



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, September 28, 2022, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications

9:00 am	E 63-22	Michael DeLeebeek – 96 Coulter Ave Municipality of Central Elgin
9:10 am	E 64-22	Robert Ian Foster & Constance Marie Foster – Pt Lt 6, Con 8, Township of Malahide
9:20 am	E 65-22	Donald Francis Ciparis – Lt 20-21, Plan 202, Con 7, Municipality of West Elgin
9:30 am	E 59-22	Henk & Ans Dieker – 24397 Argyle Line Municipality of West Elgin
9:40 am	E 15-21	Dave & Barb Wheeler – 8847 Iona Road Municipality of Dutton Dunwich
9:50 am	E 66-22	Domus Developments (London) Inc. – 4509 Union Road, Township of Southwold
10:00 am	E 67-22	SBM Ltd. (Simona Rasanu) – 52339 Talbot Line, Township of Malahide
10:10 am	E 68-22	SBM Ltd. (Simona Rasanu) – 53008 Calton Line, Township of Malahide



10:20 am	E 49-22	Kelsey Berkelmans – 11644 Carter Road Township of Malahide
10:30 am	E 58-22	Ernst Hoffsuemmer - Echo Acres Limited 38652 Longhurst Line, Township of Southwold
10:40 am	E 62-22	Dan McKillop – 29094 Silver Clay Line Municipality of Dutton Dunwich

10th Date of Next Meeting

11th Adjournment

VIRTUAL MEETING: IN-PERSON PARTICIPATION RESTRICTED

NOT FOR MEMBERS OF THE PUBLIC

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Corporation of the County of Elgin
Land Division Committee

Minutes

August 24, 2022

County of Elgin Land Division Committee met this 24th day of August 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
Dugald Aldred
Denis O’Grady
John Seldon
Jack Van Kasteren, Vice-Chairman

Staff Present (in-person):

Paul Clarke, Planning Technician / Land Division Committee Secretary-
Treasurer
Brian Lima, General Manager of Engineering, Planning & Enterprise /
Deputy CAO
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**

E 55-22, E 56-22

3. ADOPTION OF MINUTES

Moved by: Rosemary Kennedy

Seconded by: Jack Van Kasteren

<i>Recorded Vote – Minutes</i>	Yes	No	Abstain
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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		
TOTAL		7	0	

RESOLVED THAT the minutes of the meeting held on July 27, 2022 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

John Andrews declared a pecuniary interest in applications E 53-22, E 54-22, E 55-22, and E 56-22.

John Seldon declared a pecuniary interest in E 61-22.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

Secretary-Treasurer Paul Clarke introduced a proposal to amend the agenda by adding the consideration of an amendment to the notices of decisions for E 57-18 and E 58-18 due to the time sensitive nature of the request. These applications are due to lapse on August 25, 2022 unless the decisions are amended.

8. NEW BUSINESS

Doug Aldred asked about the responsibility for approval of conditions and finalizing consents after provisional consent is granted.

John Andrews left the room

9. APPLICATIONS FOR CONSENT:

Application E 53-22 – 9:08 a.m.

John and Jane Andrews, 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.

Owner: Jane Andrews, Alyssa and Jamie Andrews were present in-person

Agent: Jay McGuffin was present virtually.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Kettle Creek Conservation Authority	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the 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: Dugald Aldred

RESOLVED THAT severance application E 53-22 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 owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transport "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, 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*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews			
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 54-22 – 9:18 a.m.

John and Jane Andrews, 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.

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: Jane Andrews, Alyssa and Jamie Andrews were present in-person
Agent: Jay McGuffin was present virtually.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of

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

Moved by: Jack Van Kasteren
Seconded by: Dennis O'Grady

RESOLVED THAT severance application E 54-22 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 owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transport "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, 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*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews			
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 55-22 & E 56-22– 9:22 a.m.

John and Jane Andrews, 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 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.

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: Jane Andrews, Alyssa and Jamie Andrews were present in-person

Agent: Jay McGuffin was present virtually.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No 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 55-22 and E 56-22 be deferred at the applicant's request, until further notice.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews			
Central Elgin	Dennis O'Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

John Andrews re-entered the room

Application E 57-22 – 9:40 a.m.

Doug Tarry Limited, 142 Centennial Avenue, Municipality of Central Elgin.

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.

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: Nancy Silzer was present by phone.

Agent: Nicole Ooms (Doug Tarry Ltd.) was present virtually

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: Dennis O'Grady
Seconded by: John Andrews

RESOLVED THAT severance application E 57-22 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 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

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 58-22 – 9:47 a.m.

Ernst Hoffsuemmer, 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.

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: not present
Agent: none present.

Written submissions (*) were received from the following:

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

RESOLVED THAT severance application E 58-22 be deferred until such time as the notice requirements of the Planning Act have been met.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 16-22 – 10:00 a.m.

Philip M. Robinson, 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 1858.768m² (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 3018.575m² (0.75 acres), proposed to remain in residential use.

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

Owner: Philip Robinson was present in-person

Agent: Zach Remen was present in-person

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 deferral pending compliance with Planning Act notification requirements.

() 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 16-22 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, 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.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 60-22 – 10:11 a.m.

Donald Ferguson, 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 6,578m² (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 87,700m² (21.67 acres), containing a residential dwelling with no proposed changes to the existing use of the 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.

Mr. O’Grady asked about the planning justification for the lot addition. Mr. O’Grady also expressed concern over the conservation authority’s report.

Don Ferguson provided a background on the justification of the consent application.

Owners: none present

Agent: Don Ferguson 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	No on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the

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

Moved by: John Andrews

Seconded by: Jack Van Kasteren

RESOLVED THAT severance application E 60-22 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 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.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Jon Seldon left the room.

Application E 61-22 – 10:31 a.m.

Michael Sullivan, 32 Robinson / 19 Erius, Municipality of Bayham

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.

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: none present

Agent: Michael Sullivan was present virtually

Mackenzie Crumb was present virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham	Recommends approval of application subject to the conditions provided
2	Long Point Region Conservation Authority	No comments
3	Elgin County Engineering Services	Not on a County Road

4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
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(*) A copy of the comment package which includes all correspondence received is available upon request.

Moved by: John Andrews
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 61-22 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.

Additionally, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon			
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

John Seldon re-entered the room

Application E 62-22 – 10:38 a.m.

Dan McKillop, 29094 Silver Clay Line, Municipality of Dutton Dunwich.

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.

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: Dan and Jan McKillop were present virtually
Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: Dennis O'Grady
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 62-22 be deferred to clarify the application.

Recorded Vote – Minutes		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		
TOTAL		6	1	

- Motion Carried.

Application E 72-21– 10:59 a.m.

Barbara Farms Inc., 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.

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: Herman Lansik was present in-person

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval, subject to conditions.
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: Jack Van Kasteren

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 72-21 be approved, subject to the following conditions:

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

Additionally, 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.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 71-21 –11:06 a.m.

Barbara Farms Inc., 11552 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.

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: Herman Lansik was present in-present

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	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: Dugald Aldred

RESOLVED THAT severance application E 71-21 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.

Additionally, 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.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 88-21 – 11:10 a.m.

Gunn & Associates, 8864 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 1858.676m² 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: Helen Button was present virtually

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	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: Jack Van Kasteren

Seconded by: Dennis O'Grady

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of 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 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.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Application E 57-18 & E 58-18 – 11:16 a.m.

Logan Burnett, Part Lots 6, 7, 8 & 9, Concession 3, Municipality of Bayham

The applicants propose to sever an irregular shaped parcel with a width of 108 metres (354.3ft), a rear width of 158m (518.4ft), by a depth of 63m (206.7ft) (west lot line) to 121 metres (397.0ft) (east lot lot), with an area of 1.132 hectares (2.797 acres), to add to the adjoining agricultural land to the north. The owners are retaining 75 hectares (185.3 acres), proposed to remain in agricultural use.

The applicant is requesting that the decision be amended to provide a two-year lapsing date to allow adequate time to fulfill the conditions in the original decision. The Planning Act was amended to provide a two-year timeline to fulfill conditions, at the time the decision was issued applicants were only permitted a maximum of one-year. To avoid this application lapsing, planning staff are proposing the decision be amended to extend the lapse date to August 25, 2023. The Land Division Committee may direct that notice need not be re-issued if it is in the Committees opinion that the amended to the decision is minor.

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

() 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 the notice of decision for severance applications E 57-18 and E 58-18 be amended by changing the lapse date to August 25, 2023.

Recorded Vote – Minutes		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		
TOTAL		6	1	

10. DATE OF NEXT MEETING

The Land Division Committee will meet again on September 28, 2022 at 9:00 a.m.

11. ADJOURNMENT

Moved by: Rosemary Kennedy
Seconded by: Jack Van Kasteren

RESOLVED THAT the Committee adjourn at 11:19 a.m. to meet again on September 28, 2022 at 9:00 a.m.

Recorded Vote – Minutes		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		
TOTAL		7	0	

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John “Ian” Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 63-22**

**LOT 22 ON REGISTERED PLAN No. 251
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 96 COULTER AVE.**

TAKE NOTICE that an application has been made by Michael DeLeebeeck, 96 Coulter Avenue, St. Thomas, ON N5R 5A6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 96 Coulter Avenue.

The applicant proposes to sever a parcel with a frontage of 15.24 metres (50 feet) and a depth of 93.13 metres (305.54 feet) and an area of 1418.5m² (0.35 acres) to create a new lot. The applicant is retaining a lot with a frontage of 21.93 metres (71.95 feet) and a depth of 93.04 metres (305.25 feet) and an area of 2039.9m² (0.5 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 SEPTEMBER 28, 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 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 13th 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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Subject Site: 96 Coulter Ave.
File Number: E 63-2022
Owner: Michael DeLeebeeck
Planner: Unknown
CA: Lower Kettle Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of Central Elgin





Location Map

Subject Site: 96 Coulter Ave.
File Number: E 63-2022
Owner: Michael DeLeebeeck
Planner: Unknown
CA: Lower Kettle Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of Central Elgin

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



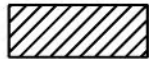
Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.35.22
CEPO FILE NO. E63/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 96 Coulter Avenue
Applicant – Michael DeLeebeeck
DATE August 18, 2022

RECOMMENDATION

THAT Report CEP.35.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E63/22 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands;
2. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
3. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

Background:

Consent application E63/22 has been filed for the purpose of creating a residential building lot.

Location:

The subject lands are on the east side of Coulter Avenue and described as, Plan 251, Lot 22, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a vacant lot with frontage of 15.24m on Coulter Avenue, a depth of 93.13m and an area of 1,418.5sqm. The lands severed lot will be used for a residential building lot. The applicant is proposing to retain a lot with frontage of 21.93m on Coulter Avenue, a depth of 93.04m and an area of 2,039.9sqm, containing one single-detached dwelling and one shed.

Location Plan:



Staff Report

1. Official Plan

- The subject lands are within the “Residential” designation in accordance with Schedule “D” - Community of Eastwood, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- 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)).

2. Zoning By-Law

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

3. County of Elgin Official Plan:

- The subject lands are within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted (B1).
- Subsection C1.1.1 sets out specific policy direction and objectives for residential development in settlement areas. These include, “promoting the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification” and “encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development”.

4. Comments


- Consent Application E63/22 is a resubmission from 2014, the 2014 application (E24/14) was approved, however the conditions were not completed, and the provisional consent lapsed.

Respectfully submitted:

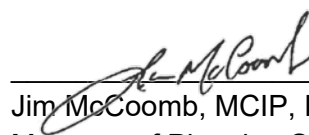
Approved for submission:



Steve Craig
Sr. Planning Technician



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services



August 19, 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 E63/22
96 Coulter Ave., Michael DeLeebeeck

Dear Mr. Lima:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Thursday, August 18, 2022 and the following resolution was passed:

THAT Report CEP.35.22 re Consent Application – 96 Coulter Ave, Michael DeLeebeeck be received for information;

AND THAT Council has no objections to consent application E63/22, Michael DeLeebeeck subject to the following recommended conditions:

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

As per Council's direction, please note a copy of the planning report has been included for your reference.

