



**Corporation of the County of Elgin**  
**Land Division Committee**

**AGENDA**

**For Wednesday, August 24, 2022, 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
  - E 55-22 and E 56-22
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:00 am E 53-22 Jane and John Andrews, 10518 Ford Road  
Township of Southwold
  - 9:10 am E 54-22 Jane and John Andrews, 10518 Ford Road  
Township of Southwold
  - 9:20 am E 55-22 Jane and John Andrews, 10518 Ford Road  
Township of Southwold
  - 9:30 am E 56-22 Jane and John Andrews, 10518 Ford Road  
Township of Southwold
  - 9:40 am E 57-22 Doug Tarry Limited, 142 Centennial Avenue  
Municipality of Central Elgin
  - 9:50 am E 58-22 Ernst Hoffsuemmer - Echo Acres Limited  
38652 Longhurst Line, Township of Southwold



10:00 am	E 16-22	Philip M. Robinson, 47932 College Line Township of Malahide
10:10 am	E 60-22	Donald Ferguson, 21707 Gray Line Municipality of West Elgin
10:20 am	E 61-22	Michael Sullivan – 32 Robinson / 19 Erius Municipality of Bayham
10:30 am	E 62-22	Dan McKillop – 29094 Silver Clay Line Municipality of Dutton Dunwich
10:40 am	E-72-21	Barbara Farms Inc. – 11552 Coyne Road Municipality of Dutton Dunwich
10:50 am	E 71-21	Barbara Farms Inc. – 11552 Coyne Road Municipality of Dutton Dunwich
11:00 am	E 88-21	Gunn & Associates – 8684 Centennial Road Municipality of Central Elgin

Date of Next Meeting

11<sup>th</sup> Adjournment

**VIRTUAL MEETING: IN-PERSON PARTICIPATION RESTRICTED**  
**NOT FOR MEMBERS OF THE PUBLIC**

Please click the link below to watch the Committee Meeting:

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

**Corporation of the County of Elgin**

**Land Division Committee**

**Minutes**

**July 27, 2022**

County of Elgin Land Division Committee met this 27<sup>th</sup> day of July 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):**

John Andrews  
John R. "Ian" Fleck, Chairman  
Rosemary Kennedy  
Dennis O'Grady  
Dugald Aldred  
John Seldon  
Jack Van Kasteren, Vice-Chairman

**Staff Present (in-person):**

Julie Gonyou, CAO & Clerk  
Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer  
Marlene Bainbridge, Administrative Assistant

**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**

County staff have received a request for deferral from John Groenewegen, the authorized agent for application E 46-22.

**3. ADOPTION OF MINUTES**

Moved by: John Andrews  
Seconded by: John Seldon

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Bayham	John Seldon	x		
<b>TOTAL</b>		7	0	

RESOLVED THAT the minutes of the meeting held on June 22, 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 43-22 – 9:04 a.m.**  
**Zelinka Priamo Ltd., 8577 Furnival Line**

The applicant proposes to sever a parcel with a depth of 47.0 metres (154.20 feet) and an area of 916.4 square metres (0.23 acres) to be conveyed to 22167 Douglas Line. The applicants are retaining 3154 square metres (0.77 acres), to maintain its existing use as a seasonal residential dwelling.

Owner: Norm Miller was present in-person  
Agent: Zelinka Priamo Ltd. – Katelyn Crowley was present virtually

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Conservation Authority	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
5	Other	Michael and Karen Barendregt, neighbouring landowners, cited concerns with the proposal and impact on farmland

*(\*) 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 severance application E 43-22 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 be provided to the County of Elgin.
3. That the severed lands are deeded in the same name and interest as the abutting lot at 22167 Douglas Line and that Section 50(3) of the Planning Act applies to any future consent affecting the same lands.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the severed parcel be conveyed to and consolidated with the abutting parcel to the north Roll No. 3434 000 040 17400 (22167 Douglas Line and that Section 50 (3 or 5) of the Planning Act apply to any subsequent application for consent.
5. That the severed parcel be conveyed to and consolidated with the abutting parcel to the north Roll No. 3434 000 040 18400 (8589 Furnival Road) and that Section 50 (3 or 5) of the Planning Act apply to any subsequent application for consent.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
8. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
9. 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>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 44-22 – 9:10 a.m.**

**Zelinka Priamo Ltd., Talbot Line, Lot 7 & 8, Concession 13.**

The applicant proposes to create an easement with a width of 7.2 meters (23.62 feet) for a proposed easement to provide access to an existing driveway, over the lot known as Part of Lot 7, Concession 13, registered in favour of the applicant.

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: Norm Miller was present in-person

Agent: Zelinka Priamo – Katelyn Crowley was present virtually

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of application subject to the conditions provided
2	Lower Thames 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: Dugald Aldred

Seconded by: Dennis O'Grady

RESOLVED THAT severance application E 44-22 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 be provided to the County of Elgin.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands for the proposed easement 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 easement once the transaction has occurred to the Municipality.
4. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.

5. 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>Recorded Vote – Minutes</b>		<b>Yes</b>	<b>No</b>	<b>Abstain</b>
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 45-22 – 9:18 a.m.**

**Jose Manuel Sarmiento Ordonez**, 8867 Iona Road, Municipality of Dutton-Dunwich

The applicant proposes to sever a parcel with a frontage of 25 metres (82.02 feet) by a depth of 80 metres (262.47 feet) and an area of 0.2 hectares (0.49 acres) for the purposes of creating a new residential lot. The applicants are retaining a lot with a frontage of 25 metres (82.02 feet) by a depth of 80 metres (262.47 feet), and an area of 0.2 hectares (0.49 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.

Owners: None present

Agent: Jessica Tracey – Learners LLP

In opposition: Kari Rainville and Jeff Gibbs – neighbours, objected to severance

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided

2	Lower Thames Conservation Authority	No concerns
3	Elgin County Engineering Services	No 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 45-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That septic system review for the severed parcel has been completed;
2. That the accessory structure be removed;
3. That Municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That a new 911 number be established for the severed or retained parcels;
8. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
9. Park land fee be paid for the new residential lot; and
10. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 46-22 – 9:28 a.m.**

**Fieldstone Investments Inc., 14163 Coyne Road, Municipality of Dutton-Dunwich**

The applicant proposes to sever an irregular shaped parcel with a frontage of 674 metres (2211.30) and an area of 20.25 hectares (50 acres) for the purposes of a farm split. The applicants are retaining an irregular shaped lot with a frontage of 900 metres (2952.76), and an area of 40.47 hectares (100 acres). Both lots are proposed to continue being used for agricultural uses.

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: none present  
Agents: none present

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	No comments.
2	Lower Thames Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends deferral at applicant’s request
5	Elizabeth Kolberg & Jeff Greenfield	Oppose the proposed severance.

*(\*) 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 46-22 be deferred, at the request of the applicant.

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 48-22 – 9:37 a.m.**

**Ian and Fern Patterson, 157 Jane Street, Municipality of West Elgin**

The applicant proposes to sever a parcel with a frontage of 15.24 metres (50 feet) and a depth of 45.72 metres (150 feet) and an area of 696.772 m<sup>2</sup> (0.17 acres) to create a new lot. The applicants are retaining a lot with a frontage of 9.75 + 24.99 meters and a depth of 45.72 meters (150 feet) and an area of 1588.31m<sup>2</sup> (0.40 acres), proposed to remain vacant land.

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: none present

Agent: none present

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of West Elgin	Recommends approval of application subject to the conditions provided
2	Lower Thames 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: Dugald Aldred

RESOLVED THAT severance application E 48-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

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

<b><i>Recorded Vote – Minutes</i></b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		

Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 49-22 – 9:48 a.m.**

**Kelsey Berkelmans**, 11644 Carter Road, Township of Malahide

The applicant proposes to sever a parcel with a frontage of 73.1 metres (239.83 feet) and a depth of 89.1 metres (292.32 feet) and an area of 6,519.9m<sup>2</sup> (1.61 acres) containing a residence, a barn, three sheds, and a garage for residential use. The applicants are retaining 20.1 hectares (49.67 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: None present

Agent: Simona Rasanu (SBM Ltd.) was present virtually

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on 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: Jack Van Kasteren

RESOLVED THAT severance application E 49-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, R.S.O., 1990, as amended, with a deposit to be paid in full to the Township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, R.S.O., 1990, as amended, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being fulfilled.

<b><i>Recorded Vote – Minutes</i></b>		<b>Yes</b>	<b>No</b>	<b>Abstain</b>
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		

Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy		x	
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>6</b>	<b>1</b>	

- Motion Carried.

**Application E 50-22 – 10:00 a.m.**

**Andrew Sloan, 254 Marsh Line, Municipality of Dutton Dunwich**

The applicant proposes to sever a parcel with a frontage of 10.33 metres (33.90 feet) and a depth of 40.23 metres (131.99 feet) and an area of 415.57m<sup>2</sup> (0.10 acres) for a proposed semi-detached dwelling unit. The applicants are retaining 415.78m<sup>2</sup> (0.10 acres), for the second semi-detached dwelling unit.

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: Andrew Sloan was present in-person

Agent: None

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on 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: Rosemary Kennedy

**RESOLVED THAT** severance application E 50-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That Municipal drain re-apportionments have been completed;
2. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That a new 911 number be established for the severed or retained parcels;
6. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
7. Park land fee be paid for the new residential lot; and
8. 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

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

#### **Application E 51-22 – 10:10 a.m.**

**Milosz Podolan**, 305 Furnival Road, Municipality of West Elgin

The applicant proposes to sever a parcel with a frontage of 14.947 metres (49.4 feet) and a depth of 40.23 metres (132 feet) and an area of 601.37m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining 1991.82m<sup>2</sup> (0.49 acres), containing a detached house and garage.

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: Milosz Podolan present virtually

Agent: None

Dawn Saparris – neighbours were present in-person. Concerned about possible road allowance

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	No comments received
3	Elgin County Engineering Services	No 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 severance application E 51-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.

2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant disconnects the retained parcel from the municipal water service and municipal sanitary service located on the proposed severed parcel, to the satisfaction and clearance of the Municipality.
6. That the Applicant pays the municipal water service connection fee and the municipal sanitary service connection fee for the retained parcel and connects the retained parcel to the services, to the satisfaction and clearance of the Municipality.
7. That prior to final approval of the County, the County is advised in writing by the Municipality how all the above-noted conditions have been satisfied.
8. 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*.

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 37-22 – 10:22 a.m.**

**Doug Tarry Limited, 43841 Talbot Line, Municipality of Central Elgin**

The applicant proposes to sever a parcel with a frontage of 64 metres (209.97 feet) and a depth of 548 metres (1,797.90 feet) and an area of 30.27 hectares (74.8 acres) to form an addition to an abutting parcel. The applicants are retaining 4.16 hectares (10.28 acres), proposed to continue the existing use of the land for bulk fuels.

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

Owner: Nicole Ooms on behalf of Doug Tarry Ltd. was present virtually  
Agent:

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of 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: Rosemary Kennedy  
Seconded by: Dennis O'Grady

RESOLVED THAT severance applications E 37-22 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. A Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. The severed lands be merged with 164 Centennial Road
2. The retained lands be merged with 43841 Talbot Line
3. That Subsection 3 or 5 of Section 50 of the *Planning Act, R.S.O., 1990*, as amended, shall apply to any subsequent conveyance or transaction involving the subject lands
4. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan
6. A drainage reassessment be done, if necessary, at the owner's expense

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 92-21 – 10:39 a.m.**

**Rockx Farms Ltd. c/o Wayne Rockx, 49779 Lyons Line, Township of Malahide**

The applicants propose to sever a parcel with a frontage of 43 metres (141.08 feet) along Lyons Line by a depth of 61.999 metres (203.41 feet) and an area of 0.27 hectares (0.67 acres) containing one residence, surplus to the needs of the owner. The applicants are retaining 38.31 hectares (94.65 acres), proposed to remain in agricultural use.

Chairman Fleck requested that the applicant’s agents and any interested parties who wish to speak to any of the applications introduce themselves to the Committee.

Owner: Rockx Farms – Payden Shrub

Agent: None

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
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: John Andrews  
Seconded by: Rosemary Kennedy

RESOLVED THAT severance applications E 92-21 be approved subject to the following conditions:

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

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

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

<b><i>Recorded Vote – Minutes</i></b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 88-21– 10:39 a.m.**

**Gunn & Associates, 8684 Centennial Road, Municipality of Central Elgin**

The applicants propose to sever a parcel with a width of 67.284 metres (220.75 feet), a depth of 240.226 metres (788.14 feet) and an area of 1.611 hectares (3.98 acres), to be conveyed to the adjacent property to the south (8662 Centennial Road). The applicants are retaining a parcel with an area of 1858.676m<sup>2</sup> hectares (0.46 acres), containing a dwelling, 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:

Agent: Hellen Button on behalf of Amy Dale

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Central Elgin	No further comments than those received at time of hearing in December 2021
2	Catfish Creek Conservation Authority	No further comments than those received at time of hearing in December 2021
3	Elgin County Engineering Services	No further comments than those received at time of hearing in

	December 2021
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*(\*) A copy of the comment package which includes all correspondence received is available upon request.*

Moved by: Dennis O'Grady  
Seconded by: John Seldon

RESOLVED THAT severance application E 88-21 be deferred pending compliance with the Planning Act's notification requirements.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

#### **Application E 32-22 –10:49 a.m.**

**Don van den Dries**, 173 Leitch Street, Municipality of Dutton Dunwich

The applicant proposes to sever a parcel with a frontage of 15.5 metres (50.85 feet), by a depth of 45.5 metres (147.64 feet) and an area of 685.5m<sup>2</sup> (0.17 acres) to remain in residential use. The applicants are retaining a lot with a frontage of 15.5 metres (50.85 feet), by a depth of 45.3 metres (148.62 feet), and an area of 684.4 square metres (0.17 acres) that will be vacant.

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: None present  
Agent: Don Van Den Dries was present in-person

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions

		provided
2	Lower Thames Conservation Authority	No concerns.
3	Elgin County Engineering Services	Not on County Road.
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: Dennis O'Grady

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 32-22 be approved subject to the 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the main building and accessory structure be removed and/or moved;
2. That Municipal drain re-apportionments have been completed;
3. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
4. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
5. That taxes are to be paid in full;
6. That a new 911 number be established for the severed or retained parcels;
7. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
8. Park land fee be paid for the new residential lot; and
9. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		

Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 31-22– 10:59 a.m.**

**Mark Lahti**, 28869 Pioneer Lane, Municipality of Dutton Dunwich

The applicant proposes to sever a parcel with a frontage of 10 metres (32.81 feet), by a depth of 70.1 metres (230 feet) and an area of 701m<sup>2</sup> (0.17 acres) to be added to an adjacent parcel. The applicants are retaining a lot with a frontage of 240 metres (787.4 feet), by a depth of 675 metres (2214.57 feet), and an area of 19.83ha (49 acres) that will remain in agricultural use.

Paul Clarke noted that the original notice in the agenda package had included placeholder text in the description of the lands to be retained. The notices sent out to the public as well as the application did include the correct measurements for the retained lands.

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: None present

Agent: Mark Lahti was present virtually

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided
2	Lower Thames 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: John Seldon

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 31-22 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 be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the severed land be merged in title with the abutting lot at 26872 Pioneer Line and that Section 50(3) of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands.

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

1. That a Zoning By-law Amendment is in force and effect for the severed parcel;
2. That septic system review for the severed parcel has been completed;
3. That municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality;
8. 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;
9. That a 911 sign be established for the severed and retained parcel;
10. That all barns capable of holding livestock or are in disrepair on the severed and retained lands be removed or decommissioned to the satisfaction of the Chief Building Official; and
11. That the lots merge on title

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		

Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 29-22– 11:09 a.m.**

**Ralph William Willson, 7716 Yarmouth Centre Road, Municipality of Central Elgin**

The applicant proposes to sever a parcel with a frontage of 90 metres (295.28 feet) along Yarmouth Centre Road by a depth of 100 metres (328.08 feet) and an area of 0.36 hectares (0.9 acres) containing a house and two barns for rural residential use. The applicants are retaining 9.32 hectares (23.03 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: None present

Agent: None present

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Central Elgin	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns.
3	Elgin County Engineering Services	Not on 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 severance application E 29-22 be approved subject to the**

following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That the applicant provide justification for the requested size of lot by providing a site plan which outlines location of existing buildings, structures and private on-site services to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
4. That a zoning by-law amendment to prohibit residential dwellings on the retained lot be approved by the Municipality of Central Elgin and come into full force and effect.
5. A drainage reassessment be completed, if necessary, at the owner's expense to the satisfaction of the Municipality of Central Elgin.
6. That prior to final approval of the subject consent(s) that the Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 3 to 5, have been satisfied.

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 36-22– 11:19 a.m.**

**Christopher & Emmaly Laliberte**, Lot 3, Plan 251, Geographic Township of Yarmouth (now Municipality of Central Elgin).

The applicants are proposing to sever a lot with a frontage of 15 m on Centennial Avenue, with a lot depth of 61 m and a lot area of 915 m<sup>2</sup> containing one accessory building (a shed). The proposed lot will be used as a residential building lot, while the applicants are proposing to retain a lot with a frontage of approximately 21.6 m on Centennial Avenue, with a lot depth of approximately 91 metres and a lot area of approximately 2,418 square metres, containing one house. The retained lot will continue to be used for residential purposes.

This application was deferred by the Land Division Committee on June 22, 2022 pending confirmation that the existing dwellings on the subject lands are compliant with the spatial requirements of the Ontario Building Code (OBC). The applicant has received verification that the dwelling meets the minimum separation requirements of the OBC, and has requested the Land Division Committee reconsider the application.

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: Christopher Laliberte was present virtually

Agent:

Neighbour: Shawn Reid – concerned about water runoff and underground spring causing increase water runoff on his property.

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 further comments than those received at time of hearing in June 2022
3	Elgin County Engineering Services	No further comments than those received at time of hearing in June 2022
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 severance application E 36-22 be approved subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed, be provided to the satisfaction of the County of

- Elgin.
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
  4. That the owner shall install drainage pipes and/or catch basins, all at their own cost, for the proposed lot to the satisfaction of the County of Elgin.
  5. That the owner shall install curb and gutter, all at their own cost, along the frontage of the subject lands to the satisfaction of the County of Elgin.
  6. That the owner shall arrange for connection to/creation of a legal drainage outlet to the severed lot, if one is not currently available, all at their own cost, to the satisfaction of the County of Elgin.
  7. That the owner shall obtain an entrance permit from Elgin County for a new entrance to the severed and/or retained parcels, if necessary, and all at their own cost, to the satisfaction of the County of Elgin.
  8. That the owner shall prepare and submit a lot grading plan, all at their own cost, to the satisfaction of the County of Elgin.
  9. That the existing shed on the severed lot has been removed or relocated in compliance with all applicable regulations to the satisfaction of the Municipality of Central Elgin.
  10. That a survey or surveyor's certificate is provided that confirms the existing house on the retained lot conforms with the R1 Zone minimum interior side yard depth of one metre and the Ontario Building Code, to the satisfaction of the Municipality of Central Elgin.
  11. That the applicant enters into an agreement with the Municipality of Central Elgin to address all administrative, technical, and financial matters relative to the development of the subject lands to the satisfaction of the Municipality of Central Elgin.
  12. That payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes under Section 51.1(3) of the Planning Act be made to the satisfaction of the Municipality of Central Elgin.
  13. That a drainage reassessment is completed, if necessary, at the applicant's expense to the satisfaction of the Municipality of Central Elgin.
  14. That prior to final approval of the subject consent(s) that Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 9 to 13, have been satisfied.

<b><i>Recorded Vote – Minutes</i></b>		<b>Yes</b>	<b>No</b>	<b>Abstain</b>
West Elgin	Dugald Aldred	x		
Bayham	John Seldon		x	
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>6</b>	<b>1</b>	

- Motion Carried.

**Application E 25-22 & E 26-22 – 11:33 a.m.**

**Mapleview Farms, Part of Lot 7, Concession 2. Municipally known as 43315 Roberts Line.**

The applicant proposes to sever a parcel with a frontage of 38.5 metres (126.31 feet) along Roberts Line by a depth of 100.5 metres (329.72 feet) and an area of 0.409 hectares (1.01 acres) to remain a single-detached dwelling for residential use. The applicants are retaining a frontage of approximately 377 metres (1,236.9 feet), a depth of approximately 1,055 metres (3,461.3 feet), and an area of 51.6 hectares (127.5 acres), proposed to remain in agricultural use.

The applicant proposes to sever a parcel with a frontage of 43.6 metres (143.04 feet) along Roberts Line, a depth of 100.5 metres (329.27 feet), and an area of 0.435 hectares (1.07 acres) to remain a single-detached dwelling for residential use. The applicants are retaining a frontage of approximately 377 metres (1,236.9 feet), a depth of approximately 1,055 metres (3,461.3 feet), and an area of 51.6 hectares (127.51 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: None present

Agent: Zelinka Priamo Ltd. Matthew Campbell was present virtually

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	No further comments than those received at time of hearing in June 2022
2	Kettle Creek Conservation Authority	No further comments than those received at time of hearing in June 2022
3	Elgin County Engineering Services	No further comments than those received at time of hearing in June 2022
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 Seldon

RESOLVED THAT severance application E 25-22 and E 26-22 be approved subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That a zoning by-law amendment to prohibit residential dwellings on the retained lot be granted and recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A".
4. That a new septic system has been constructed on Parcel "A" to the satisfaction of the Municipality of Central Elgin.
5. That the two existing greenhouses on Parcel "A" have been removed to the satisfaction of the Municipality of Central Elgin.
6. That a drainage reassessment is completed, as necessary, at the Owner's expense to the satisfaction of the Municipality of Central Elgin.
7. That prior to final approval of the subject consent(s) that the Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 3 to 6, have been satisfied.

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E16-21 / E17-21 / E18-21 / E19-21 – 11:40 a.m.**  
**Parezanovic Farms Inc., Furnival Road**

1. On April 28, 2021, the Elgin County Land Division Committee ("LDC") granted Provisional Consents in the four (4) related Applications identified above.
2. Each Provisional Consent included a condition that "This Decision will expire unless a deed is presented for stamping by: April 28, 2022."

3. On April 27, 2022, the LDC considered concurrent requests by the Applicant(s) in each Application identified above for a one (1) year extension of the time allow for satisfaction of conditions, including the condition referenced in paragraph 2 above, effectively to April 28, 2023.
4. Following submissions and discussions and again on April 27, 2022, the LDC allowed the extension requests in each of the Applications identified above for a period of two (2) years, effectively amending each decision granting such Provisional Consents to provide for lapsing of each such Decision on April 28, 2024.

Owner:

Agent: Gary Merritt was present virtually with the owner

Stephen Gibson, County Solicitor was present in-person and gave a presentation to the Committee on the issues and provided his recommendation.

Moved by: Dennis O'Grady

Seconded by: Rosemary Kennedy

RESOLVED THAT the decisions for severance applications E 16-21, E 17-21, E 18-21 and E 19-21 are hereby amended by stipulating the date for which deeds must be presented for stamping and all conditions satisfied be April 27, 2023.

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

Note: The standard wording addressing circulation of notice and appeal was mistakenly read. There is no circulation of notice nor appeal period.

## 10. DATE OF NEXT MEETING

The Land Division Committee will meet again on August 24, 2022 at 9:00 a.m.

## 11. ADJOURNMENT

Moved by: John Seldon  
Seconded by: John Andrews

RESOLVED THAT the Committee adjourn at 11:51 a.m. to meet again on August 24, 2022 at 9:00 a.m.

<b><i>Recorded Vote – Minutes</i></b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Bayham	John Seldon	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Dutton Dunwich	Ian Fleck	X		
<b>TOTAL</b>		7	0	

- Motion Carried.

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Paul Clarke  
Secretary-Treasurer

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John “Ian” Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 53-22**

**PART OF LOT 2 AND 3, CONCESSION D AS IN E415880  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10518 FORD ROAD**

**TAKE NOTICE** that an application has been made by Jay McGuffin, 610 Princess Avenue, London, ON N6B 2B9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10518 Ford Road, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 50.1 metres (164.37 feet) and a depth of 79.3 metres (230.64 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and 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 AUGUST 24, 2022 AT 9:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

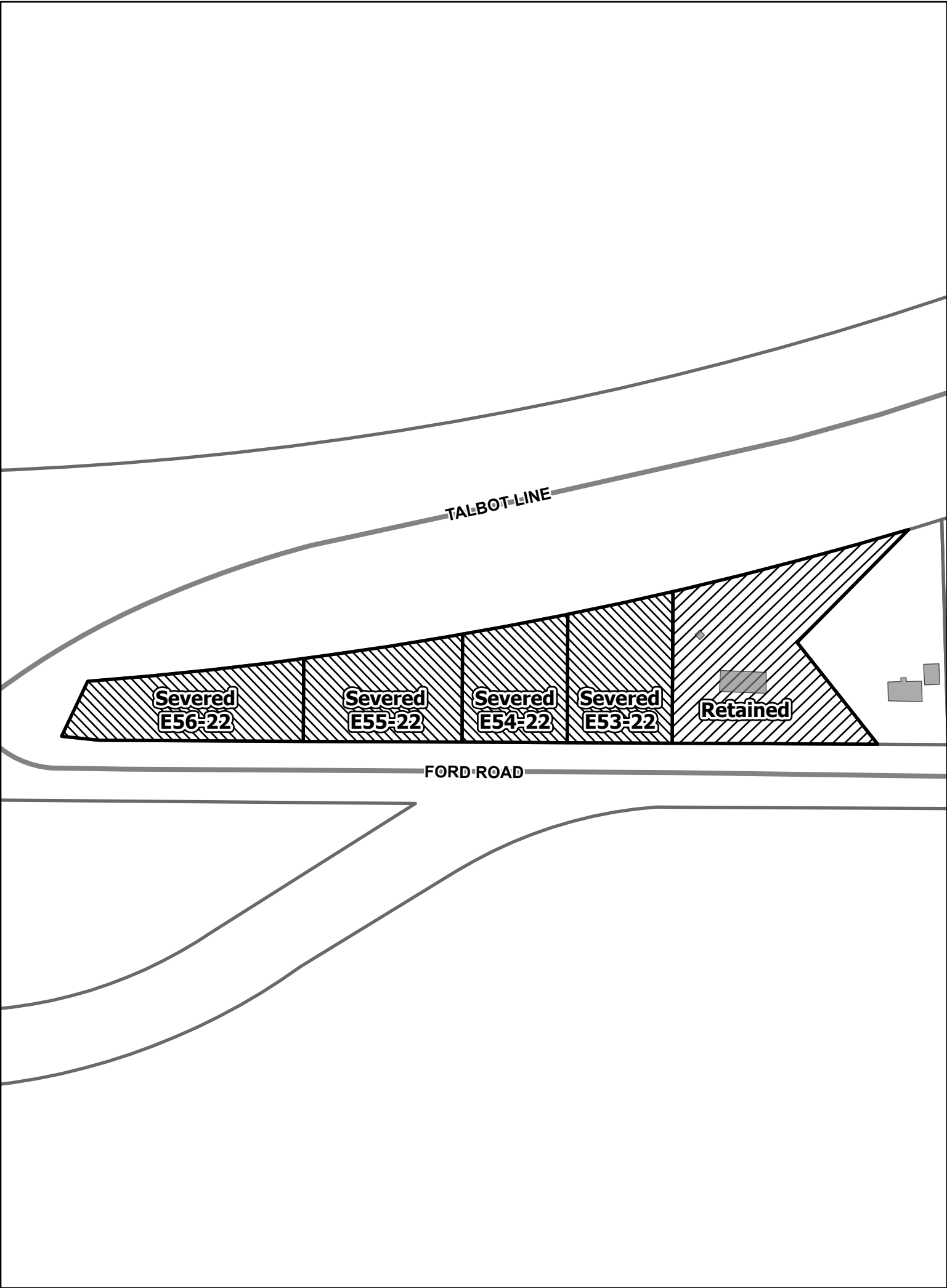
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

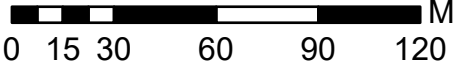
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



Subject Site: 10518 Ford Road  
File Number: E 53-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



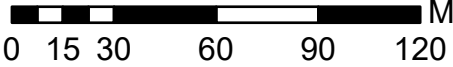
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



Subject Site: 10518 Ford Road  
File Number: E 53-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold

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



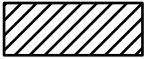
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** August 8, 2022

**PREPARED BY:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**REPORT NO:** PLA 2022-25

**SUBJECT MATTER:** Consent Applications E53-22 to E56-22– Comments to the County of Elgin

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**Purpose:**

The proposal is to create four (4) residential parcels while retaining one (1) existing residential parcel at 10518 Ford Road.

**Background:**

Below is background information, in a summary chart:

<b>Applications</b>	E53-22, E54-22, E55-22 and E56-22
<b>Owners/Applicants</b>	Jane and John Andrews
<b>Agent</b>	Jay McGuffin, Monteith Brown Planning Consultants
<b>Legal Description</b>	Part of Lots 2-3, Concession D
<b>Civic Address</b>	10518 Ford Road
<b>Entrance Access</b>	Ford Road
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	2.04 ha (5.04 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling and one accessory structure

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

App.	Severed Parcel (lots 2, 3, and 4)			Retained Parcel (lot 1)		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E53-22 (lot 2)</b>	50.1 m (164.37 ft)	79.3 m (260.17 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E54-22 (lot 3)</b>	60.1 m (197.17 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E55-22 (lot 4)</b>	75.7 m (248.35 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E56-22 (lot 5)</b>	109.7 m (359.90 ft)	40.1 m (131.56 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)

The Public Meeting is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel (area in yellow).



The consent sketch, showing E53-22, E54-22, E55-22 and E56-22 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), 2020 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

Lot creation is permitted within the Talbotville settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed retained parcels, development will need to be outside of natural heritage (Section 2.1 and 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 Settlement Area - Tier 2 on Schedule 'A' Land Use in the CEOP.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, have no negative impact on natural heritage and entrance accesses to the lands can be obtained.

