7. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
8. The Municipality of Central Elgin be provided with a copy of the Reference Plan;
9. A drainage reassessment be completed, if necessary, at the owner's expense.

From: [Frank Oliva](#)
To: [Land Division](#)
Cc: cihannigan@gmail.com; [Tracey Otter](#)
Subject: RE: Application No. E 85-21
Date: May 5, 2022 3:40:41 PM

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

To whom it may concern,

We are interested in receiving a link to this application as I am a neighbor who will be directly affected by this severance. We would like to know how this process is evaluated and measured. I am paraphrasing the by-law but my understanding, in order to build a new dwelling, the property must have a minimum of 100' of length in order to get a building permit. As per the drawing provide in the letter I received, it looks like the township would have to amend this by-law to accommodate Dave Russel. As a neighbour who look directly at this property on Tower Heights, I have additional concerns with the fact that it is a corner lot already on a tight and limited roadway. There is a parking lot, on Invererie, also located on this corner that can have a number of cars being parked at any given time and can be quite congestive. Last year the Central Elgin required our neighbour, at the opposite corner of Tower Heights, to modify a fence that they had installed to improve the sight line for safety reason requirements. If the purpose of severing the land is to build a new building, then this would add to the problem of sight lines being diminished and pose a safety threat. Lastly, with this location already on a environmentally sensitive location, another building and additional traffic, can only result in further problems with this hill. Also, currently there are NO notification signs to notify others of this application.

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

Thank you on this matter,

Frank Oliva
Tracey Lee
Ph: 519-488-3115
Email: cheecheo@hotmail.com
Totter1@live.ca

From: [Kim](#)
To: [Land Division](#)
Subject: Application no. E85-21
Date: May 17, 2022 6:29:52 PM

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.

I would like to attend the teleconference
Also I am requesting to be notified of the decision of the Land Division Committee
Thank you
Kim Yuhasz 427 Front St
Port Stanley

From: [Scott Willoughby](#)
To: [Land Division](#)
Subject: Application No E 85-21 re 431 Front Street Port Stanley
Date: May 15, 2022 9:02:10 AM

Hello,

My wife Kathy and I live at 433 Front Street.

We would like to arrange for Video conference to attend this meeting virtually.

Please confirm receipt of this email and that the appropriate links will be sent prior to the Wednesday May 25th meeting.

We would also like to be informed in regards to all decisions and appeals in regards to this application. Please confirm that this notice will suffice to receive that information.

Thanks,

Scott Willoughby
519-494-9272

From: [Kathy Willoughby](#)
To: [Land Division](#)
Subject: Re: 431 Front St
Date: May 20, 2022 11:24:49 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.

I have a question - why is there not a sign on the front of the property to alert people of this impending change & notification to the neighbours ?

I have been speaking with a few residents on Front St - and they did not know about this application.

And is it just the immediate neighbours that received a letter ?

Kathy Willoughby
519-661-7300

On May 19, 2022, at 3:11 PM, Land Division <landdivision@elgin.ca> wrote:

Good morning Kathy,

I am more than happy to provide the link to the virtual Land Division Committee meeting for May 25, 2022, which will be sent tomorrow, Friday, May 20th.

From my understanding, previously submitted comments have already been considered by the Committee at the Land Division Committee meeting on November 24, 2021. Should you have additional comments you wish to include at the May 25th meeting, please forward them to me as soon as possible.

Take care,

Marlene
Administrative Assistant
Engineering, Planning & Enterprise
519-631-1460 ext. 183
mbainbridge@elgin.ca

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

From: Kathy Willoughby <kathy.willoughby@gmail.com>
Sent: May 19, 2022 2:32 PM
To: Land Division <landdivision@ELGIN.ca>

Subject: 431 Front St

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.

Please send me the link for the meeting for the property 431 Front St - David Russell - May 25th 2022 9:10am Kathy.willoughby@gmail.com My husband & I have already submitted a letter previously -(as well as other neighbours) will these be included in this meeting.

Also - what range from the property have neighbours received this notice?

Thank you
Kathy Willoughby
519-661-7300

Notice: The County of Elgin experienced a technical disruption from April 1, 2022 – April 27, 2022. During this time, email and website services were unavailable. If you emailed the County of Elgin between these dates, we did not receive your message. If you tried to reach us during this time, please reach out again by email, phone 519-631-1460 ext. 104, or in person at 450 Sunset Drive, St. Thomas. www.elgincounty.ca for daily updates.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 27-22**

**PART OF LOTS 17, 18 AND 19, CONCESSION SENBRT SOUTHWOLD
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 36434 McDIARMID LINE**

TAKE NOTICE that an application has been made by John Adam Lethbridge and Kristen Lynn Lethbridge, 36434 McDiarmid Line, Shedden, ON, N0L 2E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36434 McDiarmid Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 53 metres (173.88 feet) along McDiarmid Line by a depth of 300.90 metres (987.2 feet) and an area of 1.43 hectares (3.52 acres) for rural residential use. The applicants are retaining 93 +/- hectares (229.81 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 May 25, 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.

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 27th day of April, 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



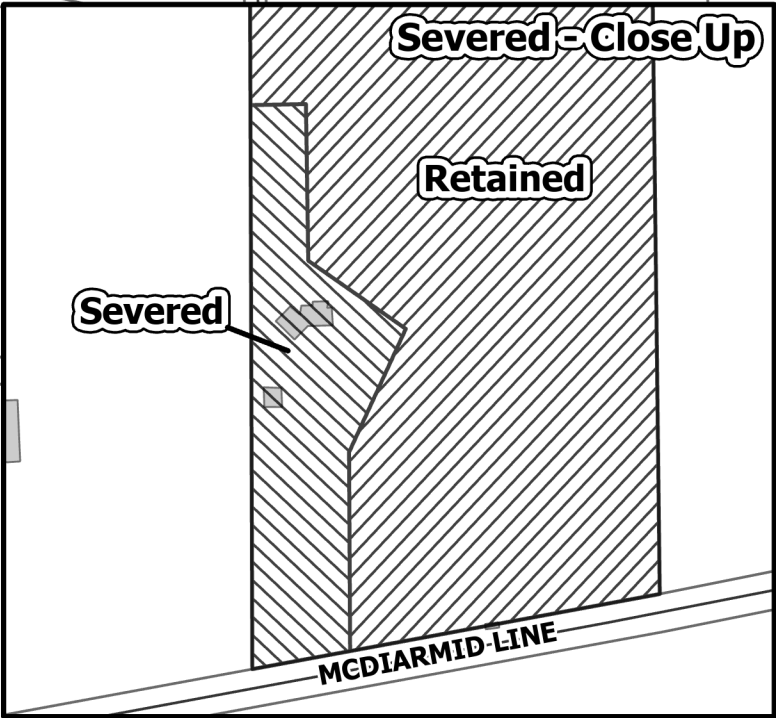
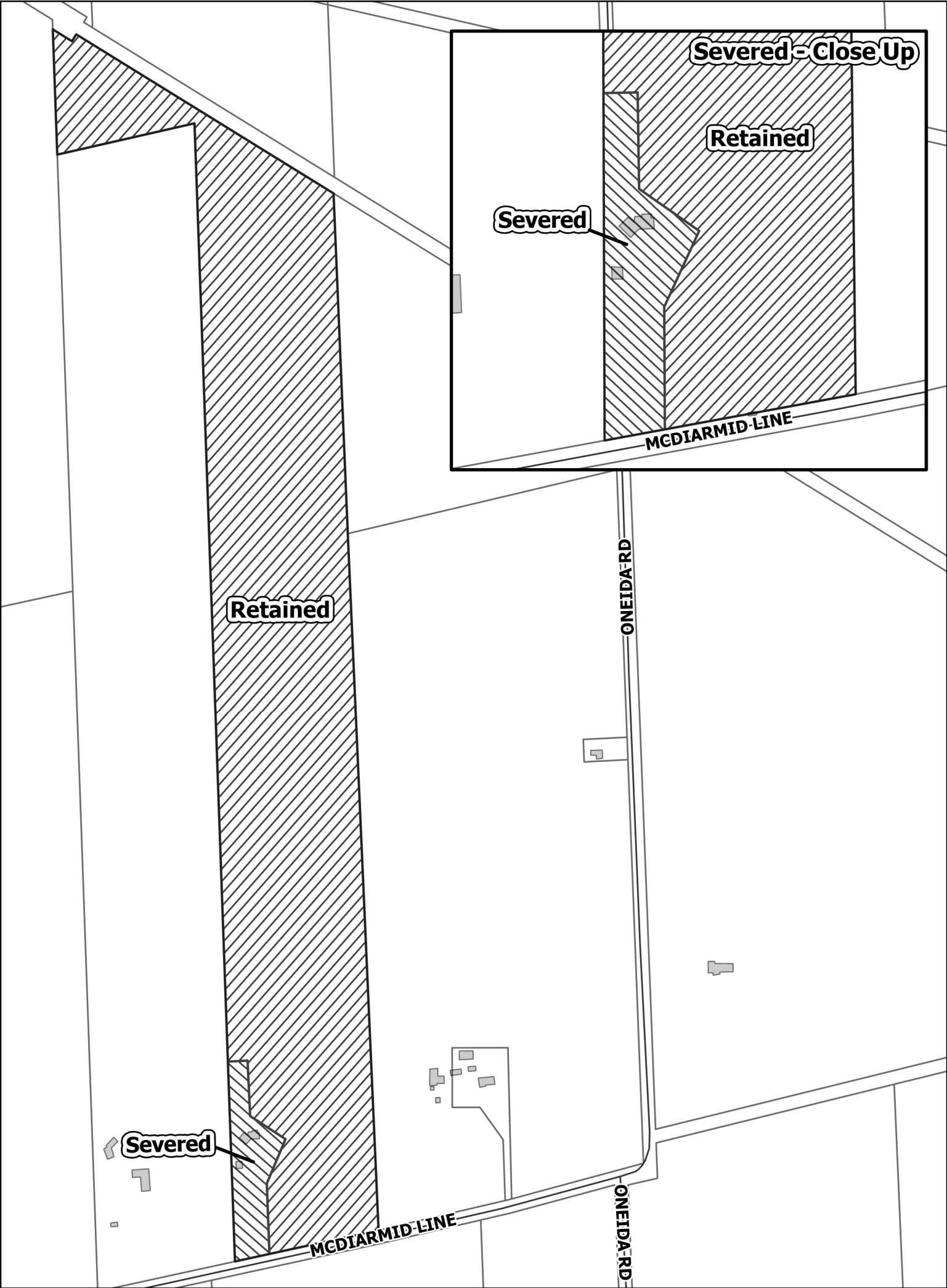
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

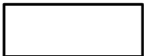
Buildings
-
- The Corporation of the County Elgin
Prepared By: Planning and Development
- Subject Site: 36434 McDiarmid Line
File Number: E 27-2022
Owner: John Adam Lethbridge and Kristen Lynn Lethbridge
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 04/28/2022
Township of Southwold



Location Map



Legend



Subject Site



Severed



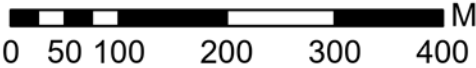
Retained



Elgin Road Network



Buildings



VIA EMAIL ONLY

May 13, 2022

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

Ms. Gonyou:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E27-22
Legal Description: Part of Lots 17, 18 and 19, Concession SENBTR
Civic Address: 36434 McDiarmid Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the May 9, 2022, Council Meeting and passed the following resolution:

Council Resolution 2022-129

THAT Council of the Township of Southwold receive Report PLA 2022-08 regarding Consent Application E27-22 – Comments 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 E27-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-08;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-08 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 2022-08: Consent Application E27-22 Comments to County of Elgin, dated May 9, 2022; and
2. E27-22 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.

Cc: Agent: Helen R. Button, Gunn & Associates (Email: helenbutton@gunn.on.ca)



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: May 9, 2022

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

REPORT NO: PLA 2022-08

SUBJECT MATTER: Consent Application E27-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-08 regarding Consent Application E27-22 – 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 E27-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-08;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-08 as Municipal comments to the County of Elgin.

Purpose:

The proposal is a surplus farm dwelling lot creation from the farmlands at 36434 McDiarmid Line, that is surplus to the farm operations.

Background:

Below is a background information in a summary chart:

Application	E27-22
Owners/Applicants	John and Kristen Lethbridge
Agent	Helen R. Button, Gunn & Associates
Legal Description	Part of Lots 17, 18 and 19, Concession SENBTR
Civic Address	36434 McDiarmid Line
Entrance Access	McDiarmid Line
Water Supply	Municipal Water
Sewage Supply	Privately owned and operated individual septic system
Existing Land Area	+/- 94.43 ha (233.33 ac)
Buildings and/or Structures	Severed Parcel – single detached dwelling, and detached garage
	Retained Parcel – no buildings and/or structures

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
E27-22	53m (173.9 ft)	300.9m (987.2 ft)	1.43 ha (3.53 ac)	+/- 166.6m (546.59 ft)	+/- 1,532.9m (5,029.2 ft)	+/- 93 ha (229.8 ac)

The Public Hearing is scheduled for May 25, 2022 at the Elgin County Land Division Committee Meeting.

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



The consent sketch, showing E27-22 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 (PPS) and does not conflict with Provincial Plans. Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan 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

The subject lands are within the Agricultural area (Section 2.3). Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there are no specific policies contained in the OP requiring this aspect.

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).

This proposal appears to be consistent with the PPS.

County of Elgin Official Plan (CEOP)

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.4(b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owners' farming operations. The proposed severed parcel meets the MDS I setbacks. The residence is connected to the municipal water service and the septic report that was submitted with the application states the septic system is in good working condition.

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

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The subject lands are designated Agricultural Area on Schedule '4' Land Use in the OP. The Natural Heritage Features on Schedule '2' overlay apply to a portion of the proposed retained parcel and the Natural Hazards on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels.

Section 5.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 7.23.4(e) Agricultural Consent policies states land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

- i. The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
- ii. The non-farm parcel will be zoned to recognize the non-farm residential use; and
- iii. Minimum Distance Separation I provisions can be met;

The proposed severance application demonstrates that the residence is surplus to the farm owners' farming operation. There are livestock operations within the 750 metres, as documented in the application, but MDS-I is exempt for surplus farm dwellings on the adjacent lands since there is no specific policies within the OP, as per Guideline 9 of the MDS Guideline.

Section 7.23 f) of the OP, Consents states for lot creation that the soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province and the Township.

The dwelling on the proposed severed parcel is already connected to the Township's municipal drinking water system. The existing septic system has been assessment by a qualified septic installer and the septic system is in good working condition.