Please feel free to contact me should you have any questions.

Kind Regards,

Dianne Wilson

Dianne Wilson
Deputy Clerk/Records Management Coordinator

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

c.c. M. DeLeebeeck, Owner
M. Brightling, Solicitor/Agent
S. Craig, Senior Planner, CEPO
P. Clarke, Planning Technician, County of Elgin

Encl.

From: [Gerrit Kremers](#)
To: [Paul Clarke](#); [Land Division](#)
Subject: RE: E 63-22 Notice of Application - Request for Agency Review
Date: August 19, 2022 9:01:49 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

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

Hello,

CCCA has no comments or concerns with the above noted application.

Thank You,

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

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: August-15-22 8:52 AM
To: pshipway@centralelgin.org; DWilson@centralelgin.org; 'Craig, Steve' <scraig@stthomas.ca>; Gerrit Kremers <planning@catfishcreek.ca>
Cc: Marlene Bainbridge <mbainbridge@ELGIN.ca>; Brian Lima <blima@ELGIN.ca>
Subject: E 63-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-63-22 for the Elgin County Land Division Committee meeting scheduled for September 28, 2022.

If you wish to provide comments on this application please submit them to landdivision@elgin.ca by **Tuesday September 20, 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
www.elgincounty.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 63-22
OWNER: Michael DeLeebeeck
PROPERTY: **LOT NO.** 22 **CONCESSION:** _____
REG'D PLAN: 251 **MUNICIPALITY:** Central Elgin

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

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

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

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

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

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

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

☐
- 7) Technical Reports

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

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

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

☐
- 11) Not on County Road

☒
- 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: September 28, 2022
Application: E 63-22

Owner:
Michael Deleebeeck
96 Coulter Avenue

Agent:
None.

Location: Lot 22 on Registered Plan No. 251, municipally known as 96 Coulter Avenue, Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 15.24 metres (50 feet) and a depth of 93.13 metres (305.54 feet) and an area of 1418.5m² (0.35 acres) to create a new lot. The applicant is retaining a lot with a frontage of 21.93 metres (71.95 feet) and a depth of 93.04 metres (305.25 feet) and an area of 2039.9m² (0.5 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 1 Settlement Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Cattfish Creek Conservation Authority – No issues.

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 vacant portion of the existing lot for future residential development. This is a resubmission of a previous application that was granted provisional consent but lapsed.

Section 1.1.3 of the PPS directs that settlement areas should be the focus of growth and development within municipalities. Further, that land use patterns within these areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

The PPS also encourages development of land use patterns within settlement areas that are “based on a range of uses and opportunities for intensification and redevelopment”. The PPS defines intensification as the development of a property at a higher density than currently exists through development of vacant or underutilized lots. The applicant is proposing to sever a new lot from the existing property, which currently contains a single detached dwelling, for future residential 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 designated as a Tier 1 Settlement Area within the County OP. Tier 1 Settlement Areas are the highest tier settlement areas within the County and should be the focus of growth and development, including redevelopment and infill.

B 2.5 – Hierarchy of Settlement Areas (Tier 1)

Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). The boundaries of these settlement areas are shown on Schedule A to this Plan and are listed in Table 3. Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

With respect of the policies governing lot creation, staff have reviewed the proposal against Section E1.2.3.1 General Criteria and have found the proposal conforms with the OP criteria for lot creation in settlement areas. The proposed severed lot will have access to full municipal services and is a form of residential infill in an existing settlement area

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of 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 proposed severed parcel meets the Central Elgin OP policies. The Residential designation in the Municipal OP allows for a variety of housing types within the fully serviced urban settlement areas.

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 64-22**

**PART OF LOT 6, CONCESSION 8, PART 2 ON 11R-6241
TOWNSHIP OF MALAHIDE**

TAKE NOTICE that an application has been made by Robert Ian Foster & Constance Marie Foster, 48649 College Line, Aylmer, ON N5H 2R3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Part of Lot 6, Concession 8, Part 2 on 11R-6241.

The applicant proposes to sever a parcel with a frontage of 19.61 metres (64.34 feet) and a depth of 216.04 metres (708.8 feet) and an area of 0.4ha (0.99 acres) to be conveyed as a lot addition to an adjacent lot. The applicant is retaining a lot with a frontage of 700.05 metres (2296.75 feet) and a depth of 398.18 metres (1306.36 feet) and an area of 19.31ha (47.72 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

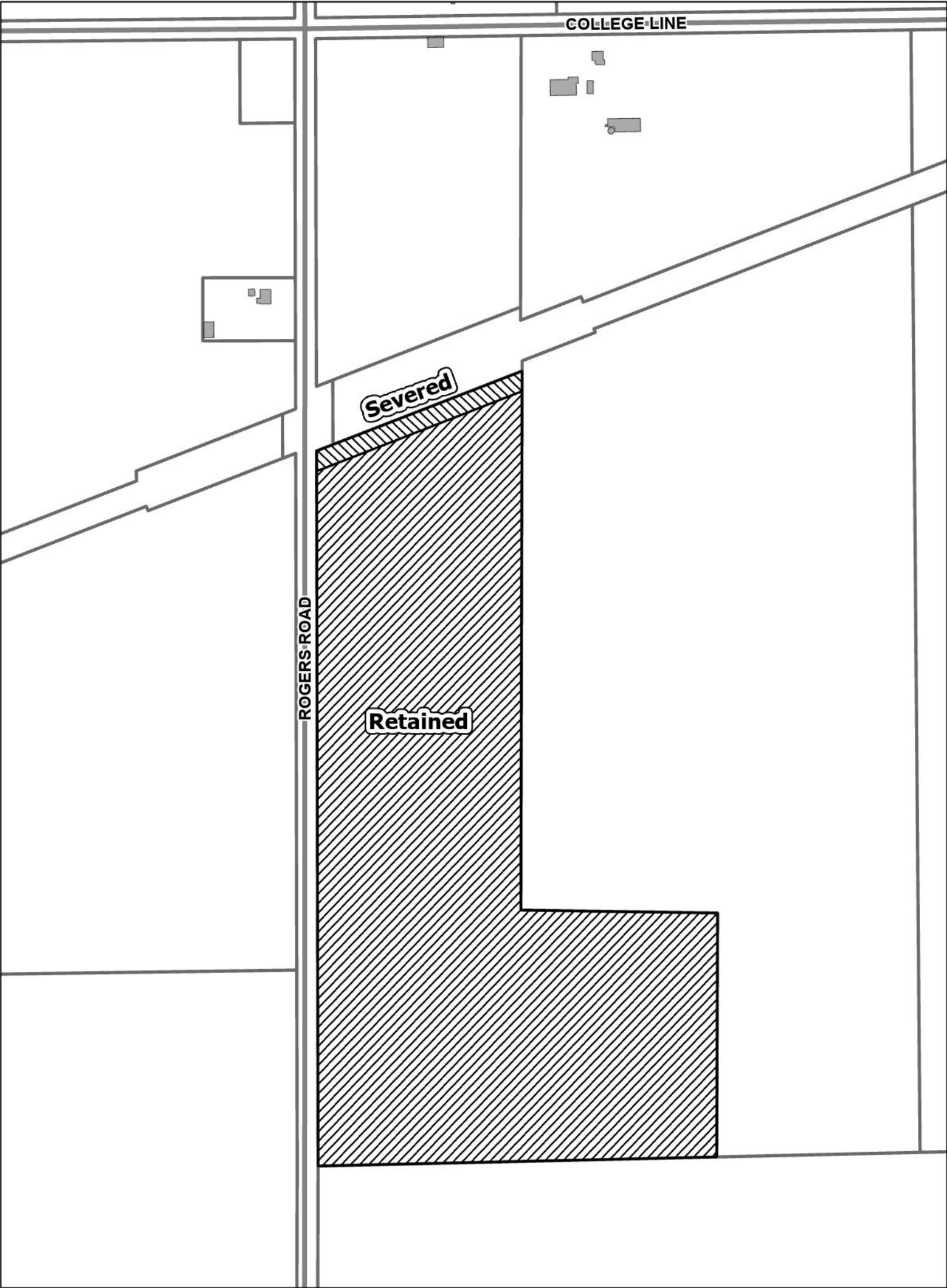
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th day of August, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

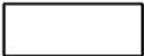
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



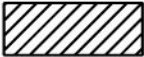
Legend



Subject Site



Severed



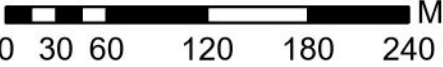
Retained

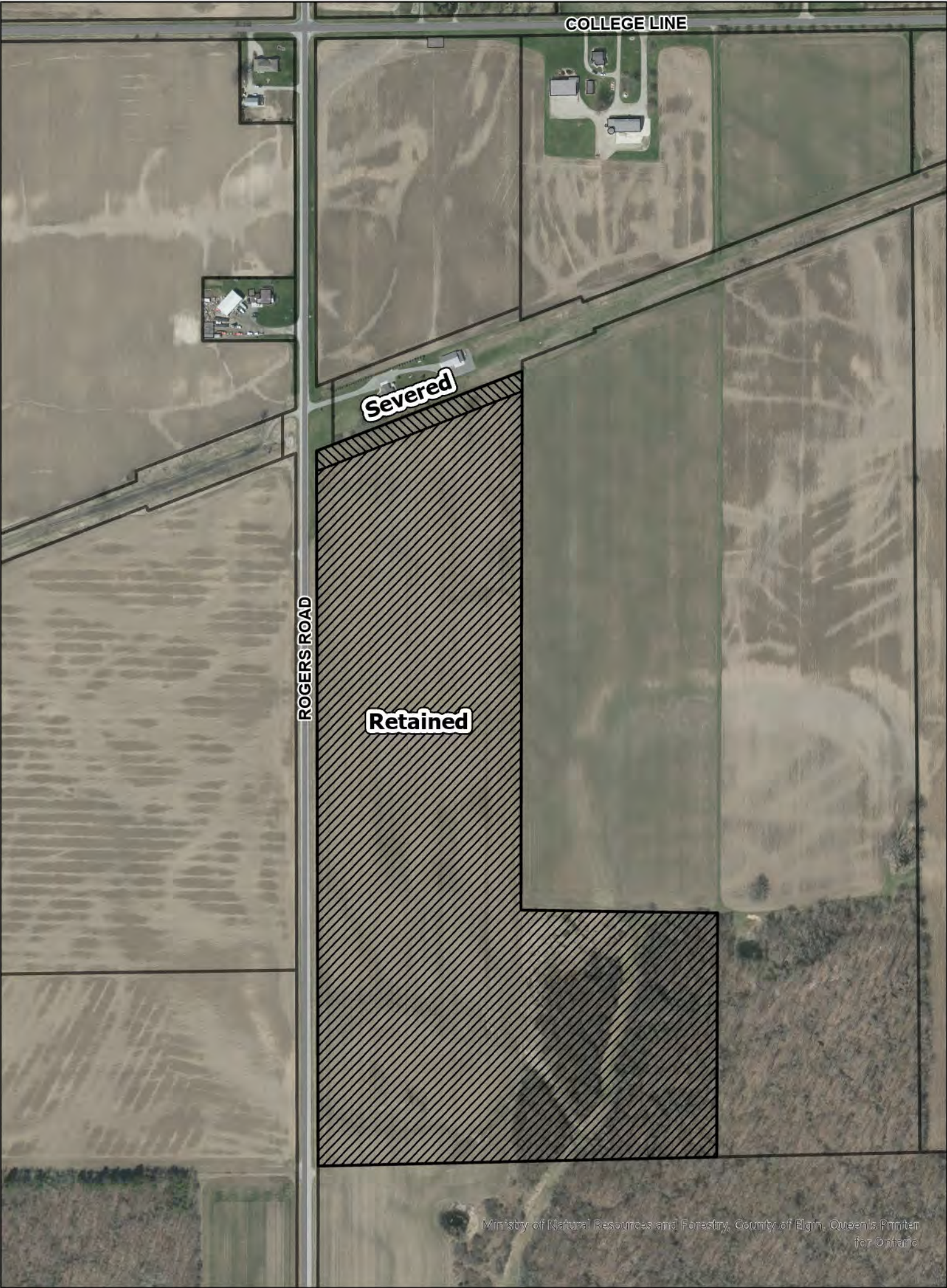


Elgin Road Network



Buildings



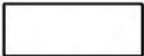


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

Subject Site: Con 8, Pt Lot 6 Rogers Rd.
File Number: E 64-2022
Owner: James & Doreen MacIntyre
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Malahide