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4A' Talbotville Land Use in the OP. The Natural Heritage Features on Schedule '2' overlay applies to a portion of the proposed retained parcel.

The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained.

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

No development is proposed on the proposed retained parcel in the Natural Heritage Features overlay (Section 4.1).

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned 'Settlement Reserve (SR)', with a 'Natural area and Adjacent Lands (NA)' overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 11, as depicted in Figure Two (outlined in red) below.



Lands that are zoned SR are identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans have been approved.

Permitted uses in the SR zone include existing farm dwellings and agricultural uses excluding mushroom farms, commercial greenhouses and livestock operations. Section 5.2 (Agricultural 1 (A1) Zone) is applied for the zone regulations.

A zoning by-law amendment is required to rezone the proposed severed parcels from 'Settlement Reserve (SR)' to 'Residential 1 (R1)' prior to development as the lots will not comply to the SR zone permitted uses and zone regulations.

The proposed severed and retained parcels appear to comply with the R1 Zone provisions. A review of the R1 Zone for the severed and retained is as follows:

R1 Zone Provision	Required	Retained Parcel (lot 1)	E53-22 lot 2)	E54-22 (lot 3)	E55-22 (lot 4)	E56-22 (lot 5)	Complies
minimum lot area	1858.0 m2 (20,000 ft2) / 0.185 ha (0.459 ac)	0.68 ha (1.68 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	Complies
minimum lot frontage	15.0 m (49 ft)	98 m (321.52 ft)	50.1 m (164.37 ft)	60.1 m (197.17 ft)	75.7 m (248.35 ft)	109.7 m (359.90 ft)	Complies

With respect to the 'Natural Area and Adjacent Lands' overlay, an environmental assessment was conducted which concluded that no adverse nor unalterable impacts on Natural Heritage features would occur as part of the proposed severance.

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:**

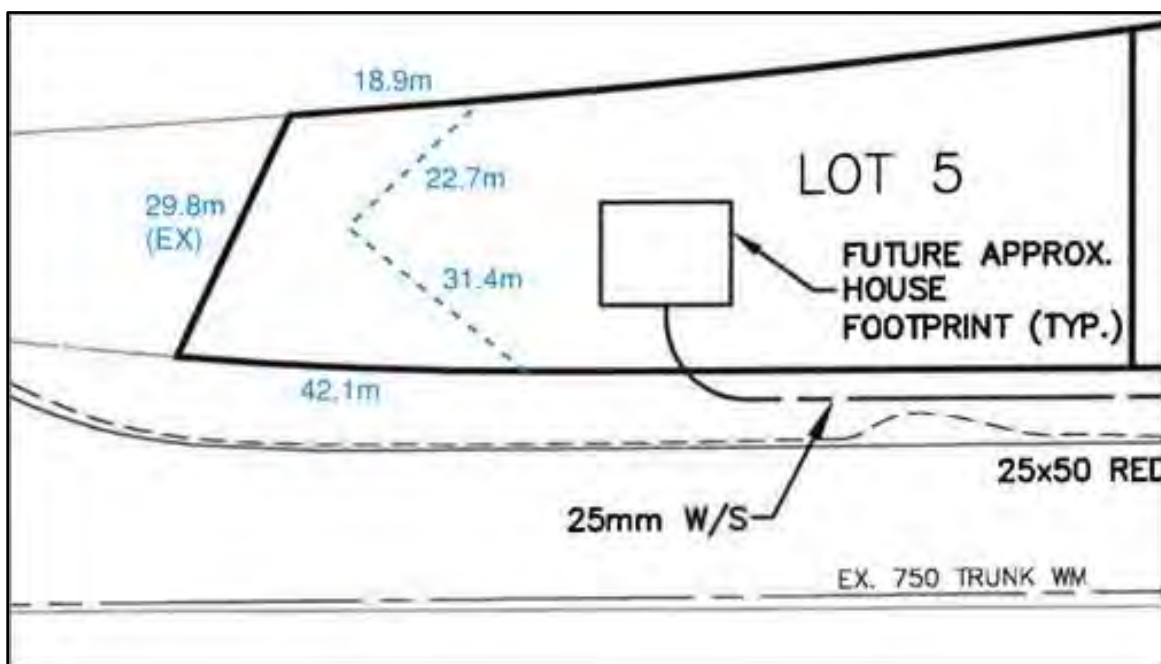
##### Township Department Comments

Comments received from the Township Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the Auckland Drain; and
  - Mutual agreement drain to ensure that the retained land between the residential lots and Highway 3 will have access to the Auckland Drain Branch E which is in the road ditch of Ford Road across the front of the proposed properties.
- Financial Services Department:
  - Cash-in-lieu of parkland fee applies;
  - Subject to Development Charges;

- Water connection; and
  - Need to connect to municipal water and pay the connection fee; and
  - Other fees and deposits would be determined through a development agreement.
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, grading drawings are required. The grading drawing will need to consider minor and major storm events;
  - rural watermain extension will be required as per the Township policy, so that these four lots are connected to municipal water. The applicant is required to pay for watermain extension and associated water connections fees required as well;
  - applicant will need to coordinate with MTO on required noise levels for HWY 3. They may request a noise study for either a noise wall, berm or increase insulated building materials;
  - consent agreement;
  - driveway entrance permit and 911 sign; and
  - septic design.

Administration is aware that it is requested by MTO and the County that E56-22 (lot 5) be amended to accommodate for proposed acquisitions for the intersection improvements. The area of Lot 5 would be reduced from 0.34 ha to 0.28 ha. Figure Three depicts the required change:



Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

**Additional Comments:**

The recommended Township conditions for consent applications E53-22 to E56-22 are attached to this report as Appendix Two for reference purposes.

The required support studies have been provided including the following:

- Preliminary Servicing Brief, dated May 10, 2022, prepared by MTE Consultants;
- Planning Justification Memo, dated June 6, 2022, prepared by Monteith Brown Planning Consultant; and
- Traffic Impact Opinion Letter dated November 29, prepared 2021 by Paradigm.

**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 three residential lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); 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:**

**Tracey Pillon-Abbs, MCIP, RPP**  
**Planner**

**Approved for submission by:**

**Jeff Carswell**  
**CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E53-22 to E56-22
2. Appendix Two: Consent Applications E53-22 to E56-22 Conditions



## **Appendix Two: Severance Applications E53-22 to E56-22 Conditions**

Consent Applications E53-22, E54-22, E55-22 and E56-22 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 parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.

13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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*.

VIA EMAIL ONLY

August 16, 2022

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

**RE: Township of Southwold Consent Application - Comments to the County of Elgin  
County File Number: E 53-22, E54-22, E55-22 and E56-22**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 8, 2022, Council Meeting and passed the following resolution:

**2022- 218 Consent Applications E 53-22, E54-22, E55-22 and E56-22**

**THAT** Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin; and

**THAT** Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25; and

**FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**CARRIED**

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,



Tracey Pilon-Abbs, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

**From:** [Joe Gordon](#)  
**To:** [Paul Clarke](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 10:22:47 AM

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

Hi Paul

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

- E53/22, E54/22, E55/22 and E56/22 affecting 10518 Ford Road
- E58/22 affecting 38652 Longhurst line

I can confirm that the properties associated with the above notices are not affected by natural hazard regulations enacted under the Conservation Authorities Act.

In addition, please note that application E57/22 – 142 Centennial Ave, circulated to our office is situated within the Catfish Creek Conservation Authority watershed.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**

Assistant Manager

Supervisor of Planning & Conservation Areas

*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July 11, 2022 4:03 PM  
**To:** nooms@dougarryhomes.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician*

450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 170

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

[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 53-22 to E 56-22

OWNER: Jay McGuffin

PROPERTY: LOT NO. Part of Lot 2 and 3 CONCESSION: D as in E415880

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 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:** August 24, 2022  
**Application:** **E 53-22**

**Owner:**  
**Jane and John Andrews**  
10518 Ford Road, St. Thomas, ON

**Agent:**  
**Jay McGuffin (Monteith Brown  
Planning Consultants)**  
610 Princess Avenue, London, On

**Location:** Part of Lot 2 and 3, Concession D as in E415880, Township of Southwold

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 50.1 metres (164.37 feet) and a depth of 79.3 metres (230.64 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Settlement Reserve (SR)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Southwold* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential lot with the intention of constructing a new single detached dwelling. This severance is one of four (4) submitted for the subject land, and if approved, would see the creation of a total of 4 new lots, with the retained lot continuing its use for residential purposes.

This severance application is in regards to Lot 2 on the application sketch and proposes to create a new lot approximately 0.34ha in area with ~50m in frontage on Ford Road for residential purposes. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development in municipalities and encourages intensification and infill development, including the development of vacant or underutilized land within existing settlement boundaries.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is within a Tier 2 Settlement Area. The OP directs that Tier 2 Settlement Areas, which have partial municipal services, shall be the focus for growth and development within the region. In the case of this application, the subject land has access to public water services but requires a private septic system, the applicants are proposing that all severed lots be connected to the public water system. The OP supports residential development within Tier 2 Settlement Areas.

Section C1.3.1 sets out the goals of the County OP with respect to housing policies, specifically that current and future housing needs are met by encouraging the development and redevelopment of lands within settlement areas. The subject land is surrounded by a combination of agricultural and residential lands (not including the house currently located on the subject lands) and is roughly one kilometer from an exiting subdivision. The proposed residential lots will also have frontage onto Ford Road which has access to Talbot Line / St. Thomas Expressway.

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

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The lands are designated as Residential on Schedule 4A of the Talbotville Land Use Schedule of the Southwold OP which permits single detached dwellings and lot creation.

The subject lands are zoned Settlement Reserve (SR), SR lands are those identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans are approved. The permitted uses in the SR zone are primarily agricultural and a zoning amendment will be required to rezone the severed parcels from Settlement Reserve (SR) to Residential 1 (R1).

The severed lands are also subject to a Natural Area and Adjacent Lands overlay. An environmental assessment was conducted and no adverse nor unalterable impacts on the natural heritage features will occur as part of the proposed severance. An amendment to the Zoning By-law is required for these lots which the Township of Southwold has indicated they are willing to pursue and have made the requisite zoning amendments a condition of consent.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transportation "MTO" will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.

9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.
13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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 54-22**

**PART OF LOT 2 AND 3, CONCESSION D AS IN E415880  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10518 FORD ROAD**

**TAKE NOTICE** that an application has been made by Jay McGuffin, 610 Princess Avenue, London, ON N6B 2B9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10518 Ford Road, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 60.1 metres (197.18 feet) and a depth of 63 metres (206.70 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and 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 AUGUST 24, 2022 AT 9:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

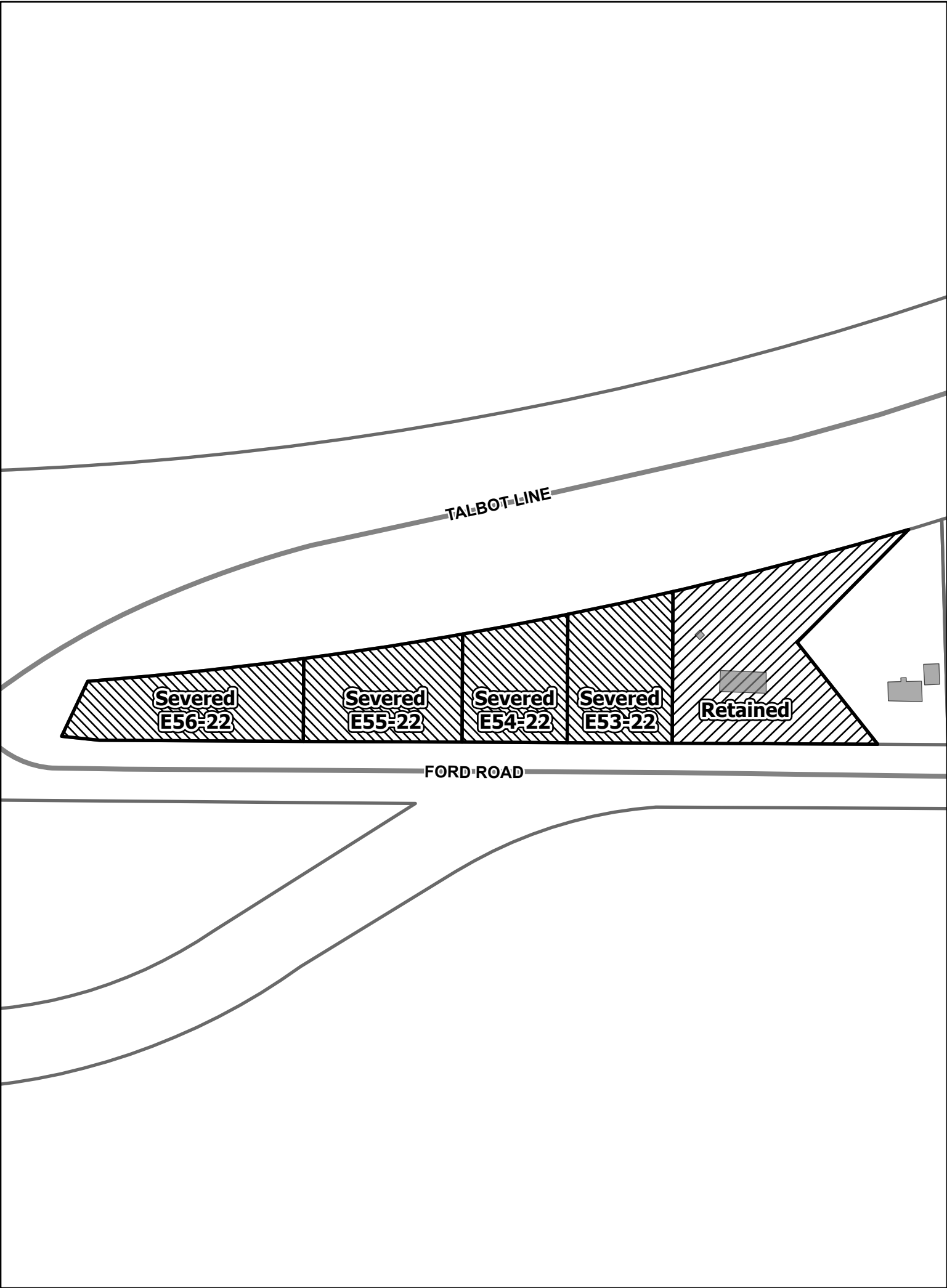
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

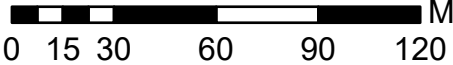
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



## Location Map



Subject Site: 10518 Ford Road  
File Number: E 54-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold



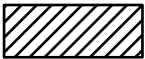
### Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

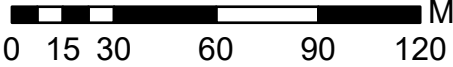


## Location Map



Subject Site: 10518 Ford Road  
File Number: E 54-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold

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



### Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** August 8, 2022

**PREPARED BY:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**REPORT NO:** PLA 2022-25

**SUBJECT MATTER:** Consent Applications E53-22 to E56-22– Comments to the County of Elgin

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**Purpose:**

The proposal is to create four (4) residential parcels while retaining one (1) existing residential parcel at 10518 Ford Road.

**Background:**

Below is background information, in a summary chart:

<b>Applications</b>	E53-22, E54-22, E55-22 and E56-22
<b>Owners/Applicants</b>	Jane and John Andrews
<b>Agent</b>	Jay McGuffin, Monteith Brown Planning Consultants
<b>Legal Description</b>	Part of Lots 2-3, Concession D
<b>Civic Address</b>	10518 Ford Road
<b>Entrance Access</b>	Ford Road
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	2.04 ha (5.04 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling and one accessory structure

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

App.	Severed Parcel (lots 2, 3, and 4)			Retained Parcel (lot 1)		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E53-22 (lot 2)</b>	50.1 m (164.37 ft)	79.3 m (260.17 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E54-22 (lot 3)</b>	60.1 m (197.17 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E55-22 (lot 4)</b>	75.7 m (248.35 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E56-22 (lot 5)</b>	109.7 m (359.90 ft)	40.1 m (131.56 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)

The Public Meeting is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel (area in yellow).



The consent sketch, showing E53-22, E54-22, E55-22 and E56-22 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), 2020 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

Lot creation is permitted within the Talbotville settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed retained parcels, development will need to be outside of natural heritage (Section 2.1 and 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 Settlement Area - Tier 2 on Schedule 'A' Land Use in the CEOP.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, have no negative impact on natural heritage and entrance accesses to the lands can be obtained.

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4A' Talbotville Land Use in the OP. The Natural Heritage Features on Schedule '2' overlay applies to a portion of the proposed retained parcel.

The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained.

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

No development is proposed on the proposed retained parcel in the Natural Heritage Features overlay (Section 4.1).

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned 'Settlement Reserve (SR)', with a 'Natural area and Adjacent Lands (NA)' overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 11, as depicted in Figure Two (outlined in red) below.



Lands that are zoned SR are identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans have been approved.

Permitted uses in the SR zone include existing farm dwellings and agricultural uses excluding mushroom farms, commercial greenhouses and livestock operations. Section 5.2 (Agricultural 1 (A1) Zone) is applied for the zone regulations.

A zoning by-law amendment is required to rezone the proposed severed parcels from 'Settlement Reserve (SR)' to 'Residential 1 (R1)' prior to development as the lots will not comply to the SR zone permitted uses and zone regulations.

The proposed severed and retained parcels appear to comply with the R1 Zone provisions. A review of the R1 Zone for the severed and retained is as follows:

R1 Zone Provision	Required	Retained Parcel (lot 1)	E53-22 lot 2)	E54-22 (lot 3)	E55-22 (lot 4)	E56-22 (lot 5)	Complies
minimum lot area	1858.0 m <sup>2</sup> (20,000 ft <sup>2</sup> ) / 0.185 ha (0.459 ac)	0.68 ha (1.68 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	Complies
minimum lot frontage	15.0 m (49 ft)	98 m (321.52 ft)	50.1 m (164.37 ft)	60.1 m (197.17 ft)	75.7 m (248.35 ft)	109.7 m (359.90 ft)	Complies

With respect to the 'Natural Area and Adjacent Lands' overlay, an environmental assessment was conducted which concluded that no adverse nor unalterable impacts on Natural Heritage features would occur as part of the proposed severance.

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:**

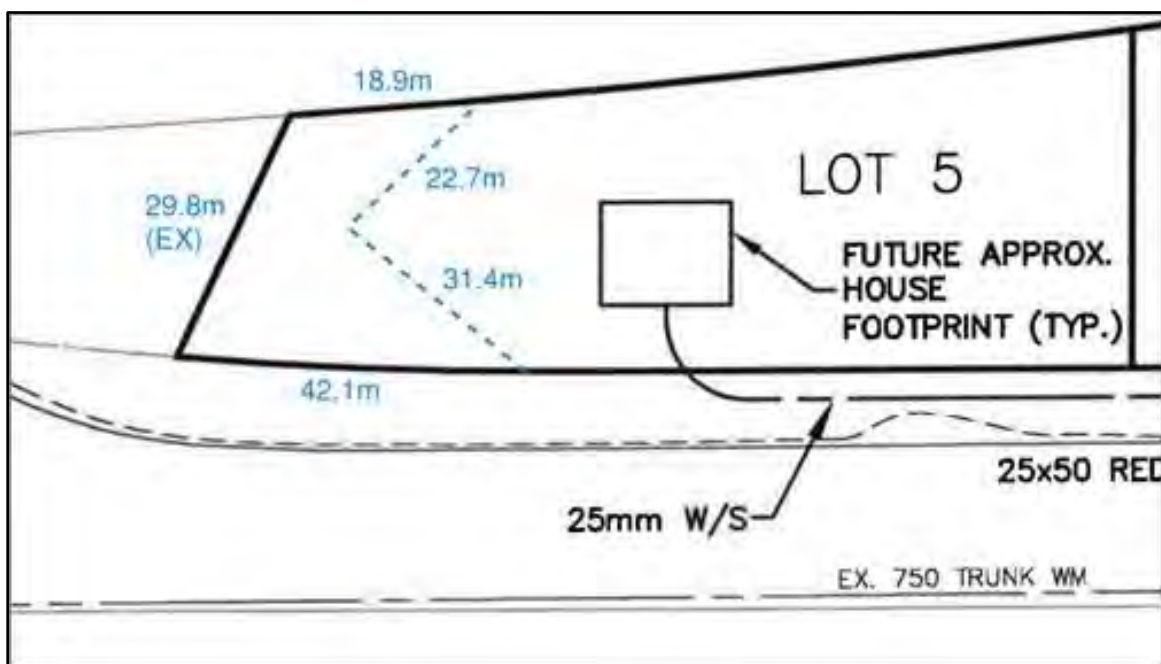
#### Township Department Comments

Comments received from the Township Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the Auckland Drain; and
  - Mutual agreement drain to ensure that the retained land between the residential lots and Highway 3 will have access to the Auckland Drain Branch E which is in the road ditch of Ford Road across the front of the proposed properties.
- Financial Services Department:
  - Cash-in-lieu of parkland fee applies;
  - Subject to Development Charges;

- Water connection; and
  - Need to connect to municipal water and pay the connection fee; and
  - Other fees and deposits would be determined through a development agreement.
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, grading drawings are required. The grading drawing will need to consider minor and major storm events;
  - rural watermain extension will be required as per the Township policy, so that these four lots are connected to municipal water. The applicant is required to pay for watermain extension and associated water connections fees required as well;
  - applicant will need to coordinate with MTO on required noise levels for HWY 3. They may request a noise study for either a noise wall, berm or increase insulated building materials;
  - consent agreement;
  - driveway entrance permit and 911 sign; and
  - septic design.

Administration is aware that it is requested by MTO and the County that E56-22 (lot 5) be amended to accommodate for proposed acquisitions for the intersection improvements. The area of Lot 5 would be reduced from 0.34 ha to 0.28 ha. Figure Three depicts the required change:



Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

**Additional Comments:**

The recommended Township conditions for consent applications E53-22 to E56-22 are attached to this report as Appendix Two for reference purposes.

The required support studies have been provided including the following:

- Preliminary Servicing Brief, dated May 10, 2022, prepared by MTE Consultants;
- Planning Justification Memo, dated June 6, 2022, prepared by Monteith Brown Planning Consultant; and
- Traffic Impact Opinion Letter dated November 29, prepared 2021 by Paradigm.

**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 three residential lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); 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:**

**Tracey Pillon-Abbs, MCIP, RPP**  
**Planner**

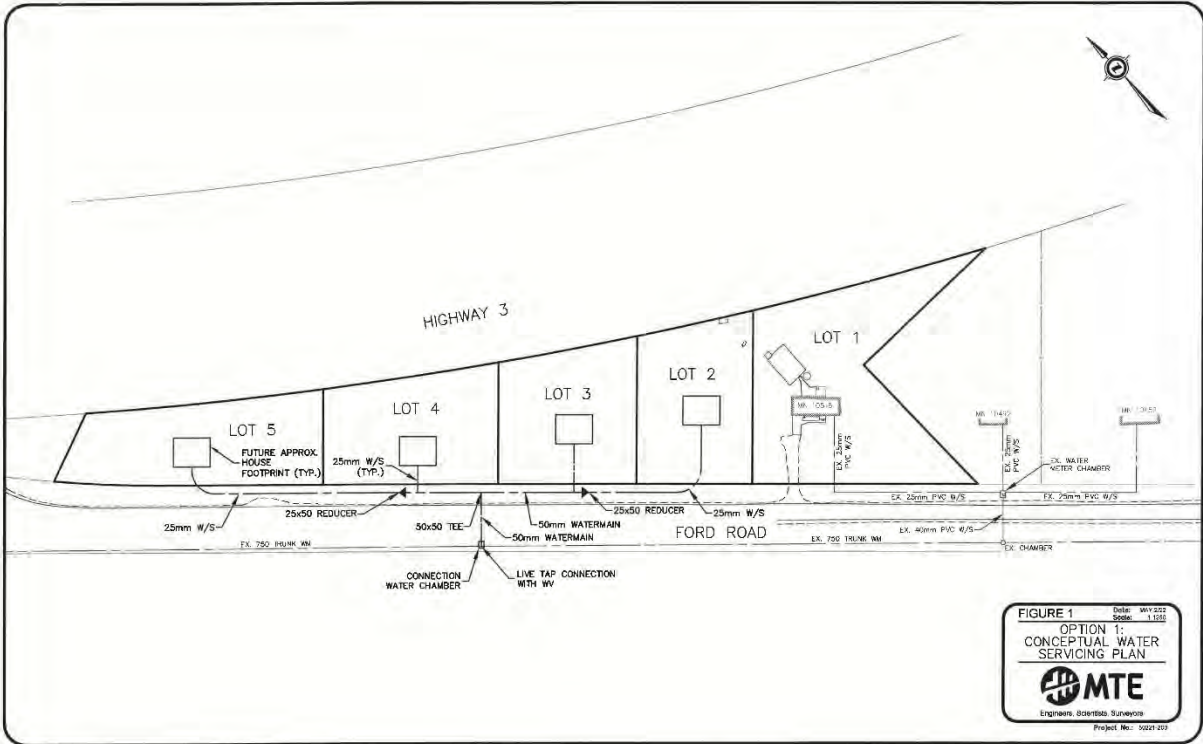
**Approved for submission by:**

**Jeff Carswell**  
**CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E53-22 to E56-22
2. Appendix Two: Consent Applications E53-22 to E56-22 Conditions

PLA 2022-25 Report Appendix One: Severance Sketch



## **Appendix Two: Severance Applications E53-22 to E56-22 Conditions**

Consent Applications E53-22, E54-22, E55-22 and E56-22 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 parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.

13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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*.

VIA EMAIL ONLY

August 16, 2022

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

**RE: Township of Southwold Consent Application - Comments to the County of Elgin  
County File Number: E 53-22, E54-22, E55-22 and E56-22**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 8, 2022, Council Meeting and passed the following resolution:

**2022- 218 Consent Applications E 53-22, E54-22, E55-22 and E56-22**

**THAT** Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin; and

**THAT** Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25; and

**FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**CARRIED**

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,



Tracey Pilon-Abbs, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

**From:** [Joe Gordon](#)  
**To:** [Paul Clarke](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 10:22:47 AM

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

Hi Paul

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

- E53/22, E54/22, E55/22 and E56/22 affecting 10518 Ford Road
- E58/22 affecting 38652 Longhurst line

I can confirm that the properties associated with the above notices are not affected by natural hazard regulations enacted under the Conservation Authorities Act.

In addition, please note that application E57/22 – 142 Centennial Ave, circulated to our office is situated within the Catfish Creek Conservation Authority watershed.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**

Assistant Manager

Supervisor of Planning & Conservation Areas

*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July 11, 2022 4:03 PM  
**To:** nooms@dougarryhomes.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician*

450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 170

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

[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 53-22 to E 56-22

OWNER: Jay McGuffin

PROPERTY: LOT NO. Part of Lot 2 and 3 CONCESSION: D as in E415880

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 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:** August 24, 2022  
**Application:** **E 54-22**

**Owner:**  
**Jane and John Andrews**  
10518 Ford Road, St. Thomas, ON

**Agent:**  
**Jay McGuffin (Monteith Brown  
Planning Consultants)**  
610 Princess Avenue, London, On

**Location:** Part of Lot 2 and 3, Concession D as in E415880, Township of Southwold

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 60.1 metres (197.18 feet) and a depth of 63 metres (206.70 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Village Residential 1 (VR1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Southwold* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential lot with the intention of constructing a new single detached dwelling. This severance is one of four (4) submitted for the subject land, and if approved, would see the creation of a total of 4 new lots, with the retained lot continuing its use for residential purposes.

This severance application is in regards to Lot 3 on the application sketch and proposes to create a new lot approximately 0.34ha in area with ~60m in frontage on Ford Road for residential purposes. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development in municipalities and encourages intensification and infill development, including the development of vacant or underutilized land within existing settlement boundaries.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is within a Tier 2 Settlement Area. The OP directs that Tier 2 Settlement Areas, which have partial municipal services, shall be the focus for growth and development within the region. In the case of this application, the subject land has access to public water services but requires a private septic system, the applicants are proposing that all severed lots be connected to the public water system. The OP supports residential development within Tier 2 Settlement Areas.

Section C1.3.1 sets out the goals of the County OP with respect to housing policies, specifically that current and future housing needs are met by encouraging the development and redevelopment of lands within settlement areas. The subject land is located surrounded by a combination of agricultural and residential lands (not including the house currently located on the subject lands) and is roughly one kilometer from an exiting subdivision. The proposed residential lots will also have frontage onto Ford Road which has access to Talbot Line / St. Thomas Expressway.

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

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The lands are designated as Residential on Schedule 4A of the Talbotville Land Use Schedule of the Southwold OP which permits single detached dwellings and lot creation.

The subject lands are zoned Settlement Reserve (SR), SR lands are those identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans are approved. The permitted uses in the SR zone are primarily agricultural and a zoning amendment will be required to rezone the severed parcels from Settlement Reserve (SR) to Residential 1 (R1).

The severed lands are also subject to a Natural Area and Adjacent Lands overlay. An environmental assessment was conducted and no adverse nor unalterable impacts on the natural heritage features will occur as part of the proposed severance. An amendment to the Zoning By-law is required for these lots which the Township of Southwold has indicated they are willing to pursue and have made the requisite zoning amendments a condition of consent.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transportation "MTO" will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.