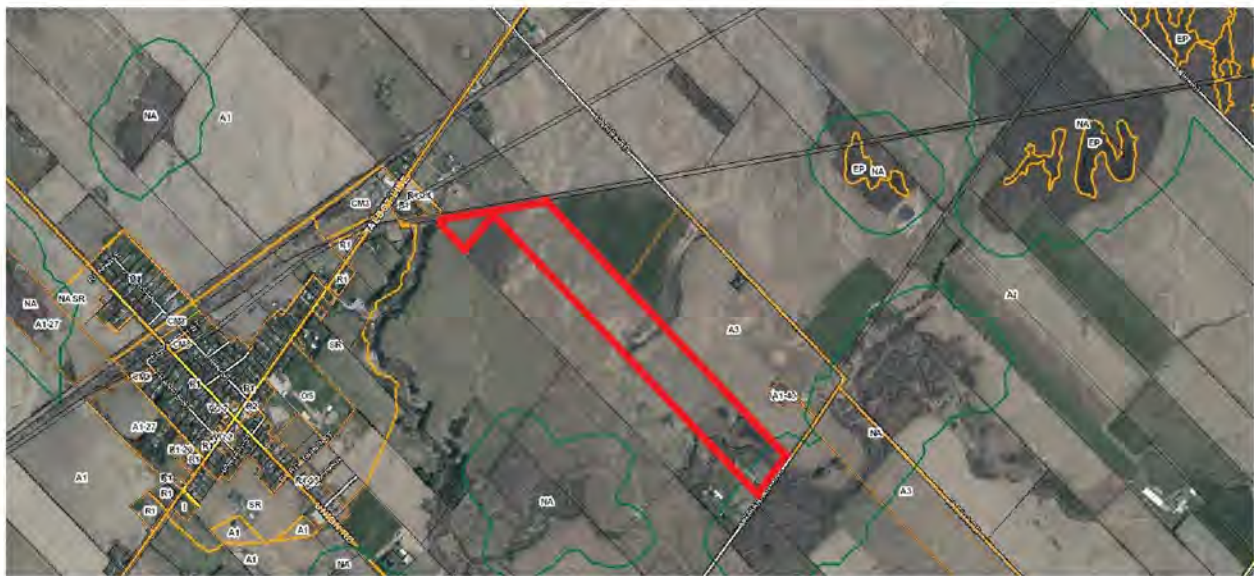
Section 4.1 of the OP, Natural Heritage Features and Areas and Section 4.2 Natural Hazard Lands prohibits buildings, structures, and alteration to lands designated Natural Heritage and Hazard Lands. Section 4.1.2.6 states development and site alteration within a significant woodland and within 120 metres 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. The existing dwelling and a portion of the detached garage on the proposed severed parcel are within the Natural Hazard Lands. No development

is proposed on the proposed severed and retained parcels in Natural Hazard Lands overlay.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned Agricultural 1 (A1), with the watercourses portion of the lands subject to Conservation Authority Regulation Limit and with the Natural Areas and Adjacent lands overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6, as depicted in Figure Two (outlined in red) below.



The A1 Zone permitted uses includes agricultural use and single detached dwelling. The regulations for a lot legally used for a single detached dwelling created by consent are subject to reduced lot requirements. The A1 Zone Subsection 5.2(g) Reduced Lot Requirements regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 square metres (20,000.0 square metres). The maximum lot area permitted is 6,000 square metres (1.48 acres). The minimum lot frontage is 30.0 metres (98.0 feet).

The proposed severed parcel area of approximately 1.43 ha (3.53 acre) parcel with a frontage of 53.0 metres (173.9 feet) is significantly larger than the maximum lot area permitted due to Talbot Creek which physically separates the proposed severed parcel from the balance of the proposed retained parcel; however, it is still appropriate for the use and servicing of the lands. The severed parcel would need to be rezoned to A1-XX, with the special provision created in order to recognize the lot area of the lot being created, as a condition of approval.

The proposed retained parcel would need to be rezoned to implement the proposed lot creation by zoning it to the A3 Zone, as a condition of consent. The A3 Zone prohibits dwellings, which is required as part of a surplus farm dwelling severance.

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 with the exception of 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 severed and retained parcels, within the hazard lands.

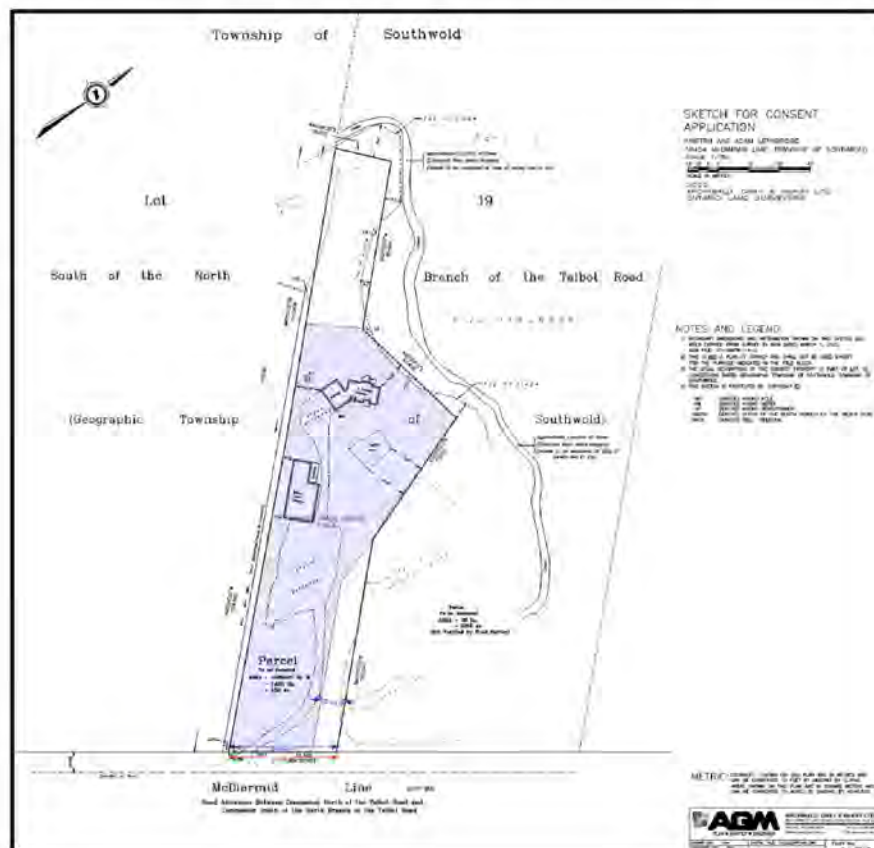
Therefore, it would appear that the proposal would comply with the ZBL, subject to a zoning by-law amendment being required as a condition of consent.

Circulation Of The Application:

Township Department Comments

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

- Drainage Department:
 - Municipal drain reapportionment required on the Lunn Fulton and Gregory Fulton Drains; and
 - Mutual Drain Agreement required.
- Financial Services Department:
 - No comments.
- Building Department:
 - No concerns.
- Infrastructure Department:
 - For this consent, the total area proposed seems logical in that the property has an open municipal drain to the north and the existing driveway curves the property. If we were to reduce area, we could consider removing section of lands east of driveway and the section of lands to the north near open municipal drain.



Comment:

The Planning Department has reviewed the Infrastructure Department's comments regarding reducing the lot area for the proposed severed parcel and provide the following comments. The existing dwelling is set back quite a distance from McDiarmid Line, which in and of itself creates a larger lot area. The area between the rear of the existing dwelling and Talbot Creek is too narrow for farm equipment to gain access to the lands north of the dwelling, therefore it is ideal for the lands to be located on the proposed severed parcel. The width of the proposed severed parcel could be narrowed along McDiarmid Line which would require the driveway to be relocated to the west side of the parcel; however, significant fill and grading would be required. In conclusion, the Planning Department supports the size of the proposed lot area for the proposed severed parcel as submitted.

- Roads Department:
 - No concerns.

Planning Staff note that the Drainage Department's comments have be addressed as conditions of approval.

Additional Comments:

The recommended Township conditions for consent application E27-22 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 surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

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

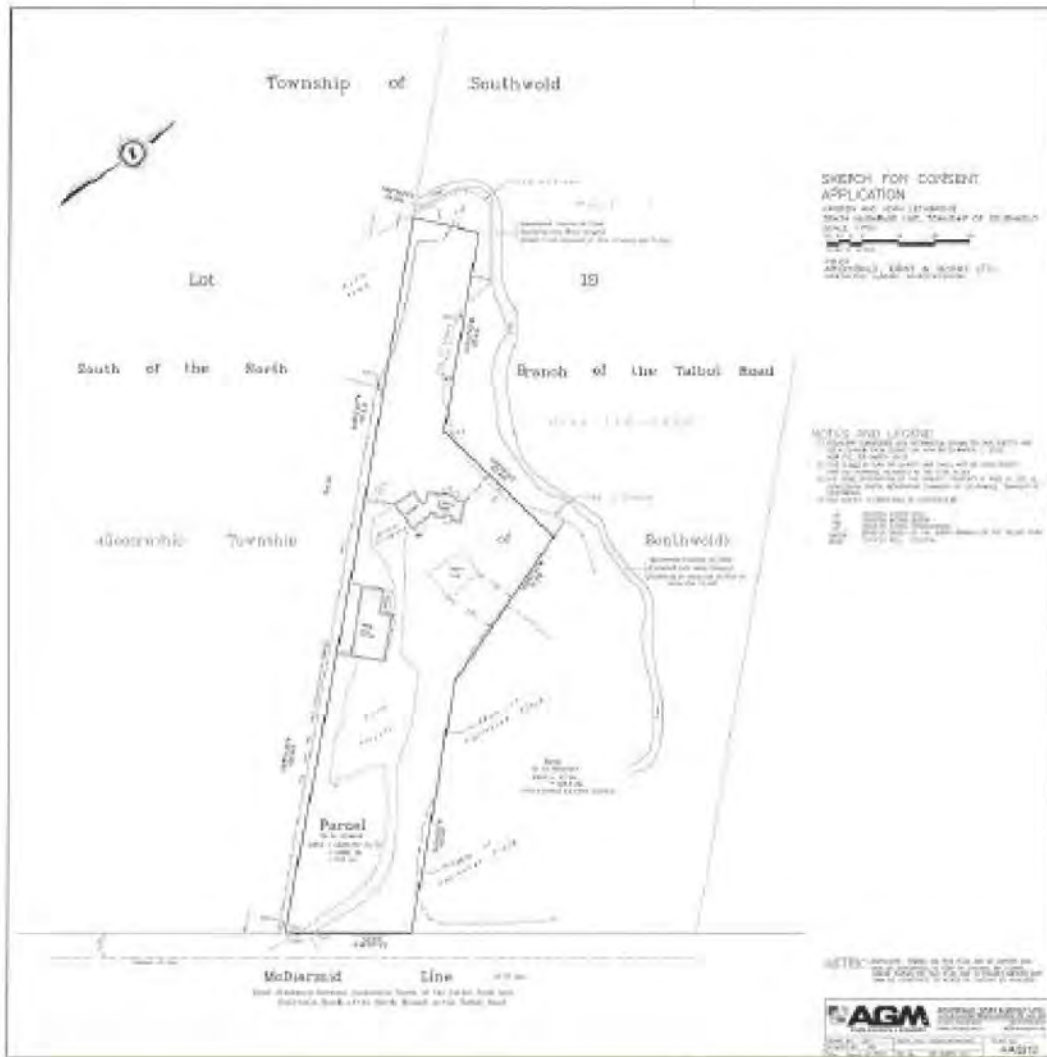
Respectfully Submitted by:
Heather James, MES (Pl.), MCIP, RPP
Planner
"Submitted electronically"

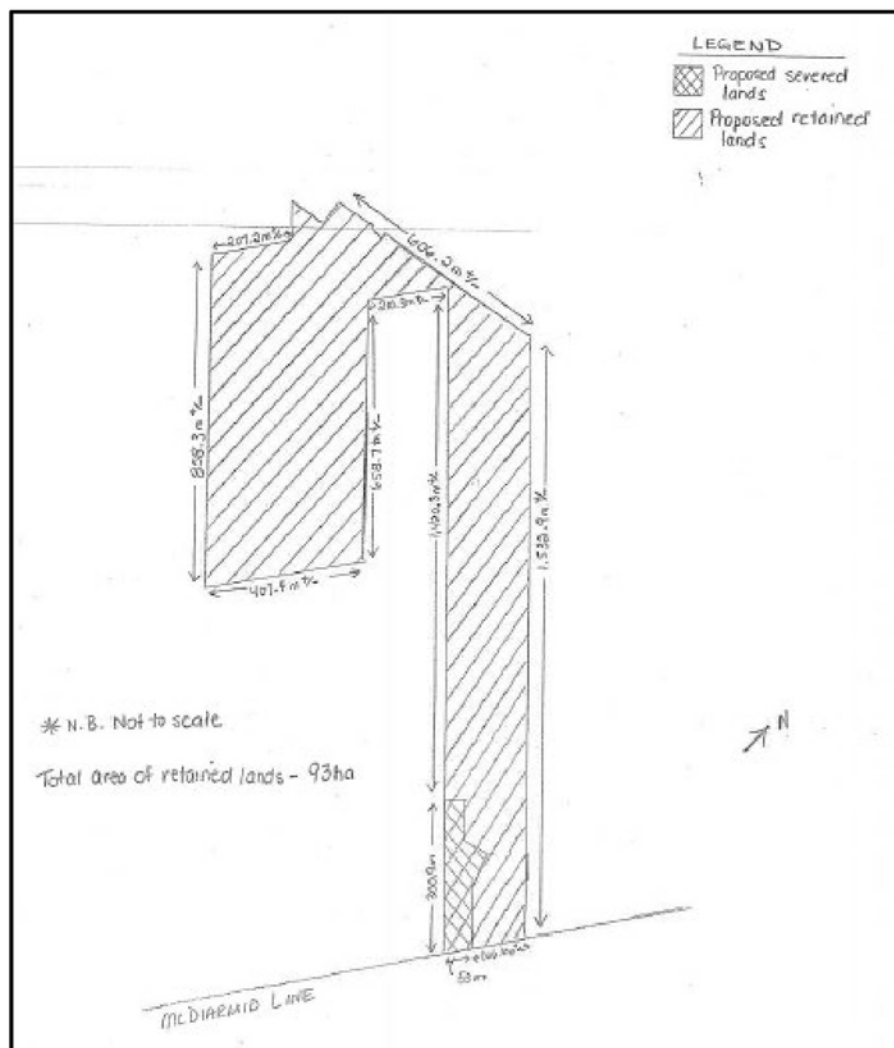
Approved for submission by:
Peter Kavcic, P.Eng.
Director of Infrastructure and
Development Services
"Approved electronically"

Appendices:

1. Appendix One: Consent Sketch E27-22
2. Appendix Two: Consent Application E27-22 Conditions

PLA 2022-08 Report Appendix One: Severance Sketches





Report PLA 2022-08:

Consent Application E27-22 (Revised) – Comments to the County of Elgin – Follow-up Report

Appendix Two: Consent Application E27-22 Conditions

Consent Application E27 -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's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. 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.
8. 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.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within 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 E27-22

Owner/Applicant: John and Kristen Lethbridge
Agent: Helen R. Button, Gunn & Associates

Location 36434 McDiarmid Line

OFFICIAL PLAN

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

Land Use Designation: Agricultural – Southwold Official Plan_____

Policies:
Sections 4.1, 4.2, 5.1, 7.23.4(e)

ZONING

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

Comments:
Condition of consent to rezone the severed and retained parcels, as contained within Planning Report PLA 2022-08.