Report to Council

REPORT NO.: DS-22-36

DATE: September 1, 2022 (Report submitted August 25, 2022)

ATTACHMENT: Application, Report Photo, Conditions

SUBJECT: **Application for Consent to Sever of Robert & Constance Foster, Application E 64-22**

LOCATION: Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide)

Recommendation:

THAT Report No. REPORT NO.: DS-22-36 entitled “Application for Consent to Sever of Robert & Constance Foster” be received;

AND THAT the Application for Consent to Sever of Robert & Constance Foster, relating to the property located in Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide) be supported for the reasons set out in this Report;

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

Background:

The subject application (E-64-22) for Consent to Sever (the “Application”) has been submitted by Robert & Constance Foster, in order to enlarge an existing lot through the conveyance of lands for the purposes of creating an access to a landlocked parcel. No new lot is proposed to be created.

Robert & Constance Foster own two parcels of land that are divided by a former rail corridor. The rail corridor has since entered into private ownership, which has impacted their ability to access to one of the parcels. The applicants are proposing to have land conveyed to them that would allow for a permanent access to the property from Rogers Road.

The Application relates to the property located in Part Lot 8, Concession 6; RP 11R-

6241 (Geographic Township of Malahide). The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

Comments/Analysis:

The lands proposed to be severed comprise an area of approximately 0.4 hectares (0.9 acres) with a depth of approximately 216 metres and a frontage of approximately 19.6 metres on Rogers Road. The land proposed to be severed is vacant farmland. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the east.

The enlarged parcel is vacant agricultural land and does not have frontage on a municipal road. The enlarged parcel would have an area of approximately 28 hectares (69.1 acres). The effect of the boundary adjustment is to provide road frontage and an access to the property. No new lot is proposed to be created.

The lands proposed to be retained comprise an area of approximately 19.3 hectares (47.6 acres) with a depth of approximately 398.8 metres and approximately 700 metres of frontage on Rogers Road. The parcel is vacant farmland. The lands would remain in agricultural use, including productive farmland and mature woodlands.

County of Elgin Official Plan

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan, provided that no new lot is created and the viability of the agricultural parcels are not affected. The proposed lot addition would not result in the creation of a new parcel.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The proposed lot boundary adjustment is for the purposes of creating an access to a landlocked agricultural parcel. Both the retained lands and the enlarged parcel would meet the minimum lot area requirements. The enlarged parcel is proposed to have a frontage of 19.6 metres, whereas the By-law requires a frontage of 150 metres. It is recommended as a condition of approval that a Zoning By-law Amendment be submitted to permit a reduced lot frontage, as well as rezone the parcel to the 'Special Agricultural (A2)' zone to prohibit the construction of a dwelling to prevent potential impacts of a dwelling being constructed on surrounding agricultural lands.

Malahide Zoning By-law No. 18-22

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

As previously indicated, the proposed enlarged lot would comprise an area of approximately 28 hectares (69.1 ac). Accordingly, the lands proposed to be severed and the existing lot to which they are being added would require a re-zoning to 'site-specific' Special Agricultural (A2-#) to recognize a new minimum lot frontage of 19.6 metres.

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

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

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

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

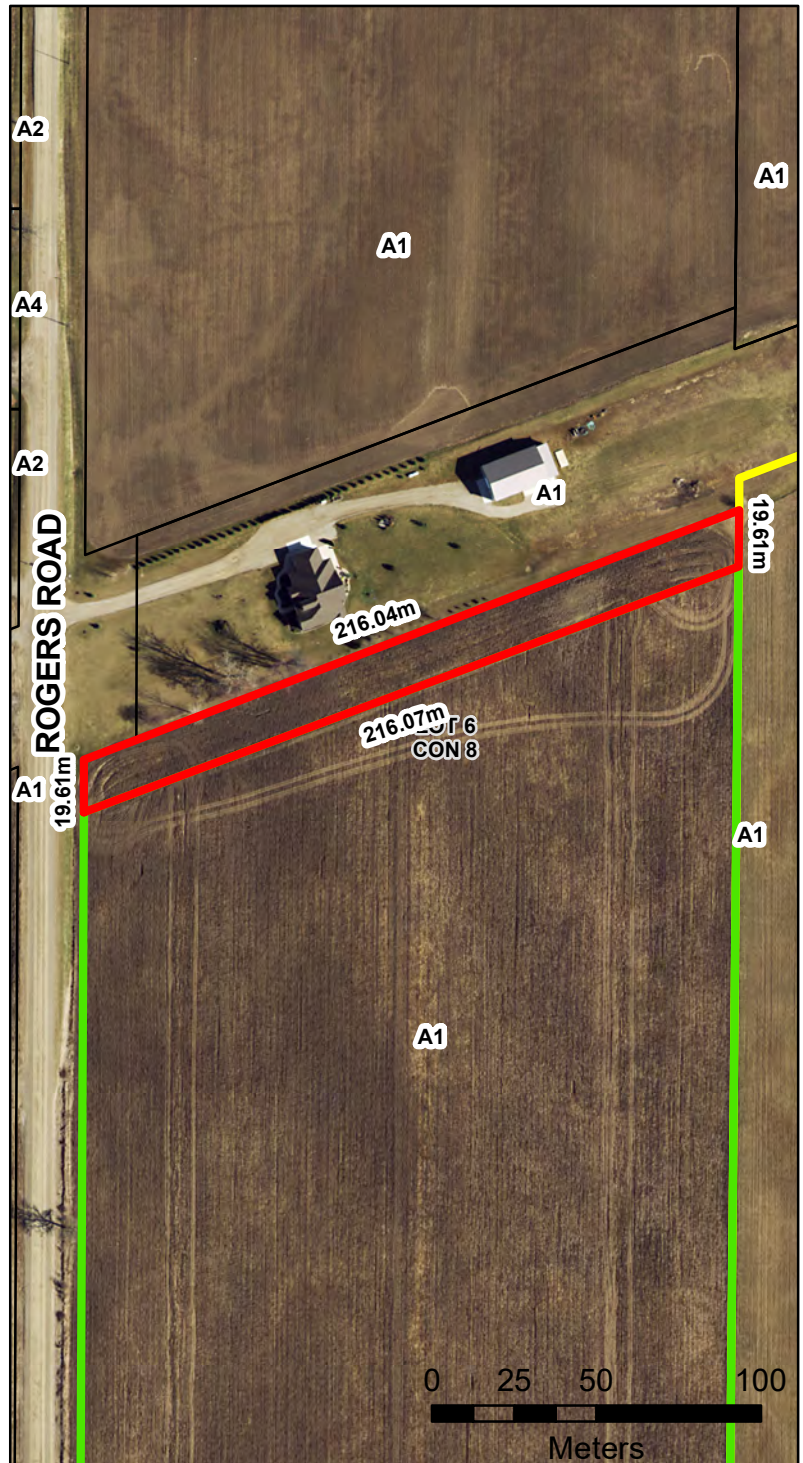
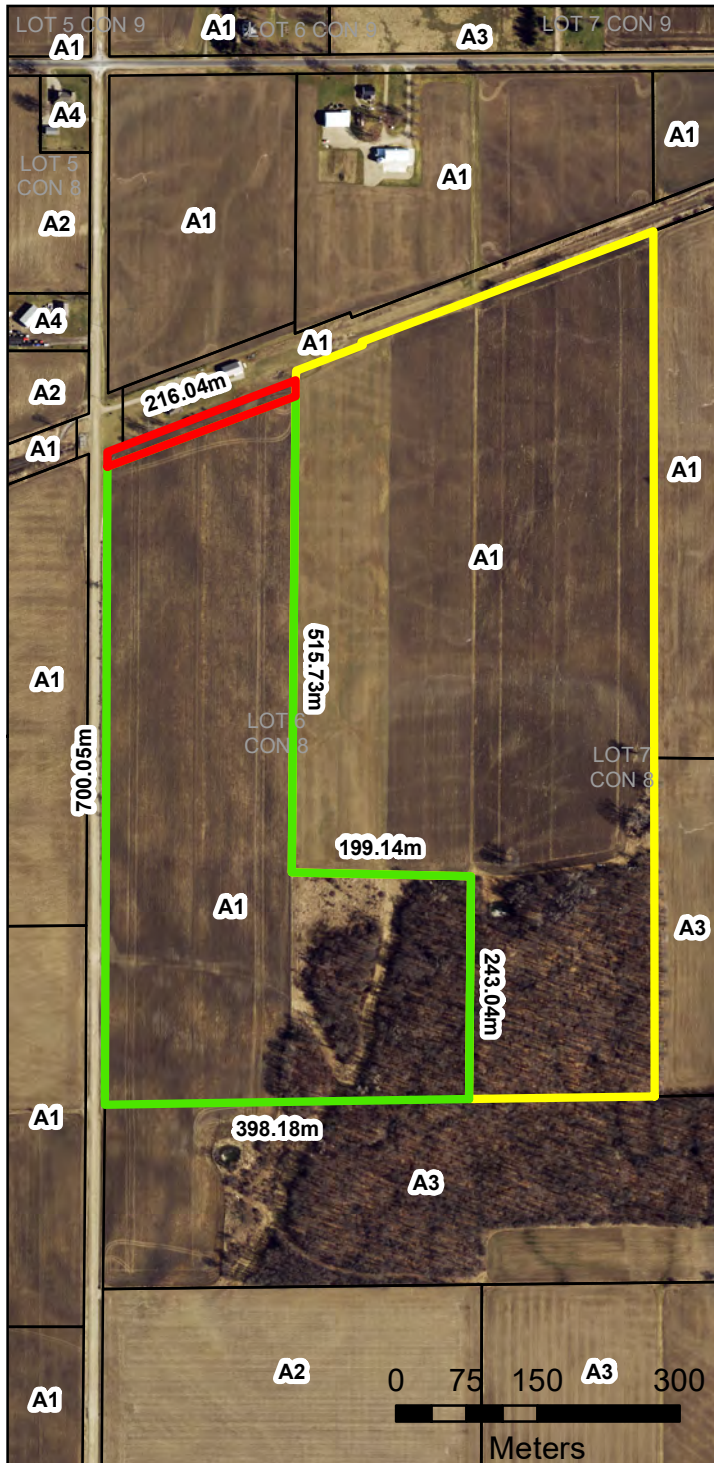
Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Doreen MacIntyre & James MacIntyre
(Agent: Joseph M. Hentz)

Part Lot 6, Concession 8, Part 2 Plan 11R-6241
 Township of Malahide

**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING
 A1 General Agricultural

- Lands to be retained
- Lands to be severed
- Lands to which the severed lot will be conveyed as lot addition



E64/22

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

Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: September 22, 2022 2:18 PM
To: Paul Clarke
Subject: RE: E 64-22 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 Paul,

My apologies on missing to reply to this notice.