9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.
13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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 55-22**

**PART OF LOT 2 AND 3, CONCESSION D AS IN E415880  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10518 FORD ROAD**

**TAKE NOTICE** that an application has been made by Jay McGuffin, 610 Princess Avenue, London, ON N6B 2B9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10518 Ford Road, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 75.7 metres (248.36 feet) and a depth of 63 metres (206.70 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and 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 AUGUST 24, 2022 AT 9:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

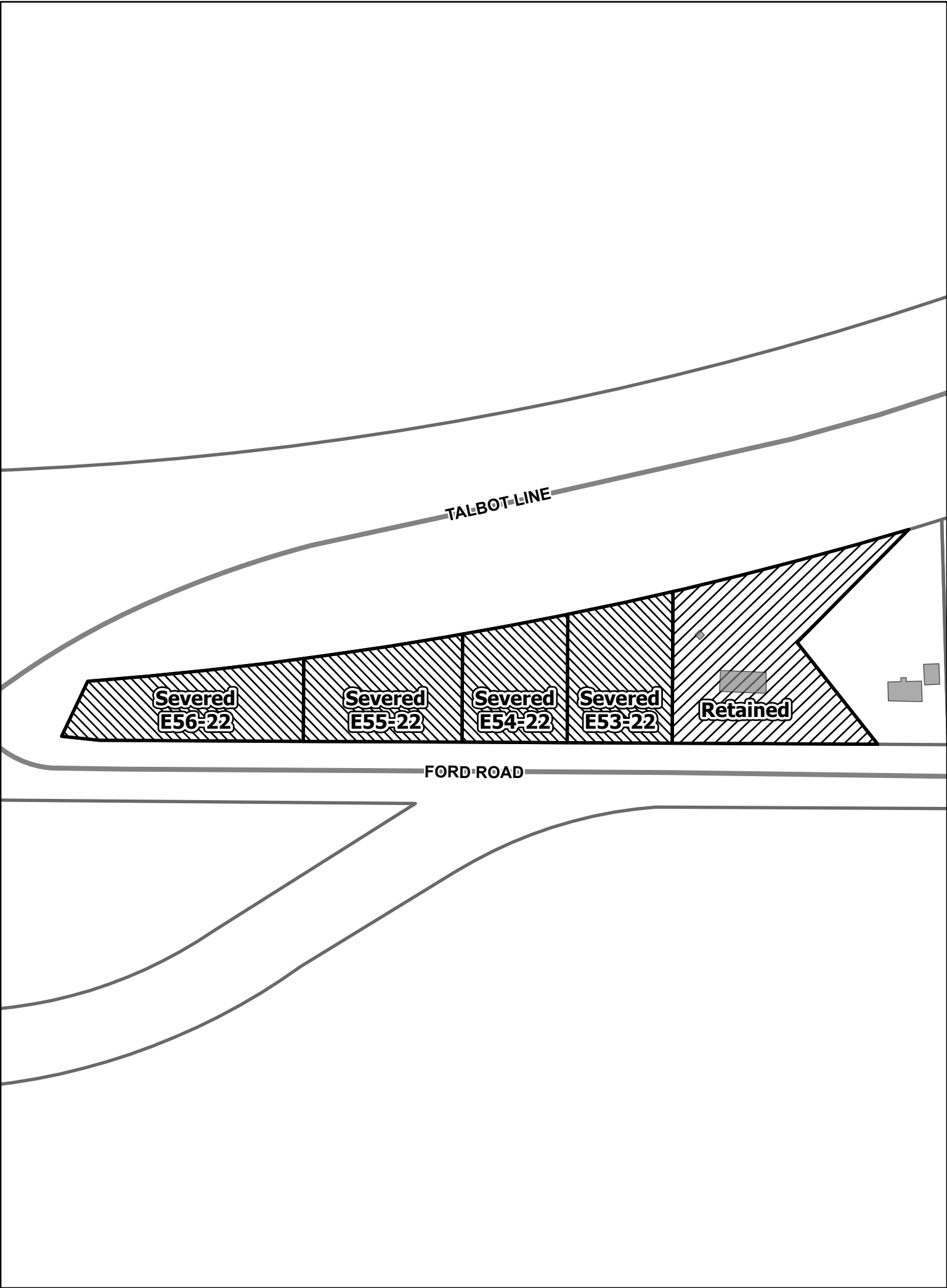
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

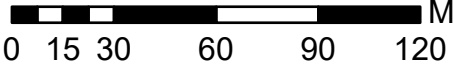
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



Subject Site: 10518 Ford Road  
File Number: E 55-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold



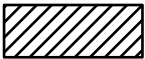
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



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

## Location Map



Subject Site: 10518 Ford Road  
File Number: E 55-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold

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

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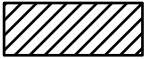
### Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** August 8, 2022

**PREPARED BY:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**REPORT NO:** PLA 2022-25

**SUBJECT MATTER:** Consent Applications E53-22 to E56-22– Comments to the County of Elgin

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**Purpose:**

The proposal is to create four (4) residential parcels while retaining one (1) existing residential parcel at 10518 Ford Road.

**Background:**

Below is background information, in a summary chart:

<b>Applications</b>	E53-22, E54-22, E55-22 and E56-22
<b>Owners/Applicants</b>	Jane and John Andrews
<b>Agent</b>	Jay McGuffin, Monteith Brown Planning Consultants
<b>Legal Description</b>	Part of Lots 2-3, Concession D
<b>Civic Address</b>	10518 Ford Road
<b>Entrance Access</b>	Ford Road
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	2.04 ha (5.04 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling and one accessory structure

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

App.	Severed Parcel (lots 2, 3, and 4)			Retained Parcel (lot 1)		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E53-22 (lot 2)</b>	50.1 m (164.37 ft)	79.3 m (260.17 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E54-22 (lot 3)</b>	60.1 m (197.17 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E55-22 (lot 4)</b>	75.7 m (248.35 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E56-22 (lot 5)</b>	109.7 m (359.90 ft)	40.1 m (131.56 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)

The Public Meeting is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel (area in yellow).



The consent sketch, showing E53-22, E54-22, E55-22 and E56-22 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), 2020 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

Lot creation is permitted within the Talbotville settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed retained parcels, development will need to be outside of natural heritage (Section 2.1 and 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 Settlement Area - Tier 2 on Schedule 'A' Land Use in the CEOP.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, have no negative impact on natural heritage and entrance accesses to the lands can be obtained.

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4A' Talbotville Land Use in the OP. The Natural Heritage Features on Schedule '2' overlay applies to a portion of the proposed retained parcel.

The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained.

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

No development is proposed on the proposed retained parcel in the Natural Heritage Features overlay (Section 4.1).

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned 'Settlement Reserve (SR)', with a 'Natural area and Adjacent Lands (NA)' overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 11, as depicted in Figure Two (outlined in red) below.



Lands that are zoned SR are identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans have been approved.

Permitted uses in the SR zone include existing farm dwellings and agricultural uses excluding mushroom farms, commercial greenhouses and livestock operations. Section 5.2 (Agricultural 1 (A1) Zone) is applied for the zone regulations.

A zoning by-law amendment is required to rezone the proposed severed parcels from 'Settlement Reserve (SR)' to 'Residential 1 (R1)' prior to development as the lots will not comply to the SR zone permitted uses and zone regulations.

The proposed severed and retained parcels appear to comply with the R1 Zone provisions. A review of the R1 Zone for the severed and retained is as follows:

R1 Zone Provision	Required	Retained Parcel (lot 1)	E53-22 lot 2)	E54-22 (lot 3)	E55-22 (lot 4)	E56-22 (lot 5)	Complies
minimum lot area	1858.0 m <sup>2</sup> (20,000 ft <sup>2</sup> ) / 0.185 ha (0.459 ac)	0.68 ha (1.68 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	Complies
minimum lot frontage	15.0 m (49 ft)	98 m (321.52 ft)	50.1 m (164.37 ft)	60.1 m (197.17 ft)	75.7 m (248.35 ft)	109.7 m (359.90 ft)	Complies

With respect to the 'Natural Area and Adjacent Lands' overlay, an environmental assessment was conducted which concluded that no adverse nor unalterable impacts on Natural Heritage features would occur as part of the proposed severance.

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:**

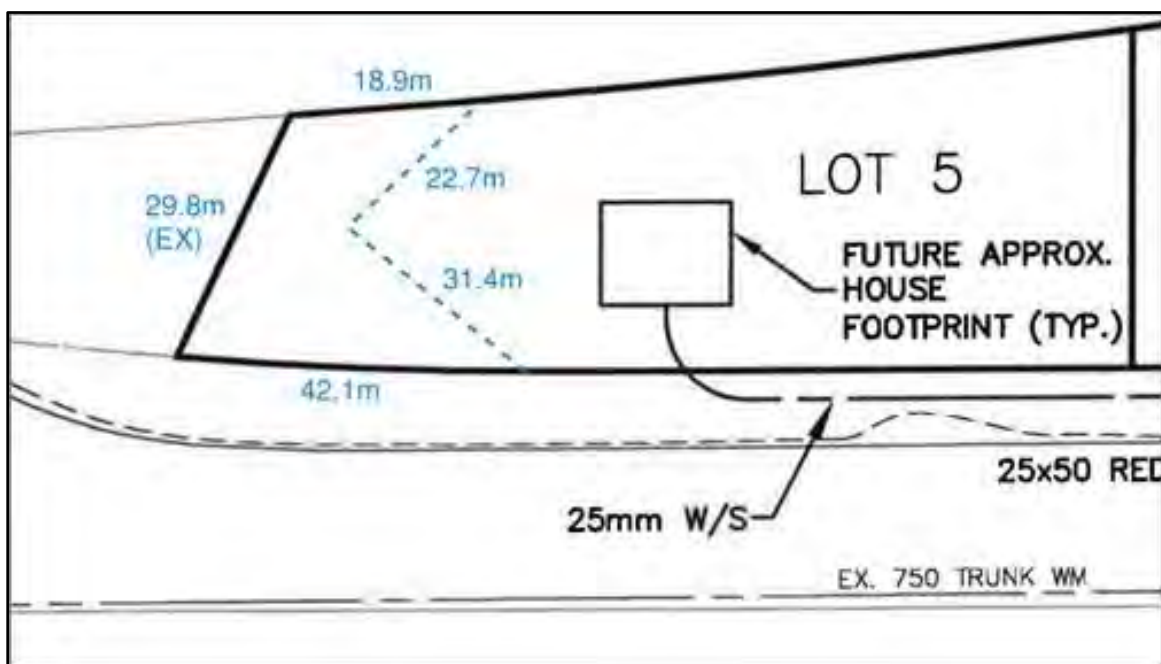
#### Township Department Comments

Comments received from the Township Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the Auckland Drain; and
  - Mutual agreement drain to ensure that the retained land between the residential lots and Highway 3 will have access to the Auckland Drain Branch E which is in the road ditch of Ford Road across the front of the proposed properties.
- Financial Services Department:
  - Cash-in-lieu of parkland fee applies;
  - Subject to Development Charges;

- Water connection; and
  - Need to connect to municipal water and pay the connection fee; and
  - Other fees and deposits would be determined through a development agreement.
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, grading drawings are required. The grading drawing will need to consider minor and major storm events;
  - rural watermain extension will be required as per the Township policy, so that these four lots are connected to municipal water. The applicant is required to pay for watermain extension and associated water connections fees required as well;
  - applicant will need to coordinate with MTO on required noise levels for HWY 3. They may request a noise study for either a noise wall, berm or increase insulated building materials;
  - consent agreement;
  - driveway entrance permit and 911 sign; and
  - septic design.

Administration is aware that it is requested by MTO and the County that E56-22 (lot 5) be amended to accommodate for proposed acquisitions for the intersection improvements. The area of Lot 5 would be reduced from 0.34 ha to 0.28 ha. Figure Three depicts the required change:



Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

**Additional Comments:**

The recommended Township conditions for consent applications E53-22 to E56-22 are attached to this report as Appendix Two for reference purposes.

The required support studies have been provided including the following:

- Preliminary Servicing Brief, dated May 10, 2022, prepared by MTE Consultants;
- Planning Justification Memo, dated June 6, 2022, prepared by Monteith Brown Planning Consultant; and
- Traffic Impact Opinion Letter dated November 29, prepared 2021 by Paradigm.

**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 three residential lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); 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:**

**Tracey Pillon-Abbs, MCIP, RPP**  
**Planner**

**Approved for submission by:**

**Jeff Carswell**  
**CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E53-22 to E56-22
2. Appendix Two: Consent Applications E53-22 to E56-22 Conditions



## **Appendix Two: Severance Applications E53-22 to E56-22 Conditions**

Consent Applications E53-22, E54-22, E55-22 and E56-22 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 parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.

13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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*.

VIA EMAIL ONLY

August 16, 2022

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

**RE: Township of Southwold Consent Application - Comments to the County of Elgin  
County File Number: E 53-22, E54-22, E55-22 and E56-22**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 8, 2022, Council Meeting and passed the following resolution:

**2022- 218 Consent Applications E 53-22, E54-22, E55-22 and E56-22**

**THAT** Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin; and

**THAT** Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25; and

**FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**CARRIED**

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,



Tracey Pilon-Abbs, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

**From:** [Joe Gordon](#)  
**To:** [Paul Clarke](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 10:22:47 AM

---

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

Hi Paul

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

- E53/22, E54/22, E55/22 and E56/22 affecting 10518 Ford Road
- E58/22 affecting 38652 Longhurst line

I can confirm that the properties associated with the above notices are not affected by natural hazard regulations enacted under the Conservation Authorities Act.

In addition, please note that application E57/22 – 142 Centennial Ave, circulated to our office is situated within the Catfish Creek Conservation Authority watershed.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**

Assistant Manager

Supervisor of Planning & Conservation Areas

*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July 11, 2022 4:03 PM  
**To:** nooms@dougarryhomes.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician*

450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 170

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

[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 53-22 to E 56-22

OWNER: Jay McGuffin

PROPERTY: LOT NO. Part of Lot 2 and 3 CONCESSION: D as in E415880

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 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

## Paul Clarke

---

**From:** Patrick Matkowski <pmatkowski@mbpc.ca>  
**Sent:** August 19, 2022 2:35 PM  
**To:** Paul Clarke  
**Cc:** Andrews Sports; Jay McGuffin  
**Subject:** RE: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

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

Hi Paul,

Thanks again for the call this afternoon. I've discussed with John Andrews the MTO issue below, and we've agreed to proceed with the applications for Lot 2 and 3 (E53-22, E54-22), and defer Lots 4 and 5 (E55-22, E56-22).

Please let me know if you have any other questions or concerns.

Regards,

Patrick Matkowski

Planner

**MONTEITH BROWN PLANNING CONSULTANTS**

610 Princess Avenue, London, Ontario, N6B 2B9

Tel.: (519) 686-1300 x 108 / Fax: (519) 681-1690

E-Mail: [pmatkowski@mbpc.ca](mailto:pmatkowski@mbpc.ca) / Web: [www.mbpc.ca](http://www.mbpc.ca)

Due to the COVID-19 State of Emergency, I will be working from Home and can be reached on my **Mobile at (226) 926-8695**.



This email transmission, including all attachments, is directed in confidence to the person(s) named above, and may not be otherwise distributed, copied or disclosed. The contents of this e-mail transmission may also contain personal information of which collection and use is regulated by the Personal Information and Protection and Electronic Documents Act, S.C. 2000 c. 5. If you have received this e-mail transmission in error, or do not agree to compliance with the Act, please notify the sender immediately by telephone or reply e-mail and delete this message without making a copy. Due to the inherent risks associated with the Internet, we assume no responsibility for unauthorized interception of any Internet communication with you or the transmission of computer viruses. Thank you for your co-operation.

---

**From:** Paul Clarke [mailto:[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)]  
**Sent:** Friday, August 19, 2022 1:50 PM  
**To:** Patrick Matkowski <pmatkowski@mbpc.ca>  
**Subject:** FW: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

Please see the below comments from MTO.

**Paul Clarke, CPT**  
*Planning Technician*

450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Mentley, Ryan (MTO) <[Ryan.Mentley@ontario.ca](mailto:Ryan.Mentley@ontario.ca)>

**Sent:** August 15, 2022 9:33 AM

**To:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>

**Subject:** FW: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

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

Hi Paul,

Thank you for circulating the Ministry of Transportation (MTO) with the attached applications for consent (E56-22, E55-22, E54-22 & E53-22) to sever lands along Ford Road. MTO has reviewed the proposed in accordance with the *Public Transportation and Highway Improvement Act* and MTO's highway access management guidelines and provides the following comments.

The subject property falls within MTO's Permit Control Area, and as such is subject to MTO's development requirements. MTO Permits are required before any grading, construction or alteration to the site commences.

MTO is supportive of development within Elgin County, and we will look for ways to help facilitate the continued growth of the area while maintaining the functional integrity of the provincial highway network. The location, type, frequency, volume of use and design of an entrance can greatly impact the safety and efficiency of the highway, interchange and nearby municipal / county road network, and any new access connection, or requests to upgrade/intensify an existing access connection must adhere to the current spacing, density, frontage, use and safety requirements relevant to the classification and designation of the provincial highway and interchange.

MTO does not object to the proposed consents to sever, however as a condition of severance MTO provides the following;

- E56-22 – Please confirm the blue dash lines shown at the north limit of the property on the E56-22 markup plan is the proposed future property limit. MTO will require a 14 m setback from the proposed (blue) property limit and from the property limit along the east side of the property along Highway 3 for any structure, building, sanitary facilities, etc. Additionally, the access to E56-22 (Lot 5) shall be located at the southerly limits of Lot 5 to maximize the offset from the intersection.
- E55-22, E54-22 & E53-22 – MTO will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.
- Due to future works at the intersection of Highway 3 and Ford Road and proximity of the land to the intersection consideration should be given to reducing the number of new lots to increase the size of the proposed lots to ensure adequate setbacks and entrance locations can be obtained.

Development of the sites will require MTO review/approvals. This will include the submission of a Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan.

MTO looks forward to receiving additional submissions as the project progresses. Please feel free to contact me directly should you have any questions or concerns.

Regards,

**Ryan Mentley**

*Corridor Management Planner  
Highway Corridor Management Section  
Ministry of Transportation  
659 Exeter Road, London ON, N6E 1L3  
Tel: (519) 878-4026  
Fax: (519) 873-4228  
[Ryan.Mentley@Ontario.ca](mailto:Ryan.Mentley@Ontario.ca)*

---

**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>

**Sent:** July 12, 2022 10:19 AM

**To:** Mentley, Ryan (MTO) <[Ryan.Mentley@ontario.ca](mailto:Ryan.Mentley@ontario.ca)>

**Cc:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>

**Subject:** E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good afternoon,

Please see the attached Notices of Application for file numbers E-53-22, E-54-22, E-55-22 & E-56-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on these applications please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday, August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician  
450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)*



**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:** August 24, 2022  
**Application:** E 55-22

**Owner:**  
**Jane and John Andrews**  
10518 Ford Road, St. Thomas, ON

**Agent:**  
**Jay McGuffin (Monteith Brown**  
**Planning Consultants)**  
610 Princess Avenue, London, On

**Location:** Part of Lot 2 and 3, Concession D as in E415880, Township of Southwold

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 75.7 metres (248.36 feet) and a depth of 63 metres (206.70 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Village Residential 1 (VR1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Southwold* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

**RECOMMENDATION:**

County staff have received an email from the authorized agent on this application requesting it be deferred until further notice.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 56-22**

**PART OF LOT 2 AND 3, CONCESSION D AS IN E415880  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10518 FORD ROAD**

**TAKE NOTICE** that an application has been made by Jay McGuffin, 610 Princess Avenue, London, ON N6B 2B9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10518 Ford Road, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 109.7 metres (356 feet) and a depth of 40.1 metres (131.56 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and 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 AUGUST 24, 2022 AT 9:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

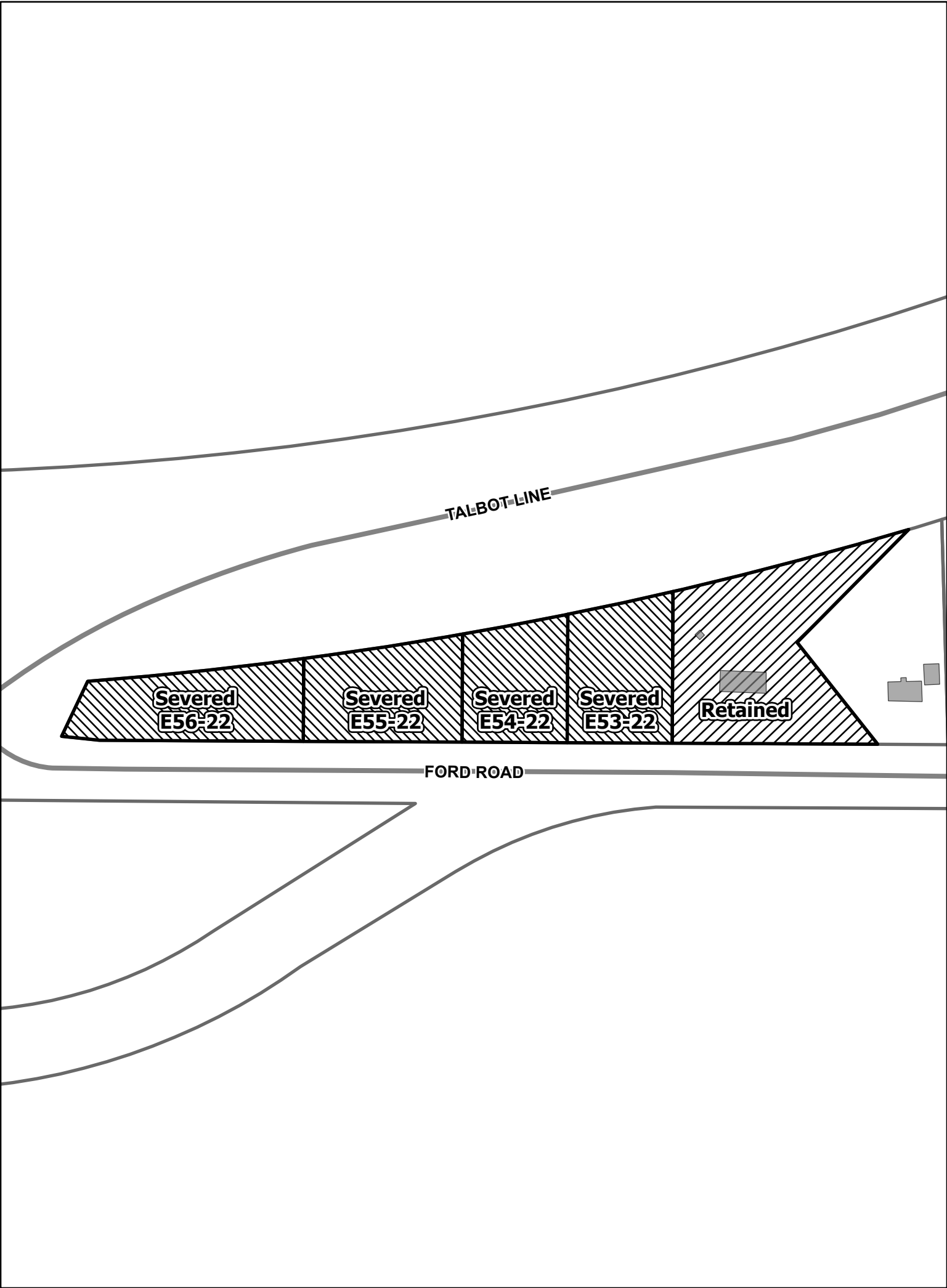
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

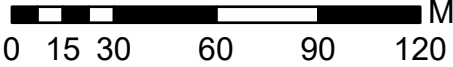
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



## Location Map



Subject Site: 10518 Ford Road  
File Number: E 56-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold



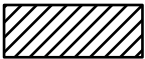
### Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



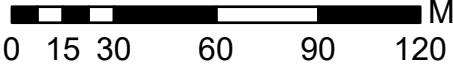
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



Subject Site: 10518 Ford Road  
File Number: E 56-2022  
Owner: Jane & John Andrews  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Southwold

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



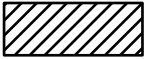
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** August 8, 2022

**PREPARED BY:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**REPORT NO:** PLA 2022-25

**SUBJECT MATTER:** Consent Applications E53-22 to E56-22– Comments to the County of Elgin

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**Purpose:**

The proposal is to create four (4) residential parcels while retaining one (1) existing residential parcel at 10518 Ford Road.

**Background:**

Below is background information, in a summary chart:

<b>Applications</b>	E53-22, E54-22, E55-22 and E56-22
<b>Owners/Applicants</b>	Jane and John Andrews
<b>Agent</b>	Jay McGuffin, Monteith Brown Planning Consultants
<b>Legal Description</b>	Part of Lots 2-3, Concession D
<b>Civic Address</b>	10518 Ford Road
<b>Entrance Access</b>	Ford Road
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	2.04 ha (5.04 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling and one accessory structure

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

App.	Severed Parcel (lots 2, 3, and 4)			Retained Parcel (lot 1)		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E53-22 (lot 2)</b>	50.1 m (164.37 ft)	79.3 m (260.17 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E54-22 (lot 3)</b>	60.1 m (197.17 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E55-22 (lot 4)</b>	75.7 m (248.35 ft)	63.0 m (206.69 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)
<b>E56-22 (lot 5)</b>	109.7 m (359.90 ft)	40.1 m (131.56 ft)	0.34 ha (0.84 ac)	98 m (321.52 ft)	79.3 m (260.17 ft)	0.68 ha (1.68 ac)

The Public Meeting is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel (area in yellow).



The consent sketch, showing E53-22, E54-22, E55-22 and E56-22 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), 2020 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

Lot creation is permitted within the Talbotville settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed retained parcels, development will need to be outside of natural heritage (Section 2.1 and 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 Settlement Area - Tier 2 on Schedule 'A' Land Use in the CEOP.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, have no negative impact on natural heritage and entrance accesses to the lands can be obtained.

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4A' Talbotville Land Use in the OP. The Natural Heritage Features on Schedule '2' overlay applies to a portion of the proposed retained parcel.

The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained.

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

No development is proposed on the proposed retained parcel in the Natural Heritage Features overlay (Section 4.1).

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned 'Settlement Reserve (SR)', with a 'Natural area and Adjacent Lands (NA)' overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 11, as depicted in Figure Two (outlined in red) below.



Lands that are zoned SR are identified for future development, and which are intended to ultimately be rezoned once subdivision or other development plans have been approved.

Permitted uses in the SR zone include existing farm dwellings and agricultural uses excluding mushroom farms, commercial greenhouses and livestock operations. Section 5.2 (Agricultural 1 (A1) Zone) is applied for the zone regulations.

A zoning by-law amendment is required to rezone the proposed severed parcels from ‘Settlement Reserve (SR)’ to ‘Residential 1 (R1)’ prior to development as the lots will not comply to the SR zone permitted uses and zone regulations.

The proposed severed and retained parcels appear to comply with the R1 Zone provisions. A review of the R1 Zone for the severed and retained is as follows:

R1 Zone Provision	Required	Retained Parcel (lot 1)	E53-22 lot 2)	E54-22 (lot 3)	E55-22 (lot 4)	E56-22 (lot 5)	Complies
minimum lot area	1858.0 m2 (20,000 ft2) / 0.185 ha (0.459 ac)	0.68 ha (1.68 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	0.34 ha (0.84 ac)	Complies
minimum lot frontage	15.0 m (49 ft)	98 m (321.52 ft)	50.1 m (164.37 ft)	60.1 m (197.17 ft)	75.7 m (248.35 ft)	109.7 m (359.90 ft)	Complies

With respect to the ‘Natural Area and Adjacent Lands’ overlay, an environmental assessment was conducted which concluded that no adverse nor unalterable impacts on Natural Heritage features would occur as part of the proposed severance.

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:

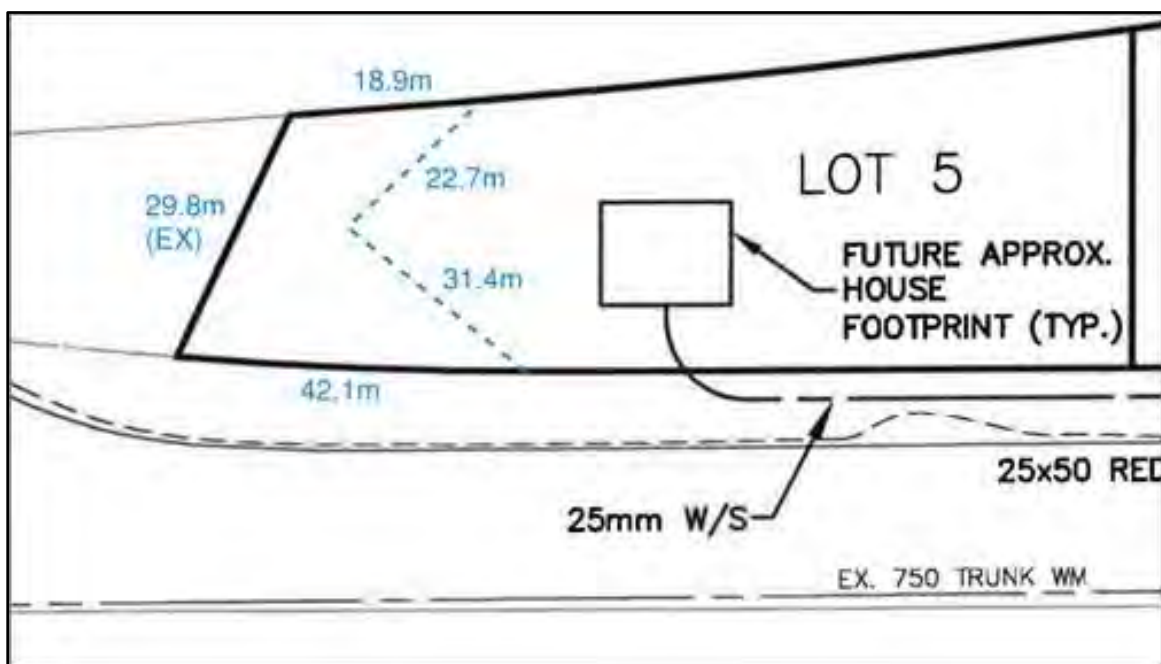
#### Township Department Comments

Comments received from the Township Departments’ are summarized below:

- Drainage Department:
  - Reapportionment of the Auckland Drain; and
  - Mutual agreement drain to ensure that the retained land between the residential lots and Highway 3 will have access to the Auckland Drain Branch E which is in the road ditch of Ford Road across the front of the proposed properties.
- Financial Services Department:
  - Cash-in-lieu of parkland fee applies;
  - Subject to Development Charges;

- Water connection; and
  - Need to connect to municipal water and pay the connection fee; and
  - Other fees and deposits would be determined through a development agreement.
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, grading drawings are required. The grading drawing will need to consider minor and major storm events;
  - rural watermain extension will be required as per the Township policy, so that these four lots are connected to municipal water. The applicant is required to pay for watermain extension and associated water connections fees required as well;
  - applicant will need to coordinate with MTO on required noise levels for HWY 3. They may request a noise study for either a noise wall, berm or increase insulated building materials;
  - consent agreement;
  - driveway entrance permit and 911 sign; and
  - septic design.