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

OTHER

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

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

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

10. Does the municipality have other concerns that should be considered by the Committee?
All local municipal interests are contained in the conditions imposed by the Township. Please refer to Planning Report PLA 2022-08

May 02, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 27-22)**
36434 McDiarmid Line (Lethbridge)
Part of Lot 19; Concession SNBTRE
Township of Southwold

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

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

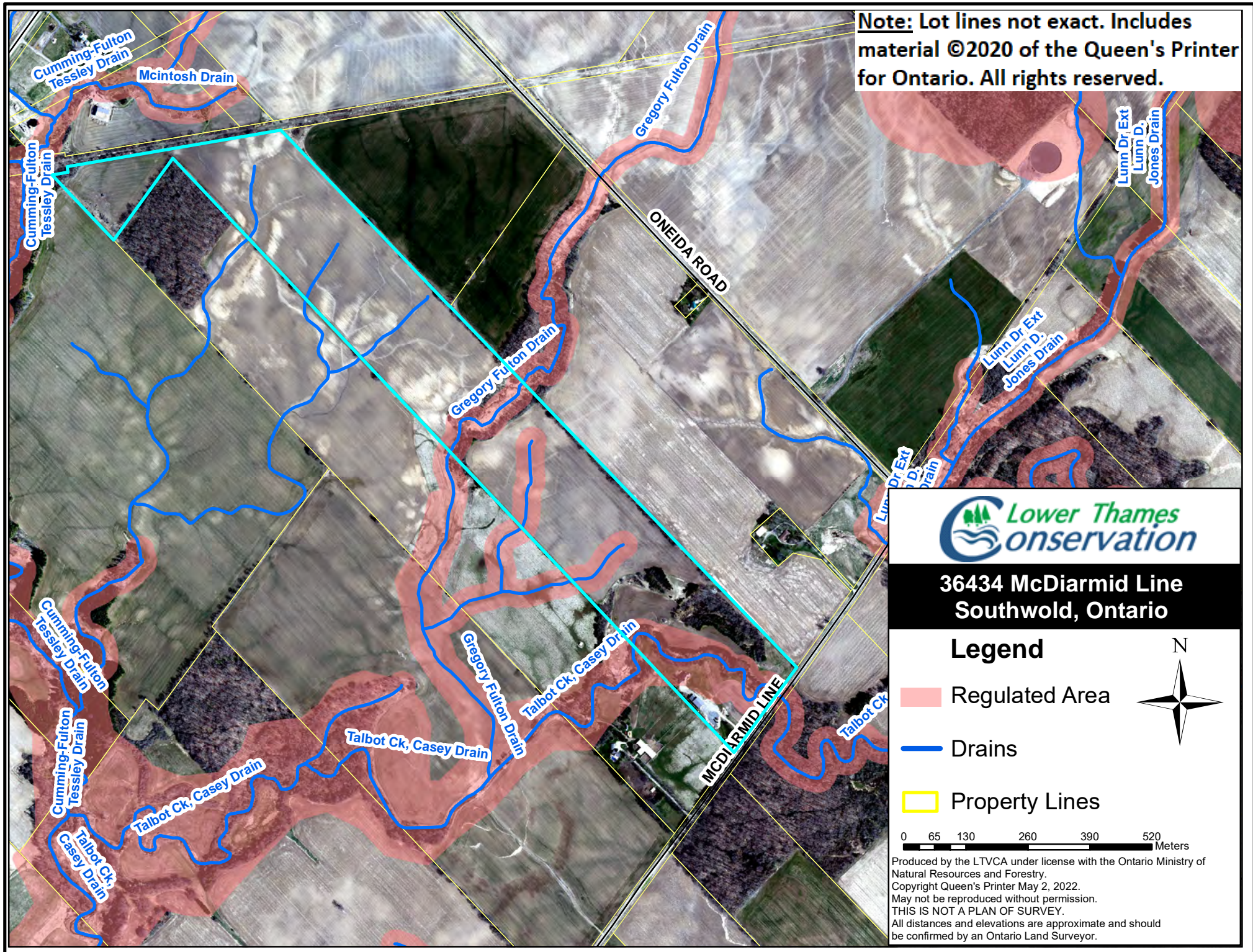
I trust this is satisfactory, but if you should have any questions, or require more information, please let us know.

Yours truly



Connor Wilson
Planning Technician

Note: Lot lines not exact. Includes material ©2020 of the Queen's Printer for Ontario. All rights reserved.



COUNTY OF ELGIN ROAD SYSTEM

DATE: May 16, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 27-22

OWNER: John Adam Lethbridge & Kristen Lynn Lethbridge

PROPERTY: LOT NO. Pt Lots 17, 18 & 19 CONCESSION: SENBTR Southwold

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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: Planning Division, County of Elgin
Date: November 24, 2021
Application: E 27-22

Owner:
John Adam Lethbridge and Kristen Lynn
Lethbridge
36434 McDiarmid Line, Shedden, ON N0L 2E0

Agent:
N/A

Location: PART OF LOTS 17, 18 AND 19, CONCESSION SENBRT SOUTHWOLD;
TOWNSHIP OF SOUTHWOLD, MUNICIPALLY KNOWN AS 36434 MCDIARMID LINE.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 53 metres (173.88 feet) along McDiarmid Line by a depth of 300.90 metres (987.2 feet) and an area of 1.43 hectares (3.52 acres) for rural residential use. The applicants are retaining 93 +/- hectares (229.81 acres +/-), proposed to remain in agricultural use.

County of Elgin Official
Plan
Agricultural Area

Local Municipality Official
Plan
Agricultural Area

Local Municipality Zoning
By-law
Agricultural 1 (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – “THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E27-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-08”.

County Engineering – indicated that the subject lands are not located on a County Road and therefore have no concerns.

Lower Thames Valley Conservation Authority – Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to the proposal as submitted to this office. The property in question is subject to the Authority’s Development and Alteration to Watercourses portion of the regulations (O. Reg. 152/06 under the Conservation Authorities Act). The issue of concern in this area is the Talbot Creek, Casey Drain, the Gregory Fulton Drain, their associated ravine systems and erosion.

No further comments have been received at the time of writing.

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 consent provisions in accordance with Section 53 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 giving consideration to the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prohibit residential uses on the retained parcel.

No development is proposed, so staff do not have concerns with respect to the natural heritage features present on the site.

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 prohibit residential uses on the retained parcel.

No development is proposed, so staff do not have concerns with respect to the natural heritage features present on the site. Therefore no Environmental Impact Statement (EIS) is recommended to inform the proposal.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural on Schedule 'A' Land Use. Section 5.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted. Section 7.23.4 of the OP contains the Agricultural Consent Policies. Those policies state that land severances in the Agricultural Area may be permitted for, among other things:

- "e) *a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:*
- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
 - ii) the non-farm parcel will be zoned to recognize the non-farm residential use; and*
 - iii) Minimum Distance Separation I provisions can be met;"*

These policies are generally consistent with those of the County Official Plan and the PPS, and the details of the proposal demonstrate the residence is surplus to the farming operation. It is staff's opinion that the proposed severance complies with the Township of Southwold Official Plan policies, subject to a zoning amendment to prohibit residential uses on the retained parcel and recognize non-farm use on the severed parcel.

Sections 4.1 and 4.2 of the Official Plan outlines the policies dealing with natural heritage features and hazard lands. Considering there is no development proposed, staff do not have concerns with respect to impacts on these features – further, the requirement to rezone the retained lands to prohibit future residential uses will provide additional protection of these features/improve compatibility.

The subject lands are zoned Agricultural 1 (A1) in the Township of Southwold Zoning By-law 2011-14. The proposed uses outlined in the application are permitted in this zone; however, the severed lot is considerably larger than the maximum outlined in the zoning by-law for a lot containing a surplus dwelling. The larger lot is a result of the topographical layout of Talbot Creek, and staff are satisfied that the lands north of the dwelling would more appropriately be contained within the severed parcel, as they are physically separated from the balance of the lands. Amendments to the By-law will be required to implement the policies of the County of Elgin and Township of Southwold Official Plans with respect to prohibiting residential uses on the retained lands, as well as to allow for a larger lot size in the A1 Zone.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Township of Southwold 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 Southwold be included as conditions for consent:

3. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
4. 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.
5. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
6. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. 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.
10. 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.



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

11. 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.
12. 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 70-21**

**CON 4 PT LOT 6 AND PT ROAD; ALLOW BTWN LOTS 5,6
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 54694 CALTON LINE**

TAKE NOTICE that an application has been made by Brady and Erin Zimak, 54694 Calton Line, Vienna ON N0J 1Z0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54694 Calton Line, Municipality of Bayham.

The applicant proposes to sever lands with a frontage of 204.0 metres (669.29 feet) along Calton Line, by a depth of 94.02 metres (308.46 feet) and an area of 2.05 hectares (5.07 acres) to be conveyed to 54624 Calton Line. The applicant proposes to retain 65.35 hectares (161.5 acres) to maintain its existing 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 May 25, 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.

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 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 27th day of April, 2022.

Julie Gonyou
Secretary-Treasurer
Land Division Committee

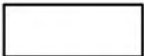
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



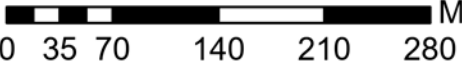
Retained

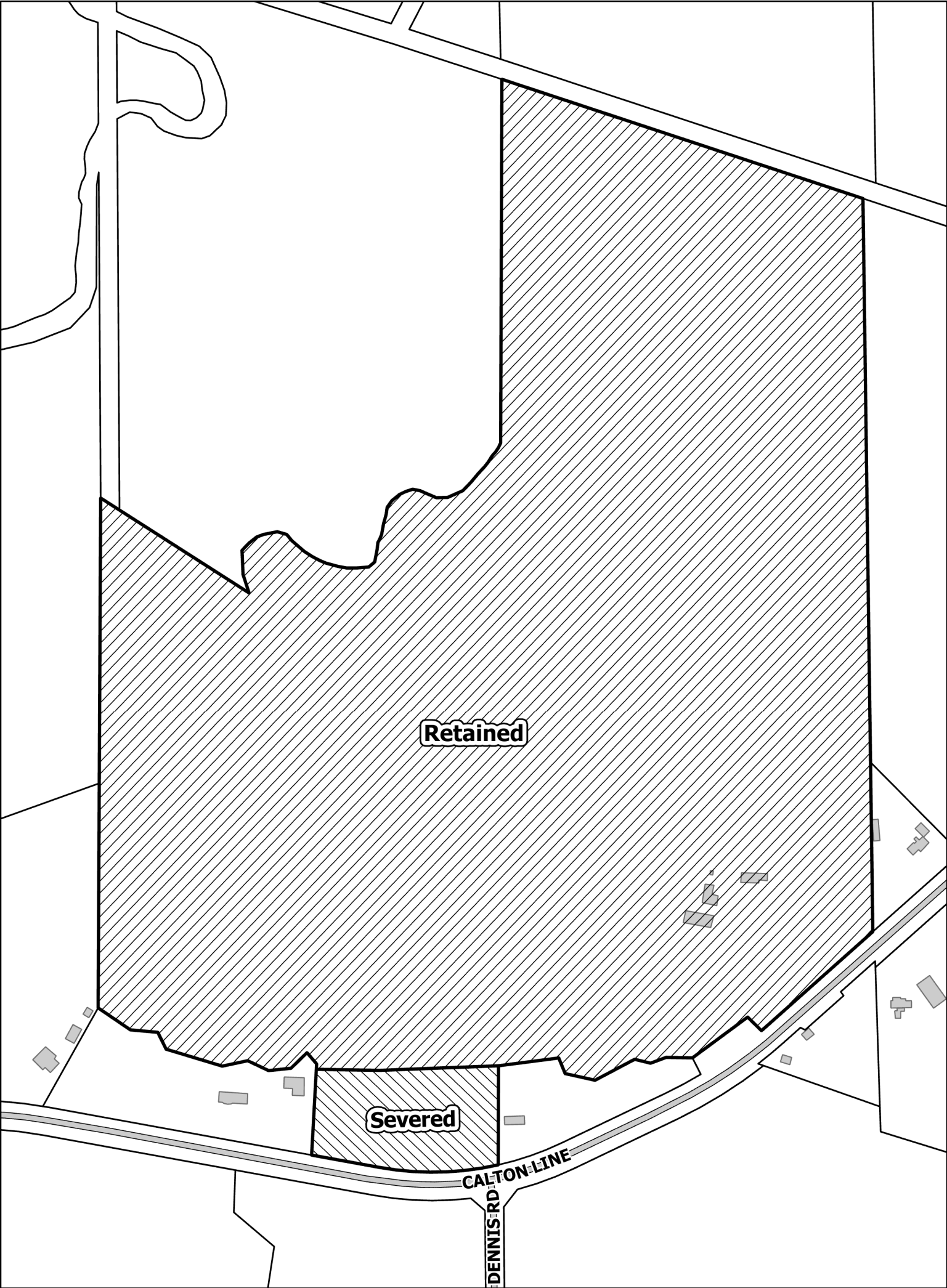


Elgin Road Network



Buildings



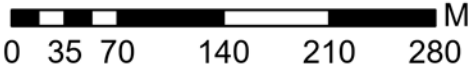


Location Map

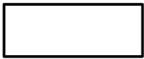


Subject Site: 54694 Calton Line
File Number: E 70-2021
Owner: Brady and Erin Zimak
Planner: Unknown
CA: Long Point Region Conservation Authority
Created By: TE
Date: 04/28/2022
Municipality of Bayham

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

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 70-21

Applicant Zimak, B & E

Location Bayham – 54694 Calton Line, Concession 4 Pt Lots 6 & 7

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, Natural Gas Reservoir, Hazard Lands, Significant Woodlands

Policies: Section 2.1.9 Minor Lot Adjustments – Consents

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)

Rezoning required of both the retained and severed and lot addition lands

- | | | |
|--|-----------|--------|
| 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 (TBD) | No () |

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

Consideration should be made to reconfigure the severed parcel to have regard for hazard lands and setbacks from hazard lands including confirmation from the LPRCA that the lot configuration is adequate.

Application is missing information relevant to the proposal – in the absence of the additional information the Municipality reviewed the proposal based on the intent of the application.

See Staff Report DS-28/22 due to be considered at Council meeting scheduled for May 19, 2022

2.1.9 **Minor lot adjustments**

2.1.9.1 Consents to sever and convey land in areas designated "Agriculture" shall be permitted for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created.

2.1.10 **Supplementary Farm Dwellings**

2.1.10.1 The Municipality supports the erection or placement of additional dwellings on farm parcels where the size or nature of the farming operation warrants additional dwellings. Such dwellings may only be permitted by a minor variance to the Zoning By-law and may not be severed from the farm operation. Such dwellings may be temporary dwellings in the form of a mobile home or modular home; or a permanent dwelling in the form of a converted dwelling or bunkhouse. Farming operations shall refer to any parcels owned, or owned in part by an applicant. Establishment of supplementary farm dwellings will be permitted subject to the following criteria:

- a) **Need:** Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;
- b) **Existing dwellings:** Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;
- c) **Location:** Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;
- d) **Size and type:** The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m²



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Deputy Clerk/Planning Coordinator
DATE: May 19, 2022
REPORT: DS-28/22 **FILE NO. C-07 / D09.22 Zimak**
Roll # 3401-000-002-11700

SUBJECT: Consent Application E70-21 Zimak – 54694 Calton Line

BACKGROUND:

Consent application E70-21 was received from the Elgin County Land Division Committee submitted by Brady and Erin Zimak proposing to sever 2.1 ha (5.1 acre) of land and retain 65.4 ha (161.5 acres) in Concession 4 Lots 6 and 7, municipally known as 54694 Calton Line for the purpose of a lot addition to the adjacent neighbour.

The subject lands are designated "Agriculture", "Natural Heritage" and "Natural Gas Reservoir" on Schedule 'A1' Land Use; and "Hazard Lands", "Significant Woodlands" on Schedule 'A2' Constraints of the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1) on Schedule 'A' Map No. 10 of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on May 25, 2022.