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

Thank You,



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

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: September-22-22 2:14 PM
To: Gerrit Kremers <planning@catfishcreek.ca>
Subject: FW: E 64-22 Notice of Application - Request for Agency Review

Hi Gerrit,

Just following up on this notice, did you have any comments for the LDC?

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division
Committee



(519) 631-1460 x170



450 Sunset Drive, St. Thomas, ON N5R 5V1



From: Paul Clarke

Sent: August 15, 2022 8:52 AM

To: 'icfoster@amtelecom.net' <icfoster@amtelecom.net>; 'farmkids@execulink.com' <farmkids@execulink.com>; 'jhentz@lerner.ca' <jhentz@lerner.ca>

Cc: Marlene Bainbridge <mbainbridge@ELGIN.ca>

Subject: E 64-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-64-22 for the Elgin County Land Division Committee meeting scheduled for September 28, 2022.

If you wish to provide comments on this application please submit them to landdivision@elgin.ca by **Tuesday September 20, 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

www.elgincounty.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 64-22

OWNER: Robert Ian Foster & Constance Marie Foster

PROPERTY: LOT NO. Part of Lot 6 CONCESSION: 8, Part 2 on 11R-6241

REG'D PLAN: 202 MUNICIPALITY: Maloahide

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: September 28, 2022
Application: **E 64-22**

Owner:

James and Doreen MacIntyre

50767 Yorke Line, R.R. 1, Belmont, ON

Location: Part of Lot 6, Concession 8, Part 2 on 11R-6241, Township of Malahide.

Agent:

Joseph M. Hentz

53 Front Street West, Strathroy, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 19.61 metres (64.34 feet) and a depth of 216.04 metres (708.8 feet) and an area of 0.4ha (0.99 acres) to be conveyed as a lot addition to an adjacent lot. The applicant is retaining a lot with a frontage of 700.05 metres (2296.75 feet) and a depth of 398.18 metres (1306.36 feet) and an area of 19.31ha (47.72 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

General Agriculture (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority –

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 for a lot addition and proposes to sever strip of land roughly 20m wide at the north end of the subject land and convey it to the adjacent property. Section 2.3.4.2 allows lot adjustments in the prime agricultural area for legal or technical reasons. The PPS defines legal or technical reasons as those severances which are for the creation of

easements, corrections of deeds and minor boundary adjustments which do not create 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 within the County OP. The retained land is proposed to continue being used for agricultural purposes while the severed land is being added to an adjacent residential parcel.

E 1.2.3.4 – Lot Creation on Lands in the Agricultural Area

Consents may also be granted for legal or technical reasons, such as for easements, corrections of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

Similar to the PPS, the CEOP permits lot additions in all land use designations provided a new lot is not created. With respect of this application no new lot is being proposed and the land use of the subject land will remain unchanged, having no effect on other OP 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. The Township of Malahide OP permits minor lot boundary adjustments provided they comply with the relevant sections of the Zoning By-law. The parcel is that is proposed to receive the lot addition will be have a lot frontage that is less that what is required by the Zoning By-law, to address this Township staff have recommended a zoning amendment be made 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 Malahide 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. 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

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 applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 65-22**

**LOTS 12-21, CONCESSION 7, REGISTERED PLAN No. 202
MUNICIPALITY OF WEST ELGIN**

TAKE NOTICE that an application has been made by Donald Francis Ciparis, 22598 Queens Line R.R. 3, Rodney, ON N0L 2C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lots 20-21, Concession 7, Registered Plan No. 202.

The applicant proposes to sever a parcel with a frontage of 122.59 metres (402.2) and a depth of 275.44 metres (903.67 feet) and an area of 33,766.02m² (8.34 acres) to create a future residential lot. The applicant is retaining a lot with a frontage of 121.27 metres (397.87 feet) and an area of 427,631.31m² (105.67 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

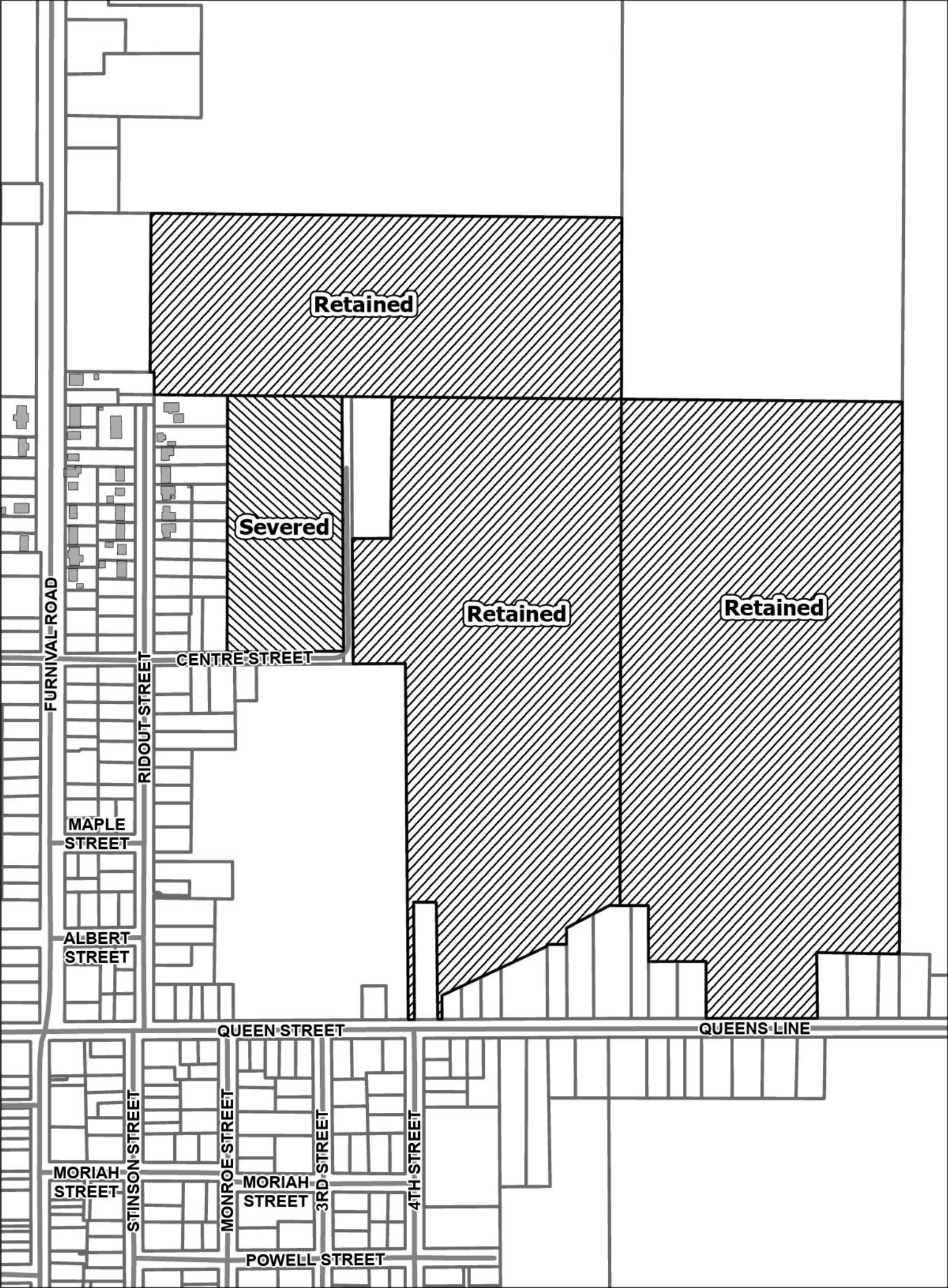
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th day of August, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

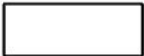
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained

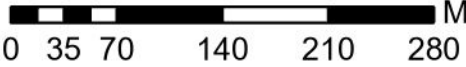


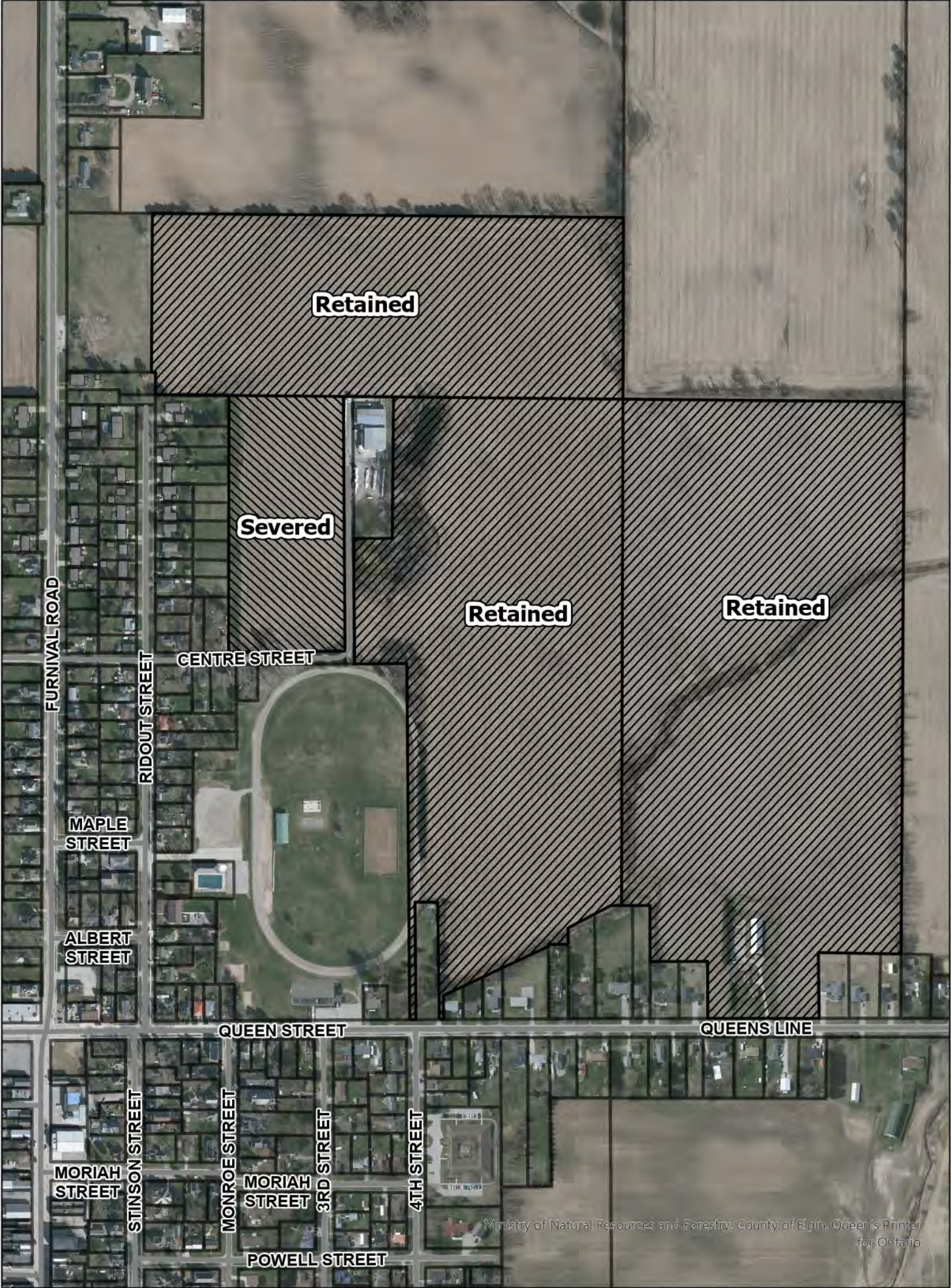
Elgin Road Network



Buildings





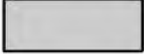
Subject Site: Con 7, Lot 20-21 Centre Street
File Number: E 65-2022
Owner: Donald Francis Ciparis
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of West Elgin



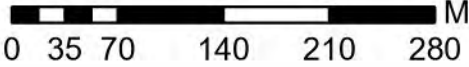


Location Map



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

Subject Site: Con 7, Lot 20-21 Centre Street
File Number: E 65-2022
Owner: Donald Francis Ciparis
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of West Elgin





MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-08-31
Subject: Severance Report

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the consent application File E65-22 – Comments to Elgin (Planning Report 2022-035);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E65-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E65-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the severance of a portion of the lands located within the settlement area of Rodney.