Administration is aware that it is requested by MTO and the County that E56-22 (lot 5) be amended to accommodate for proposed acquisitions for the intersection improvements. The area of Lot 5 would be reduced from 0.34 ha to 0.28 ha. Figure Three depicts the required change:



Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

**Additional Comments:**

The recommended Township conditions for consent applications E53-22 to E56-22 are attached to this report as Appendix Two for reference purposes.

The required support studies have been provided including the following:

- Preliminary Servicing Brief, dated May 10, 2022, prepared by MTE Consultants;
- Planning Justification Memo, dated June 6, 2022, prepared by Monteith Brown Planning Consultant; and
- Traffic Impact Opinion Letter dated November 29, prepared 2021 by Paradigm.

**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 three residential lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); 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:**

**Tracey Pillon-Abbs, MCIP, RPP**  
**Planner**

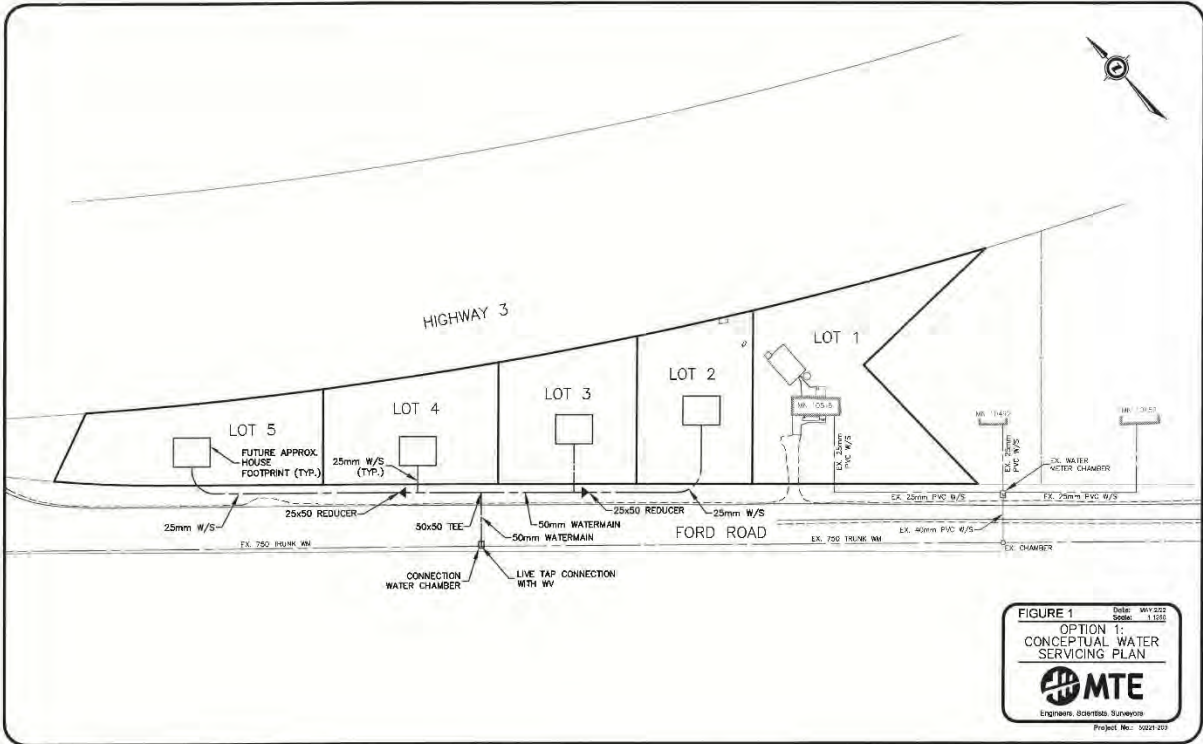
**Approved for submission by:**

**Jeff Carswell**  
**CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E53-22 to E56-22
2. Appendix Two: Consent Applications E53-22 to E56-22 Conditions

PLA 2022-25 Report Appendix One: Severance Sketch



## **Appendix Two: Severance Applications E53-22 to E56-22 Conditions**

Consent Applications E53-22, E54-22, E55-22 and E56-22 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 parcels 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 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 for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.

13. 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.
14. 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.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. 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*.

VIA EMAIL ONLY

August 16, 2022

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

**RE: Township of Southwold Consent Application - Comments to the County of Elgin  
County File Number: E 53-22, E54-22, E55-22 and E56-22**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 8, 2022, Council Meeting and passed the following resolution:

**2022- 218 Consent Applications E 53-22, E54-22, E55-22 and E56-22**

**THAT** Council of the Township of Southwold receive Report PLA 2022-25 regarding Consent Applications E53-22, E54-22, E55-22 and E56-22 – Comments to the County of Elgin; and

**THAT** Council of the Township of Southwold recommends approval of the Land Division Committee of the County of Elgin for the consent applications, File E53-22, E54-22, E55-22 and E56-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-25; and

**FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-25 as Municipal comments to the County of Elgin.

**CARRIED**

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,



Tracey Pilon-Abbs, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

**From:** [Joe Gordon](#)  
**To:** [Paul Clarke](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 10:22:47 AM

---

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

Hi Paul

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

- E53/22, E54/22, E55/22 and E56/22 affecting 10518 Ford Road
- E58/22 affecting 38652 Longhurst line

I can confirm that the properties associated with the above notices are not affected by natural hazard regulations enacted under the Conservation Authorities Act.

In addition, please note that application E57/22 – 142 Centennial Ave, circulated to our office is situated within the Catfish Creek Conservation Authority watershed.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**

Assistant Manager

Supervisor of Planning & Conservation Areas

*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July 11, 2022 4:03 PM  
**To:** nooms@dougarryhomes.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician*

450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 170

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

[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 53-22 to E 56-22

OWNER: Jay McGuffin

PROPERTY: LOT NO. Part of Lot 2 and 3 CONCESSION: D as in E415880

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 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

## Paul Clarke

---

**From:** Patrick Matkowski <pmatkowski@mbpc.ca>  
**Sent:** August 19, 2022 2:35 PM  
**To:** Paul Clarke  
**Cc:** Andrews Sports; Jay McGuffin  
**Subject:** RE: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

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

Hi Paul,

Thanks again for the call this afternoon. I've discussed with John Andrews the MTO issue below, and we've agreed to proceed with the applications for Lot 2 and 3 (E53-22, E54-22), and defer Lots 4 and 5 (E55-22, E56-22).

Please let me know if you have any other questions or concerns.

Regards,

Patrick Matkowski

Planner

**MONTEITH BROWN PLANNING CONSULTANTS**

610 Princess Avenue, London, Ontario, N6B 2B9

Tel.: (519) 686-1300 x 108 / Fax: (519) 681-1690

E-Mail: [pmatkowski@mbpc.ca](mailto:pmatkowski@mbpc.ca) / Web: [www.mbpc.ca](http://www.mbpc.ca)

**Due to the COVID-19 State of Emergency, I will be working from Home and can be reached on my Mobile at (226) 926-8695.**



This email transmission, including all attachments, is directed in confidence to the person(s) named above, and may not be otherwise distributed, copied or disclosed. The contents of this e-mail transmission may also contain personal information of which collection and use is regulated by the Personal Information and Protection and Electronic Documents Act, S.C. 2000 c. 5. If you have received this e-mail transmission in error, or do not agree to compliance with the Act, please notify the sender immediately by telephone or reply e-mail and delete this message without making a copy. Due to the inherent risks associated with the Internet, we assume no responsibility for unauthorized interception of any Internet communication with you or the transmission of computer viruses. Thank you for your co-operation.

---

**From:** Paul Clarke [mailto:[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)]  
**Sent:** Friday, August 19, 2022 1:50 PM  
**To:** Patrick Matkowski <pmatkowski@mbpc.ca>  
**Subject:** FW: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

Please see the below comments from MTO.

**Paul Clarke, CPT**  
*Planning Technician*

450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Mentley, Ryan (MTO) <[Ryan.Mentley@ontario.ca](mailto:Ryan.Mentley@ontario.ca)>

**Sent:** August 15, 2022 9:33 AM

**To:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>

**Subject:** FW: E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

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

Hi Paul,

Thank you for circulating the Ministry of Transportation (MTO) with the attached applications for consent (E56-22, E55-22, E54-22 & E53-22) to sever lands along Ford Road. MTO has reviewed the proposed in accordance with the *Public Transportation and Highway Improvement Act* and MTO's highway access management guidelines and provides the following comments.

The subject property falls within MTO's Permit Control Area, and as such is subject to MTO's development requirements. MTO Permits are required before any grading, construction or alteration to the site commences.

MTO is supportive of development within Elgin County, and we will look for ways to help facilitate the continued growth of the area while maintaining the functional integrity of the provincial highway network. The location, type, frequency, volume of use and design of an entrance can greatly impact the safety and efficiency of the highway, interchange and nearby municipal / county road network, and any new access connection, or requests to upgrade/intensify an existing access connection must adhere to the current spacing, density, frontage, use and safety requirements relevant to the classification and designation of the provincial highway and interchange.

MTO does not object to the proposed consents to sever, however as a condition of severance MTO provides the following;

- E56-22 – Please confirm the blue dash lines shown at the north limit of the property on the E56-22 markup plan is the proposed future property limit. MTO will require a 14 m setback from the proposed (blue) property limit and from the property limit along the east side of the property along Highway 3 for any structure, building, sanitary facilities, etc. Additionally, the access to E56-22 (Lot 5) shall be located at the southerly limits of Lot 5 to maximize the offset from the intersection.
- E55-22, E54-22 & E53-22 – MTO will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.
- Due to future works at the intersection of Highway 3 and Ford Road and proximity of the land to the intersection consideration should be given to reducing the number of new lots to increase the size of the proposed lots to ensure adequate setbacks and entrance locations can be obtained.

Development of the sites will require MTO review/approvals. This will include the submission of a Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan.

MTO looks forward to receiving additional submissions as the project progresses. Please feel free to contact me directly should you have any questions or concerns.

Regards,

**Ryan Mentley**

*Corridor Management Planner  
Highway Corridor Management Section  
Ministry of Transportation  
659 Exeter Road, London ON, N6E 1L3  
Tel: (519) 878-4026  
Fax: (519) 873-4228  
[Ryan.Mentley@Ontario.ca](mailto:Ryan.Mentley@Ontario.ca)*

---

**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>

**Sent:** July 12, 2022 10:19 AM

**To:** Mentley, Ryan (MTO) <[Ryan.Mentley@ontario.ca](mailto:Ryan.Mentley@ontario.ca)>

**Cc:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>

**Subject:** E-53-22, E-54-22, E-55-22 & E-56-22 Notice of Application - Request for Agency Review

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good afternoon,

Please see the attached Notices of Application for file numbers E-53-22, E-54-22, E-55-22 & E-56-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on these applications please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday, August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

*Planning Technician  
450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)*



**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:** August 24, 2022  
**Application:** E 56-22

**Owner:**  
**Jane and John Andrews**  
10518 Ford Road, St. Thomas, ON

**Agent:**  
**Jay McGuffin (Monteith Brown**  
**Planning Consultants)**  
610 Princess Avenue, London, On

**Location:** Part of Lot 2 and 3, Concession D as in E415880, Township of Southwold

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 109.7 metres (356 feet) and a depth of 40.1 metres (131.56 feet) and an area of 0.34ha (0.84 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 98 metres (321.52 feet) and a depth of 79.3 metres (260.17 feet) and an area of 0.68ha (1.68 acres), containing a single detached dwelling unit and proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 2 Settlement Area

**Local Municipality Official  
Plan**

Residential

**Local Municipality Zoning  
By-law**

Village Residential 1 (VR1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Southwold* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

**RECOMMENDATION:**

County staff have received an email from the authorized agent on this application requesting it be deferred until further notice.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 57-22**

**PART OF LOT 11, CONCESSION 8  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 142 CENTENNIAL AVE.**

**TAKE NOTICE** that an application has been made by Nicole Ooms, 358 Elm Street, St. Thomas, ON N5R 1K1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 142 Centennial Ave, St. Thomas, ON.

The applicant proposes to sever a parcel with a frontage of 42.621 metres & 19.211 metres (139.83 feet & 63.03 feet) and a depth of 196.22 metres & 6.506 metres (643.77 feet & 21.35 feet) and an area of 0.845ha & 0.012ha (2.09 acres & 0.03 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant proposes to retain a lot with a frontage of 24.307m (79.75 feet) and a depth of 78.869m (258.76 feet) with an area of 0.186ha (0.46 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 AUGUST 24, 2022 AT 9:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

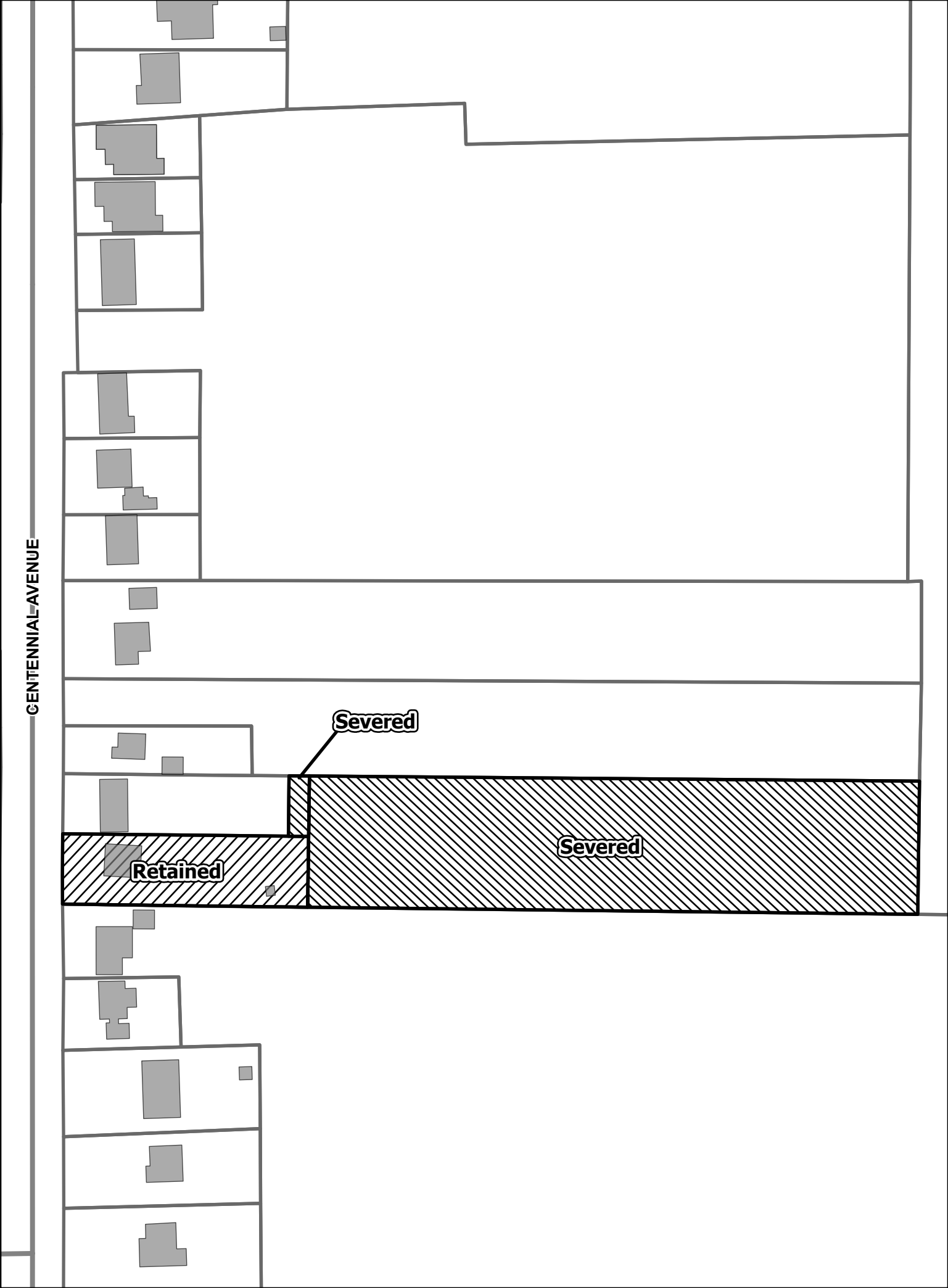
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

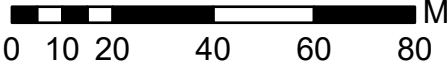
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



Subject Site: 142 Centennial Avenue  
File Number: E 57-2022  
Owner: Darran Allen Fawcett, Nancy Jane Silzer  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Central Elgin



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



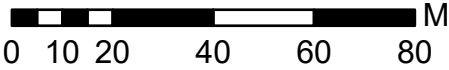
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer  
for Ontario

# Location Map



Subject Site: 142 Centennial Avenue  
File Number: E 57-2022  
Owner: Darran Allen Fawcett, Nancy Jane Silzer  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Central Elgin

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



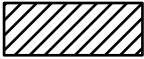
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



June 28, 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 E57/22  
Darran Allen Fawcett and Nancy Jane Silzer, 142 Centennial Avenue

Dear Mr. Lima:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, June 27, 2022 and the following resolution was passed:

**THAT** Report CEP.29.22 Consent Application E57/22 Darran Allen Fawcett and Nancy Jane Silzer, 142 Centennial Avenue be received for information;

**AND THAT** Council has no objections to consent application E57/22 subject to the following recommended conditions:

- 1) the severed lands (Parcel "B") be merged with 144 Centennial Avenue;
- 2) the severed lands (Parcel "C") be merged with 140 Centennial Avenue;
- 3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- 4) the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
- 5) the Municipality of Central Elgin be provided with a copy of the Reference Plan and
- 6) a drainage reassessment be done, if necessary, at the owner's expense.

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.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)

519-631-4860 ext. 286

c.c. D. Fawcett & N. Silzer, Owner  
N. Ooms, Doug Tarry Ltd., Agent  
S. Craig, Senior Planner, CEPO  
P. Clarke, Planning Technician, County of Elgin

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.29.22  
**CEPO FILE NO.** E57/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 142 Centennial Avenue  
Applicant – Darran Allen Fawcett and Nancy Jane Silzer  
**DATE** June 27, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.29.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E57/22 to the Land Division Committee, staff recommends the following conditions:

- 1) the severed lands (Parcel “B”) be merged with 144 Centennial Avenue;
- 2) the severed lands (Parcel “C”) be merged with 140 Centennial Avenue;
- 3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- 4) the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest; and
- 5) the Municipality of Central Elgin be provided with a copy of the Reference Plan.

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**REPORT**

**Background:**

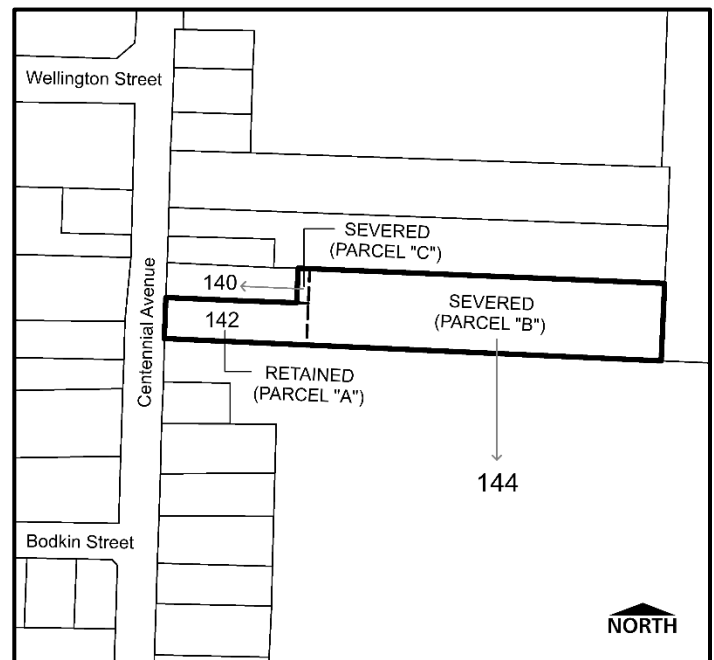
Consent application E57/22 has been filed for the purpose of two lot additions.

**Location:**

The subject lands are located on the east side of Centennial Avenue, between Bodkin Street and Wellington Street. The lands are described as Concession 8, North Part of Lot 11, geographic Township of Yarmouth, now Municipality of Central Elgin.

**Proposal:**

The applicants are proposing to sever (Parcel "B") a vacant parcel land with an area of 0.845ha, the lands will be merged with the abutting lot to the south (144 Centennial Avenue) and continue to be used for agricultural purposes. The applicants are proposing to sever (Parcel "C") a vacant parcel of land with an area of 0.012ha, the lands will be merged with the abutting lot to the west (140 Centennial Avenue) and continue to be used for residential purposes. The applicants are proposing to retain a lot with frontage of 24.30m on Centennial Avenue and an area of 0.186 hectares, containing one single detached dwelling, a detached garage and two sheds.

**Location Plan:****Staff Report****1. Official Plan**

- The subject lands are within the Residential and Commercial-Industrial, designation in accordance with Schedule "D" – Community of Eastwood Land Use Plan to the Municipality of Central Elgin Official Plan.
- The "Residential" designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure" (4.2). Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached dwellings (4.2.1(a)).
- Permitted uses of the Commercial-Industrial designation include a mix of space-extensive commercial activities along with light industrial activities shall be permitted (4.3.1a)).
- The Consent policies provide that in addition to the specific land division and/or consent policies associated with the applicable land use designation a consent for technical or legal purposes, such as a boundary adjustment, easement or right-of-way is permitted. The lots that are the subject of the application and any retained lands will comply with the zoning by-law, or the consent will be conditional on a successful zoning by-law amendment or minor variance (5.3.9.1b)).


## 2. Zoning By-Law

- The subject lands are within the Residential Zone 1 (R1) and Open Space Zone 2 (OS2), as shown on Zoning Map 15, Township of Yarmouth Zoning By-Law 1998, as amended.
- The severed parcels (Parcel "B" & Parcel "C") are within the OS2 zone, permitted uses include farm uses, rural-residential uses lawfully used for such purposes on the day of the passing of the bylaw, home occupations and accessory uses (8.3.1.1). The OS2 zone requires a minimum lot area of 25 acres for farm use (8.3.1.4).
- The retained lot (Parcel "A") is within the R1 zone, permitted uses include residential uses, and accessory uses (9.2.1.1), permitted buildings and other structures include one single-detached dwelling and accessory buildings on residential lots (9.2.1.2). Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5m<sup>2</sup> (9.2.1.3.3), the minimum lot frontage is 15m (9.2.1.4.3) and the minimum lot depth required is 30.48m (9.2.1.5).

## 3. County of Elgin Official Plan:


- The retained lot (Parcel "A") is within a "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- The severed parcels (Parcel "B" and Parcel "C") are within a Site-Specific Policy Area on Figure '1' to the County of Elgin Official Plan and may be used for employment uses, development and redevelopment of the lands shall be in accordance with the Major Industrial and Commercial Industrial policies of the Municipality of Central Elgin Official Plan (C1.1.4).
- 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 (E1.2.3.2).

Respectfully submitted:

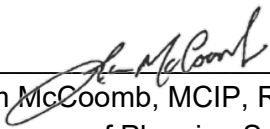


Steve Craig  
Sr. Planning Technician

Approved for submission:



Paul Shipway  
CAO/Clerk



Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Gerrit Kremers](#)  
**To:** [Paul Clarke](#); [Land Division](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 11:15:20 AM  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)

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

Hello,

CCCA has no concerns or comments in regards to the above noted severance application

Thanks,

**Gerrit Kremers**  
Resource Planning Coordinator  
8079 Springwater Road, R.R.#5,  
Aylmer ON. N5H 2R4  
519-773-9037  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)

---

**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>  
**Sent:** July-19-22 10:28 AM  
**To:** Gerrit Kremers <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Subject:** FW: E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**  
*Planning Technician*  
450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170

[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.: 28 – Centennial Ave

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 57-22

OWNER: Nicole Ooms

PROPERTY: LOT NO. Part of Lot 11 CONCESSION: 8

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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:** August 24, 2022  
**Application:** E 57-22

**Owner:**  
**Darran Allen Fawcett and Nancy Jane Silzer**  
142 Centennial Ave, St. Thomas, ON.

**Agent:**  
**Nicole Ooms (Doug Tarry Ltd.)**  
358 Elm Street, St. Thomas, ON.

**Location:** Part of Lot 11, Concession 8, Municipality of Central Elgin. Municipally known as 142 Centennial Ave.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 42.621 metres & 19.211 metres (139.83 feet & 63.03 feet) and a depth of 196.22 metres & 6.506 metres (643.77 feet & 21.35 feet) and an area of 0.845ha & 0.012ha (2.09 acres & 0.03 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant proposes to retain a lot with a frontage of 24.307m (79.75 feet) and a depth of 78.869m (258.76 feet) with an area of 0.186ha (0.46 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Retained: Residential  
Severed: Commercial-  
Industrial

**Local Municipality Zoning  
By-law**

Residential First Density  
(R1) and Open Space Two  
(OS2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever two parcels from the exiting subject land. The first parcel (Parcel "B") is the largest with an area of roughly 0.845ha and to be merged

with the parcel directly south, known as 144 Centennial Ave. The second parcel, (Parcel “C”) which has an area of 0.012ha is proposed to be merged with the exiting residential lot known as 140 Centennial Ave. The future use of Parcel “B” is for agricultural and future development.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is within a Tier 2 Settlement Area. Section E1.2.3.2 of the OP allows for lot adjustments and lot additions provided that no new lot is created. The subject lands are designated within the Site-Specific Policy Area – Central Elgin Employment Area of Section C1.1.4 of the OP, this site-specific policy area is located near the St. Thomas Municipal Airport and adjacent to the City of St. Thomas Industrial Park and represent opportunities for future industrial and service commercial related employment growth.