DISCUSSION:

The application does not include all relevant information and the request was made to the County to have the application revised, however, in the absence of the additional information, staff have reviewed the proposal based on the intent of the application. One item to note from the application is that the proposal is for a lot addition and not a technical severance.

Staff have concerns regarding the severed lot configuration. Further information and analysis is provided in the attached planner's memorandum dated May 9, 2022 with consideration of the Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

Listed conditions are included in the recommendation. Staff and planner recommend Council's support of the applications with the listed conditions for the lot addition.

ATTACHMENTS

1. Consent Application E70-21

2. IBI Memorandum dated May 9, 2022

RECOMMENDATION

THAT Report DS-28/22 regarding Consent Application E70-21 Zimak be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E70-21 be granted subject to the following considerations and conditions:

- 1. That the Owner revise the configuration of the severed lands to have regard for hazard lands and setbacks from such hazard lands, including confirmation from the Long Point Region Conservation Authority that the lot configuration is adequate.**
- 2. That the Owner provide an Environmental Impact Assessment (EIS) Report confirming no impact to natural heritage features in coordination with the Long Point Region Conservation Authority.**
- 3. That the Owner obtains approval of a Zoning By-law Amendment to rezone the retained lands from an Agricultural (A1) Zone to an Agricultural (A1-A) Zone**
- 4. That the Owner obtains approval of a Zoning By-law Amendment to rezone the severed lands from an Agricultural (A1) Zone to a Rural Residential (RR) Zone**
- 5. That the Owner of the lot addition lands, located at 54624 Calton Line, obtains approval of a Zoning Bylaw Amendment to rezone the lands from an Agricultural (A1) Zone to the Rural Residential (RR) Zone**
- 6. Planning Report fee payable to the municipality**
- 7. Digital copy of the final survey provided to the municipality**
- 8. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 54694 Calton Line will merge on title with the lands at 54624 Calton Line**

Respectfully Submitted by:

Reviewed by:



Margaret Underhill
Deputy Clerk|Planning Coordinator



Thomas Thayer
CAO|Clerk



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

Memorandum

To/Attention	Municipality of Bayham	Date	May 9, 2022
From	Paul Riley, CPT	Project No	3404-867
cc	William Pol, MCIP, RPP		
Subject	Brady and Erin Zimak - 54694 Calton Line - Application for Consent E70-21		

1. We have completed our review of Consent Application E70-21 submitted by Brady and Erin Zimak for lands located at 54694 Calton Line, west and north side, at the north end of Dennis Road. The applicant is requesting a Consent to sever 2.1 ha (5.1 acre) of land and to retain 65.4 ha (161.5 acres) of land. The intent of this Consent is lot addition to the abutting lands, known municipally as 54624 Calton Line. The subject lands are designated 'Agriculture', 'Natural Heritage' and 'Natural Gas Reservoir' on Schedule 'A1' Land Use; and 'Hazard Lands' and 'Significant Woodlands' on Schedule 'A2' Constraints, of the Municipality of Bayham Official Plan (hereafter, 'Bayham OP'). The subject lands are zoned Agricultural (A1) and LPRCA Regulation Limit on Schedule 'A' Map No. 10 of Zoning By-law Z456-2003.
2. The application received from Elgin County does not include all the relevant information required for full evaluation of the proposal and the Municipality of Bayham requested that some additional information be provided or clarified in the application. We have not received this revised information at the time of this writing, however, we have prepared the following review based on what we consider to be the intent of the application, specifically that this is a lot addition and not a technical severance as noted in the application form.
3. The proposed retained parcel will have lot frontage of 304.8 m (1,000 ft), irregular lot depth exceeding 111 m (364 ft) and the lands are currently occupied by agricultural uses, a dwelling and a barn. There are also woodlands and valleylands associated with a creek tributary system. The proposed severed parcel will have lot frontage of 204 m (669 ft) and lot depth of 94 m (308 ft) and the lands are vacant. The intent is to add the severed lands to the abutting lands with existing single detached residential uses to the east and which have approximate lot area of 1.4 ha (3.4 acres), lot frontage of 240 m (787 ft) and irregular lot depth. Surrounding land uses are agricultural as well as three residential lots abutting to the east, south and west.
4. Elgin County Official Plan (hereafter, 'Elgin OP') policies for Consent and Lot Creation on Lands in the Agricultural Areas are found in Section E1.2.3 New Lots by Consent.

Municipality of Bayham – May 12, 2022

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.

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 lands to be severed shall:
 - a) Frontage: the proposed severed and retained lots have adequate frontage on Calton Line.
 - b) Provincial/County Road Access: the retained lot and the lot addition lands at 54624 Calton Line have an existing driveway with direct access from a County Road (Calton Line).
 - c) Traffic hazard: the existing nature of the driveways and the intent not to intensify the residential use would suggest that a traffic hazard will not be created.
 - d) Size and Frontage: the retained lands have adequate lot area exceeding the minimum requirement in the A1 Zone. The severed lands are intended to be merged with the lot addition lands at 54624 Calton Line and would create an approximate lot area of 3.4 ha (8.4 acres) which is less than the required 20.0 ha (49 acre) minimum lot area in the A1 Zone. (We anticipate the severed land lot area to change due to the proposed lot configuration in relation to natural hazard constraints, discussed below.) The proposed lot addition lands are not suitable for agricultural uses and they are separated from the retained lands due to the topography of the valleylands system. The severed and retained lots provide adequate frontage, however, the lot addition lands do not have adequate lot area for the A1 zone, discussed further below.
 - e) Zoning amendment or variance: the proponents will be required to rezone the severed lands and lot addition lands from an Agricultural (A1) zone to a Rural Residential (RR) zone. The retained lands were previously 3 separate parcels until recent merging. The resultant lot area is 65.4 ha which would be in accordance to the minimum lot area 40.0 ha (98 acres) of the Agriculture (A1-A) Zone. Due to the required rezoning for the severed and lot addition lands it would be appropriate to include in the rezoning application to rezone the retained lands from the A1 Zone to the A1-A zone to recognize minimum lot area. The change from A1 to A1-A would allow the same permitted uses and setbacks, however, the minimum 40.0 ha lot area would discourage future agricultural lot disassembly which would support continued agricultural activities.
 - f) Water and Sewer Services: there are no changes to the existing private water and sewer servicing and no new water and sewer services are proposed.
 - g) Drainage Patterns: the drainage patterns would not be changing as there is no new construction proposed.

Municipality of Bayham – May 12, 2022

- h) Potential restriction of future development and/or access: the proposed severance lands are physically divided from the retained lands by a creek valley and the retained lands have additional frontage along Calton Line for continued access, therefore, no future development is restricted.

Furthermore, we expressed concern to the applicant during pre-consultation, in June 2021, that existing property boundaries backing on the creek generally follow the topography of the creek. The proposed lot configuration along the rear of the severed lands is shown as a straight line which does not appear to address the topography of these valleylands in relation to potentially restricted access to the creek valleylands and significant woodlands for unanticipated maintenance/preservation of these designated natural hazard and significant woodlands lands. Typically, both sides of valley walls and a buffer from the top of bank are maintained in one ownership for conservation/preservation. In our opinion the proposed lot configuration is inadequate at this time until the lot configuration is confirmed as adequate by the Long Point Region Conservation Authority in relation to topography and natural hazards and woodlands policies. Revised lot configuration will be a provisional condition of approval.

- i) Natural Heritage Features: based on a review of the application and the proposed lot configuration in relation to the natural hazard and woodlands features, it is not clear whether there will be any negative impacts on the significant features and functions of any natural heritage feature. The intent of natural heritage policies is that lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes. Based on the Hazard Lands and Significant Woodlands as shown on the Bayham OP Schedule "A2", it is recommended that the applicants be required to prepare an Environmental Impact Study confirming no negative impacts to natural heritage features or processes.
- j) Quality and Quantity of Ground Water: we do not anticipate any physical construction as a result of this consent, with the severed lands being merged with the existing dwelling lands at 54624 Calton Line, therefore, no impact to the water resources.
- k) Natural Hazard: as mentioned in Section "h)" above, the subject lands include natural hazard and significant woodland features which need to be preserved, therefore, the proposed straight rear lot line appears to be inadequate to address the hazardous nature of the subject lands, and future surveying should be conducted in coordination with the LPRCA prior to approval of the proposed consent. Specifically, we would anticipate an assessment of the top of bank location and 15 m buffer from such feature, however, we defer to the LPRCA for applicable policy in relation to such evaluation and setbacks.
- l) Local Official Plan: the Bayham OP is reviewed below.

Municipality of Bayham – May 12, 2022

- 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.

With the proposed conditions of consent being fulfilled the proposed consent conforms to the Elgin OP.

- 6. The Municipality of Bayham Official Plan Section 2.1.9 Minor lot adjustments Consents to sever and convey land in areas designated "Agriculture" shall be permitted for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created. The proposed severance is considered a minor lot addition where the severed lands are merged with the 54624 Calton Line lands rather than the creation of a new conveyable lot. Furthermore, the severed lands are disconnected from the farm by the creek valleylands; the lands are not suitable for agriculture due to size and topography; and there is an existing dwelling on the addition lands so no new dwellings/structures are proposed and the residential use of the addition lands is continued. The proposed consent is in conformity to the Municipality of Bayham Official Plan.
- 7. Based on the above review of Consent Application E70-21, we have no objection to the proposed Consent to sever a portion of land from 56494 Calton Line and add it to lands known as 54624 Calton Line as a minor lot addition, however, we do not support the proposed lot configuration and request that the lot configuration be revised to consider the topography and preservation of the natural hazard lands.

The following conditions for Consent approval are recommended:

- a) That the owners revise the configuration of the severed lands to have regard for hazard lands and setbacks from such hazard lands, including confirmation from the Long Point Region Conservation Authority that the lot configuration is adequate.
- b) That the owner obtains approval for Zoning By-law Amendment to rezone the retained lands from an Agricultural (A1) zone to an Agricultural (A1-A) Zone.
- c) That the owner obtains approval of a Zoning By-law Amendment for the severed lands from an A1 zone to a Rural Residential (RR) Zone.
- d) That the owners of the lot addition lands, located at 54624 Calton Line, obtain Zoning By-law Amendment approval to rezone the lands from the A1 Zone to the RR Zone.
- e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- f) That the owner provides a digital copy of a survey of the subject lands.
- g) That the owners provide an Environmental Impact Assessment (EIS) report confirming no impact to natural heritage features in coordination with the LPRCA.

Municipality of Bayham – May 12, 2022

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham

From: [Marg Underhill](#)
To: [Brian Lima](#)
Cc: [Marlene Bainbridge; mcphail@republicurbanism.com](mailto:mcphail@republicurbanism.com)
Subject: Consent Application E-70-21 Zimak
Date: May 20, 2022 11:08:37 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.

Good Morning Brian

This email is a follow-up to the draft Report sent to you on May 13th.

Additional information was provided May 18th by LPRCA to Jesse McPhail, Re:Public Urbanism, through to Planning Coordinator/Deputy Clerk regarding LPRCA's opinion on this file. One point being that the LPRCA does not require an EIS to support his consent application.

Therefore, at last night's meeting the Planning Coordinator shared this with Council and they passed the amended resolution removing the EIS condition as follows:

THAT Report DS-28/22 regarding Consent Application E70-21 Zimak be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E70-21 be granted subject to the following considerations and conditions:

1. That the Owner revise the configuration of the severed lands to have regard for hazard lands and setbacks from such hazard lands, including confirmation from the Long Point Region Conservation Authority that the lot configuration is adequate.
- ~~2. That the Owner provide an Environmental Impact Assessment (EIS) Report confirming no impact to natural heritage features in coordination with the Long Point Region Conservation Authority.~~
3. That the Owner obtains approval of a Zoning By-law Amendment to rezone the retained lands from an Agricultural (A1) Zone to an Agricultural (A1-A) Zone
4. That the Owner obtains approval of a Zoning By-law Amendment to rezone the severed lands from an Agricultural (A1) Zone to a Rural Residential (RR) Zone
5. That the Owner of the lot addition lands, located at 54624 Calton Line, obtains approval of a Zoning Bylaw Amendment to rezone the lands from an Agricultural (A1) Zone to the Rural Residential (RR) Zone

- 6. Planning Report fee payable to the municipality**
- 7. Digital copy of the final survey provided to the municipality**
- 8. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 54694 Calton Line will merge on title with the lands at 54624 Calton Line**

Plea advise if you require anything further from the Municipality.

Regards,

Margaret Underhill
Planning Coordinator/Deputy Clerk
Municipality of Bayham
56169 Heritage Line, PO Box 160
Straffordville ON N0J 1Y0
T: 519-866-5521 Ext 222
F: 519-866-3884
munderhill@bayham.on.ca
www.bayham.on.ca



Long Point Region Conservation Authority

4 Elm St., Tillsonburg ON N4G 0C4 Tel: (519) 842-4242 Fax: (519) 842-7123
Email: conservation@lprca.on.ca Website: www.lprca.on.ca

May 20, 2022
Elgin County

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have reviewed application E70-21 and can provide the following comments based on LPRCA's various plan review responsibilities for Elgin County's consideration. It is staff's understanding that the submitted consent application will facilitate a lot addition.

Delegated Responsibility from the Ministry of Natural Resources and Forestry, Section 3.1 of the Provincial Policy Statement, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of Section 3.0 - Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards. As such, "development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards."

The application is subject to the following subsections of Section 3.1 of the Provincial Policy Statement:

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;

3.1.2 Development and site alteration shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard;

Staff can advise that the proposed application is consistent with Section 3.1 of the Provincial Policy Statement, 2020. LPRCA staff have no objection to the concept of this application.

Ontario Regulation 178/06

The subject lands (both the proposed severed and retained parcels) are regulated by Long Point Region Conservation Authority under Ontario Regulation 178/06. Permission from this office is required prior to any development taking place on the proposed severed parcel. Development is defined as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990, c. 27, s. 28 (25))

The application as submitted proposes a lot boundary adjustment and no further development on the subject lands. LPRCA staff have no concerns with the severance as proposed. However, the buildable area where LPRCA staff could support further development on the severed parcel is restricted to the southwest corner of the severed parcel.

Please contact our office for any further questions in this regard.

Aisling Lavery, Resource Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 16, 2022 ELGIN COUNTY ROAD NO.: 45 – 54694 Calton Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 70-21

OWNER: Brady & Erin Zimak

PROPERTY: LOT NO. 6 & 7 CONCESSION: 4

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.....

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: May 19, 2022
Application: E 70-21

Owner:
Brady and Erin Zimak
54694 Calton Line, Vienna, ON N0J 1Z0

Agent:
N/A

Location: CON 4 PT LOT 6 AND PT ROAD; ALLOW BTWN LOTS 5,6; MUNICIPALITY OF BAYHAM; MUNICIPAL ADDRESS: 54694 CALTON LINE

PROPOSAL

The applicant proposes to sever lands with a frontage of 204.0 metres (669.29 feet) along Calton Line, by a depth of 94.02 metres (308.46 feet) and an area of 2.05 hectares (5.07 acres) to be conveyed to 54624 Calton Line. The applicant proposes to retain 65.35 hectares (161.5 acres) to maintain its existing residential use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural Area

**Local Municipality Zoning
By-law**
Agricultural 1 (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – A Council-endorsed recommendation has not been received at the time of writing; however, the following staff recommendation will be presented to Municipality of Bayham Council on May 19, 2022:

“THAT Council recommend to the Elgin County Land Division Committee that Consent Application E 70-21 be granted”

subject to the conditions provided by the Municipality as outlined in the Recommendation section of this report.