Background:

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

Application	E65-22
Owner/Applicant	Donald Francis Ciparis
Legal Description	Pt. Lots 7 & 8 Concession 7, Lots 20 & 21 & Pt. of Lot 25 Plan 202 & Pt. 1, RP 11R 1513
Civic Address	22576 Queens Line
Entrance Access	22576 Queens Line
Water Supply	Severed Parcel – Municipal water available Retained Parcel – Connected to municipal water
Sewage Supply	Severed Parcel – Municipal sanitary sewage service available

	Retained Parcel – Private Septic system
Existing Land Area	46.1 ha (114 ac)
Buildings and/or Structures	Severed Parcel – vacant Retained Parcel – Single detached dwelling and outbuildings

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

Application	Severed Parcel			Retained Lands		
	Frontage	Depth	Area	Frontage	Depth	Area
E51-22	122.59 m (402.2ft)	275.44 m (903.7 ft)	3.38 ha (8.34 ac)	121.27 m (397.86 ft)	Irregular	42.76 ha (105.6 ac)

The Public Hearing is scheduled for September 28, 2022, at the Elgin County Land Division Committee Meeting.

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



The severed and retained parcels for E65-22 are shown in a draft survey sketch, attached to this report as Appendix One for reference purposes.

Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. Typically, cash-in-lieu of parkland is required due to the creation of a

new lot in a settlement area however since the lands are being severed from the larger property for the purpose of future development the park land fees can be collected at that time.

Policies/Legislation:

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

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

PPS:

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

The proposal is consistent with the PPS.

CEOP:

The subject lands are designated Tier I Settlement Areas and Agricultural Area on Schedule 'A' Land Use (Figure Two) in the CEOP. The proposed severed parcel and a portion of the retained lands are within the Tier I Settlement Area with the remaining retained lands within the Agricultural Area. Detailed land use designations are provided within the OP.

New lot creation policies of the CEOP contained under Section E1.2.3.1, have several criteria and can be achieved through an eventual plan of subdivision detailing all requirements.

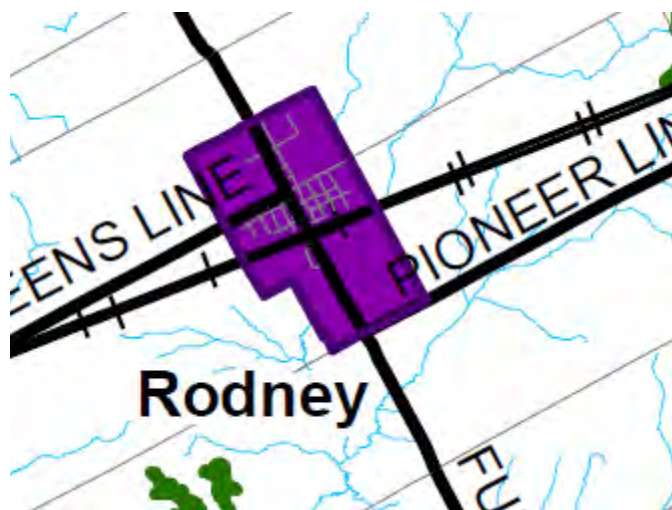


Figure Two

Therefore, this proposal will conform to the CEOP.

OP:

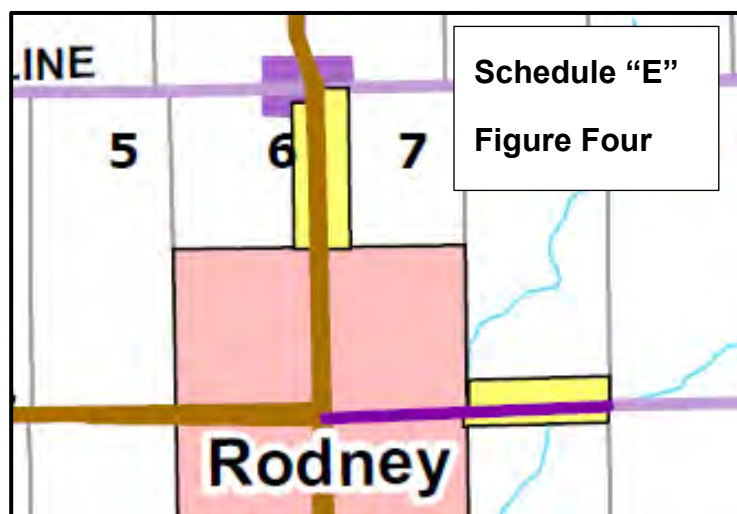
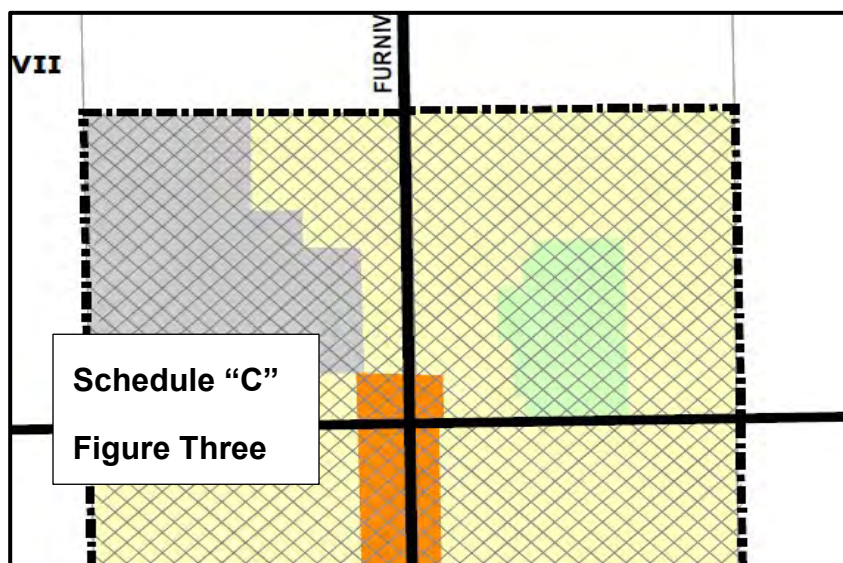
The proposed severed parcel is designated as Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP, as shown on Figure Three, in yellow.

The proposed severed parcel is within the Urban Area, as shown on Rural Area Land Use & Transportation Plan Schedule 'E' of the OP, as shown in Figure Four, in pink. The retained lands are mostly within the Agricultural designation however there are some of the lands within the residential designation and within the settlement area boundary.

The Residential designation permits a variety of residential uses, with single detached dwellings being the predominant dwelling type.

Lot creation policies under Section 10.4.1 of the OP, allow for severance (consent) applications. The proposed severance application meets the policy of Section 10.4.1.

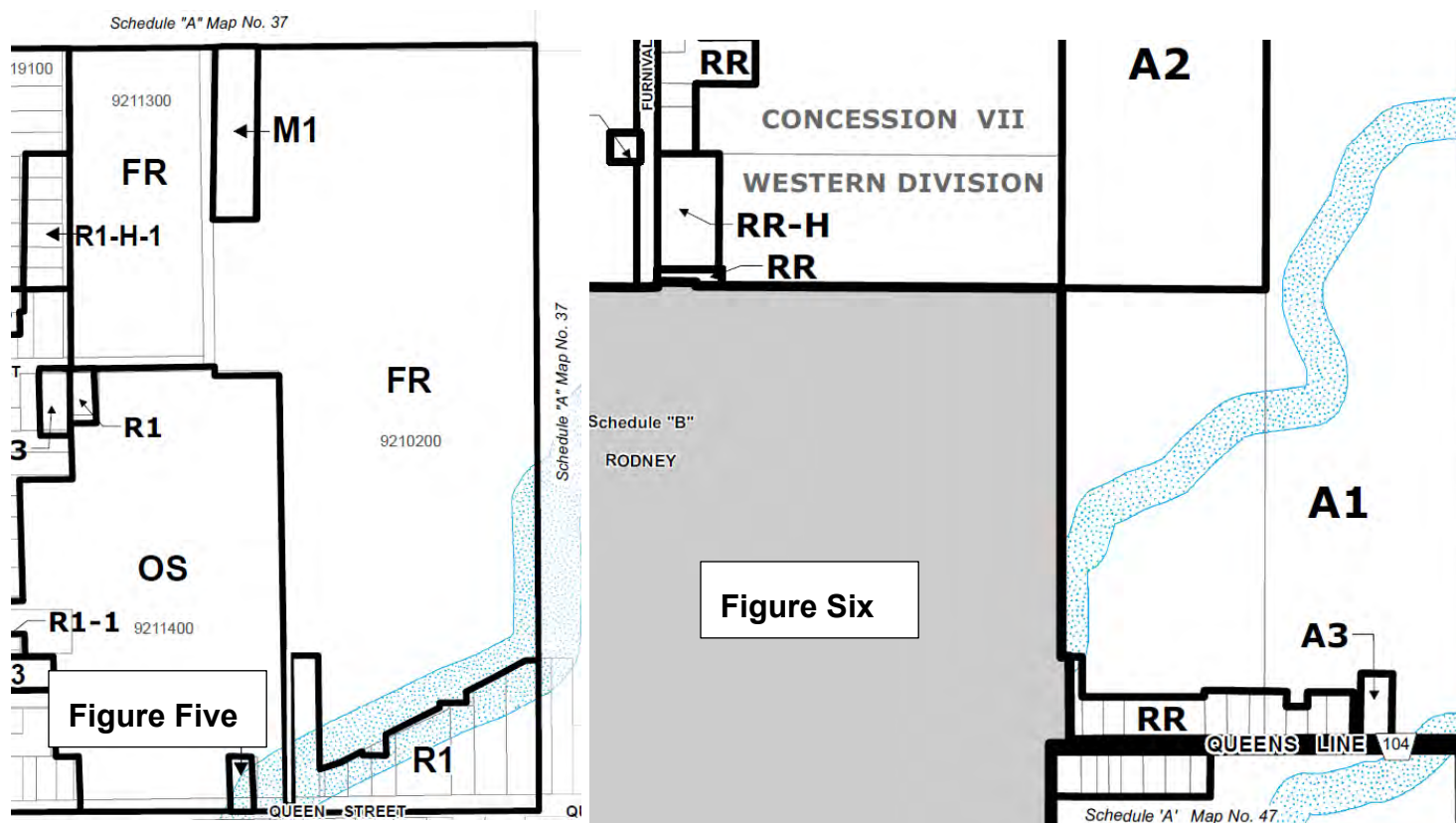
Therefore, this proposal conforms to the OP.



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

The proposed severed parcel is zoned Future Residential Zone (FR) on Schedule B, Map 2 (Figure Five) of the ZBL. The proposed retained parcel is zoned both Future Residential Zone (FR) on Schedule B, Map 2 and Agricultural Zone (A1) and Rural Residential (RR) on Schedule A, Map 37 (Figure Six) of the ZBL.

The FR Zone will only permit the continuation of the existing agricultural use, excluding any livestock. Once a development plan is prepared a zoning amendment would be necessary to permit eventual development of the lands for residential use. The severance doesn't impact any zoning requirements at present as there is no change in use or lands located in one of the three zones. Therefore, the proposal would comply with the ZBL.



Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. The only comment that was raised was to note that the severed parcel does contain a future road allowance which has not yet been conveyed to the Municipality. The road allowance abuts the rear of existing lots fronting on Ridout St. and will provide access to a number of existing lots which have not yet developed as they have not frontage. It is anticipated that the future road allowance will be conveyed as a requirement of any future development of the severed parcel.

At the time of submission of this report, no other comments or concerns were received from Administration.

Summary:

Therefore, it is Planning Staff's opinion that the proposed lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL; 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.

Prepared by:

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal line extending to the right.

Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E65-22 - Comments to Elgin County - 2022-35-Planning.docx
Attachments:	<ul style="list-style-type: none">- Plannning Report 2022-35 Appendix One - Detail.pdf- Planning Report 2022-35 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Sep 7, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

Planning Report 2022-35: Severance Report E65-22 –
Comments to the County of Elgin

Appendix Two: Severance Application E65-22 Conditions

Severance Application E65-22 Conditions:

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

August 17, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 65-22)**
Lots 12-21; Concession 7 (Ciparis)
Municipality of West Elgin

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 is the Milton 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: August 23, 2022 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 65-22

OWNER: Donald Francis Ciparis

PROPERTY: LOT NO. Lots 12-21 CONCESSION: _____

REG'D PLAN: 202 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 ☒
- 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: September 28, 2022
Application: E 65-22

Owner:
Donald Francis Ciparis

22598 Queens Line R.R. 3, Rodney, ON

Agent:
None.

Location: Lots 20-21, Concession 7 on Registered Plan 202, Municipality of West Elgin

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 122.59 metres (402.2) and a depth of 275.44 metres (903.67 feet) and an area of 33,766.02m² (8.34 acres) to create a future residential lot. The applicant is retaining a lot with a frontage of 121.27 metres (397.87 feet) and an area of 427,631.31m² (105.67 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Severed: Future Residential
Zone (FR)

Retained: Future Residential
(FR) & Rural Residential
(RR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin – 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 parcel of roughly 33,750m² for future residential development. The severed lot is completely within the settlement area of Rodney and the retained land is partially within the Settlement Area and partially outside the settlement area and is proposed to remain in agricultural use. The PPS directs that settlement areas be the focus of growth and development and that land use patterns shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

The retained lands which are within the Agricultural Area and considered prime agricultural land are subject to the policies of Section 2.3.4 with respect to lot creation. This application is not proposing any new lot creation in the prime agricultural area and the applicant has stated that the retained lands will remain in agricultural production. Therefore, this proposal meets the intent of 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. The severed lot is located fully within the Rodney Settlement Area which is designated as a Tier 1 Settlement Area in the OP. Tier 1 Settlement Areas are the highest tier of settlement areas in the county and have access to full municipal services. As such, the OP directs that these areas be the focus of growth and development and the majority of new growth should be within these areas. Staff have reviewed the application against the policies of Section E1.2.3.1 General Criteria for consents and have found no inconsistencies. With respect of land use, settlement areas permit a variety of residential and commercial land uses.

The remainder of the retained land is designated as Agricultural Area. The OP directs that no new lots be created within the agricultural area and in keeping with the intent of the OP, no new lots are proposed within that area and no change of use is proposed. A portion of the retained land is also within the settlement area; however, it is presently being used for agriculture and no changes to land use are proposed at the present time.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of 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

proposed severed parcel is within the Urban Area of Rodney which permits lot creation and residential development. The severed land is zoned Future Residential (FR) which permits the continuation of existing agricultural uses, excluding livestock. Once a development plan is prepared, a zoning amendment will be necessary for the future development of the lands. The severance as proposed does not impact the zoning at this time, and thus the Municipality has not requested a rezoning 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.
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 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 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.
5. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
6. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 59-22**

**LOT 18, CONCESSION 4
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 24397 ARGYLE LINE**

TAKE NOTICE that an application has been made by Henk and Ans Dieker, 24242 Downie Line, West Lorne, ON N0L2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 24397 Argyle Line, West Elgin.

The applicant proposes to sever a parcel with a frontage of 59.3 metres (194.55 feet) and a depth of 118.1 metres (387.47 feet) and an area of 8091.71m² (2 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 290 metres (951.44 feet) and a depth of 635m (2083.33 feet) and an area of 17.61ha (43.52 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

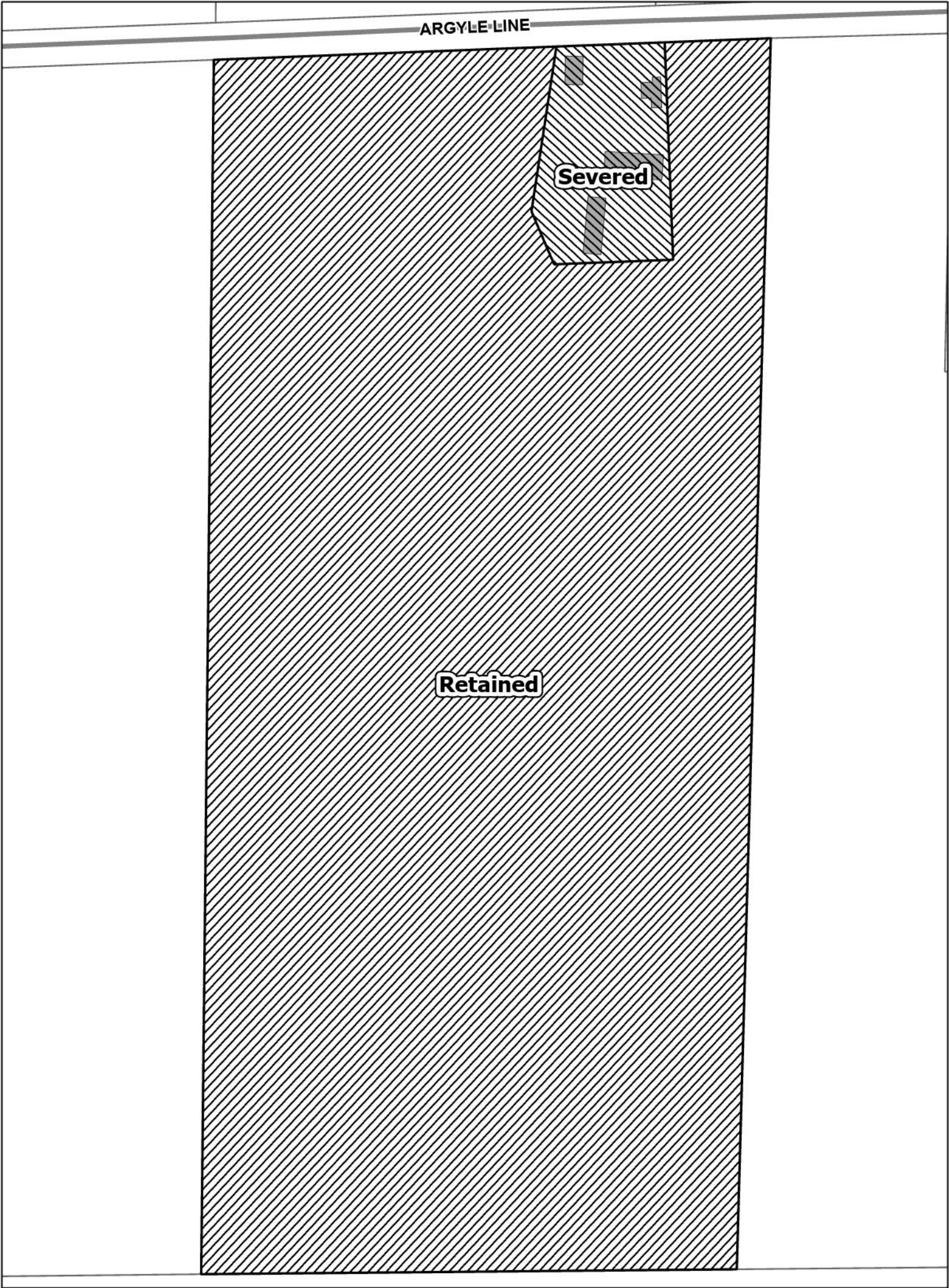
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th day of August, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

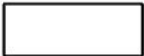
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained



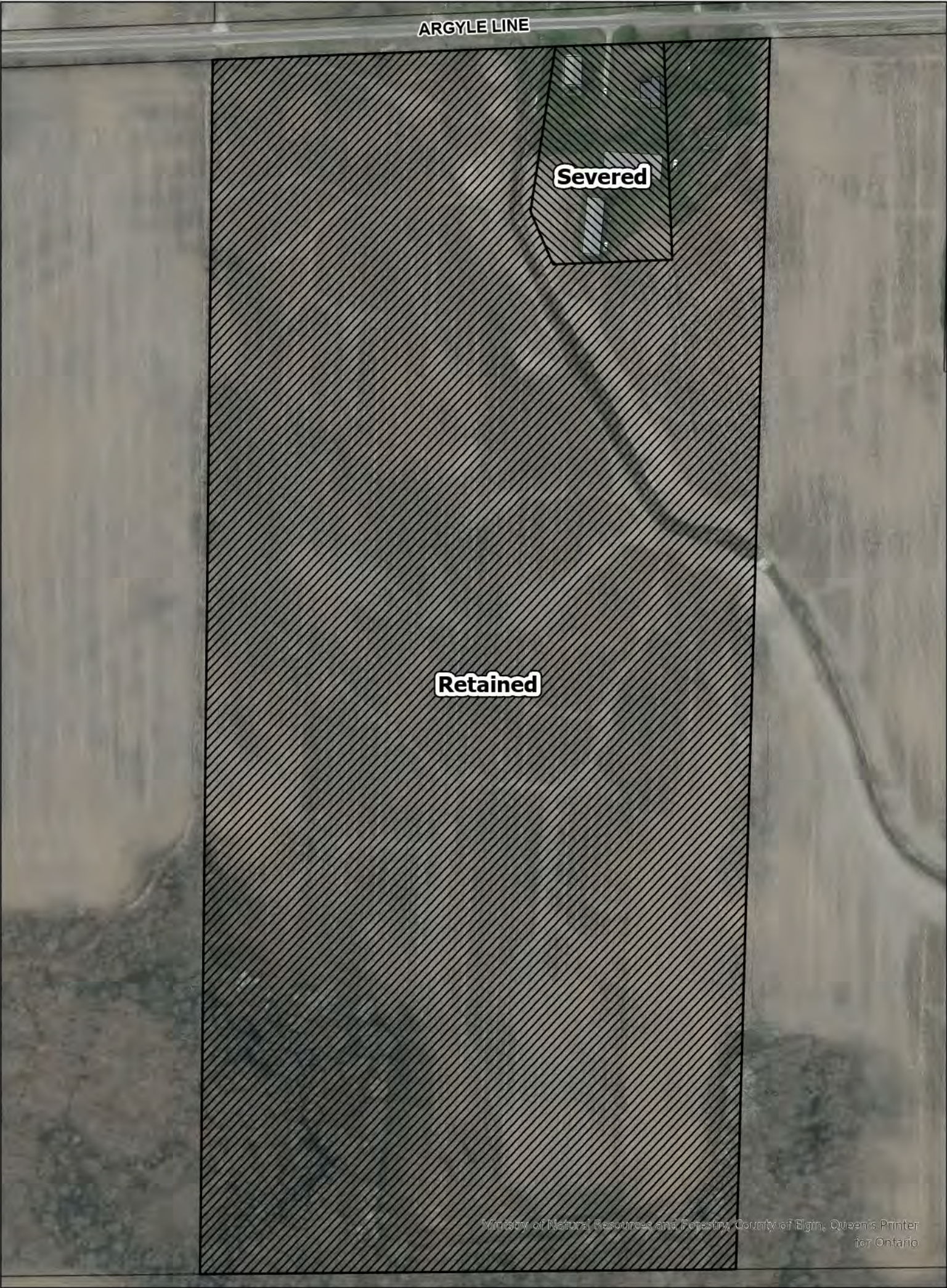
Elgin Road Network



Buildings

Subject Site: 24397 Argyle Line
File Number: E 59-2022
Owner: Henk & Ans Dieker
Planner: Unknown
CA: Lower Thames Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of West Elgin





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

Location Map



Subject Site: 24397 Argyle Line
File Number: E 59-2022
Owner: Henk & Ans Dieker
Planner: Unknown
CA: Lower Thames Conservation Authority
Created By: TE
Date: 08/08/2022
Municipality of West Elgin

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

0 15 30 60 90 120 M

Legend



Subject Site



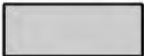
Severed



Retained



Elgin Road Network



Buildings



MUNICIPALITY OF West Elgin

Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2022-08-24

Subject: Severance Application E59-22 – Comments to County of Elgin (Planning Report 2021-33)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the severance application, File E59-22 – Comments to Elgin County (Planning Report 2022-33);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E59-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E59-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant, on Argyle Line.