#### *C1.1.4 Site Specific Policy Area – Central Elgin Employment Area*

*Notwithstanding that the Central Elgin Employment Area is not located within a Settlement Area and is designated as “Agricultural Area” on Schedule ‘A Land Use, lands designated as “Site Specific Policy Area C1.1.4” on Figure 1 to this Plan may be used for employment uses. Development and redevelopment of the lands shall be in accordance with the “Major Industrial” and “Commercial Industrial” policies of the Municipality of Central Elgin Official Plan.*

At the present time the applicants have not identified any changes in land use beyond the present residential and agricultural use of the land and are not proposing to construct any buildings at this time.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The retained lands are designated as Residential, and severed Parcel B is designated as Commercial-Industrial. Permitted uses of the Commercial-Industrial designation include a mix of space-extensive commercial activities along with light industrial activities. Central Elgin planning staff have noted no Zoning By-law deficiencies in this application.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Central Elgin Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. The severed lands (Parcel "B") be merged with 144 Centennial Avenue
2. The severed lands (Parcel "C") be merged with 140 Centennial Avenue
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands
4. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the subject land 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
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan
6. A drainage reassessment be done, if necessary, at the owner's expense



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 58-22**

**PART OF LOT 22, CONCESSION 4, PART 1 ON REGISTERED PLAN 11R-1690  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 38652 LONGHURST LINE**

**TAKE NOTICE** that an application has been made by Ernst Hoffsuemmer, 8420 Lyle Road, St. Thomas, ON N5P 3S5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 38652 Longhurst Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 25.53 metres (83.76 feet) and a depth of 161.60 metres (530.18 feet) and an area of 0.6586ha (1.63 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 602 metres (1975.07 feet) and a depth of 1,070 metres (3510.5 feet) and an area of 58.6 ha (144.8 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 AUGUST 24, 2022 AT 9:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

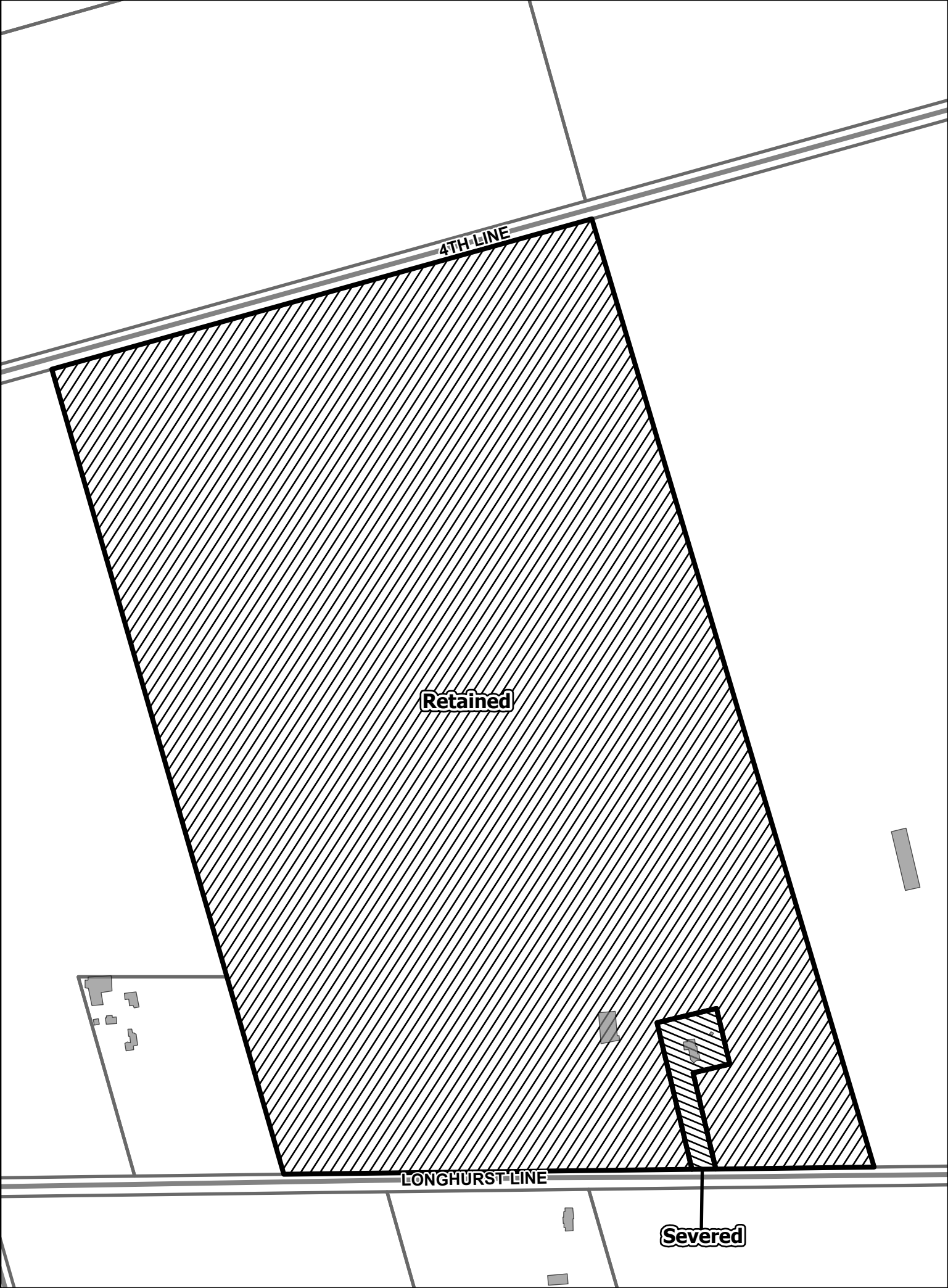
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee






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

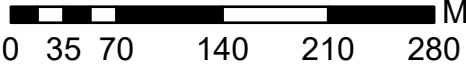


# Location Map



Subject Site: 38652 Longhurst Drive  
File Number: E 58-2022  
Owner: Echo Acres Limited  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Township of Southwold

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



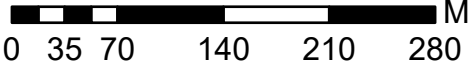


# Location Map



Subject Site: 38652 Longhurst Drive  
File Number: E 58-2022  
Owner: Echo Acres Limited  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Township of Southwold

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



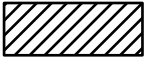
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** August 8, 2022

**PREPARED BY:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**REPORT NO:** PLA 2022-26

**SUBJECT MATTER:** Consent Application E58-22 – Comments to the County of Elgin

---

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-26 regarding Consent Application E58-22 – 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 E58-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-26;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-26 as Municipal comments to the County of Elgin.

**Purpose:**

The proposal is a surplus farm dwelling lot creation from the farmlands at 38652 Longhurst Line, which is surplus to the farm operations.

**Background:**

Below is background information, in a summary chart:

<b>Application</b>	E58-22
<b>Owners/Applicants</b>	Echo Acres Limited
<b>Agent</b>	N/A
<b>Legal Description</b>	Concession 4, Lot 22, RP 11R1690, Part 1
<b>Civic Address</b>	38652 Longhurst Line
<b>Entrance Access</b>	Longhurst Line
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	59.25 ha (146.43 ac)
<b>Buildings and/or Structures</b>	Severed Parcel – single detached dwelling, and 3 sheds
	Retained Parcel – no buildings and/or structures (barn to be removed)

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
E58-22	25.53 m (83.75 ft)	161.60 m (530.18 ft)	0.6585 ha (1.63 ac)	602 m (1,975.07 ft)	1,070 metres (3,510.5 feet)	58.6 ha (144.8 acres)

The Public Hearing is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the subject property:



The consent sketch, showing E58-22 is attached to this report as Appendix One for reference purposes.

### Comments/Analysis:

#### Planning Policy Review:

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

With regard to this proposal involving consent, 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, 2020 (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 are no specific policies contained in the OP requiring this aspect.

No development is proposed with this consent, so there are no impacts on 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 with a portion of the property subject to Natural Heritage Features and Areas on Appendix 1.

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 applies to a portion of the proposed retained parcel and the Natural Hazards on Schedule '3' overlay applies to a portion of the proposed 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 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; 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 assessed 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 prohibit 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 on the feature and its ecological function. No buildings and/or structures are within the Natural Heritage Features and Areas overlay. 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 3, 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.

A review of the A1 Zone for the severed and retained is as follows:

A1 Zone Requirements	Required Severed	Proposed (residential lot)	Required Retained	Proposed (farm)	Complies
minimum lot area	1,858.0 m <sup>2</sup> (20,000.0 ft <sup>2</sup> )	0.6586 ha/6,585.99 m <sup>2</sup>	40.0 ha (99 ac)	144.8 ac	Complies
maximum lot area	6,000 m <sup>2</sup> (1.48 ac)	6,585.99 m <sup>2</sup> (1.62 ac)	N/A	N/A	Complies
minimum lot frontage	30.0 m (98 feet)	25.53 m	200.0 m (656 ft)	600 m	Complies

The proposed severed parcel area of approximately 0.6586 ha (1.62 ac) parcel is slightly larger than the maximum lot area permitted; 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 is 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 Cole and Berdan Drains; and
  - Mutual Drain Agreement required.
- Financial Services Department:
  - No comments.
- Building Department:
  - No concerns.
- Roads Department:
  - No concerns.
- Infrastructure Department:
  - No concerns.

**Additional Comments:**

The recommended Township conditions for consent application E58-22 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 from 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:**

**Tracey Pillon-Abbs, MCIP, RPP  
Planner**

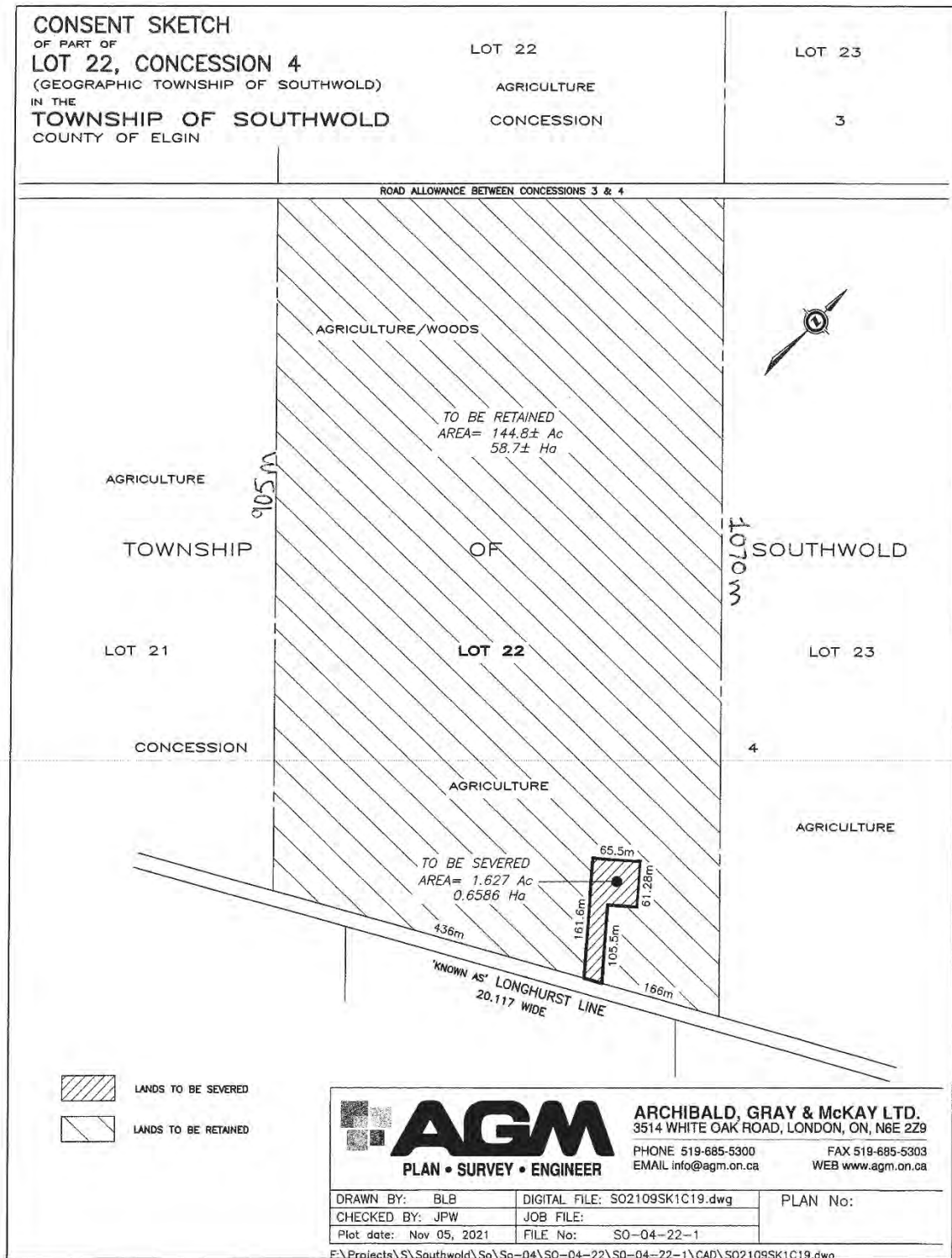
**Approved for submission by:**

**Jeff Carswell  
CAO/Clerk**

Appendices:

1. Appendix One: Consent Sketch E58-22
2. Appendix Two: Consent Application E28-22 Conditions

# PLA 2022-26 Report Appendix One: Severance Sketch



## **PLA 2022-26 Report Appendix One: Consent Application E58-22 Conditions**

### **Consent Application E58 -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 barn on the retained lands be removed to the satisfaction of the Chief Building Official.
3. That a 911 sign be established for both the severed and the retained lands.
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 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.
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*.

VIA EMAIL ONLY

August 16, 2022

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

**RE: Township of Southwold Consent Application - Comments to the County of Elgin  
County File Number: E58-22**

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

**2022-219 Consent Application E58-22**

**THAT** Council of the Township of Southwold receive Report PLA 2022-26 regarding Consent Application E58-22 – 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 E58-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-26; and

**FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-26 as Municipal comments to the County of Elgin.

**CARRIED**

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,

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller, connected loops and a final horizontal stroke.

Tracey Pillon-Abbs, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

MUNICIPAL APPRAISAL SHEET

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

Submission E58-22

Owner/Applicant: Echo Acres Limited

Location 38652 Longhurst 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 5.1, 7.23.4(e) – surplus dwelling severances are permitted.

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 2022-26.

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 2022-26

**From:** [Joe Gordon](#)  
**To:** [Paul Clarke](#)  
**Subject:** RE: E-57-22 Notice of Application - Request for Agency Review  
**Date:** July 19, 2022 10:22:47 AM

---

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

Hi Paul

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

- E53/22, E54/22, E55/22 and E56/22 affecting 10518 Ford Road
- E58/22 affecting 38652 Longhurst line

I can confirm that the properties associated with the above notices are not affected by natural hazard regulations enacted under the Conservation Authorities Act.

In addition, please note that application E57/22 – 142 Centennial Ave, circulated to our office is situated within the Catfish Creek Conservation Authority watershed.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**

Assistant Manager

Supervisor of Planning & Conservation Areas

*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July 11, 2022 4:03 PM  
**To:** nooms@dougarryhomes.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-57-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-57-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 58-22

OWNER: Ernst Hoffsuemmer

PROPERTY: LOT NO. Part of Lot 22 CONCESSION: 4

REG'D PLAN: MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 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



## NOTICE SIGNS

THE LAND DIVISION COMMITTEE REQUIRES THAT THE ENCLOSED IDENTIFICATION SIGNS BE POSTED IMMEDIATELY.

PLEASE PLACE SIGNS ON STAKES AT EACH FRONT CORNER OF THE PROPOSED SEVERED PARCEL – SIGNS MUST BE VISIBLE FROM THE ROAD. THE SIGNS ARE TO REMAIN THERE UNTIL THE DECISION OF THE COMMITTEE BECOMES FINAL AND BINDING.

FAILURE TO POST THE SIGNS WILL RESULT IN A DELAY OF A DECISION FROM THE LAND DIVISION COMMITTEE. CHECK FREQUENTLY TO ENSURE THAT THE SIGNS ARE IN PLACE.

SITE INSPECTIONS WILL BE DONE BY A COMMITTEE MEMBER PRIOR TO THE HEARING DATE.

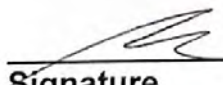
PLEASE SIGN AND DATE THIS NOTICE AND RETURN TO:

Elgin County Land Division Committee  
Administration Building, 1<sup>st</sup> Floor  
450 Sunset Drive  
St. Thomas Ontario N5R 5V1

OR E-MAIL:

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

THE IDENTIFICATION SIGNS PROVIDED BY THE LAND DIVISION OFFICE FOR APPLICATION E 58/22 WERE POSTED ON THE PROPOSED SEVERED PARCEL THIS 11th DAY OF August 2022.

  
\_\_\_\_\_  
Signature  
(Please sign and print name)

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



**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:** August 24, 2022  
**Application:** E 58-22

**Owner:**

**Echo Acres Limited**

8420 Lyle Road, St. Thomas, ON.

**Agent:**

**Ernst Hoffsuemmer**

8420 Lyle Road, St. Thomas, ON.

**Location:** Part of Lot 22, Concession 4, Part 1 on Plan 11R-1690, Township of Southwold.  
Municipally known as 38652 Longhurst Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 25.53 metres (83.76 feet) and a depth of 161.60 metres (530.18 feet) and an area of 0.6586ha (1.63 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 602 metres (1975.07 feet) and a depth of 1,070 metres (3510.5 feet) and an area of 58.6 ha (144.8 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Agricultural

**Local Municipality Zoning  
By-law**

Agricultural 1 (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Southwold* – Recommend approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). Required signs were not posted on the subject lands in compliance with Planning Act timelines. As such, notice of the application under the Planning Act has not been fulfilled.

**RECOMMENDATION:**

Based on the above analysis it is recommended that the application be deferred until such time as the notice requirements of the Planning Act have been met.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 16-22**

**PART OF LOT 2, CONCESSION 9, PART 2 ON REGISTERED PLAN 11R-9678  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 47932 COLLEGE LINE**

**TAKE NOTICE** that an application has been made by Philip M. Robinson, 47932 College Line, Aylmer, ON N5H 2R6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 47932 College Line, Township of Malahide.

The applicant proposes to sever a parcel with a frontage of 28.157 metres (92.38 feet) and a depth of 67.908 metres (222.80 feet) and an area of 1858.768m<sup>2</sup> (0.46 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 72.637 metres (238.31 feet) and a depth of 43.119 metres (141.47 feet) and an area of 3018.575m<sup>2</sup> (0.75 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 AUGUST 24, 2022 AT 10:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

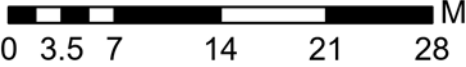


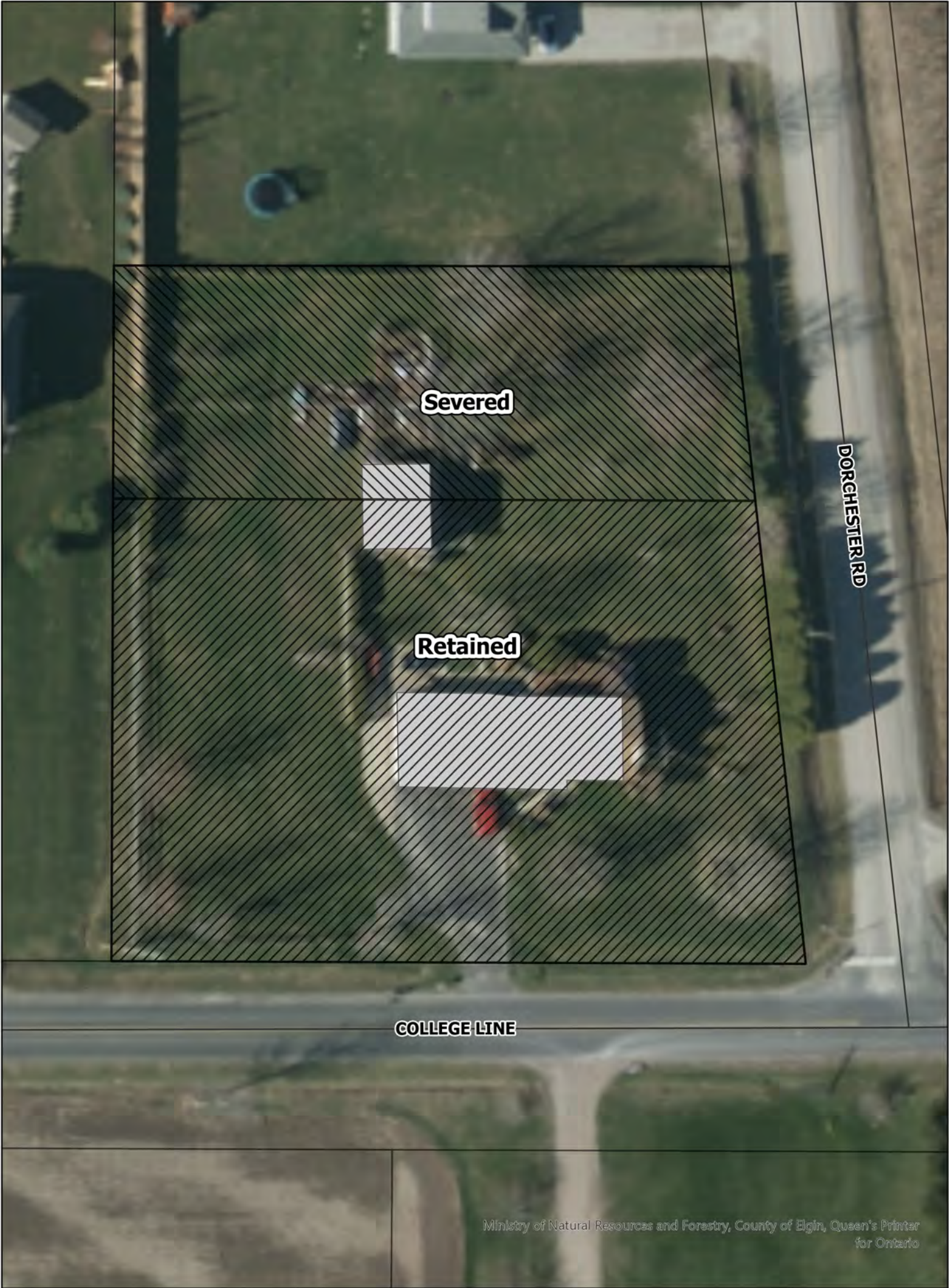
# Location Map



Subject Site: 47932 College Line  
File Number: E 16-2022  
Owner: Philip M. Robinson  
Planner: Unknown  
Created By: TE  
Date: 02/08/2022

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





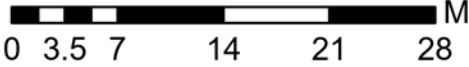
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer  
for Ontario

# Location Map

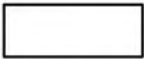


Subject Site: 47932 College Line  
File Number: E 16-2022  
Owner: Philip M. Robinson  
Planner: Unknown  
Created By: TE  
Date: 02/08/2022

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



July 22, 2022

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

Dear Committee Members:

**RE: Land Severance Application E16-22 - Philip M. Robinson (Authorized Agent: Zach Remen) - Part of Lot 2, Concession 9, and Part 2 11R9678 (47932 College Line)**

The Malahide Township Council passed the following Resolutions on July 21, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E16-22 in the name of Philip M. Robinson, relating to the property located Part of Lot 2, Concession 9, and Part 2 11R9678, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That all entrance permits are acquired from the appropriate road authority as per applicable entrance control policy.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
12. That the shed proposed to be relocated be done so to the satisfaction of the Township Chief Building Official and in accordance with the requirements of the Township of Malahide Zoning By-law.

We enclose Municipal Appraisal together with Municipal Report DS-22-34 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy  
Philip M. Robinson  
Zach Remen

## 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 E16-22

Applicant Philip M. Robinson (Zach Remen)

Location Part of Lot 2, Concession 9, and Part 2 11R9678 (47932 College Line)

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Hamlet" on Schedule 'A1' (Land Use Plan)

Policies: The policies of Section 4 and 2.1.6 of the Malahide Official Plan

### PART 2 - ZONING

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

Comments:

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

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

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

**From:** Tony Difazio <planning@catfishcreek.ca>  
**Sent:** July 12, 2022 8:32 AM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: E-16-22 Notice of Application - Request for Agency Review

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.

Hello,

CCCA has no concerns regarding the above noted application.

Regards,



**Gerrit Kremers**  
Resource Planning Coordinator  
8079 Springwater Road, R.R.#5,  
Aylmer ON. N5H 2R4  
519-773-9037  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** July-11-22 4:03 PM  
**To:** zachr@hbgclaw.com; philrobinson34@outlook.com  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E-16-22 Notice of Application - Request for Agency Review

Good afternoon,

Please find attached a Notice of Application for file number E-16-22 for the Elgin County Land Division Committee meeting scheduled for August 24, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday August 16, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**  
*Planning Technician*  
450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 16-22

OWNER: Philip M. Robinson

PROPERTY: LOT NO. Part of Lot 2 CONCESSION: 9

REG'D PLAN: MUNICIPALITY: Malahide

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road .....

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

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



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



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

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** August 24, 2022  
**Application:** E 16-22

**Owner:**  
**Philip M. Robinson**  
47932 College Line, Malahide, ON.

**Agent:**  
**Zach Remen**  
450 Sunset Drive Unit 313, St. Thomas,  
ON.

**Location:** Part of Lot 2, Concession 9, Part 2 on Plan 11R-9678. Municipally known as 47932 College Line, Township of Malahide.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 28.157 metres (92.38 feet) and a depth of 67.908 metres (222.80 feet) and an area of 1858.768m<sup>2</sup> (0.46 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 72.637 metres (238.31 feet) and a depth of 43.119 metres (141.47 feet) and an area of 3018.575m<sup>2</sup> (0.75 acres), proposed to remain in residential use.

**County of Elgin Official  
Plan**  
Tier 3 Settlement Area

**Local Municipality Official  
Plan**  
Hamlet

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* – Recommends approval subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential lot to create a new residential parcel for future development. Section 1.1.3.1 directs that settlement areas shall be the focus of growth and development and that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and

are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is designated as a Tier 3 Settlement Area in the OP. Tier 3 Settlement areas are identified in the OP as being the smallest communities in the County and are predominately residential in function and do not have any public services. Section C1.3.1 of the OP encourages the development or redevelopment of existing lands within settlement areas to provide a range and mix of housing options. Planning staff have reviewed the proposal against Section E1.2.3.1 – General Criteria (for consents to sever) and have found no inconsistencies with the Official Plan policies.

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

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan, and the proposed severance complies with the Zoning By-law. Township of Malahide staff are recommending approval, subject to conditions listed below.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All

costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.

3. That all entrance permits are acquired from the appropriate road authority as per applicable entrance control policy.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
12. That the shed proposed to be relocated be done so to the satisfaction of the Township Chief Building Official and in accordance with the requirements of the Township of Malahide Zoning By-law.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 60-22**

**PART OF LOT 4, CONCESSION 14  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 21707 GRAY LINE**

**TAKE NOTICE** that an application has been made by Donald Ferguson, 750 Talbot Street Unit 211, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 21707 Gray Line, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 10 metres (32.80 feet) and a depth of 654 metres (2145.67 feet) and an area of 6,578m<sup>2</sup> (1.63 acres) to be conveyed as a lot addition to an abutting parcel. The applicant is retaining a lot with a frontage of 12.192 metres (40 feet) and a depth of 654 metres (2145.67 feet) and an area of 87,700m<sup>2</sup> (21.67 acres), containing a residential dwelling with no proposed changes to the existing use of the land.

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 AUGUST 24, 2022 AT 10:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

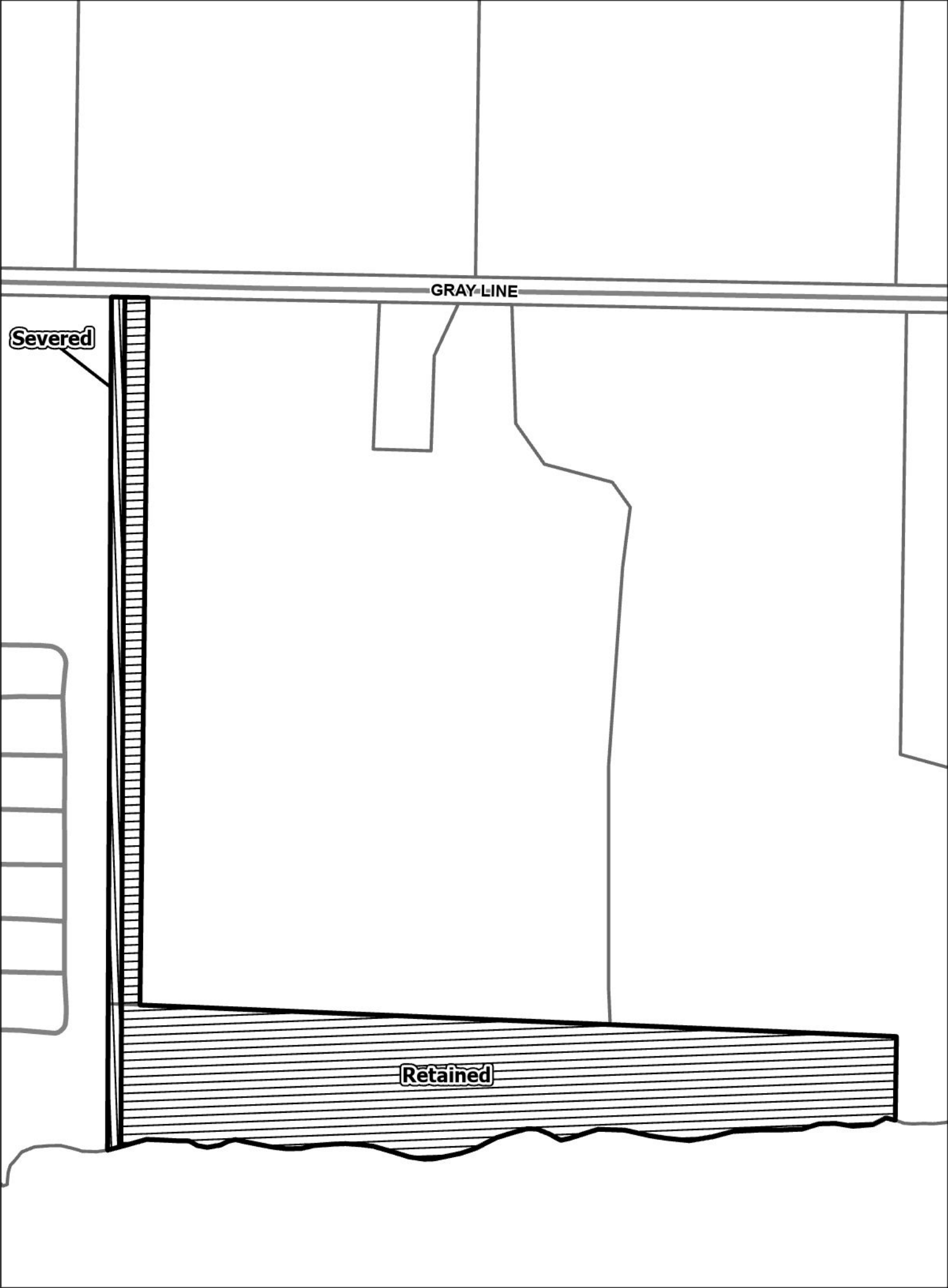
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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



# Location Map



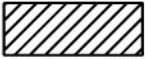
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Subject Site: 21707 Gary Line  
File Number: E 60-2022  
Owner: Lov Nirta & Clayton Jones Morley  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of West Elgin





# Location Map



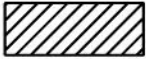
## Legend



Subject Site



Severed



Retained

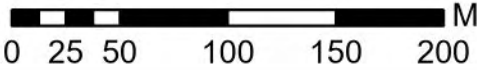


Elgin Road Network



Buildings

Subject Site: 21707 Gary Line  
File Number: E 60-2022  
Owner: Lov Nirta & Clayton Jones Morley  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of West Elgin





# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

August 17, 2022

At the Regular Meeting of Council on August 11, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 305**

**Moved: Councillor Cammaert**

**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the severance application, E60-22 – Comments to Elgin County (Planning Report 2022-031).

And that West Elgin hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E60-22, subject to the Lower-Tier Municipal conditions in Appendix One of this report;

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

**Carried**

Jana Nethercott  
Clerk

/attach.