County Engineering – indicated no concerns or objections.

Long Point Region Conservation Authority – Formal comments have not been received at the time of writing; however, staff have discussed the proposal with LPRCA in relation to the natural heritage and hazard features present, who have provided preliminary comments

regarding the Municipality of Bayham's recommended conditions for addressing potential impacts with these features as follows:

"Regarding the conditions from the local municipality:

1. The LPRCA will confirm the severed lot boundaries once the complete application package is provided. Our office was provided a plan last year by the applicant and had no concerns with the proposed boundary. We just need to confirm the two plans match.
2. The LPRCA will not require an EIS to support this consent application."

No concerns were raised in discussions with LPRCA staff.

No further comments have been received at the time of writing.

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 consent provisions in accordance with Section 53 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 in a Prime Agricultural Area. Subsection 2.3.4.2 states that "*Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*" The PPS defines "*Legal or Technical Reasons*" as "*severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*"

Considering the proposal involves the severance and subsequent consolidation of the severed lands with the adjacent developed lot (54624 Calton Line), no new lot is being created. Further, the ability for the severed lands to be viably used for agricultural purposes is severely limited by the parcel's size and topographical separation from the balance of the farmland by the creek and associated natural heritage features.

Considering the above, it is staff's opinion that the proposed severance is consistent with the PPS. As no development is proposed and the benefitting lot at 54624 Calton Line is already developed, staff do not have concerns with respect to the natural heritage features present on the site.

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 for *legal or technical reasons*, as outlined in the PPS, if the local Official Plan supports their creation. Furthermore, E1.2.3.2 outlines the policies for Boundary Adjustments, which states the following:

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

Both of the policies outlined above are consistent with the PPS for lot creation/adjustments in agricultural areas. It is staff's opinion that the proposed severance complies with the County Official Plan policies, subject to the severed parcel being added to 54624 Calton Line.

Notwithstanding the presence of Natural Heritage Features and Hazards on the subject lands, no development is proposed on the severed lands, and they are being added to an existing, developed parcel. The lands are located within the Long Point Region Conservation Authority's (LPRCA) regulated area; therefore, any future development on the lands would be subject to requirements for investigation of potential impacts to or arising from the presence of these features. Staff do not recommend that an Environmental Impact Statement (EIS) be required as a condition of approval, unless requested by LPRCA.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated “Agriculture”, “Natural Heritage” and “Natural Gas Reservoir” on Schedule ‘A1’ Land Use, and ‘Hazard Lands’, ‘Significant Woodlands’ on Schedule ‘A2’ Constraints of the Municipality of Bayham Official Plan.

Section 2.1.9 of the OP outlines the policies for minor lot adjustments in the agricultural area, largely consistent with those in the County OP and PPS. The proposal appears to conform to these policies. The proposed use of the lands as an extension of the existing residential uses on 54624 Calton Line are appropriate, given they are not viable for agriculture.

Notwithstanding the presence of the natural heritage features and hazard lands, the proposal does not detail any plans for development on the severed lands as they are being merged with 54624 Calton Line. Following conversations with LPRCA staff, County staff are satisfied that the proposal will not adversely impact, nor be impacted by, the presence of these features. However, an EIS or other further investigation may be required for any future development or construction proposed on the severed lands. The proposal conforms with the Municipality of Bayham OP.

The subject lands are zoned Agricultural (A1) under Zoning By-law No. Z456-2003. An amendment to the zoning by-law will be required to rezone the severed lands to a Rural Residential (RR) Zone, and the retained lands to Agricultural (A1-A) Zone.

Municipality of Bayham staff have raised concerns with the proposed layout of the mutual lot lines between the severed and retained parcels. The proposed lot line appears to ignore the topography of the creek and associated valley lands. As such, a recommendation was put forth to have the mutual lot line reconfigured so as to have better regard for the natural features here (ex. having the boundary follow the centreline of creek, or top of bank of

valley), to be endorsed by the LPRCA. County staff are in agreement with this recommendation, as it creates a more logical property boundary, aligned with topography.

RECOMMENDATION:

This application for consent is consistent with the 2020 Provincial Policy Statement and complies with the County of Elgin and Municipality of Bayham Official Plans regarding minor boundary adjustments 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 Municipality of Bayham be included as conditions for consent:

3. That the Owner revise the configuration of the severed lands to have regard for hazard lands and setbacks from such hazard lands, including confirmation from the Long Point Region Conservation Authority;
4. That the Owner obtains approval of a Zoning By-law Amendment to rezone the retained lands from an Agricultural (A1) Zone to an Agricultural (A1-A) Zone;
5. That the Owner obtains approval of a Zoning By-law Amendment to rezone the severed lands from an Agricultural (A1) Zone to a Rural Residential (RR) Zone;
6. That the Owner of the lot addition lands, located at 54624 Calton Line, obtains approval of a Zoning By-law Amendment to rezone the lands from an Agricultural (A1) Zone to the Rural Residential (RR) Zone;
7. Planning Report fee payable to the Municipality;
8. Digital copy of the final survey provided to the Municipality;
9. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 54694 Calton Line will merge on title with the lands at 54624 Calton Line.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 3-22**

**LOT 9, CONCESSION 3
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 35229 THIRD LINE**

TAKE NOTICE that an application has been made by Pioneer Hay Sales Ltd 29013 Pioneer Line, Dutton ON N0L 1J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35229 Third Line, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 57 metres (187 feet) along Third Line by a depth of 398 metres (1305.77 feet) and an area of 2.6 hectares (6.42 acres) containing a residence and 4 additional buildings, for residential use. The applicants are retaining 34.6 hectares (85.5 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY MAY 25, 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.

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 27th day of April, 2022.

Julie Gonyou
Secretary-Treasurer
Land Division Committee

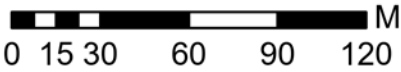
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Subject Site: 35229 Third Line
File Number: E 3-2022
Owner: Pioneer Hay Sales LTD
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 04/28/2022
Township of Southwold



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

Legend



Subject Site



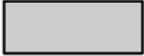
Severed



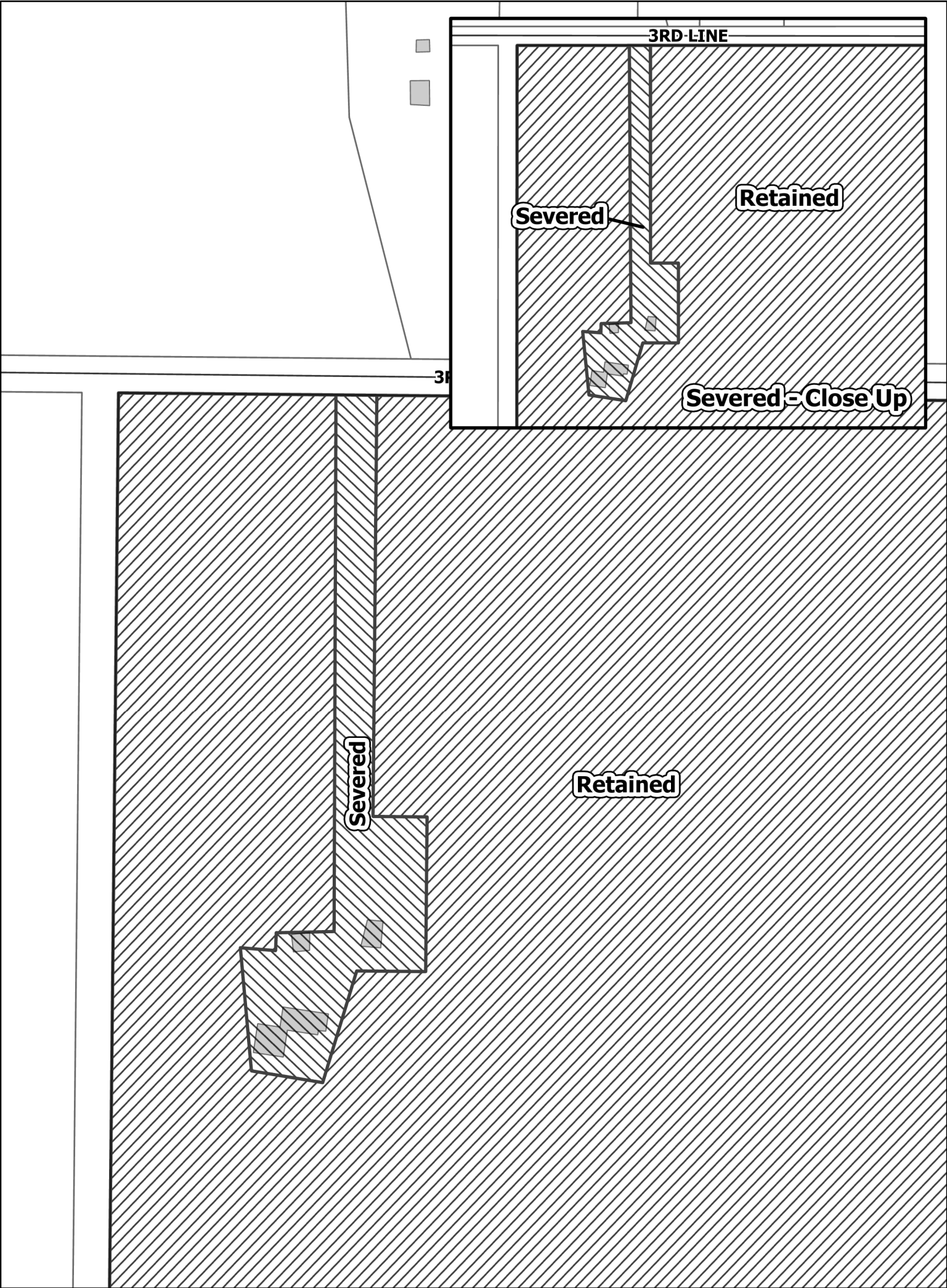
Retained



Elgin Road Network



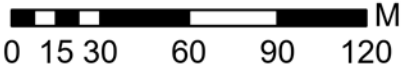
Buildings



Location Map



Subject Site: 35229 Third Line
File Number: E 3-2022
Owner: Pioneer Hay Sales LTD
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 04/28/2022
Township of Southwold



Legend



Subject Site



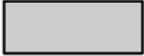
Severed



Retained



Elgin Road Network



Buildings



January 27, 2022

Jordan Fohkens, B. M. Ross and Associates Limited

Via e-mail: jfohkens@bmross.net

Pioneer Hay Sales Ltd.

29013 Pioneer Line

Dutton ON N0L 1J0

RE: Severance Application E 3-22

Pioneer Hay Sales Ltd.

35229 Third Line

Lot 9, Concession 3,

Township of Southwold

Dear Mr. Fohkens and Pioneer Hay Sales Ltd.:

A decision on application E 3-22 was deferred by the Land Division Committee, on January 26, 2022, until such time that a revised application with a maximum lot size of 3 acres for the severed parcel is presented, to ensure that the Land Division Committee is able to invoke its consent granting authority on this application through the Ontario Planning Act, RSO, 1990, as amended.

A reconsideration of the applications can be heard on **Wednesday, April 27th, 2022**. If you wish to defer consideration of the application to another meeting, kindly advise as soon as possible to landdivision@elgin.ca.

Please submit any revised information or correspondence to the Secretary Treasurer by **March 2nd, 2022** so it may be placed in the April 27th Land Division Committee agenda package, if applicable. Please confirm receipt of this letter and the revised Land Division Committee meeting date.

Sincerely,

Julie Gonyou
Secretary Treasurer
Land Division Committee
County of Elgin

c.c. Lisa Higgs cao@southwold.ca
Bryan Pearce planning@southwold.ca
Brian Lima blima@elgin.ca

VIA EMAIL ONLY

March 15, 2022

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

Ms. Gonyou:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E3-22 (Revised)
Legal Description: North Part Lot 9, Concession 3
Civic Address: 35229 Third Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the March 14, 2022, Council Meeting and passed the following resolution:

Council Resolution 2022-63

THAT Council of the Township of Southwold receive Report PLA 2022-04 regarding Consent Application E3-22 (Revised) – Comments to the County of Elgin – Follow-up Report;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E3-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-04;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-04 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 2022-04: Consent Application E3-22 (Revised) Comments to County of Elgin – Follow-up Report, dated March 14, 2022; and
2. E3-22 (Revised) Municipal Appraisal Form.

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

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

Yours truly,

Bryan Pearce

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Township of Southwold
35663 Fingal Line
Fingal, Ontario N0L 1K0
Office: 519-769-2010
Cell: 519-280-1028
Email: planning@southwold.ca

Encl.

Cc:

Owner: Pioneer Hay Sales Ltd, c/o Brett Fleming: (Email: fleming@hayandgrainltd.net)
Applicant/Agent: Jordan Fohkens, B. M. Ross and Associates (Email: jfohkens@bmross.net)



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: March 14, 2022

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

REPORT NO: PLA 2022-04

SUBJECT MATTER: Consent Application E3-22 (Revised) – Comments to the County of Elgin – Follow-up Report

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-04 regarding Consent Application E3-22 (Revised) – Comments to the County of Elgin – Follow-up Report;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E3-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-04;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-04 as Municipal comments to the County of Elgin.

Purpose:

The proposal is a surplus farm dwelling lot creation from the farmlands at 35229 Third Line, that is surplus to the farm operations.

This report is a follow-up report to PLA 2022-01, as the application has been revised by the proponents to reduce the severed parcel's lot area and frontage, based on comments received from the Township and the Land Division Committee, heard at the January 26, 2022 Public Hearing at the Land Division Committee Meeting. Lot frontage of the severed parcel was reduced from 57 metres (187 feet) to 21.8 metres (71.59 feet) and lot area of the severed parcel was reduced from 2.6 hectares (6.42 acres) to 1.36 hectares (3.36 acres) respectively.

Background:

Below is a background information, in a summary chart:

Application	E3-22
Owner	Pioneer Hay Sales Ltd
Applicant	Jordan Fohkens, B. M. Ross and Associates
Legal Description	North Part Lot 9, Concession 3
Civic Address	35229 Third Line
Entrance Access	Third Line
Water Supply	Municipal Water
Sewage Supply	Privately owned and operated individual septic system
Existing Land Area	37.2 ha (91.9 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
E3-22	21.8 m (71.59 ft)	Irregular	1.36 ha (3.36 ac)	500.8 m (1,643 ft)	619 m (2,031 ft)	35.84 ha (88.56 ac)

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

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



The consent sketch, showing E3-22 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 (PPS) and does not conflict with Provincial Plans. Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Township of Southwold Official Plan (OP) and make decisions that represent good land use planning.

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

PPS

The subject lands are within the Agricultural area (Section 2.3). Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect.

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).

This proposal appears to be consistent with the PPS.

CEOP

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.4(b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks. The residence is connected to the municipal water and private on-site septic – with the septic report that was submitted with the application stating that the septic system needs to be replaced. A condition to replace the septic system is recommended.

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

Therefore, this proposal appears to conform to the CEOP.