Background:

Below is background information, in a summary chart:

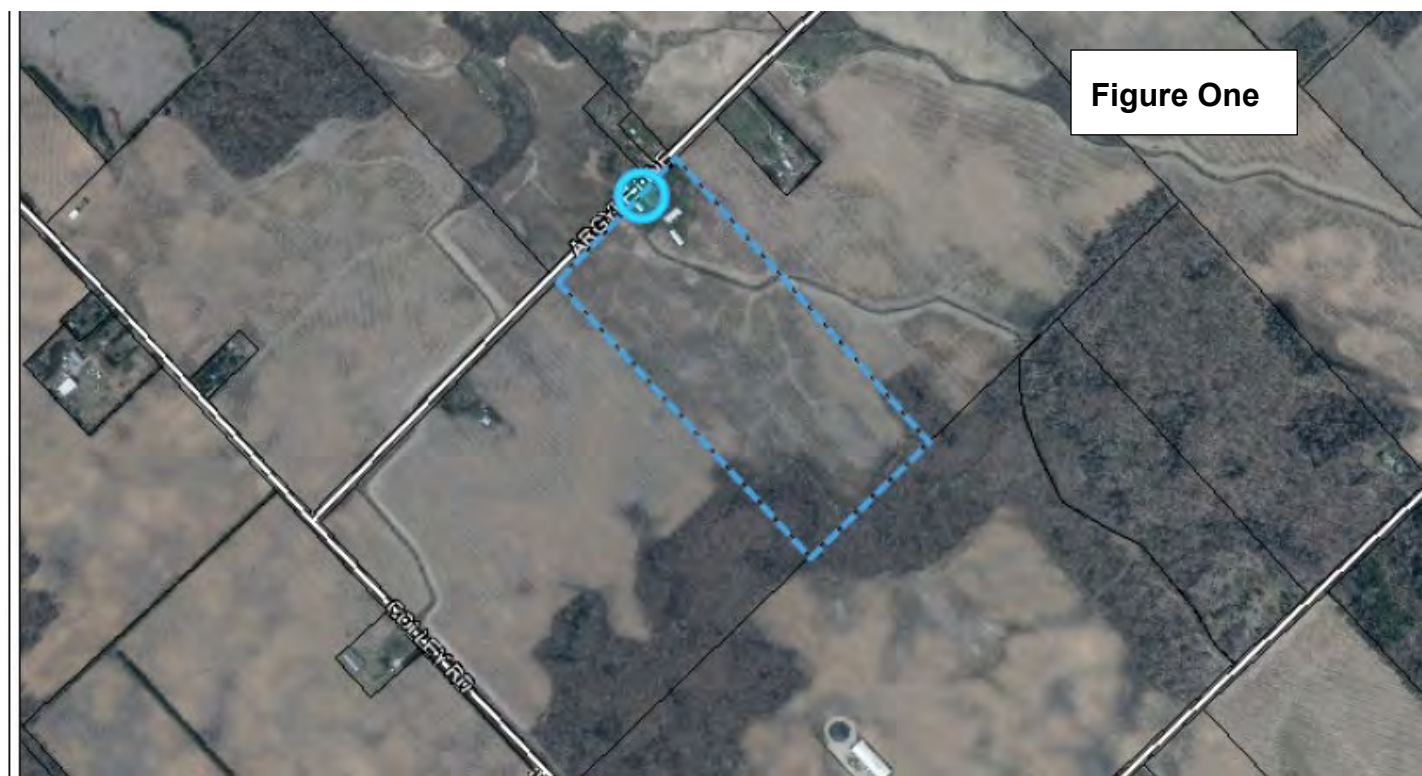
Application	E59-22
Owner/Applicant	Henk & Ans Dieker
Legal Description	Part Lot of 18, Concession 4
Civic Address	24397 Argyle Line
Entrance Access	Argyle Line
Water Supply	Municipal water service
Sewage Supply	Private on-site individual septic system
Existing Land Area	18.41 ha (45.52 ac)

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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E59-22	59.3 m (194.5 ft)	118.1 m (387.5 ft)	0.81 ha (2.0 ac)	227.6 m (746.7 ft)	669.4 m (2,196.2 ft)	17.61 ha (43.52 ac)

The Public Hearing is scheduled for September 28, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the applicants existing parcel of land.



The severance sketch, showing E59-22 is attached to this report as Appendix One for reference purposes.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The severance may result in a minimal increase in assessment.

Policies/Legislation:

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

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

PPS:

Lot creation 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 created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect and there are no existing livestock facilities on the retained parcel.

No development is proposed within the natural heritage (Section 2.3) and natural hazard (Section 3.1) portions of the property.

This proposal is consistent with the PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. A portion of the proposed retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas in the CEOP.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks. The residence is connected to the municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) and natural hazard (Section D3.1) portions of the property.

Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. A portion of the proposed retained parcel is within the Elgin Nature Reserve and a Provincially Significant Wetland as indicated on Schedule 'B' on Map 1 and Woodlands as indicated on Schedule 'B' Map 2 Natural Heritage Features of the OP. Neither of these impact on the requested severance.

The agricultural land use policies, under Section 6.2 of the OP, permit a farm dwelling on the farm operation.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is recommended as a condition of severance;
- There is a livestock operation to the southwest of the subject parcel however it is located some 900 m+ from the proposed dwelling and lot. As a precautionary measure MDS 1 calculations were done and the proposed surplus dwelling lot is well outside the required setback;
- The proposed severed parcel does not include any productive farmland; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removals.

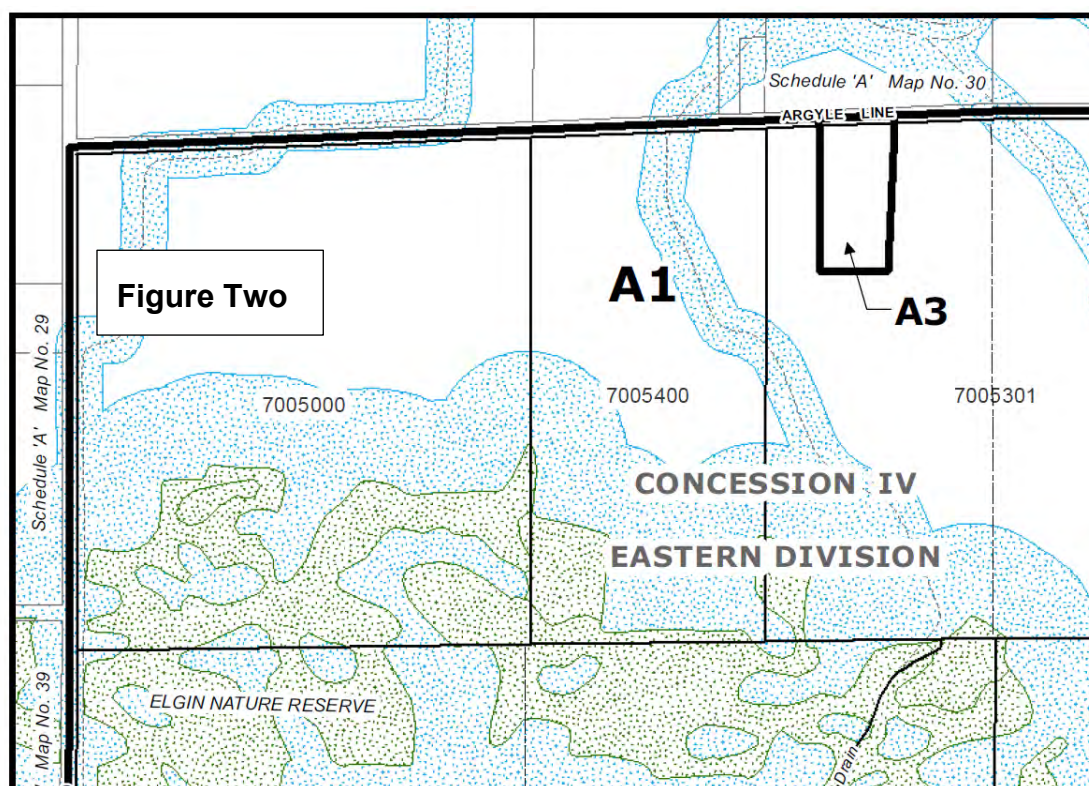
No development is proposed within the natural heritage and natural hazard portions of the property.

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

Therefore, this proposal conforms to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 40 of the ZBL, as depicted in Figure Two below:



Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 0.81 ha (2 ac.), with a lot frontage of 59.3 m (176.67 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m.

The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

- The subject lands are within the Garlick Drain municipal drainage area.

Planning Staff notes that this will be addressed as condition of approval for reassessment process.

Utilities:

- No issues of concern, as the proposed severed parcel is connected to municipal water service.

Public Works:

- If any entrance modifications are needed, an entrance permit would be required.

Building Dept:

- A septic system inspection will need to be completed as a condition of the severance.

No other comments or concerns were received from Administration.

Summary:

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); 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.