**Planning Report 2022-31: Severance Report E60-22 –**  
**Comments to the County of Elgin**

**Appendix One: Severance Application E60-22 Conditions**

Severance Application E60-22 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 owners of the subject lands consisting of Roll No. 3434 000 040 15704 & 3434 000 040 15800 be consolidated under a single Property Identification Number (PIN) prior to certification.
5. That the owners of the subject lands secure a new civic address for the property to be positioned at the entrance of the property on Gray Line consistent with Municipal protocol.
6. That the severed parcel be conveyed to and consolidated with the abutting parcel to the west Roll No. 3434 000 040 15600 (21527 Gray Line and that Section 50 (3 or 5) of the *Planning Act* apply to any subsequent application for consent.
7. That the function and location of the septic system on the retained lands be confirmed to the satisfaction of the Municipality.
8. That a zoning amendment application be submitted and approved to address the reduced lot frontage of the retained parcel and rezone the severed lot addition to match the zoning of the receiving lot.
9. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed demonstrating that the severed parcel and receiving lot have been consolidated under a single PIN.
10. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. 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*.

July 18, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 60-22)**  
**21707 Gray Line (Ferguson)**  
**Part Lot 4; Concession 14**  
**Municipality of West Elgin**

Please be advised that the above mentioned application has been reviewed by 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 subject to the Authority's Development and Alteration to Shorelines and Watercourses portion of the regulations. The issue of concern in this area is the Lake Erie shoreline, stable slopes and erosion.

A permit from this office must be obtained **prior** to any activity / work / construction / alteration taking place within the regulated area; this includes any structures / accessory structures, bank / beach alteration, pool installation, any shoreline protection works, etc. The upper table lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Any work along the shoreline will require approval from this office, as well as the Ministry of Environment, Conservation and Parks, the Ministry of Natural Resources & Forestry and the Department of Fisheries & Oceans prior to any work being undertaken. Setbacks from Lake Erie are required to any proposed structures / additions (e.g. includes pools and covered decks, etc.).

The LTVCA's regulated limit was determined using a 100 year erosion allowance estimated to be 100 m per 100 years.

*General comments around purchasing of lakeshore properties*

Staff would discourage any disturbance to the shoreline bluff due to concerns around erosion (once disturbed, hard to stabilize afterwards). Disturbance of the face and top of bank could cause serious erosion concerns. If the bank face currently has vegetation on it, it is highly recommended that these plant materials not be disturbed (e.g. do not dispose of yard waste over the bank, smothers vegetation). The root systems and leaf surface of the plants are providing a vital role in helping to maintain the banks stability by providing a buffer to rain events hitting bare soil and the root systems taking up moisture as it's coming through the bank.

The CA regulation for the LTVCA can be found at the following website (you may have to copy and paste it in your address window): [http://www.e-laws.gov.on.ca/html/reg/english/elaws\\_regs\\_060152\\_e.htm](http://www.e-laws.gov.on.ca/html/reg/english/elaws_regs_060152_e.htm)

The operative section that is of interest in this matter is Section 2. (1) (a) (ii.) regarding 'the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period'.

The LTVCA Policies for the Chatham-Kent Lake Erie Shoreline can be found here: <https://www.lowerthames-conservation.on.ca/wp-content/uploads/2019/10/CK-Lake-Erie-Shoreline-Development-Policies.pdf>

Also, please note that as a result of the Chatham-Kent Shoreline Study (study and associated information can be found here: <https://www.letstalkchatham-kent.ca/chatham-kent-lake-erie-shoreline-study> ), the LTVCA's Regulatory limit line may be shifting as a result of the technical information derived from the study. Further information on that process can be found at the following website: <https://www.letstalkchatham-kent.ca/chatham-kent-lake-erie-shoreline-study>

It is highly recommended that anyone interested in undertaking works to/on shoreline property contact the LTVCA's Water Resources and Regulations Technician ([permits@ltvca.ca](mailto:permits@ltvca.ca)) for pre-consultation purposes to ensure that what they want to do can be undertaken.

Due to recent slumping as a result of the current high lake levels and lack of winter ice cover that has occurred along the Lake Erie shoreline (particularly in 2012 and again in 2017-2020), staff from this office will not approve any new structures within the Total Regulated Area (TRA) (100 Year Erosion Allowance + 3:1 Stable Slope Allowance + 15 m Additional Allowance). If there is enough room outside of the Total Regulated Area, CA staff will recommend that any proposed structures are located completely outside of the Total Regulated Area to ensure the longevity of any proposed structures. A survey by a OLS surveyor may be required to establish where the CA's regulations fall on the property in order to determine that the proposed structures are located outside of the regulated limit.

I have always informed prospective purchasers of lake front property that they are buying an eroding asset. What you have today you may not have tomorrow, next year or twenty years from now. The Lake Erie shoreline will continue to erode back in an unpredictable fashion, in spite of, or as a direct result of what protective measures are in place at the toe. Erosion occurs on various levels on a bank. Overland or sheet flows from the top table lands (if mowing in the vicinity of the bank, staff always recommend leaving a 1 to 2 metre wide buffer if not more of longer vegetation along the edge of the bank for this reason); Erosion due to rain / snow directly impacting the face of the bank (staff recommend leaving all vegetation on the face of the bank to help buffer this effect); Erosion that occurs from water flowing through the soil layers; Erosion that occurs at the toe of the bank during storm events or during high lake levels; and down cutting of the lake bed. No pipes should outlet directly over or through the bluff as this will result in increased erosion at this site.

One should also be aware that as erosion at the toe of the slope occurs the toe of the slope will move and therefore the regulated area will move as well.

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: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 60-22

OWNER: Donald Ferguson

PROPERTY: LOT NO. Part of Lot 4 CONCESSION: 14

REG'D PLAN: MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required .....  
[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**  
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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:** August 24, 2022  
**Application:** E 60-22

**Owner:**  
**Lou Nitra and Clayton James Morley**  
21707 Gray Line, Rodney, ON.

**Agent:**  
**Donald Ferguson**  
750 Talbot Street, Unit 211, St. Thomas,  
ON.

**Location:** Part of Lot 4, Concession 14, Municipality of West Elgin. Municipally known as 21707 Gray Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 10 metres (32.80 feet) and a depth of 654 metres (2145.67 feet) and an area of 6,578m<sup>2</sup> (1.63 acres) to be conveyed as a lot addition to an abutting parcel. The applicant is retaining a lot with a frontage of 12.192 metres (40 feet) and a depth of 654 metres (2145.67 feet) and an area of 87,700m<sup>2</sup> (21.67 acres), containing a residential dwelling with no proposed changes to the existing use of the land.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Lakeshore Area

**Local Municipality Zoning  
By-law**  
Lakeshore Residential  
Defined Area 1 – Holding  
(LR-1-H-7)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of West Elgin* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing a lot addition, specifically to add a 10m strip along

the west portion of the property to the adjacent parcel for access purposes. Section 2.3.4.1 of the PPS permits lot adjustments in prime agricultural areas where no new lot is created. The PPS defines legal and 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.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is designated as Agricultural Area in the OP. While lot creation in the Agricultural Area is discouraged by the OP, except in specific circumstances, consents may be granted for legal or technical reasons which do not result in the creation of a new lot. Staff have reviewed this application against the policies in Section E1.2.3.1 – General Criteria for consents and found the application conforms to all prescribed criteria.

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

Staff have reviewed the application against the policies of the West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject lands are designated as Lakeshore Area in the West Elgin OP. Section 10.4.3 of the West Elgin OP permits lot line adjustments so long as they are undertaken in a manner as to not create or worsen any existing deficiencies with respect to zoning.

The subject land is zoned Lakeshore Residential Defined Area 1 (LR-1) and is subject to a holding symbol (H-7). The proposed lot addition will further reduce the already non-compliant lot frontage of the retained parcel. Additionally, the portion being severed will be conveyed to a parcel with a different zoning (Recreational Vehicle Park), to address these concerns the Municipality of West Elgin is recommending a zoning amendment as a condition of consent.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.

2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the owners of the subject lands consisting of Roll No. 3434 000 040 15704 & 3434 000 040 15800 be consolidated under a single Property Identification Number (PIN) prior to certification.
5. That the owners of the subject lands secure a new civic address for the property to be positioned at the entrance of the property on Gray Line consistent with Municipal protocol.
6. That the severed parcel be conveyed to and consolidated with the abutting parcel to the west Roll No. 3434 000 040 15600 (21527 Gray Line and that Section 50 (3 or 5) of the Planning Act apply to any subsequent application for consent.
7. That the function and location of the septic system on the retained lands be confirmed to the satisfaction of the Municipality.
8. That a zoning amendment application be submitted and approved to address the reduced lot frontage of the retained parcel and rezone the severed lot addition to match the zoning of the receiving lot.
9. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed demonstrating that the severed parcel and receiving lot have been consolidated under a single PIN.
10. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. 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 61-22**

**PART LOT 19, ON REGISTERED PLANS 12S AND 12N  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 32 ROBINSON & 19 ERIEUS**

**TAKE NOTICE** that an application has been made by Michael Sullivan, 110 James Street, St. Catharines, ON L2R 7E8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 32 Robinson Street and 19 Erieus Street.

The applicant proposes to sever a parcel with a frontage of 17.51 metres (57.45 feet) and a depth of 50.29 metres (165 feet) and an area of 0.088ha (0.22 acres). The applicant is retaining a lot with a frontage of 11.11 metres (36.45 feet) and a depth of 50.29 metres (165 feet) and an area of 0.056ha (0.14 acres), proposed to remain as vacant land.

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 AUGUST 24, 2022 AT 10:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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



Location Map



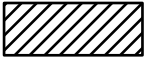
Legend



Subject Site



Severed



Retained

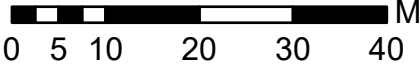


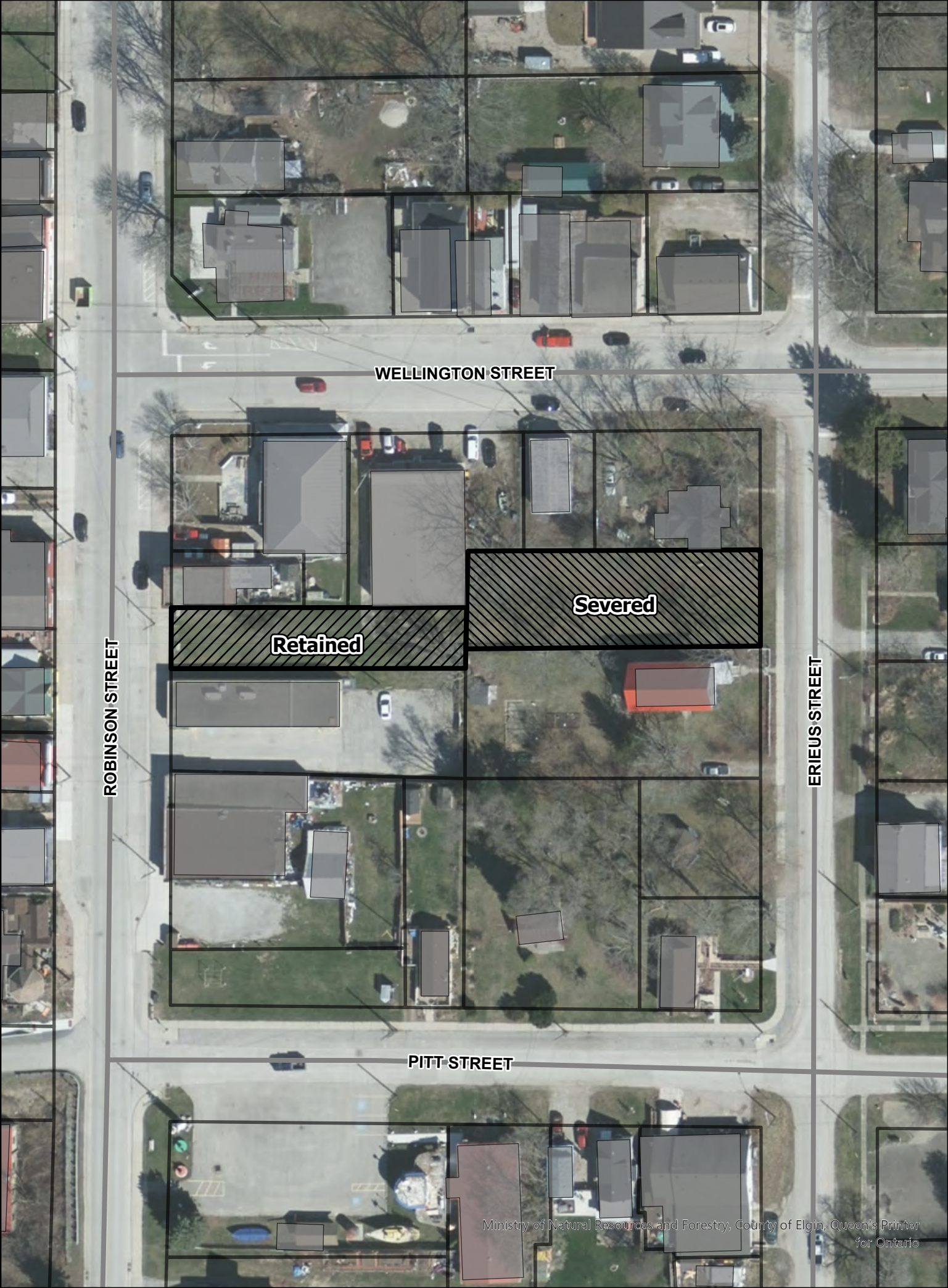
Elgin Road Network



Buildings

Subject Site: 32 Robinson Street & 19 Erieus Street  
File Number: E 61-2022  
Owner: Joaquin Martins and Beatriz Martins c/o Roger Martins  
Planner: Unknown  
CA: Long Point Region Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Bayham



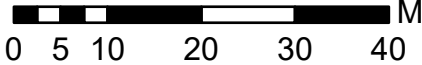


# Location Map



Subject Site: 32 Robinson Street & 19 Erieus Street  
File Number: E 61-2022  
Owner: Joaquin Martins and Beatriz Martins c/o Roger Martins  
Planner: Unknown  
CA: Long Point Region Conservation Authority  
Created By: TE  
Date: 07/05/2022  
Municipality of Bayham

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



August 8, 2022

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

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Application for Consent No. E61-22 Martins**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the July 21, 2022 meeting:

**THAT Report DS-42/22 regarding Consent Application E61-22 for Martins be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E61-22 be granted subject to the following conditions and considerations:**

- 1. That the applicants provide written legal confirmation that the lots are allowed to legally be separated.**
- 2. Digital copy of the final survey provided to the municipality**
- 3. Planning Report fee payable to the Municipality**

Municipal Appraisal Sheet and Staff Report DS-42/22 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill  
Planning Coordinator/Deputy Clerk

D09.MART

Cc: M. Sullivan, LandPro Planning Solutions

## 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 61-22

Applicant Martins, Joaquin and Beatriz c/o Roger Martins

Location Bayham – 32 Robinson St and 19 Erieus St

### 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: Residential

Policies: Section 8.7.2.5 Consents for Correction of Title

### PART 2 - ZONING

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

Comments: Zoning: 32 Robinson St - Central Business District (C1) and 19 Erieus St - Village Residential (R2)

Rezoning not required

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

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

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

Conditions as per attached letter



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

**FROM:** Margaret Underhill, Deputy Clerk/Planning Coordinator

**DATE:** July 21, 2022

**REPORT:** DS-42/22

**FILE NO. C-07 / D09.22 MARTINS**

**Roll # 3401-002-001-21600**

**Roll # 3401-002-001-18800**

---

**SUBJECT:** Consent Application E61-22 Martins  
32 Robinson Street and 19 Erius Street, Port Burwell

---

### BACKGROUND:

Consent application E61-22 was received from the Elgin County Land Division Committee submitted by Joaquin Martins and Beatriz Martins c/o Roger Martins proposing to sever 880 m<sup>2</sup> (0.22 acres) of land and retain 560 m<sup>2</sup> (0.14 acres) of land with the intent to revert the subject property to its original state as two separate lots, known municipally as 32 Robinson Street and 19 Erius Street, Port Burwell.

The subject lands are designated "Commercial" on Schedule 'D' Port Burwell Land Use of the Municipality of Bayham Official Plan. The lands are zoned Central Business District (C1) and Village Residential (R2) on Schedule "I" Port Burwell of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on August 24, 2022.

### DISCUSSION:

The planner's memorandum dated July 12, 2022 analyzes the application subject to 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 to permit the division of the subject property to its original state as two separate lots.

## **ATTACHMENTS**

1. Consent Application E61-22
2. IBI Memorandum dated July 12, 2022

## **RECOMMENDATION**

**THAT Report DS-42/22 regarding Consent Application E61-22 for Martins be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E61-22 be granted subject to the following conditions and considerations:**

1. That the applicants provide written legal confirmation that the lots are allowed to legally be separated.
2. Digital copy of the final survey provided to the municipality
3. Planning Report fee payable to the Municipality

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

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	July 12, 2022
<b>From</b>	Paul Riley, CPT	<b>Project No</b>	3404-873
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Joaquin Martins and Beatriz Martins c/o Roger Martins - 32 Robinson St. & 19 Erieus St. - Application for Consent E61/22		

1. We have completed our review of Consent Application E61-22 submitted by Joaquin Martins and Beatriz Martins (c/o Roger Martins) for lands located at 32 Robinson Street and 19 Erieus Street, Port Burwell, PLAN 12 S and PLAN 12 N, PART LOT 19, ELGIN COUNTY. The applicant is requesting a Consent to sever 880 m<sup>2</sup> (0.22 acres) of land and to retain 560 m<sup>2</sup> (0.14 acres) of land with the intent to revert the subject property to its original state as two separate lots. The subject lands are designated 'Commercial' on Schedule 'D' Land Use of the Municipality of Bayham Official Plan. The subject lands are zoned Central Business District (C1) and Village Residential (R2) on Schedule 'I' Port Burwell of Zoning By-law Z456-2003.
2. The proposed retained parcel will have lot frontage of 11.1 m (36.5 ft) and lot depth of 50.3 m (165.0 ft) and is currently vacant. The proposed severed parcel will have lot frontage of 17.5 m (57.5 ft) and lot depth of 50.3 m (165.0 ft) and is vacant. The lands are capable of being serviced by publicly owned piped water and sanitary sewer systems. Surrounding land uses are a mix of commercial and residential.
3. The County of Elgin Official Plan Section E1.2.3.3 Technical Severances permits the creation of new lots by Consent to correct a situation where two or more lots have merged on title. This section provides the following criteria comments for approval that must be satisfied:
  - a) the merging of the lots was unintentional and were not merged as a requirement of a previous planning approval. The separate lots were purchased at the same sealed auction by the applicants and share a lot line. This caused them to be automatically merged on title.
  - b) the lots are generally of the same shape and size as the lots which once existed as separately conveyable lots.
  - c) the lots are serviced by municipal water and sewage services.
  - d) the lots front on and will be directly accessed by a public road that is maintained year-round by a public authority. The two lots front on Robinson Street and Erieus Street respectively.

Municipality of Bayham – July 12, 2022

- e) there is no public interest served by maintaining the property as a single conveyable parcel; and,
- f) the lots will conform to the access policies of the relevant road authority.

The proposed consent conforms to the policies of the Elgin County Official Plan.

4. The Municipality of Bayham Official Plan section 8.7.2.5 permits Consents for correction of title in any land use designation, provided the severance does not result in the creation of a new lot, the severed and retained parcels comply with the other requirements of the Official Plan, the Zoning By-law, and where applicable, the consent decision shall stipulate that Subsection 3 of Section 50 of the Planning Act, be applied to any subsequent conveyance of the severed parcel. The proposed lots were previously created and therefore the consent would not create a new lot, rather would recreate the original subdivision lots.

The proposed consent conforms to the policies of the Bayham Official Plan.

5. The subject lands are located in the Commercial Business District (C1) and the Village Residential (R2) zones respectively. The proposed severed and retained lots are currently vacant and are in conformity with the regulations of their respective zones. The lots would meet the minimum lot area and minimum lot frontage requirements of the respective zones. The lots are currently vacant and no further regulations are applicable until the time of future development. The proposed consent is in conformity with the Zoning By-Law.
6. Based on the above review of Consent Application E61/22, we have no objection to the proposed Consent for a technical severance for the lands located at 32 Robinson Street and 19 Erius Street respectively. The following conditions for Consent approval are recommended:
  - a) That the applicants provide written legal confirmation that the lots are allowed to legally be separated.
  - b) That the owner provides a survey of the subject lands.
  - c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group  
Paul Riley

Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 61-22

OWNER: Michael Sullivan

PROPERTY: LOT NO. Part Lot 19 CONCESSION:

REG'D PLAN: 12S & 12N MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road ..... 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:** August 24, 2022  
**Application:** E 61-22

**Owner:**  
**Joaquin Martins and Beatriz Martins**  
51 Maxwell Avenue, Toronto, ON.

**Agent:**  
**Michael Sullivan (LandPro Planning Solutions Inc.)**  
110 James Street, Suite 204, St. Catharines, ON.

**Location:** Part Lot 19, on Plans 12S and 12N, Municipality of Bayham. Municipally known as 32 Robinson and 19 Erius.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 17.51 metres (57.45 feet) and a depth of 50.29 metres (165 feet) and an area of 0.088ha (0.22 acres). The applicant is retaining a lot with a frontage of 11.11 metres (36.45 feet) and a depth of 50.29 metres (165 feet) and an area of 0.056ha (0.14 acres), proposed to remain as vacant land.

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

**Local Municipality Official Plan**  
Commercial

**Local Municipality Zoning By-law**  
Central Business District (C1) and Village Residential (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Bayham* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No comments.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing a severance to split two lots that have merged on

title. The subject lands are within a Tier 1 Settlement area and Section 1.1.3.2 of the PPS encourages the development of land use patterns which efficiently use land and resources and are appropriate for the level of existing or planned infrastructure in the area.

The applicant has identified in their planning justification report that the subject lands were purchased as part of a tax sale and established title under the same ownership, as such, the properties (32 Robinson and 19 Erius) merged on title creating one parcel with frontage on two public roads. The applicant is applying to sever the lots – essentially reversing the merge.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is designated as a Tier 1 Settlement Area in the County OP. Tier 1 Settlement Areas are the largest settlement areas in the County and should be the focus of growth and development as they have access to full municipal services. To reflect this opportunity for development, a variety of land uses are permitted in Tier 1 Settlement Areas including residential and commercial uses. When reviewing applications for consent to sever the approval authority should be satisfied that the retained and severed lots:

- a. Front on and will be directly accessed by a public road that is maintained on a year-round basis;
- b. Does not have direct access to a Provincial Highway or County Road, unless the province or the County permits a request for access;
- c. Will not cause a traffic hazard;
- d. Has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;
- e. Notwithstanding d) above, where a Zoning By-law amendment or minor variance shall be included as a condition of the approval of the consent;
- f. Can be serviced with an appropriate water supply and means of sewage disposal, provide there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;
- g. Will not have a negative impact on the drainage patterns in the area;
- h. Will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan...

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

Staff have reviewed the application against the policies of the Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Bayham OP allows for corrections of title and technical severances in any land use designation provided the severance does not result in the creation of a new lot. As the proposed lots were previously separate parcels, the consent would not create a new lot, and instead would restore the lots to their previous form.

Both the proposed and retained parcels are currently vacant and each meet their respective zoning requirements with respect to lot area and lot frontage.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That the applicants provide written legal confirmation that the lots are allowed to legally be separated.
2. Digital copy of the final survey provided to the Municipality.
3. Planning report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 62-22**

**LOT 10, CONCESSION 6  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 29094 SILVER CLAY LINE**

**TAKE NOTICE** that an application has been made by Dan and Janet McKillop, 29094 Silver Clay Line, Dutton, ON, N0L 1J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29094 Silver Clay Line.

The applicant proposes to sever a parcel with a frontage of 87.46 metres (287 feet) and a depth of 55.52 metres (182.15 feet) and an area of 0.48ha (1.19 acres) for a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 599 metres (1965.22 feet) and a depth of 681.99 metres (2237.5 feet) and an area of 42.56ha (105.17 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 AUGUST 24, 2022 AT 10:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

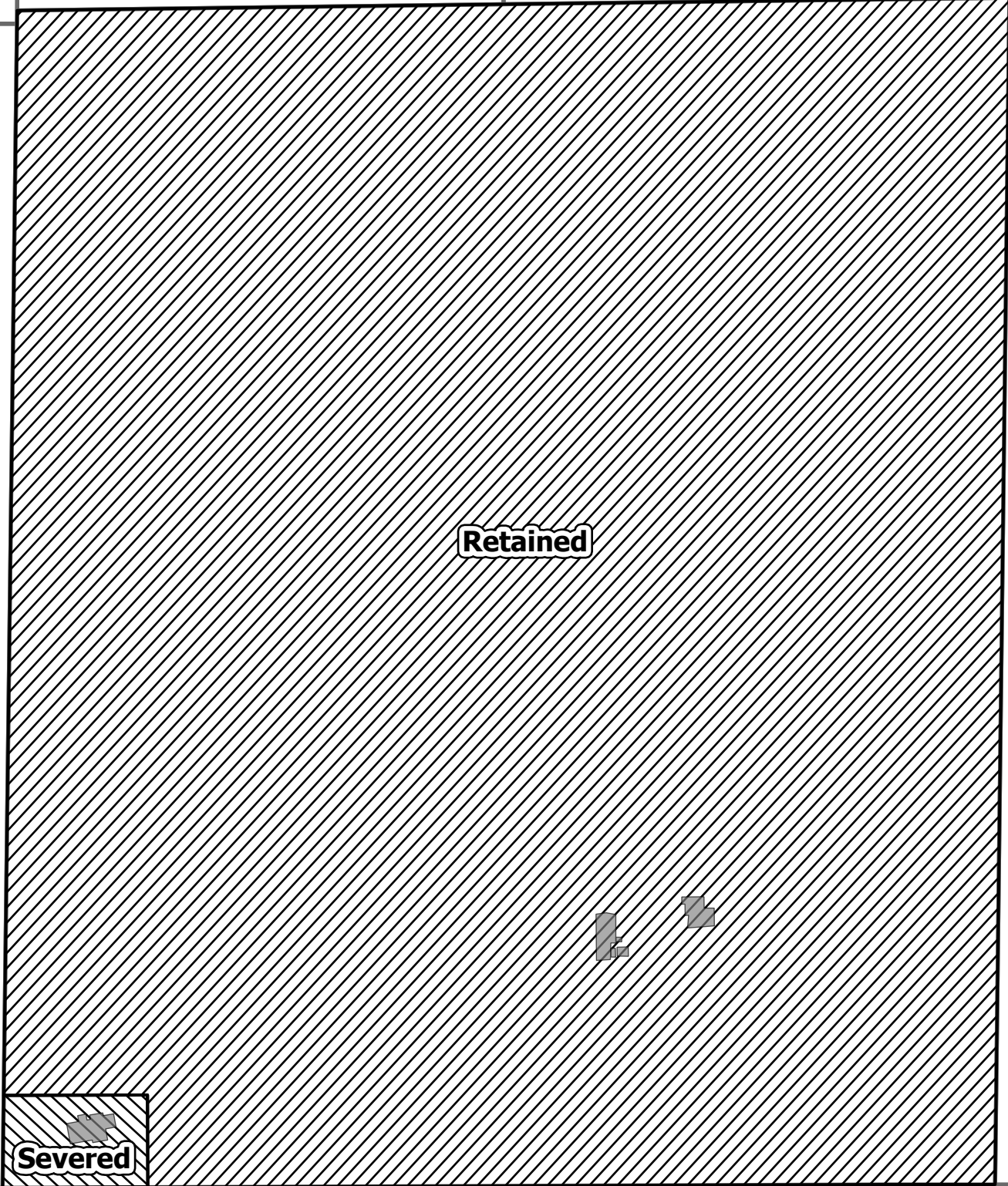
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 11<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
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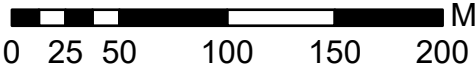


SILVER CLAY LINE

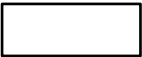




# Location Map



Subject Site: 29094 Silver Clay Line  
File Number: E 62-2022  
Owner: Dan & Janet McKillop  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich



## Legend

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

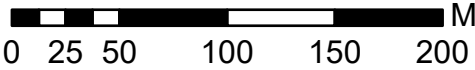


# Location Map



Subject Site: 29094 Silver Clay Line  
File Number: E 62-2022  
Owner: Dan & Janet McKillop  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich

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



## Legend

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



Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

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

**DATE:** August 10, 2022

**SUBJECT:** Application for Severance (E62/22), 29094 Silver Clay Line, Municipality of Dutton Dunwich – Dan and Janet McKillop

---

**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 E62/22 for 29094 Silver Clay Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That septic system review for the severed parcel has been completed;
- c) That Municipal drain re-apportionments have been completed;
- d) That a mutual drainage agreement (under Section 2 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 application 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 was submitted to the County of Elgin Land Division Committee (E62/22) by Dan and Janet McKillop, the owners of the subject property.

The owners are requesting the severance of a surplus farm dwelling from a parcel of land.

The subject parcel is legally described as Concession 6, Lot 10, and locally known as 29094 Silver Clay Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel is located on the north side of Silver Clay Line, which is a maintained all year roadway.

The proposed severed parcel will have an area of 0.48 ha, depth of 55.52 m and frontage of 87.46 m. The proposed severed parcel is used for residential use and has 1 house with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 42.56 ha, depth of approximately 681.99 m and frontage of approximately 599 m. The proposed retained parcel is used for residential and agricultural uses with 1 house, 1 garage, 1 storage structure and 1 silo with municipal water and private septic services (see attached Sketch).

Several drains cross the subject lands. There is a small portion of land along the south and centre of the parcel that is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA).

There are no woodlots on the subject parcel, however, there are woodlots abutting the subject property.

Agricultural and rural residential uses surround the subject lands.

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

### **Planning Policy Review**

#### **Provincial Policy Statement (PPS)**

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures

that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

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

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

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

#### County of Elgin Official Plan

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 Aggregate and Petroleum Resources on Schedule 'C' and Natural Heritage Features and Areas on Appendix '#1' abutting the subject lands.