OP

The subject lands are designated Agricultural on Schedule 'A' Land Use in the OP. The Woodlands on Schedule 'B' overlay apply to a portion of the proposed retained parcel and the Hazard Lands on Schedule 'B-1' overlay apply to a portion of the proposed retained parcel.

Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 6.8.6(e) Agricultural Consent policies for residences surplus to the needs of a farm operation state land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use;

- iii) Minimum Distance Separation I provisions can be met.

The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are livestock operations within the 750 metres, as documented in the application, but MDS-I is exempt for surplus farm dwellings on the adjacent lands since there is no specific policies within the OP, as per Guideline 9 of the MDS Guideline.

Section 5.7.1 of the OP, Sanitary Sewage and Water Services policies require that existing sewage and water services be adequate. The existing septic system is in very poor condition and needs to be replaced. As contained in their application submission.

Section 2.1 of the OP, Natural Heritage Features and Areas and Hazard Lands prohibits buildings, structures, and alteration to lands designated Hazard Lands. Section 2.2 Natural Heritage Features and Areas states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to the EIS demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels.

Therefore, this proposal appears to conform to the OP.

OP 2021

The OP 2021 has been adopted by Council on November 15, 2021; and will be reviewed against proposals, as the Township works through the approvals process. The OP 2021 was approved as modified on February 22, 2022 and is currently in the appeal period.

The subject lands are designated Agricultural on Schedule '4' in the OP 2021. The Woodlands on Schedule '2' overlay apply to a portion of the proposed retained parcel and the Hazard Lands on Schedule '3' overlay apply to a portion of the proposed retained parcel. Section 5.1 permits agricultural uses. Section 7.23.4(e) permits surplus farm dwelling consents. No development is proposed with this consent, so there are no impacts to natural heritage (Section 4.1) or natural hazards (Section 4.2).

Therefore, this proposal appears to conform to the OP 2021.

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

The subject lands are zoned Agricultural 1 (A1), with the watercourses portion of the lands in the southeast corner subject to Conservation Authority Regulation Limits as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 2, as depicted in Figure Two below.



The A1 Zone permitted uses includes agricultural use and single detached dwelling. The regulations for a lot legally used for a single detached dwelling created by consent are subject to reduced lot requirements. The A1 Zone Subsection 5.2(g) Reduced Lot Requirements regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 square metres (20,000.0 square metres). The maximum lot area permitted is 6,000 square metres (1.48 acres). The minimum lot frontage is 30.0 metres (98.0 feet).

The proposed severed parcel area of approximately 13,612 square metre (3.36 acre) parcel with a frontage of 21.82 metres (71.59 feet), not complying with the Subsection 5.2(g) requirements of the ZBL for maximum land area and minimum lot frontage requirements respectively. The severed parcel would need to be rezoned to A1-XX, with the special provision created in order to recognize the lot area and lot frontage of the lot being created, as a condition of approval.

The proposed retained parcel would need to be rezoned to implement the proposed lot creation by zoning it to the A3 Zone, as a condition of consent. The A3 Zone prohibits dwellings, which is required as part of a surplus farm dwelling severance.

Section 3.11 Hazard Lands states no permanent buildings or structures with the exception of 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.

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

Circulation Of The Application:

The original application was circulated, as a result of the revisions no additional circulation was warranted, as the comments will remain the same.

Township Department Comments

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

- Drainage Department:
 - Municipal drain reapportionment required on the McIntosh Drain No. 2, Ferrara Third Line, McArthur and Bogart Drains; and
 - Mutual Drain Agreement required.
- Financial Services Department:
 - No comments.
- Building Department:
 - Demolition permit will be required for the silo;
 - Septic permit will be required for new septic system; and
 - If the existing barn was previously used for livestock a change of use permit will be required to change to an accessory structure only.
- Infrastructure Department:
 - No concerns.
- Roads Department:
 - No concerns.

Planning Staff notes that this can be addressed as a condition of approval for a reapportionment, silo removal and septic replacement. The existing barn doesn't appear that it was used for livestock, as further evaluated in the application, the only nearby livestock barn is the farmstead to the east, used for horses.

Additional Comments:

The recommended Township conditions for consent application E3-22 is attached to this report as Appendix Two for reference purposes.

The revised plan letter from B. M. Ross and Associates Limited, dated March 2, 2022, is also attached for information 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 surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

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

Respectfully submitted by:

**Bryan Pearce, HBA, CPT, MCIP, RPP
Planner**

Approved for submission by:

**Lisa Higgs
CAO/Clerk**

Appendices:

1. Appendix One: Consent Sketch E3-22 (Revised)
2. Appendix Two: Consent Application E3-22 Conditions
3. Appendix Three: B. M. Ross and Associates Limited Revised Plan Letter, dated March 2, 2022

CONSENT SKETCH E3-22

AREA OF
PARCEL "A" TO BE SEVERED
= 13612 SQUARE METRES
(3.36 ACRES)

AGRICULTURAL

BE SEVERED

SOUTHWOLD

AREA OF
2 STOREY DWELLING
& COVERED PORCH
107.2 S.Q.M.

AGRICULTURAL

PARCEL "B"
TO BE RETAINED

→ DENOTES GUY WIRE
 • DENOTES HYDRO POLE
 ■ DENOTES BELL PEDESTAL
 ⊕ DENOTES APPROXIMATE LOCATION OF SEPTIC TANK

30 HARVEY STREET, TILSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17021 REFERENCE: FILE

Report PLA 2022-04:

Consent Application E3-22 (Revised) – Comments to the County of Elgin – Follow-up Report

Appendix Two: Consent Application E3-22 Conditions

Consent Application E3 -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's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. 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.
8. That the Applicant obtain a septic permit for the removal of the existing septic system and install a new septic system by a qualified contractor on the severed parcel, to the satisfaction and clearance of the Municipality.
9. That the Applicant have the existing silo demolished on the severed parcel, with all materials removed, to the satisfaction and clearance of the Municipality.
10. That the Applicant obtain a change of use permit for the existing barns that had capability of housing livestock, to ensure all capability of housing livestock has been removed, to the satisfaction and clearance of the Municipality.

11. 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.
12. 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.
13. 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*.

B. M. ROSS AND ASSOCIATES LIMITED
Engineers and Planners
2695 Hamilton Road, P.O. Box 400
Brights Grove, ON N0N 1C0
p. (519) 908-9564 www.bmross.net

File No.: 21335

March 2, 2022

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

**Re: Consent to Sever 35229 Third Line, Southwold
Revised Plan for Consent Application E3-22**

Dear Mr. Lima:

On behalf of Pioneer Hay Sales Ltd., we are pleased to resubmit a new site survey and request that Consent Application E3-22 be amended to reflect the revised severed and retained lands shown on the plan. The updated proposal would sever a smaller surplus farm dwelling lot with an area of 1.36 hectares (3.36 acres) and retain a larger agricultural parcel with an area of approximately 35.84 hectares (88.56 acres).

The proposed changes were made as a result of comments from the Township of Southwold, who expressed concerns with the size of the severed lot that was originally proposed. The size of the severed parcel has been reduced by 1.28 hectares (3.16 acres), which is 48% smaller than the severed lands in the original submission. While slightly larger than the area recommended by the Township, we feel that the lot size is consistent with the surrounding area, is less than what has recently been approved in the Township and is appropriate for the use.

Surrounding Area

As mentioned in the Planning Justification Report submitted with the application, the surrounding area has a number of non-farm lots that are larger than the size of the severed lands in this application. This includes numerous non-farm lots located on Second, Third, and Fourth Lines that are located within several kilometres of the property.

Directly across the street from the subject lands is a non-farm lot (35250 Third Line) with an area of approximately 3.1 acres. This lot contains approximately 0.8 acres of farmland, a large accessory building, and a dwelling that is setback approximately 139 metres from the front lot line (153 metres closer than the dwelling on the subject lands).

For these reasons, and as mentioned in the Planning Justification Report, we are of the opinion the proposed lot size in this application reflects the character of the agricultural area.

Previous Approvals for Surplus Farm Dwellings in Southwold

While the proposed severed lot would be consistent with nearby non-farm lots and much smaller than non-farm lots in the surrounding area, we recognize that many of these lots may have been created before current policy documents were in effect. For this reason, we reviewed recent lot division approvals in Southwold to determine the current direction for lot creation in the agricultural area of the Township.

As mentioned in the Planning Justification Report, there have been 29 amendments to allow surplus farm dwelling lots to be larger than what is allowed by the zoning regulations. Several of these site-specific zones allow lots of a similar size or larger than that proposed in this application, even though the dwellings are located much closer to the front lot lines than the subject lands. This includes a 3.48-acre parcel at 8115 Burwell Road (front yard depth of 13 metres) and a 3.01-acre parcel at 9509 Moore Line (front yard depth of 9 metres). Therefore, the proposed size of the severed lot in this application is consistent with non-farm lots that were recently approved in Southwold.

Appropriate Size for the Residential Use

The Township's zoning by-law requires surplus farm dwelling severances to have a maximum lot area of 1.48 acres. As shown in the table below, the dwelling would comply with the lot area requirements if it was located at the minimum depth required by the regulations.

Table 1- Front Yard Depth Comparison

	A1 Zone	Severed Lot
Front Yard Depth (min.)	19 metres	290 metres
Lot Area (max.)	6,000 square metres (1.48 acres)	13,612 square metres (3.36 acres)
Lot Frontage (min.)	30 metres	21.82 metres
Lot Area of Front Yard	570 square metres (0.14 acres)	7,952 square metres (1.96 acres)
Size of Parcel (Not Including Front Yard)	5,430 square metres (1.34 acres)	5,660 square metres (1.40 acres)

As shown in the table above, the lot area of the front yard of the severed lot is much larger than what typically exists for surplus farm dwelling lots, as it accounts for approximately 58% of the lot area (compared to less than 10%). This is mainly attributed to the laneway. If the dwelling was located at the depth allowed by the by-law, the lot size would have an area that would be marginally larger than by-law requirements and less than many surplus farm dwelling lots that have been recently severed.

The proposed severed parcel includes a laneway, dwelling, accessory buildings, and area for a new septic system (including weeping bed). The proposed severance would not remove any lands that are currently cultivated. While the lot would include large accessory buildings, they are no longer designed for agricultural use and the size is not uncommon in the area as additional storage space is typically required for larger lots (e.g., lawn machinery, larger vehicles, etc.).

Conclusion

As a farming operation, the owner wishes to retain as much agricultural land as possible. However, due to the physical characteristics of the site, it is not feasible or practical to sever the lands with a lot area less than 3.36 acres. The proposed severance is consistent with the surrounding agricultural area, has a lot area that is less than what has been recently approved, and would comply with all zoning standards if the dwelling was located closer to the road.

For these reasons, and as mentioned in the Planning Justification Report, we are of the opinion the proposed land severance is in the public interest, is consistent with the Provincial Policy Statement, conforms to the County of Elgin and Township of Southwold Official Plans, and meets the criteria for a successful consent identified in the Planning Act.

Thank you for providing us with the opportunity to amend this consent application and for your assistance during this process. We look forward to meeting with the Land Division Committee in the near future to discuss this proposal.

Yours very truly,

B. M. ROSS AND ASSOCIATES LIMITED

Per Jordan Fohkens
Jordan Fohkens,
Planner



Per Matt Pearson
Matt Pearson, MCIP RPP
Senior Planner

Encl.

cc. Brett Fleming, Pioneer Hay Sales Ltd.
Dan McKillop, Peak Professionals Realty Inc.
Bryan Pearce, Planner (Township of Southwold)
Lisa Higgs, Chief Administrative Officer (Township of Southwold)

AREA OF
PARCEL "A" TO BE SEVERED
= 13612 SQUARE METRES
(3.36 ACRES)

AGRICULTURAL

SOUTHWOLD

AREA OF DWELLING
2 STOREY
& COVERED PORCH
107.2 S.Q.M.

AGRICULTURAL

PARCEL "B"
TO BE RETAINED

- DENOTES GUY WIRE
- DENOTES HYDRO POLE
- DENOTES BELL PEDESTAL
- ⊕ DENOTES APPROXIMATE LOCATION OF SEPTIC TANK

30 HARVEY STREET, TILLSBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17021 REFERENCE: FILE

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 E3-22 (Revised)

Owner: Pioneer Hay Sales Ltd.

Applicant: Jordan Fohkens, B. M. Ross and Associates

Location 35229 Third Line

OFFICIAL PLAN

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

Land Use Designation: Agricultural – Southwold Official Plan_____

Policies:

Current Township OP: Sections 4.1 and 6.8.6

Adopted Township OP: Sections 5.1 and 7.23.4

ZONING

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

Comments:

Condition of consent to rezone the severed and retained parcels, as contained within Planning Report

PLA 2022-04

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

OTHER

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

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

Yes (x) No ()

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

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

All local municipal interests are contained in the conditions imposed by the Township. Please refer to

Planning Report PLA 2022-04

January 12, 2022

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

Attn: **Brian Lima**

Re: **Consent Application E 3-22**
35229 Third Line
Lot 9, Concession 3
Township of Southwold

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

The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

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

Yours truly



Connor Wilson
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022 ELGIN COUNTY ROAD NO.: 18 - 35229 Third Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 3-22

OWNER: Pioneer Hay Sales Ltd.

PROPERTY: LOT NO. 9 CONCESSION: 3

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 Third Line County Road (18) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

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

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: May 19, 2022
Application: E 3-22 (resubmission with revisions)

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

Agent:
Jordan Fohkens
B.M. Ross & Associates

Location: 35229 THIRD LINE, CONCESSION 3, PART LOT 9, TOWNSHIP OF
SOUTHWOLD

PROPOSAL

**Please note that this proposal is a resubmission of the original proposal heard by the Land Division Committee on January 26, 2022, with revisions to size and frontage of the severed lot corresponding to comments received from the Township of Southwold and Land Division Committee. The resubmission proposes to retain a larger agricultural parcel than the previous submission, which is aligned with the feedback received.*

The applicants propose to sever a parcel with an area of 1.36 hectares (3.36 acres) and frontage of 21.8 metres (71.6 feet), containing one dwelling, a garage, a cabin, barn and a silo (silo to be removed), considered surplus to the applicant's farm operation. The applicants are retaining a parcel with an area of 35.84 hectares (88.56 acres) of vacant land, proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Agricultural 1 (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – "THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E3-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-04".

County Engineering – That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Third Line County Road (18) 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. Further 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.

Lower Thames Valley Conservation Authority – No objections, the property in question is not subject to the Authority's regulations.

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 consent provisions in accordance with Section 53 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 giving consideration to the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prohibit residential uses 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 prohibit residential uses on the retained parcel.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural on Schedule 'A' Land Use. Section 5.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted. Section 7.23.4 of the OP contains the Agricultural Consent Policies. Those policies state that land severances in the Agricultural Area may be permitted for, among other things:

- "e) *a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:*
- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
 - ii) the non-farm parcel will be zoned to recognize the non-farm residential use; and*
 - iii) Minimum Distance Separation I provisions can be met;"*

These policies are generally consistent with those of the County Official Plan and the PPS. The applicant's consultant has demonstrated through the Planning Justification Report (B.M. Ross & Associates Limited, File No. 21335, November 29, 2021) that the MDS I requirements can be met. Notwithstanding the revisions to the proposal in terms of reductions to the severed parcel size and frontage, the report provided is still applicable. It is staff's opinion that the proposed severance complies with the Township of Southwold Official Plan policies, subject to a zoning amendment to prohibit residential uses on the retained parcel and recognize non-farm use on the severed parcel.

The subject lands are zoned Agricultural 1 (A1) in the Township of Southwold Zoning By-law 2011-14. An amendment to the By-law will be required to implement the policies of the County of Elgin and Township of Southwold 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 Southwold 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.
3. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Third Line County Road (18) 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.
4. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

5. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
6. 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.
7. 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.
8. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
9. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
11. 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.
12. That the Applicant obtain a septic permit for the removal of the existing septic system and install a new septic system by a qualified contractor on the severed parcel, to the satisfaction and clearance of the Municipality.
13. That the Applicant have the existing silo demolished on the severed parcel, with all materials removed, to the satisfaction and clearance of the Municipality.

14. That the Applicant obtain a change of use permit for the existing barns that had capability of housing livestock, to ensure all capability of housing livestock has been removed, to the satisfaction and clearance of the Municipality.
15. 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.
16. 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.
17. 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.



CORPORATION OF THE COUNTY OF ELGIN
REVISED NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 44-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

TAKE NOTICE that an application has been made by **Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10247 Talbotville Gore Road, Township of Southwold.

The applicant proposes to sever a lot with a **revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by a **revised depth of 30.48 metres (100.00 feet)** and a **revised area of 540.2m² (5814.66ft²)** for future residential use. The owner is retaining a **revised area of 16 842.2m² (181287.93 ft²)** proposed to remain an existing vacant lot (structures to be removed).

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 JUNE 23, 2021 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 alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

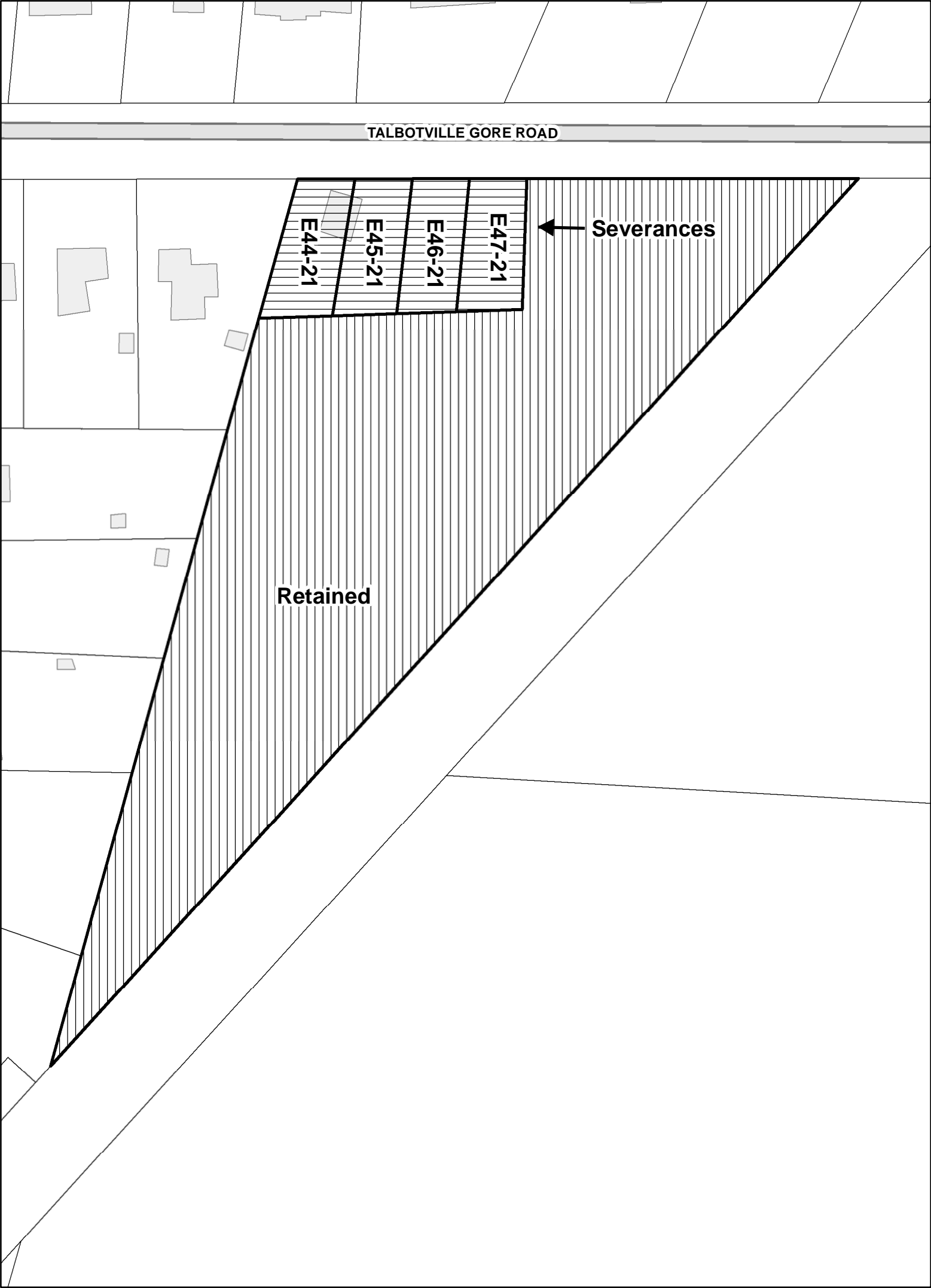
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 9th day of June, 2021.

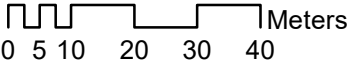
Aisling Lavery
Secretary-Treasurer
Land Division Committee

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



Location Map

Subject Site: 10247 Talbotville Gore Road
File Number: E44-2021 to E47-2021
Owner: Brett Allen
Planner: Nancy Pasato
Created By: AL
Date: 05/25/2021








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

Scale 1:1,200



Legend

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



Application #E 44-21

June 23, 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 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

The applicant proposes to sever a lot with a **revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by a **revised depth of 30.48 metres (100.00 feet)** and a **revised area of 540.2m² (5814.66ft²)** for future residential use. The owner is retaining a **revised area of 16 842.2m² (181287.93 ft²)** proposed to remain an existing vacant lot (structures to be removed).

Consent requested by: Brett Douglas Allen

Consent granted to: Brett Douglas Allen

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: June 23, 2022.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

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

Reasons: Creation of a new residential 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 44-21

June 23, 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, Aisling Lavery 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 23rd day of June, 2021.



Aisling Lavery
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

REVISED NOTICE OF DECISION

APPLICATION NO. E 44-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

BRETT DOUGLAS ALLEN

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 44-21 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 **27th day of July, 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 7th day of July, 2021.



Aisling Lavery
Secretary-Treasurer
Land Division Committee

c.c. Township of Southwold: cao@southwold.ca, planning@westelgin.net
Agent: Aldo Caranci: carancigroup@gmail.com

**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

EXPLANATORY NOTE

To: Elgin County Land Division Committee
From: Elgin County Legal Services
Date: May 19, 2022
Application: E 44-21; E45-21; E46-21; E47-21

Background

On June 23, 2021 the Land Division Committee (“LDC”) made four Decisions (hereinafter collectively referred to as the “Decision”) providing provisional consent to applications E44-21; E45-21; E46-21 and E47-21 (together, the “Applications”) with regard to the lands municipally known as 10247 Talbotville Gore Road and legally described as Part Lot 40, Concession SNBTR; Township of Southwold. The Applicant in all four files was Brett Douglas Allen.

Subsequent to provisional Consent being given, but before the conditions were/are satisfied and Transfer documents presented for stamping by the Secretary-Treasurer, the entire parcel of land that is the subject of the Applications was transferred from the initial Applicant, Brett Douglas Allen, to the current owner, Woodland Way Developments Inc.

Issue

Faced with the anticipated submission of Transfer documents for stamping which name the current owner as Transferor, Elgin County Legal Services identified that the previous transfer of the entire parcel of land to a new owner creates a disconnect with the Decision that was made by the LDC. This is a process issue solely, and does not engage the planning merits of the Decision or the conditions. The Decision identifies that the Consent is granted to Brett Douglas Allen. The conditions begin by stating that the Decision will expire unless a deed is presented for stamping by June 23, 2022. Together, this creates a situation where Brett Douglas Allen needs to present a deed for stamping to give effect to the severance(s) but as Woodland Way Developments Inc. is now the owner, that cannot occur.

Recommended Solution

A solution to this process issue is to make a change or changes to the Conditions to account and allow for presentation and stamping of Transfer documents naming the current owner as Transferor and, if required, extending the time for satisfaction of conditions – suggested wording could include the following:

“This Decision will expire unless a deed naming the current registered owner as Transferor, as a qualifying assignee of the Provisional Consent, is presented for stamping by: June 23, 2022.”

Elgin County Legal Services views that the suggested changes would continue to recognize the planning merits of the Decisions without violation of the *Planning Act* and, in that can be considered as minor in nature and, in accordance with section 53(26) of the *Act*, will not require a fresh Notice of Decision to be issued.



CORPORATION OF THE COUNTY OF ELGIN
REVISED NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 45-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

TAKE NOTICE that an application has been made by **Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10247 Talbotville Gore Road, Township of Southwold.

The applicant proposes to sever a lot with a **revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by a **revised depth of 30.48 metres (100.00 feet)** and a **revised area of 464.1m² (4995.53ft²)** for future residential use. The owner is retaining a **revised area of 16 332.3m² (175799.41ft²)** proposed to remain an existing vacant lot (structures to be removed).

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 JUNE 23, 2021 AT 10:40 AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

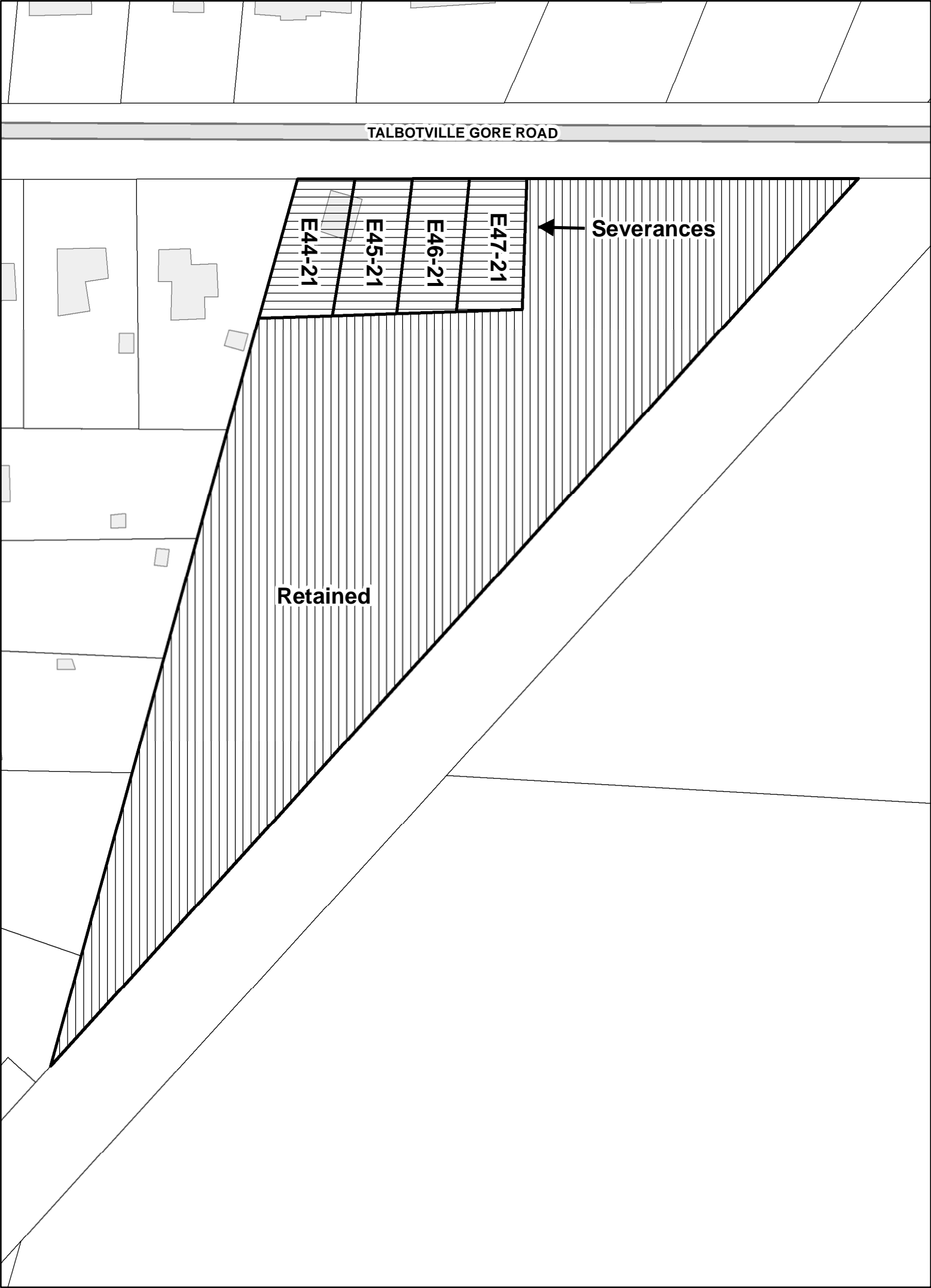
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 9th day of June, 2021.

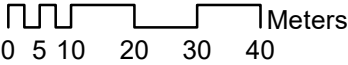
Aisling Lavery
Secretary-Treasurer
Land Division Committee

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Phone: 519-631-1460
Fax: 519-631-4549
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Location Map

Subject Site: 10247 Talbotville Gore Road
File Number: E44-2021 to E47-2021
Owner: Brett Allen
Planner: Nancy Pasato
Created By: AL
Date: 05/25/2021



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

Scale 1:1,200



Legend

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



Application #E 45-21

June 23, 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 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

The applicant proposes to sever a lot with a **revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by a **revised depth of 30.48 metres (100.00 feet)** and a **revised area of 464.1m² (4995.53ft²)** for future residential use. The owner is retaining a **revised area of 16 332.3m² (175799.41ft²)** proposed to remain an existing vacant lot (structures to be removed).

Consent requested by: Brett Douglas Allen

Consent granted to: Brett Douglas Allen

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: June 23, 2022.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.



9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

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

Reasons: Creation of a new residential lot.