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

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

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

Section C4.3.5 sets out the protection of aggregate and petroleum resources.

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

No development is proposed in the woodlands area or on the aggregate and petroleum resources.

The proposed severance conforms to the COP.

### Municipality of Dutton Dunwich Official Plan

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

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

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*  
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*  
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*  
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*  
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*  
The proposed retained parcel meets all A2 Zone provisions.
- 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 a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

Section 4.4 sets out the policies for the protection of mineral aggregate resources.

**Comments:** The above-noted criteria can be complied with.

No development is proposed in the woodlands area or on the mineral aggregate resources.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 10, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

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

A review of the RS and A2 zone requirements is as follows:

Zone Provision		A2 Requirement	Proposed (Retained)	RS Requirement	Proposed (Severed)	Compliance
Min. Area	Lot	20.0 ha	42.56 ha	2,750 m <sup>2</sup>	4,799.99 m <sup>2</sup>	Yes
Max. Area	Lot	N/A	N/A	8,093 m <sup>2</sup>	4,799.99 m <sup>2</sup>	Yes
Min. Frontage	Lot	150.0 m	599 m	30.0 m	87.46 m	Yes

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

**CONCLUSION:**

Administration recommends that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division 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.

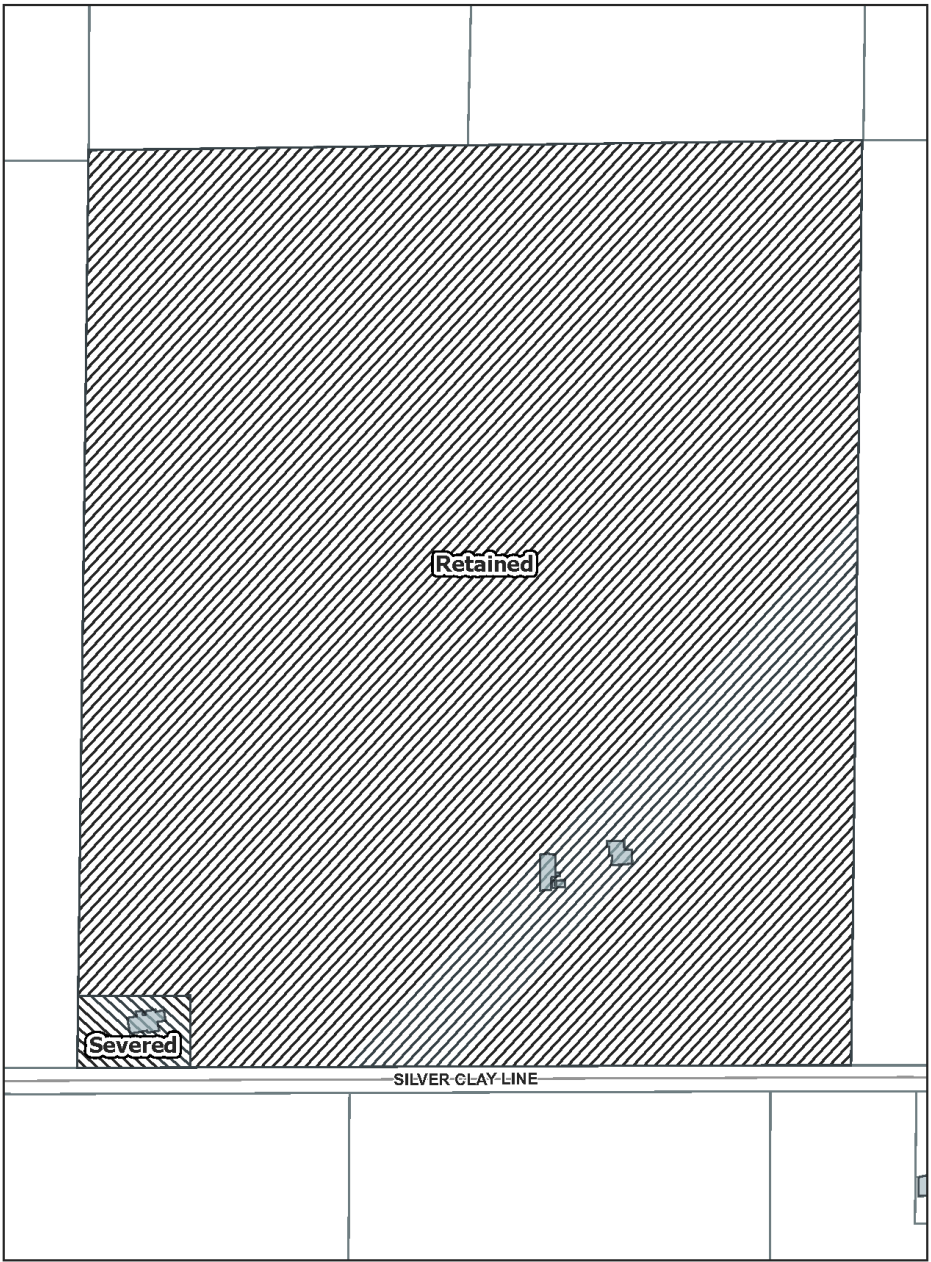
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP  
Planner

Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer

KEY MAP



### Location Map

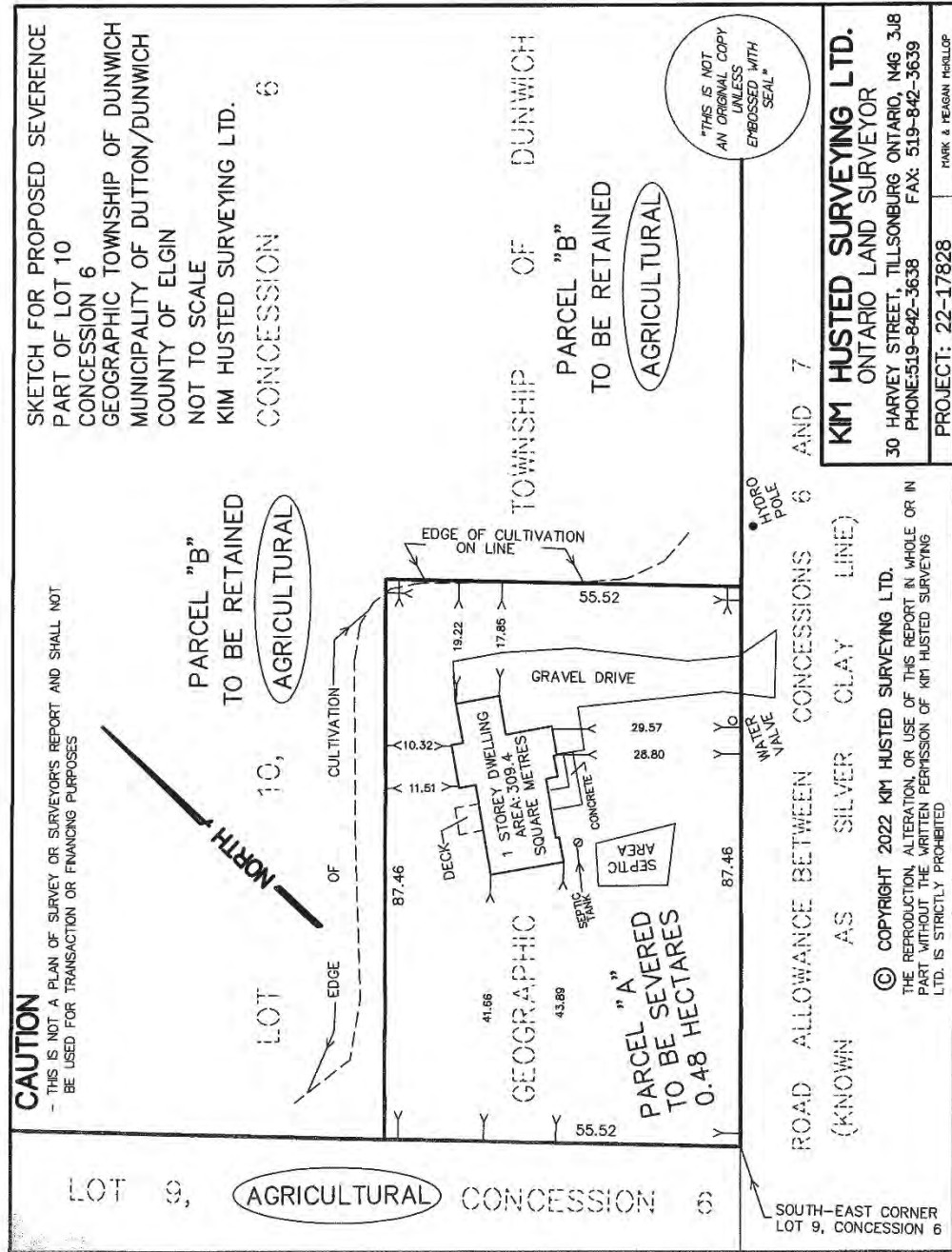
Subject Site: 29094 Silver Clay Line  
File Number: E 62-2022  
Owner: Dan & Janet McKillop  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich

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

Legend

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

# SKETCH



**From:** [Brent Clutterbuck](#)  
**To:** [Tracey Pillon-Abbs](#)  
**Subject:** RE: E-62-22 Receipt of Application  
**Date:** July 7, 2022 9:18:24 AM

---

Reapportionment of

1. McKillop No. 2 Drain
2. Hughes McKillop Drain
3. D.G. Blue Drain

And possibly a mutual agreement drain

**From:** [Tim Hansen](#)  
**To:** [Tracey Pillon-Abbs](#); [Archie Leitch](#); [Brent Clutterbuck](#); [Jackie Morgan-Beunen](#); [Colin Shewell](#); [Murray Wickerson](#); [Ryan McLeod](#); [Tara Kretschmer](#)  
**Subject:** RE: E-62-22 Receipt of Application  
**Date:** July 7, 2022 7:20:45 AM

---

No issues

July 18, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 62-22)**  
**29094 Silver Clay Line (McKillop)**  
**Lot 10; Concession 6**  
**Municipality of Dutton Dunwich**

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

Yours truly



Connor Wilson  
Planning Technician

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 62-22

OWNER: Dan and Janet McKillop

PROPERTY: LOT NO. 10 CONCESSION: 6

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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:** August 24, 2022  
**Application:** E 62-22

**Owner:** **Dan & Janet McKillop**  
**Agent:** **None.**

29094 Silver Clay Line, Dutton, ON.

**Location:** Lot 10, Concession 6, Municipality of Dutton Dunwich. Municipally known as 29094 Silver Clay Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 87.46 metres (287 feet) and a depth of 55.52 metres (182.15 feet) and an area of 0.48ha (1.19 acres) for a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 599 metres (1965.22 feet) and a depth of 681.99 metres (2237.5 feet) and an area of 42.56ha (105.17 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural

**Local Municipality Official  
Plan**

Agricultural

**Local Municipality Zoning  
By-law**

Large Lot Agriculture (A3)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Dutton Dunwich* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a dwelling that is surplus to a farming operation within the prime agricultural area. Section 2.3.4 of the PPS permits lot creation in agricultural areas for surplus dwellings provided that:

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

The applicant is requesting to sever a parcel approximately 0.48ha in area with the retained 42.56ha remaining in agricultural use. The proposed property lines do not appear to comprise any of the current actively farmed land and complies with the PPS.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is designated as Agricultural Area within the County OP which does permit limited lot creation for surplus dwellings. Section E1.2.3.4 of the OP sets out the policies for lot creation in the agricultural area:

##### E1.2.3.4– Lot Creation on Lands in the Agricultural Area

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may only be permitted if the local Official Plan supports their creation and if:

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

The local municipality has proposed a condition of consent which will see the retained agricultural land rezoned to a zone that does not allow future residential development and will satisfy the requirements of Section E1.2.3.4 of the OP.

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

Staff have reviewed the application against the policies of the Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severed parcel meets the Dutton Dunwich OP policies for a surplus dwelling as it is limited in size and has been in existence for a minimum of 5 years.

The Municipality of Dutton Dunwich proposes, and has requested as a condition of severance, that the severed and retained lots be rezoned. The retained parcel which will remain in agricultural operation and will be rezoned to Special Agricultural (A2), which prohibits residential development in accordance with the PPS, and OPs. The severed residential parcel will be rezoned to Special Rural Residential (RS) which permits non-farm

residential uses. Both the severed and retained parcels satisfy the proposed zone provisions and no other deficiencies were identified.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That Municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That a 911 sign be established for the severed and retained parcels;
8. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
10. That the applicant confirms with the Municipality that they are a bona fide farmer; and
11. 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 AMENDED APPLICATION FOR CONSENT  
APPLICATION NO. E 72-21**

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

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

The applicant proposes to sever a parcel with a frontage of 30 metres (98.42 feet) and a depth of 152.378 metres (499.93 feet) and an area of 0.68ha (1.68 acres) for a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 635.5 metres (2085 feet) and a depth of 677.4 metres (2222.4 feet) and an area of 39.96ha (98.67 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY AUGUST 24, 2022 AT 10:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

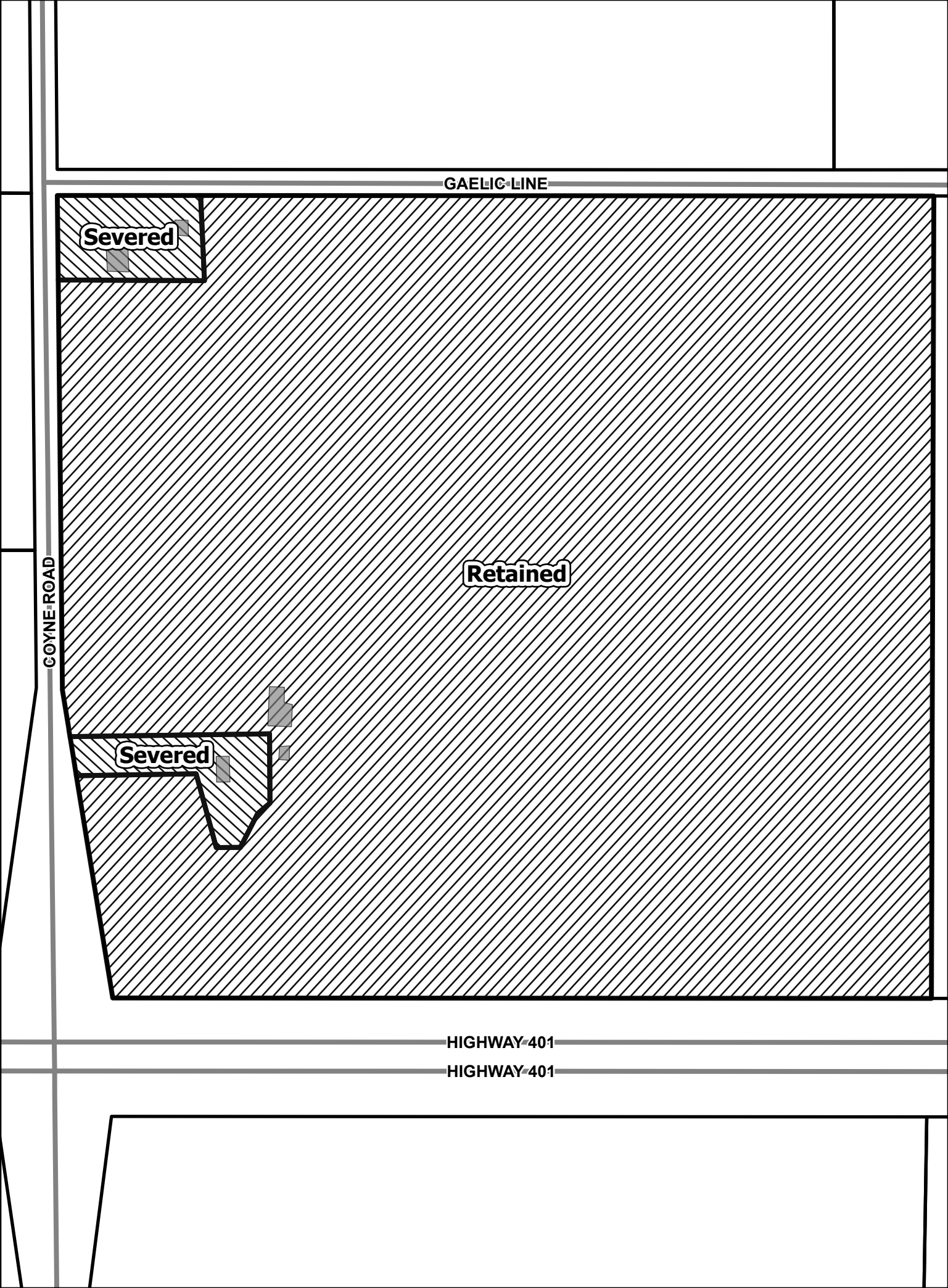
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11<sup>th</sup> day of July, 2022.






Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

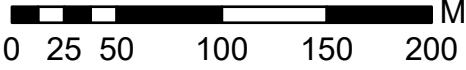


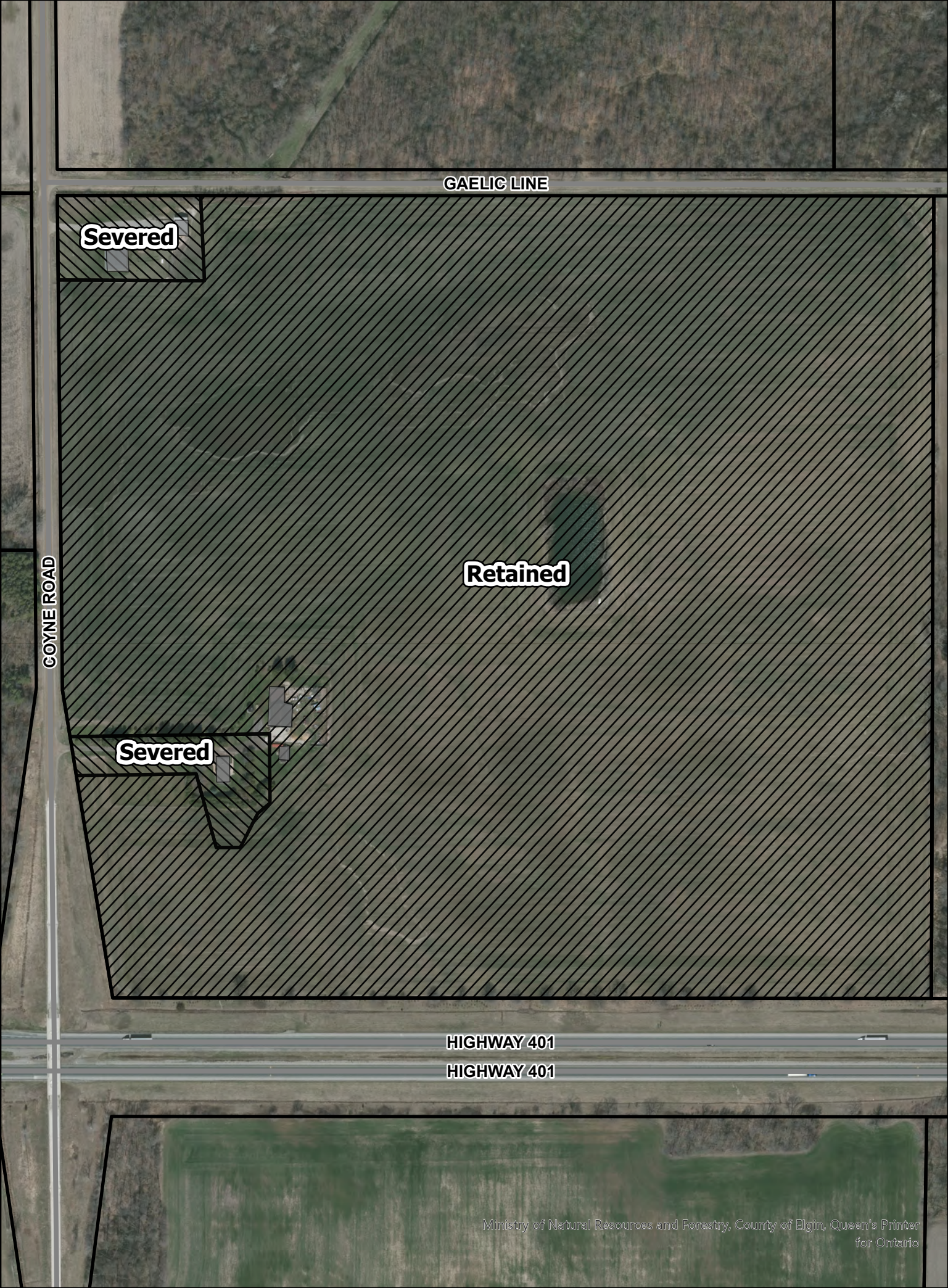
# Location Map



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

Subject Site: 11552 Coyne Road  
File Number: E 72-2021  
Owner: Barbara Farms Inc.  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich





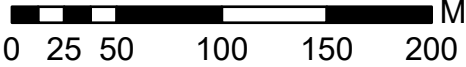
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

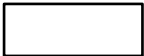


Subject Site: 11552 Coyne Road  
File Number: E 72-2021  
Owner: Barbara Farms Inc.  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

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

**DATE:** August 10, 2022

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

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**RECOMMENDATION:**

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

- a) That taxes are to be paid in full;
- b) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
- c) 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 (E72/21) was submitted to the County of Elgin Land Division (LDC) Committee by Barbara Farms Inc., on behalf of the owner of the subject property, Robert and June Hodder.

The application was approved by the LDC on March 23, 2022; however, the application has been amended (lot area and lot frontage) and the applicant has had to reapply.

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

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

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

The proposed severed parcel will have an area of 0.68 ha, a depth of 152.378 m and a frontage of 30 m. Access to the subject property will be from a municipal road. The proposed severed parcel is used for rural residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services.

The proposed retained parcel will have an area of 39.96 ha, a depth of 677.4 m and a frontage of 635.5 m. Access to the subject property will be from a municipal road. The proposed retained parcel is used for agricultural purposes and is serviced by municipal water and no septic services (see attached Survey).

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

Agricultural and rural residential uses surround the subject lands.

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

## **Planning Policy Review**

### **Provincial Policy Statement**

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

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

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

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

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

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

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

The proposed severance conforms to the intent of the COP.

#### Municipality of Dutton Dunwich Official Plan

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

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

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

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

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

The proposed lot has access to services.

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

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

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

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

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

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

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

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

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

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

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

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

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), on Map 5, the subject lands have been rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel has been rezoned to a Special Agricultural (A2) Zone to prohibit new residential uses.

Comments: The proposed severance application (as revised) complies with the permitted uses and regulations set out in the ZBL.

#### **CONCLUSION:**

Administration recommends that Council recommends approval to the LDC for the proposed severance application (as revised) with conditions.

The standard conditions (ie septic system, 911, etc) have been cleared as part of the previous severance application.

The balance of the conditions will then be forwarded to the Land Division 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

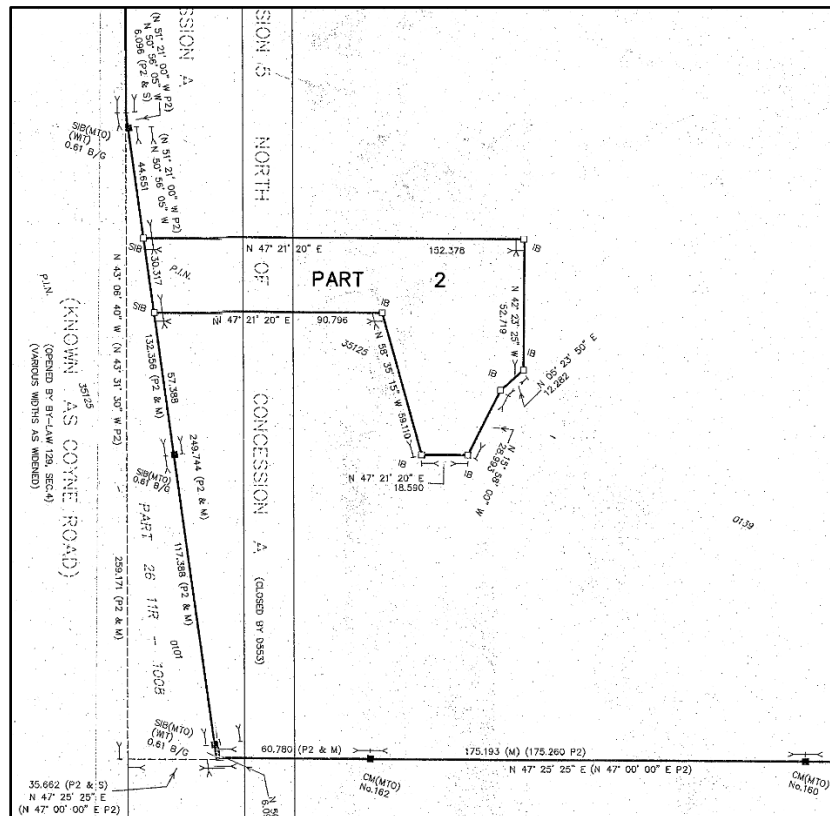
Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer

## KEY MAP



## SURVEY



MUNICIPAL APPRAISAL SHEET

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

Submission E 72 21 (as revised)

Applicant Barbara Farms Inc.

Location 11552 Coyne Road

OFFICIAL PLAN

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

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

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

ZONING

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

Comments:

5. If not, is the Municipality prepared to amend the By-Law?
- N/AYes ( )No ( )

OTHER

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

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

Yes (X )No ( )

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

Resolution and staff report to be forwarded.

July 18, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 72-22)**  
**11552 Coyne Road (Barbara Farms Inc.)**  
**Lots 6 & 7; Concession 5 N Con A Dunwich**  
**Municipality of Dutton Dunwich**

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

Yours truly



Connor Wilson  
Planning Technician

**COUNTY OF ELGIN ROAD SYSTEM**

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 72-21

OWNER: Barbara Farms Inc.

PROPERTY: LOT NO. Lots 6 & 7 CONCESSION: 5 N of Con A

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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:** August 24, 2022  
**Application:** E 72-21

**Owner:**  
**Robert Norman & Jane Hodder**  
11552 Coyne Road, Dutton, ON.

**Agent:**  
**Herman Lansink**  
43-1890 Richmond Street, London, ON

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

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 30 metres (98.42 feet) and a depth of 152.378 metres (499.93 feet) and an area of 0.68ha (1.68 acres) for a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 635.5 metres (2085 feet) and a depth of 677.4 metres (2222.4 feet) and an area of 39.96ha (98.67 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Special Agricultural (A3) &  
Special Rural Residential  
(RS)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Dutton Dunwich* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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

This is an amendment to an application that was originally submitted and granted provisional consent last year. Upon completing the required survey for the proposed severed lot, the final reference plans measurements deviated beyond the acceptable limit and therefore the applicant was required to amend the application. The purpose for this amendment is to reflect changes in the size and shape of the proposed severed lot (Part 2 on Reference Plan 11R-10880). The dimensions and size of the lot needed to be adjusted to accommodate the actual location of the existing septic system on the property.

### Planning Act and Provincial Policy Statement (PPS)

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

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

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

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.70 hectares/1.72 acres) will contain an existing dwelling, a shed, a barn, and the existing private servicing (privately owned and operated individual well and privately owned and operated individual septic tank). The original proposed size of the severed lot affected by this application was 0.70 hectares / 1.72 acres and the proposed lot size is now 0.68 hectares / 1.68 acres, the proposed dimensions have been adjusted to accommodate the location of the septic system without increasing the overall lot size.

### County of Elgin Official Plan

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

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

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use Plan of the Dutton/Dunwich Official Plan. Agricultural land use policies permit farm dwellings on the farm operation. Lot creation for purposes of disposing of a dwelling considered surplus as a result of farm consolidation, is permitted as per Section 8.3.4(b) criteria.

The subject lands have already been rezoned to Special Rural Residential (RS) and Special Agricultural (A2), respectively, as part of the previous provisional consent. The proposed amendment to the severance application does not affect the lots compliance with their respective zones.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That taxes are to be paid in full;
2. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
3. 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 AMENDED APPLICATION FOR CONSENT  
APPLICATION NO. E 71-21**

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

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

The applicants propose to sever a parcel with a frontage of 61.87 metres (202.98 feet) along Coyne Road by a depth of 102.15 metres (335.14 feet) and an area of 0.63 hectares (1.56 acres) containing one residence and one small drive shed, surplus to the needs of the purchasing farmer. The applicants are retaining 39.96 hectares (98.74 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 AUGUST 24, 2022 AT 10:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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](mailto: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.**

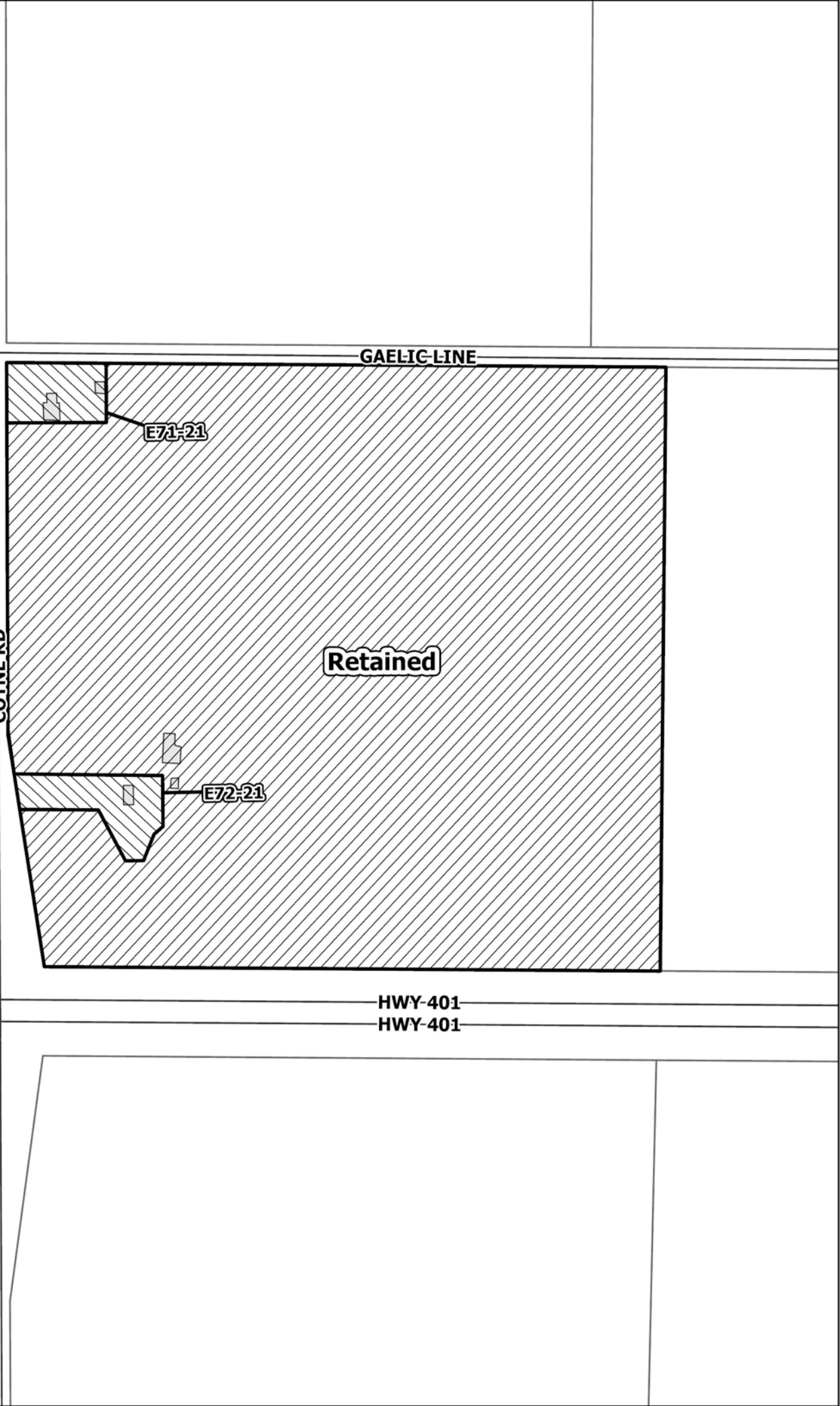
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 25<sup>th</sup> day of July, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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



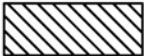
# Location Map



## Legend



Subject Site



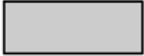
Severed



Retained

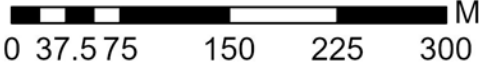


Elgin Road Network



Buildings

Subject Site: 11714 Coyne Road  
File Number: 71-2021  
Owner: Barbara Farms Inc.  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 009/07/2021  
Municipality of Dutton Dunwich





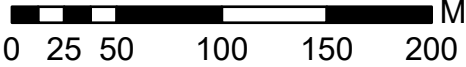
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

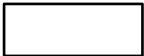


Subject Site: 11552 Coyne Road  
File Number: E 72-2021  
Owner: Barbara Farms Inc.  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 07/08/2022  
Municipality of Dutton Dunwich

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

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

**DATE:** August 10, 2022

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

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**RECOMMENDATION:**

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

- a) That taxes are to be paid in full;
- b) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and
- c) 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 (E71/21) was submitted to the County of Elgin Land Division Committee (LDC) by Barbara Farms Inc., on behalf of the owner of the subject property, Robert and June Hodder.

The application was approved by the LDC on March 23, 2022; however, the application has been amended (lot area and lot frontage) and the applicant has had to reapply.

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

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

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

The proposed severed parcel will have an area of 0.63 ha, a depth of 102.15 m and a frontage of 61.87 m. Access to the subject property will be from a municipal road. The proposed severed parcel is used for rural residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water and private septic services.

The proposed retained parcel will have an area of 39.96 ha, a depth of 677.4 m and a frontage of 635.5 m. Access to the subject property will be from a municipal road. The proposed retained parcel is used for agricultural purposes with no services (see attached Survey).

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

Agricultural and rural residential uses surround the subject lands.

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

## **Planning Policy Review**

### **Provincial Policy Statement**

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

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

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

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

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

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

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

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

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

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

The proposed severance conforms to the intent of the COP.

#### Municipality of Dutton Dunwich Official Plan

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

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

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

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

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

The proposed lot has access to services.

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

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

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

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

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

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

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

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

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

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

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

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

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), on Map 5, the subject lands have been rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel has been rezoned to a Special Agricultural (A2) Zone to prohibit new residential uses.

**Comments:** The proposed severance application (as revised) complies with the permitted uses and regulations set out in the ZBL.

#### **CONCLUSION:**

Administration recommends that Council recommends approval to the LDC for the proposed severance application (as revised) with conditions.

The standard conditions (ie septic system, 911, etc) have been cleared as part of the previous severance application.

The balance of the conditions will then be forwarded to the Land Division 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

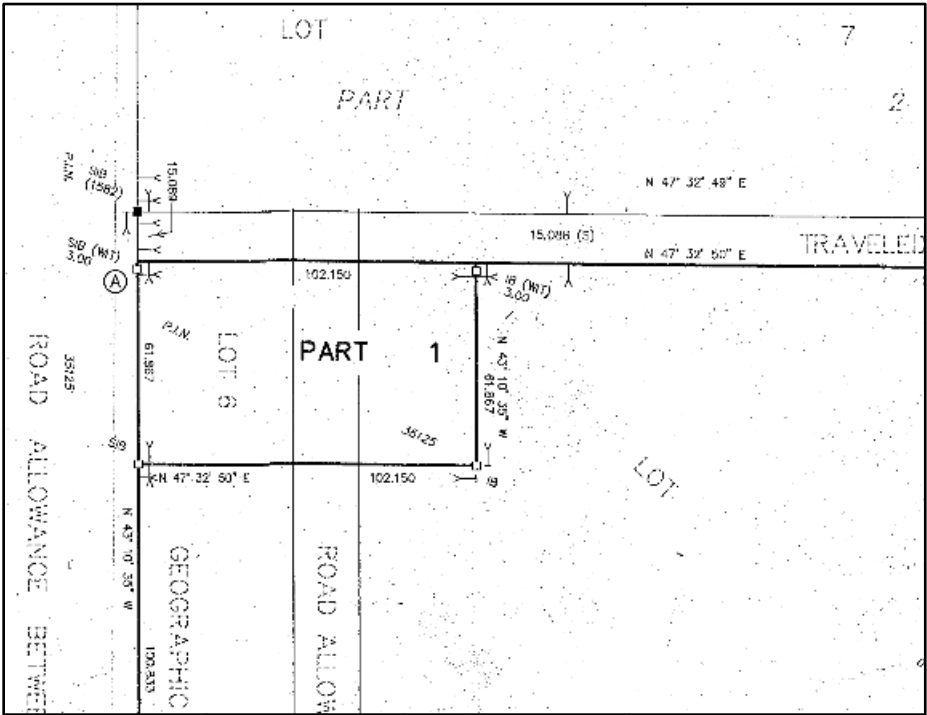
Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer

KEY MAP



SURVEY



## MUNICIPAL APPRAISAL SHEET

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

Submission E 71 21 (as revised)

Applicant Barbara Farms Inc.

Location 11714 Coyne Road

### OFFICIAL PLAN

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

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

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

### ZONING

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

Comments:

- |  |            |         |        |
|--|------------|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | <b>N/A</b> | Yes ( ) | No ( ) |
|--|------------|---------|--------|

### OTHER

- |   |         |         |
|---|---------|---------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X ) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No (X ) |

8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ( )
- (b) the dedication of highways ( )
- (c) the dedication of land for highway widening ( )
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ( )

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

Yes (X ) No ( )

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

Resolution and staff report to be forwarded.

July 27, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 71-21)**  
**11714 Coyne Road (Barbara Farms Inc.)**  
**Lots 6 & 7; Concession 5 N Con A Dunwich**  
**Municipality of Dutton Dunwich**

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

Yours truly



Connor Wilson  
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 71-21

OWNER: Barbara Farms Inc.

PROPERTY: LOT NO. Lots 6 & 7 CONCESSION: 5 N of Con A

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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:** August 24, 2022  
**Application:** E 71-21

**Owner:**  
**Robert Norman & Jane Hodder**  
11552 Coyne Road, Dutton, ON.

**Agent:**  
**Herman Lansink**  
43-1890 Richmond Street, London, ON

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

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 61.87 metres (202.98 feet) along Coyne Road by a depth of 102.15 metres (335.14 feet) and an area of 0.63 hectares (1.56 acres) containing one residence and one small drive shed, surplus to the needs of the purchasing farmer. The applicants are retaining 39.96 hectares (98.74 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Special Agricultural (A3) &  
Special Rural Residential  
(RS)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Dutton Dunwich* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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

This is an amendment to an application that was originally submitted and granted provisional consent last year. Upon completing the required survey for the proposed severed lot, the final reference plans measurements deviated beyond the acceptable limit and therefore the applicant was required to amend the application. The planning merits of the application are unchanged and the proposed changes to the lot dimensions have no effect on the PPS, OP or zoning policies and requirements. The below analysis is taken from the report originally presented to the LDC in 2021, with requisite changes to reflect the new lot dimensions.

#### Planning Act and Provincial Policy Statement (PPS)

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

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

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

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands in the original application were (0.68 hectares/1.68 acres), as indicated on reference plan 11R-10880 the amended proposed severed lot will be (0.63 hectares / 1.56 acres).

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation. The Applicant has previously indicated that the retained lands (40 hectares/98.84 acres) will maintain their existing agricultural use.

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

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use Plan of the Dutton/Dunwich Official Plan. Agricultural land use policies permit farm dwellings on the farm operation. Lot creation for purposes of disposing of a dwelling considered surplus as a result of farm consolidation, is permitted as per Section 8.3.4(b) criteria.

The subject lands have already been rezoned to Special Rural Residential (RS) and Special Agricultural (A2), respectively, as part of the previous provisional consent. The proposed amendment to the severance application does not affect the lots compliance with their respective zones.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That taxes are to be paid in full;
2. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
3. 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 AMENDED APPLICATION FOR CONSENT  
APPLICATION NO. E 88-21**

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

**TAKE NOTICE** that an application has been made by Amy Dale, 108 Centre Street, St. Thomas ON N5R 2Z7, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8684 Centennial Road, Municipality of Central Elgin.

The applicants propose to sever a parcel with a width of 67.284 metres (220.75 feet), a depth of 240.226 metres (788.14 feet) and an area of 1.611 hectares (3.98 acres), to be conveyed to the adjacent property to the south (8662 Centennial Road). The applicants are retaining a parcel with an area of 1858.676m<sup>2</sup> hectares (0.46 acres), containing a dwelling, proposed to remain in residential use.

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

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

**WEDNESDAY, AUGUST 24, 2022, AT 11:00 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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.**

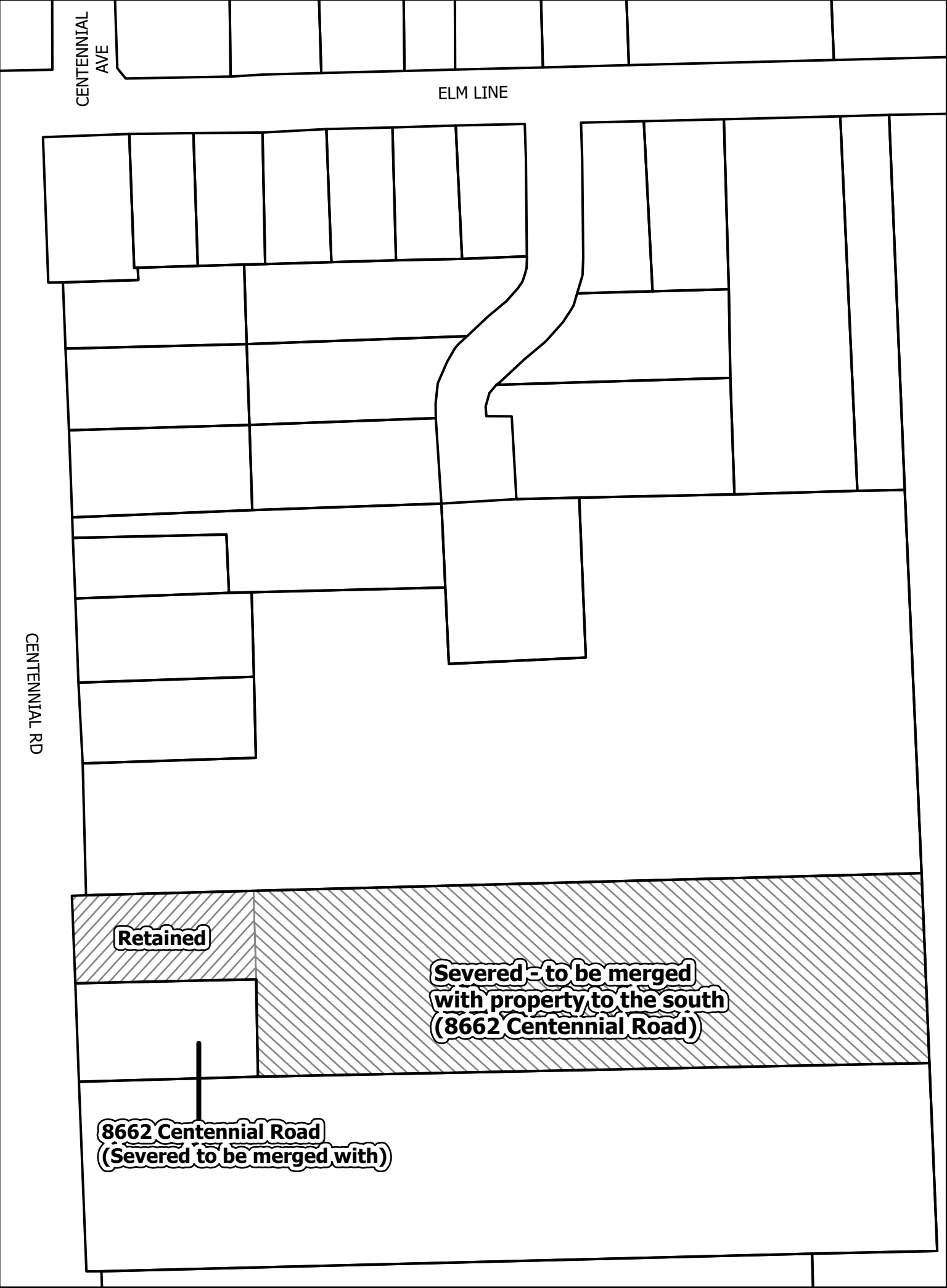
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 3<sup>rd</sup> day of August, 2022.

Paul Clarke  
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

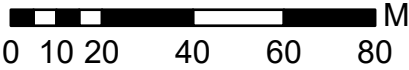


Location Map

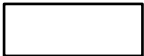


Subject Site: 8684 Centennial Road  
File Number: E 88-2021  
Owner: Janet Rae Williamson  
Planner: Nancy Pasato  
Created By: AL  
Date: 10/12/2021

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



Legend



Subject Site



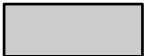
Severed



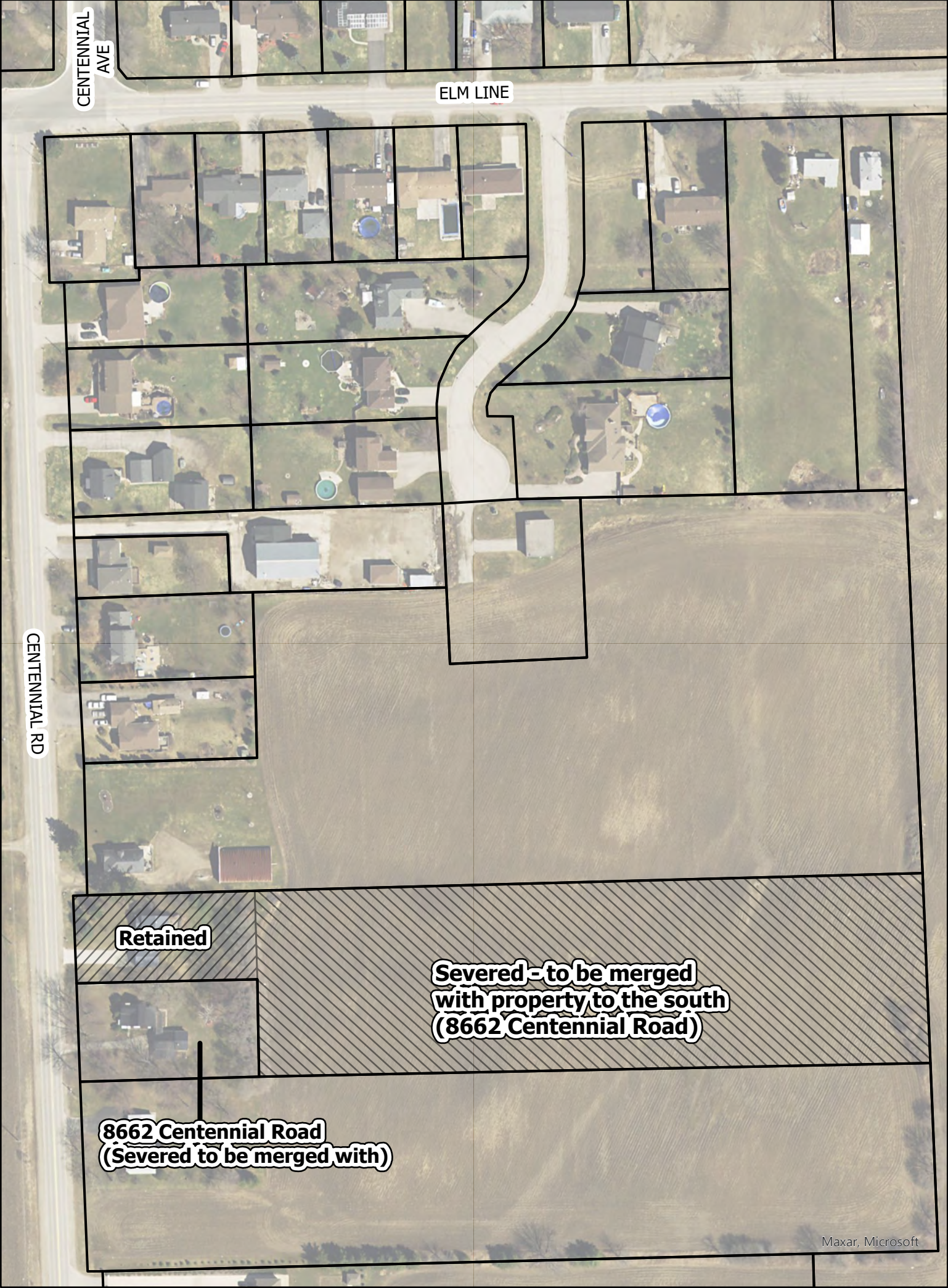
Retained



Elgin Road Network



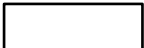
Buildings



# Location Map



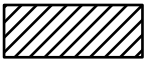
## Legend



Subject Site



Severed



Retained



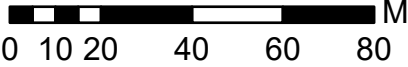
Elgin Road Network



Buildings

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

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





THE MUNICIPALITY OF CENTRAL ELGIN  
**REPORT TO COUNCIL**

**REPORT NO.** CEP.34.22  
**CEPO FILE NO.** E88/21  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application - 8684 Centennial Road  
Applicant - Janet Rae Williamson  
**DATE** July 19, 2022

## RECOMMENDATION

**THAT** Report CEP.34.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E88/21 to the Land Division Committee, staff recommends the following conditions:

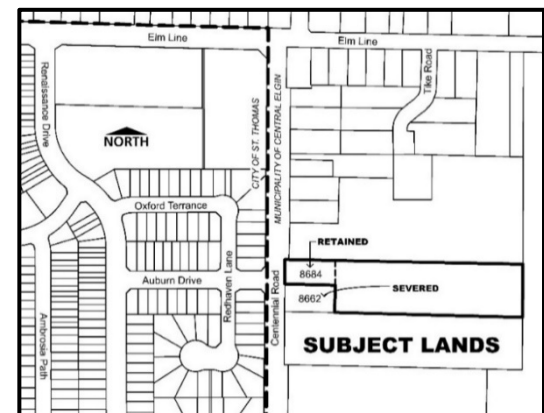
1. the severed land be merged in title with the abutting lot 8662 Centennial Road;
2. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
3. the Solicitor for the applicant is to provide 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
4. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

## REPORT

### Background:

The Elgin County Land Division Committee approved Consent Application E88/21 in 2021, subject to the owner dedicating lands along the frontage of the retained lot to Elgin County for future road widening purposes. When that limit of the road widening was confirmed by an Ontario Land Surveyor it was discovered that the lot area for the retained lot was deficient. The applicant has since amended the application by increasing the lot area and the retained lot now conforms with the Township of Yarmouth Zoning By-Law 1998. The subject amendment is minor and technical in nature and does not deviate from the original submission to the Elgin County Land Division Committee.

### Location Plan:



**Location:**

The subject lands are located on the east side of Centennial Road (County Road 28), approximately 270m south of Elm Line. The lands are described as, Concession 7, Part Lot 11, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to convey a vacant parcel of land with an area of 16,141.4m<sup>2</sup> to the abutting lot to the south (8662 Centennial Road). The severed lot will continue to be used for agricultural purposes. The applicant is proposing to retain a lot with frontage of 32.2m on Centennial Road, a depth of 58m and an area of 1,858.67m<sup>2</sup>, containing one single detached dwelling. The retained lot will continue to be used for rural residential purposes.

**Staff Report****1. Official Plan**

- The subject lands are in the Residential (Section 4.2) and Agricultural (Section 4.1) designations in accordance with Schedule "D" - Community of Eastwood Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).
- Centennial Road is a County Road (28), detailed policies and guidelines for the County road network are found in the County Roads Master Plan, as may be updated from time to time (2.8.5.5.1(f)(2)).

**2. Zoning By-Law**

- The subject lands are located within the Residential Zone 1 (R1) and Open Space Zone 2 (OS2) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- The severed lot is within the Open Space Zone 2 (OS2), permitted uses include rural-residential uses lawfully used for such purposes on the day of the passing of the Zoning By-law (8.3.1.1(b)).
- The minimum lot area required is 1,858m<sup>2</sup> for rural-residential uses lawfully used on the day of the passing of the by-law (8.3.1.4(b)) and the minimum lot frontage is 100ft for permitted rural-residential uses (8.3.1.6(b)).
- The retained lot is within the Residential Zone 1 (R1), permitted uses include residential uses (9.2.1.1(a)).
- Where private sanitary sewage disposal facilities and public piped water is available the minimum lot area required is 1,858m<sup>2</sup> (9.2.1.3.2), the minimum lot frontage is 30m (9.2.1.4.2) and the minimum lot depth required is 30.48m (9.2.1.5).

**3. County of Elgin Official Plan:**

- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- 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 (E1.2.3.2).

Respectfully submitted:



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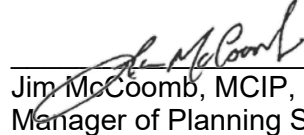
Steve Craig  
Sr. Planning Technician

Approved for submission:



---

Paul Shipway  
CAO/Clerk



---

Jim McCoomb, MCIP, RPP  
Manager of Planning Services



July 20, 2022

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

RE: Consent Application E88/21  
Janet Rae Williamson, 8684 Centennial Road

Dear Mr. Lima:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Tuesday, July 19, 2022 and the following resolution was passed:

**THAT** Report CEP.34.22 re Consent Application - 8684 Centennial Road be received for information;

**AND THAT** Council has no objections to consent application E88/21, Janet Rae Williamson, 8684 Centennial Road subject to the following recommended conditions:

1. The severed land be merged in title with the abutting lot 8662 Centennial Road;
2. 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;
3. 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;
4. The Municipality of Central Elgin be provided with a copy of the Reference Plan and
5. A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference.

Please feel free to contact me should you have any questions.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)

519-631-4860 ext. 286

c.c. Janet Rae Williamson, Owner  
A. Dale., Solicitor/Agent  
S. Craig, Senior Planner, CEPO  
P. Clarke, Planning Technician, County of Elgin

Encl.

**From:** [Tony Difazio](#)  
**To:** [Paul Clarke](#); [Land Division](#)  
**Subject:** RE: E 88-21 Notice of Amended Application Request for Agency Review  
**Date:** July 4, 2022 3:17:41 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.

Hello,

CCCA has no objections or concerns about the above noted severance.

Regards

**Gerrit Kremers**  
Resource Planning Coordinator  
8079 Springwater Road, R.R.#5,  
Aylmer ON. N5H 2R4  
519-773-9037  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)

---

**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>  
**Sent:** June-29-22 10:26 AM  
**To:** [amydale@gunn.on.ca](mailto:amydale@gunn.on.ca)  
**Cc:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Subject:** E 88-21 Notice of Amended Application Request for Agency Review

Good Morning,

Please find attached an amended Notice of Application for file number E 88-21 for the Elgin County Land Division Committee meeting scheduled for July 27, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, July 19, 2022** to be included in the agenda package and considered by the Land Division Committee. Please ensure that notice signs are reposted no later than July 12, 2022, if new signs are required please let myself or Marlene Bainbridge ([mbainbridge@elgin.ca](mailto:mbainbridge@elgin.ca)) know as soon as possible so they can be couriered to you.

Thanks,

**Paul Clarke, CPT**

*Planning Technician*  
450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 170  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

**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](http://www.elgincounty.ca) for daily updates.

**COUNTY OF ELGIN ROAD SYSTEM**

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

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

**RE:**

**APPLICATION NO.:** E 88-21

**OWNER:** Janet Rae Williamson

**PROPERTY:** **LOT NO.** Part lot 11 **CONCESSION:** 7

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

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

- |   |   |
|---|---|
| 1) Land for road widening is required .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the retained lot/parcel up to 15m from the centreline of construction of Centennial Road County Road (28) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.</i> | <div style="border: 1px solid black; width: 60px; height: 60px; text-align: center; line-height: 60px;">X</div> |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....   | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 3) Drainage pipes and/or catchbasin(s) are required .....   | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....   | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 5) A curb and gutter is required along the frontage .....   | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....   | <div style="border: 1px solid black; width: 60px; height: 40px;"></div>   |
| 7) Technical Reports .....  | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....  | <div style="border: 1px solid black; width: 60px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 9) Lot Grading Plan is required for the severed and retained lots.....  | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 10) The County has no concerns.....   | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 11) Not on County Road .....  | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 12) Please provide me with a copy of your action on this application .....  | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |
| 13) Other...  | <div style="border: 1px solid black; width: 60px; height: 20px;"></div>   |

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



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



**County of Elgin**  
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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:** August 24, 2022  
**Application:** E 88-21

**Owner:**  
**Janet Rae Williamson**

8684 Centennial Road, St. Thomas, ON.

**Agent:**  
**Amy Dale, Gunn & Associates**

108 Centre Street, St. Thomas, ON.

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

**PROPOSAL**

The applicants propose to sever a parcel with a width of 67.284 metres (220.75 feet), a depth of 240.226 metres (788.14 feet) and an area of 1.611 hectares (3.98 acres), to be conveyed to the adjacent property to the south (8662 Centennial Road). The applicants are retaining a parcel with an area of 1858.676 hectares (0.46 acres), containing a dwelling, proposed to remain in residential use.

This is an amendment to a previous application which was granted provisional consent to sever in 2021. The applicants are requesting an amendment to more accurately reflect the measurements of the severed and retained parcels. The original request that was approved by the Land Division Committee is below:

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

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Residential and Agricultural

**Local Municipality Zoning  
By-law**

Residential Zone 1 (R1) and  
Open Space Zone (OS2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No objections or concerns.

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

#### Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing a lot addition to add 1858.676m<sup>2</sup> to an adjacent lot. The subject land is located within a Tier 1 Settlement Area, the PPS encourages a variety of land use patterns in settlement areas which efficiently use land and resources and are appropriate for the existing or proposed level of servicing in the area.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The applicants are proposing that both the retained lot and the severed portion that is being conveyed as a lot addition will continue their present uses. Section C1 outlines the objectives of uses permitted in Settlement Areas, including residential areas. Within these areas, the OP encourages the provision of a range of housing types and the efficient use of the existing and planned infrastructure available. The applicant's proposal for a lot addition is not anticipated to have any effect on infrastructure demand at this time.

The OP allows for the modification of lot lines through the consent process where no new building lot is created. In reviewing applications for boundary adjustments, the Official Plan directs the approval authority to have consideration for how the boundary adjustment will affect the viability of use of the subject and surrounding lands as well as the viability of agricultural parcels. The subject land is located at the border of a Tier 1 Settlement Area and abuts an agricultural parcel; however, this proposal is not anticipated to have any effect on surrounding land uses.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. Section 5.3.9.1(b) of the OP allows for consents for legal and technical reasons, including boundary adjustments provided the lots subject to the application comply with the Zoning By-law, or any requisite zoning by-law amendment or minor variance is obtained.

#### RECOMMENDATION:

This application was deferred by the Committee at the July 27<sup>th</sup>, 2022 meeting due to non-compliance with the Planning Act's notice requirements. Signs were posted well in advance of the meeting date and notices of application were re-circulated to advise commenting agencies and members of the public of the new meeting date. This report is unchanged from the original submitted to the Committee in July, with the exception of the below recommendation to approve the consent application.

The application for a lot addition is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Central Elgin Official Plan policies. As such, planning staff are 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. the severed land be merged in title with the abutting lot 8662 Centennial Road;
2. 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;
3. 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
4. the Municipality of Central Elgin be provided with a copy of the Reference Plan.
5. A drainage reassessment be done, if necessary, at the owner's expense.