**County of Elgin
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450 Sunset Drive
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DECISION

Application #E 45-21

June 23, 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, Aisling Lavery 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 23rd day of June, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee



CORPORATION OF THE COUNTY OF ELGIN

REVISED NOTICE OF DECISION

APPLICATION NO. E 45-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

BRETT DOUGLAS ALLEN

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 45-21 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 **27th day of July, 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 7th day of July, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

c.c. Township of Southwold: cao@southwold.ca, planning@westelgin.net
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CORPORATION OF THE COUNTY OF ELGIN
REVISED NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 46-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

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

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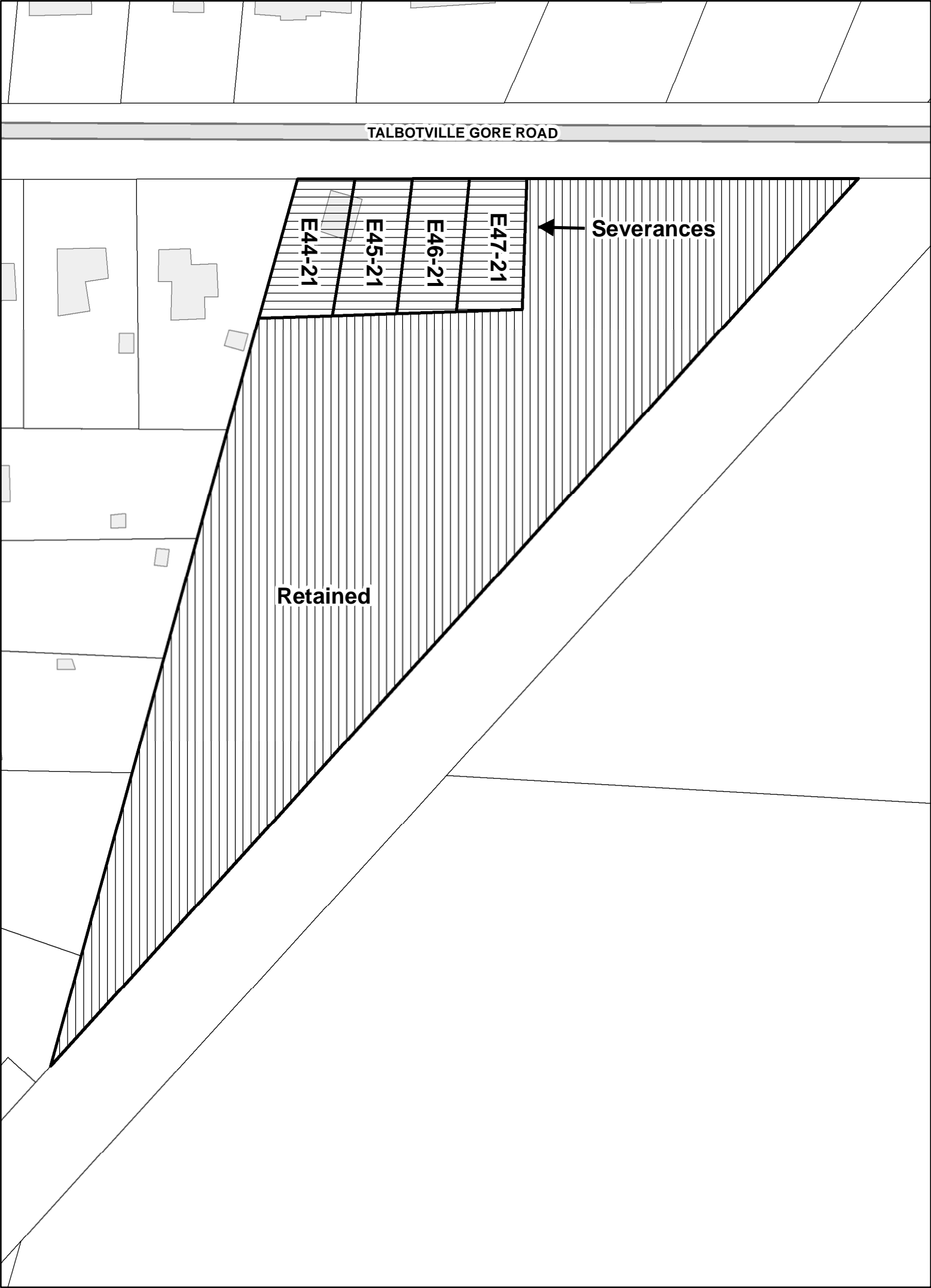
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Dated at the Municipality of Central Elgin this 9th day of June, 2021.

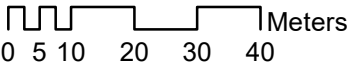
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Location Map

Subject Site: 10247 Talbotville Gore Road
File Number: E44-2021 to E47-2021
Owner: Brett Allen
Planner: Nancy Pasato
Created By: AL
Date: 05/25/2021



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

Scale 1:1,200



Legend

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

EXPLANATORY NOTE

To: Elgin County Land Division Committee
From: Elgin County Legal Services
Date: May 19, 2022
Application: E 44-21; E45-21; E46-21; E47-21

Background

On June 23, 2021 the Land Division Committee (“LDC”) made four Decisions (hereinafter collectively referred to as the “Decision”) providing provisional consent to applications E44-21; E45-21; E46-21 and E47-21 (together, the “Applications”) with regard to the lands municipally known as 10247 Talbotville Gore Road and legally described as Part Lot 40, Concession SNBTR; Township of Southwold. The Applicant in all four files was Brett Douglas Allen.

Subsequent to provisional Consent being given, but before the conditions were/are satisfied and Transfer documents presented for stamping by the Secretary-Treasurer, the entire parcel of land that is the subject of the Applications was transferred from the initial Applicant, Brett Douglas Allen, to the current owner, Woodland Way Developments Inc.

Issue

Faced with the anticipated submission of Transfer documents for stamping which name the current owner as Transferor, Elgin County Legal Services identified that the previous transfer of the entire parcel of land to a new owner creates a disconnect with the Decision that was made by the LDC. This is a process issue solely, and does not engage the planning merits of the Decision or the conditions. The Decision identifies that the Consent is granted to Brett Douglas Allen. The conditions begin by stating that the Decision will expire unless a deed is presented for stamping by June 23, 2022. Together, this creates a situation where Brett Douglas Allen needs to present a deed for stamping to give effect to the severance(s) but as Woodland Way Developments Inc. is now the owner, that cannot occur.

Recommended Solution

A solution to this process issue is to make a change or changes to the Conditions to account and allow for presentation and stamping of Transfer documents naming the current owner as Transferor and, if required, extending the time for satisfaction of conditions – suggested wording could include the following:

“This Decision will expire unless a deed naming the current registered owner as Transferor, as a qualifying assignee of the Provisional Consent, is presented for stamping by: June 23, 2022.”

Elgin County Legal Services views that the suggested changes would continue to recognize the planning merits of the Decisions without violation of the *Planning Act* and, in that can be considered as minor in nature and, in accordance with section 53(26) of the *Act*, will not require a fresh Notice of Decision to be issued.



Application #E 46-21

June 23, 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 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

The applicant proposes to sever a lot with **a revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by **a revised depth of 30.49 metres (100.03 feet)** and **a revised area of 464.1m² (4995.53ft²)** for future residential use. The owner is retaining **a revised area of 15 822.4m² (170310.89 ft²)** proposed to remain an existing vacant lot (structures to be removed).

Consent requested by: Brett Douglas Allen

Consent granted to: Brett Douglas Allen

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: June 23, 2022.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
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9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

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

Reasons: Creation of a new residential lot.

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DECISION

Application #E 46-21

June 23, 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, Aisling Lavery 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 23rd day of June, 2021.

Aisling Lavery
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CORPORATION OF THE COUNTY OF ELGIN

REVISED NOTICE OF DECISION

APPLICATION NO. E 46-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

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Dated at the Municipality of Central Elgin this 7th day of July, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

c.c. Township of Southwold: cao@southwold.ca, planning@westelgin.net
Agent: Aldo Caranci: carancigroup@gmail.com

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EXPLANATORY NOTE

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Date: May 19, 2022
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CORPORATION OF THE COUNTY OF ELGIN
REVISED NOTICE OF APPLICATION FOR CONSENT

APPLICATION NO. E 47-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

TAKE NOTICE that an application has been made by **Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10247 Talbotville Gore Road, Township of Southwold.

The applicant proposes to sever a lot with a **revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by a **revised depth of 30.50 metres (100.06 feet)** and a **revised area of 464.1m² (4995.53ft²)** for future residential use. The owner is retaining a **revised area of 15 312.5m² (164822.37ft²)** **proposed** to remain an existing vacant lot (structures to be removed).

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 JUNE 23, 2021 AT 10:40 AM.
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT alaverty@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

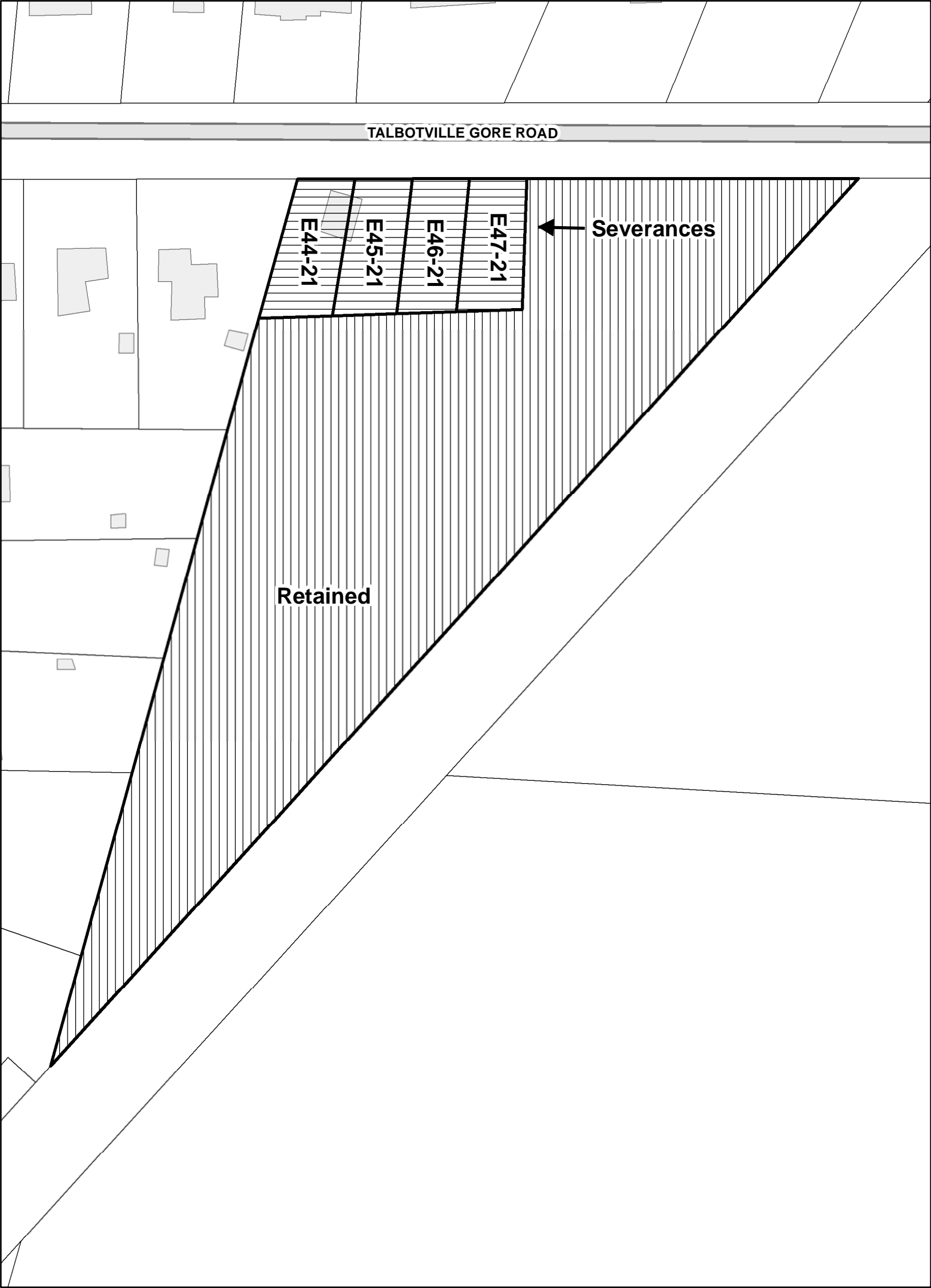
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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

Dated at the Municipality of Central Elgin this 9th day of June, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

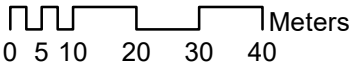
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map

Subject Site: 10247 Talbotville Gore Road
File Number: E44-2021 to E47-2021
Owner: Brett Allen
Planner: Nancy Pasato
Created By: AL
Date: 05/25/2021

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



Scale 1:1,200



Legend

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



Application #E 47-21

June 23, 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 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

The applicant proposes to sever a lot with **a revised frontage of 15.24 metres (50 feet)** along Talbotville Gore Road, by **a revised depth of 30.50 metres (100.06 feet)** and **a revised area of 464.1m² (4995.53ft²)** for future residential use. The owner is retaining **a revised area of 15 312.5m² (164822.37ft²)** **proposed** to remain an existing vacant lot (structures to be removed).

Consent requested by: Brett Douglas Allen

Consent granted to: Brett Douglas Allen

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: June 23, 2022.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.



9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

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

Reasons: Creation of a new residential lot.

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

Application #E 47-21

June 23, 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, Aisling Lavery 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 23rd day of June, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee



CORPORATION OF THE COUNTY OF ELGIN

REVISED NOTICE OF DECISION

APPLICATION NO. E 47-21

**PART LOT 40, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 10247 TALBOTVILLE GORE ROAD**

BRETT DOUGLAS ALLEN

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 47-21 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 **27th day of July, 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 7th day of July, 2021.

Aisling Laverty
Secretary-Treasurer
Land Division Committee

c.c. Township of Southwold: cao@southwold.ca, planning@westelgin.net
Agent: Aldo Caranci: carancigroup@gmail.com

County of Elgin
Planning Department
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St. Thomas, Ontario
N5R 5V1 Canada
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EXPLANATORY NOTE

To: Elgin County Land Division Committee
From: Elgin County Legal Services
Date: May 19, 2022
Application: E 44-21; E45-21; E46-21; E47-21

Background

On June 23, 2021 the Land Division Committee (“LDC”) made four Decisions (hereinafter collectively referred to as the “Decision”) providing provisional consent to applications E44-21; E45-21; E46-21 and E47-21 (together, the “Applications”) with regard to the lands municipally known as 10247 Talbotville Gore Road and legally described as Part Lot 40, Concession SNBTR; Township of Southwold. The Applicant in all four files was Brett Douglas Allen.

Subsequent to provisional Consent being given, but before the conditions were/are satisfied and Transfer documents presented for stamping by the Secretary-Treasurer, the entire parcel of land that is the subject of the Applications was transferred from the initial Applicant, Brett Douglas Allen, to the current owner, Woodland Way Developments Inc.

Issue

Faced with the anticipated submission of Transfer documents for stamping which name the current owner as Transferor, Elgin County Legal Services identified that the previous transfer of the entire parcel of land to a new owner creates a disconnect with the Decision that was made by the LDC. This is a process issue solely, and does not engage the planning merits of the Decision or the conditions. The Decision identifies that the Consent is granted to Brett Douglas Allen. The conditions begin by stating that the Decision will expire unless a deed is presented for stamping by June 23, 2022. Together, this creates a situation where Brett Douglas Allen needs to present a deed for stamping to give effect to the severance(s) but as Woodland Way Developments Inc. is now the owner, that cannot occur.

Recommended Solution

A solution to this process issue is to make a change or changes to the Conditions to account and allow for presentation and stamping of Transfer documents naming the current owner as Transferor and, if required, extending the time for satisfaction of conditions – suggested wording could include the following:

“This Decision will expire unless a deed naming the current registered owner as Transferor, as a qualifying assignee of the Provisional Consent, is presented for stamping by: June 23, 2022.”

Elgin County Legal Services views that the suggested changes would continue to recognize the planning merits of the Decisions without violation of the *Planning Act* and, in that can be considered as minor in nature and, in accordance with section 53(26) of the *Act*, will not require a fresh Notice of Decision to be issued.