Prepared by:



Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E59-22 - Comments to Elgin County - 2022-33-Planning.docx
Attachments:	<ul style="list-style-type: none">- Planning Report 2022-033 Appendix One - Survey Sketch.pdf- Planning Report 2022-33 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Sep 7, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

SKETCH

ILLUSTRATING PROPOSED SEVERANCE
FOR: HENK AND ANS DIEKER

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT
FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
DO NOT CONVEY FROM THIS PLAN

SCALE - 1: 1000



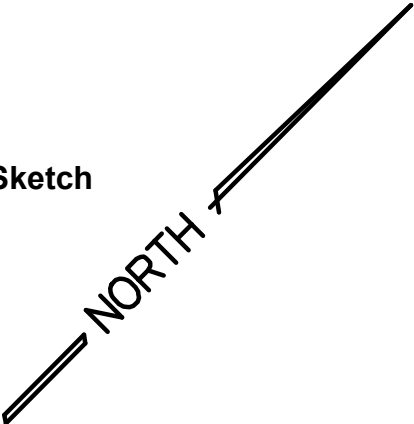
METRIC

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

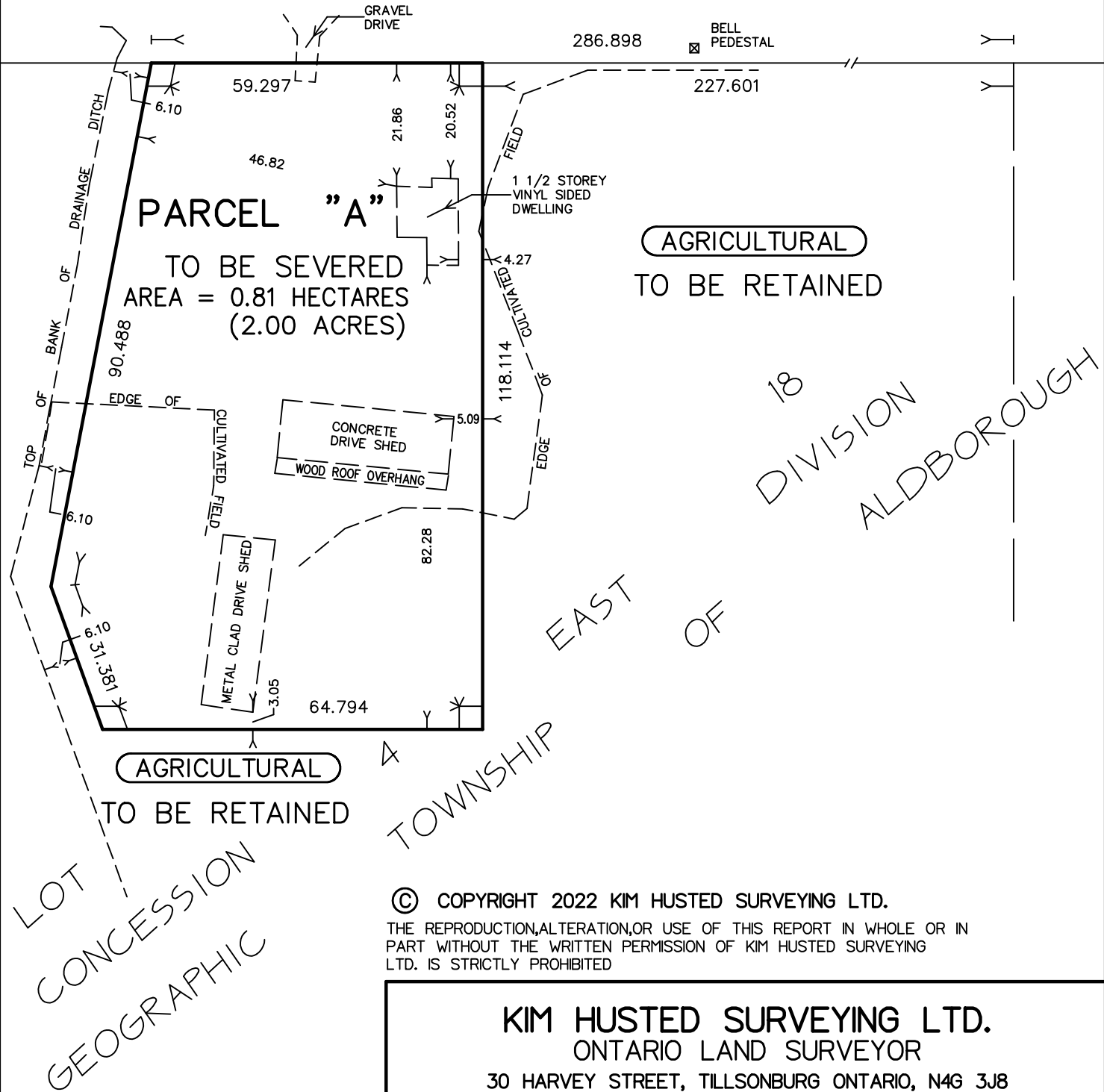
KIM HUSTED SURVEYING LTD.

Appendix One - Survey Sketch

PROPERTY DESCRIPTION:
PART OF LOT 18
CONCESSION 4 EAST DIVISION
GEOGRAPHIC TOWNSHIP OF ALDBOROUGH
MUNICIPALITY OF WEST ELGIN
COUNTY OF ELGIN



ARGYLE LINE
ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 4



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KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR

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

PROJECT: 21-17676SKETCH

HENK AND ANS DIEKER
24397 ARGYLE LINE, WEST ELGIN

REF:
FILE

DWG. WLP
CKD. JGD

Planning Report 2022-33: Severance Report E59-22 –
Comments to the County of Elgin

Appendix Two: Severance Application E59-22 Conditions

Severance Application E59-22 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for 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 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. 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.
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*.

August 17, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 59-22)**
24397 Argyle Line (Dieker)
Lots 6 & 7; Concession 5 N Con A
Municipality of West Elgin

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, Interference with Wetlands and Alterations to Watercourses portion of the regulations. The issues of concern for this area are the Elgin Nature Reserve (LT 8) Provincially Significant Wetland (PSW), the 120 m Adjacent Lands of the PSW, the Garlick 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.

Setbacks from the PSW are also required to any proposed structure. After reviewing our mapping and doing rough measurements, it appears the proposed development takes place within our 30 m required setback from the PSW. Any proposed development on these parcels will require an Environmental Impact Study to be undertaken, but please note, obtaining this report does not necessarily mean that development can be permitted on these parcels.

Please be advised that the subject property is located in an area with a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

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

Yours truly

A handwritten signature in blue ink, appearing to read 'Connor Wilson', with a stylized, flowing script.

Connor Wilson
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 **ELGIN COUNTY ROAD NO.:** 28 – 8847 Iona Rd

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 59-22

OWNER: Henk and Ans Dieker

PROPERTY: **LOT NO.** 18 **CONCESSION:** 4

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

☒
- 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: September 28, 2022
Application: E 59-22

Owner:
Henk and Ans Dieker

24242 Downie Line, West Lorne, ON

Agent:
None.

Location: Lot 10, Concession 4, West Elgin. Municipally known as 24397 Argyle Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 59.3 metres (194.55 feet) and a depth of 118.1 metres (387.47 feet) and an area of 8091.71m² (2 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 290 metres (951.44 feet) and a depth of 635m (2,083.33 feet) and an area of 17.61ha (43.52 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No objections, Conservation Authority staff noted proximity to Provincially Significant Wetland.

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 to sever a dwelling that is surplus to a farming operation. The severed land will be approximately 8,000m² (2 acres) in area and contain the existing dwelling and accessory shed. The retained land is approximately 17ha (43 acres) in area and will remain

in agricultural production. The PPS restricts new lot creation in prime agricultural areas and only permits new residential lots to be created in specific circumstances. One of those circumstances is for residential dwellings surplus to a farming operation, provided the requirements of Section 2.3.4 are met, which include:

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

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. Similar to the PPS, the OP contains policies which limit the creation of new lots within the prime agricultural area. Section E1.2.3.4 speaks specifically to new lot creation and does permit severances for surplus dwellings where:

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

The local municipality has requested, as a condition of consent, that the retained farmland parcel be rezoned to one which prohibits future residential development which satisfies the requirements of both the OP and PPS. From a land use perspective, the use the properties are largely unchanged with the severed lot remaining in residential use and the retained farmland continuing its agricultural operations.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of 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 Municipality is proposing to rezone the severed parcel to Restricted Agricultural (A3) which has a minimum lot size of 4,000m² and to rezone the retained farmland parcel to Agricultural (A2) which permits agricultural uses but prohibits residential development in accordance with PPS policies.

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.
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 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 successfully apply to the Municipality for a Zoning By-law Amendment for 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 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. 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.
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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 15-21**

**LOT C, CONCESSION 8
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 8847 IONA ROAD**

TAKE NOTICE that an application has been made by David Walter Wheeler, 8847 Iona Rd, Dutton ON N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8847 Iona Rd, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 30.48 metres (100.0 feet) along Iona Rd by a depth of 15.01 metres (49.25 feet) and an area of 457.50m² (0.11 acres) to be conveyed as an addition to an abutting lot. The owners are retaining a lot with a frontage of 39.93m (131 feet) and a depth of 82.83m (271.75 feet) and an area of 3,307.4m² (0.82 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

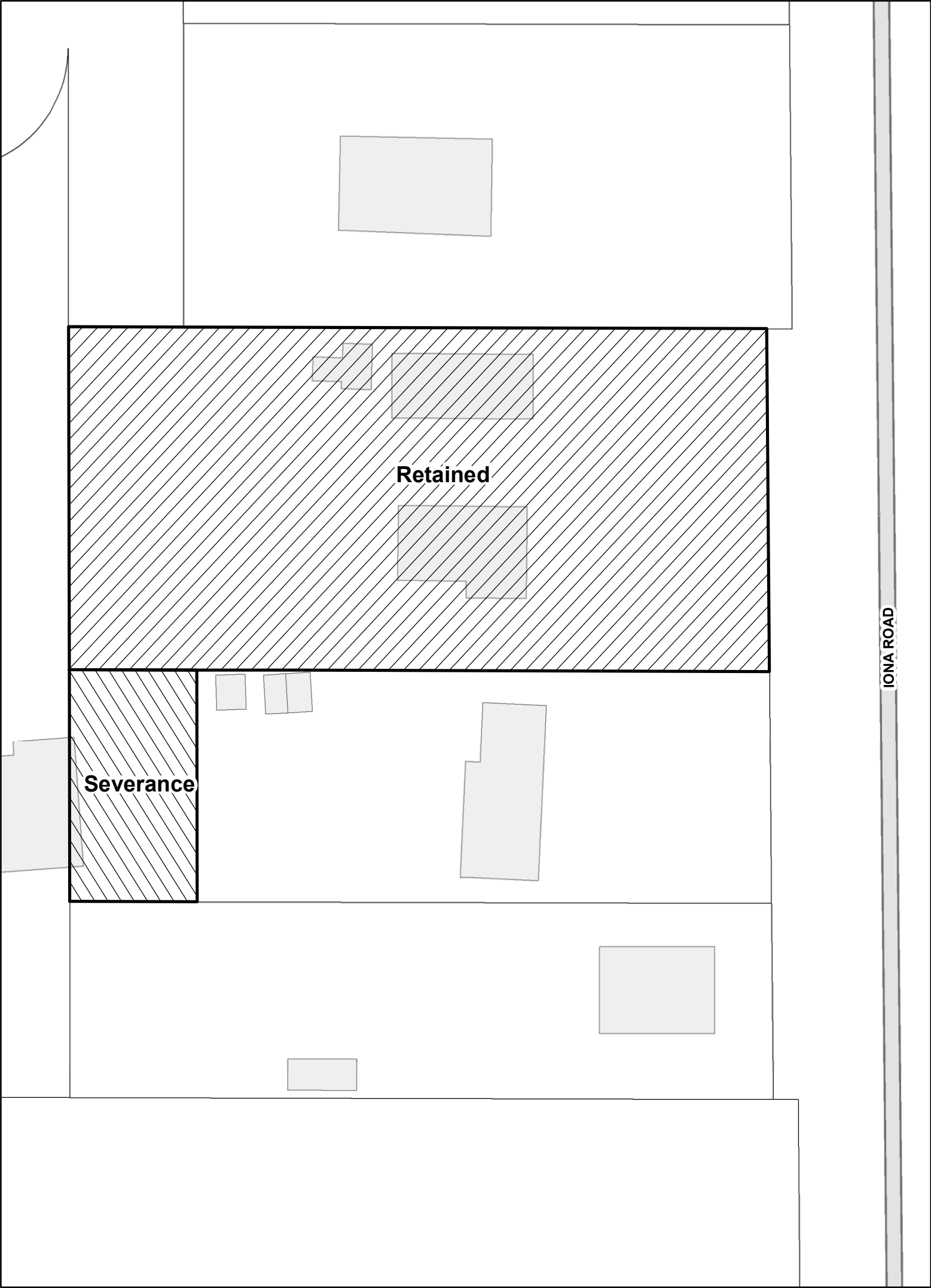
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 13th day of August, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

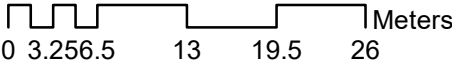
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549



Location Map

Subject Site: 8847 Iona Road
File Number: E 15-2021
Owner: Dave & Barb Wheeler
Planner: Nancy Pasato
Created By: TE
Date: 31/03/2021

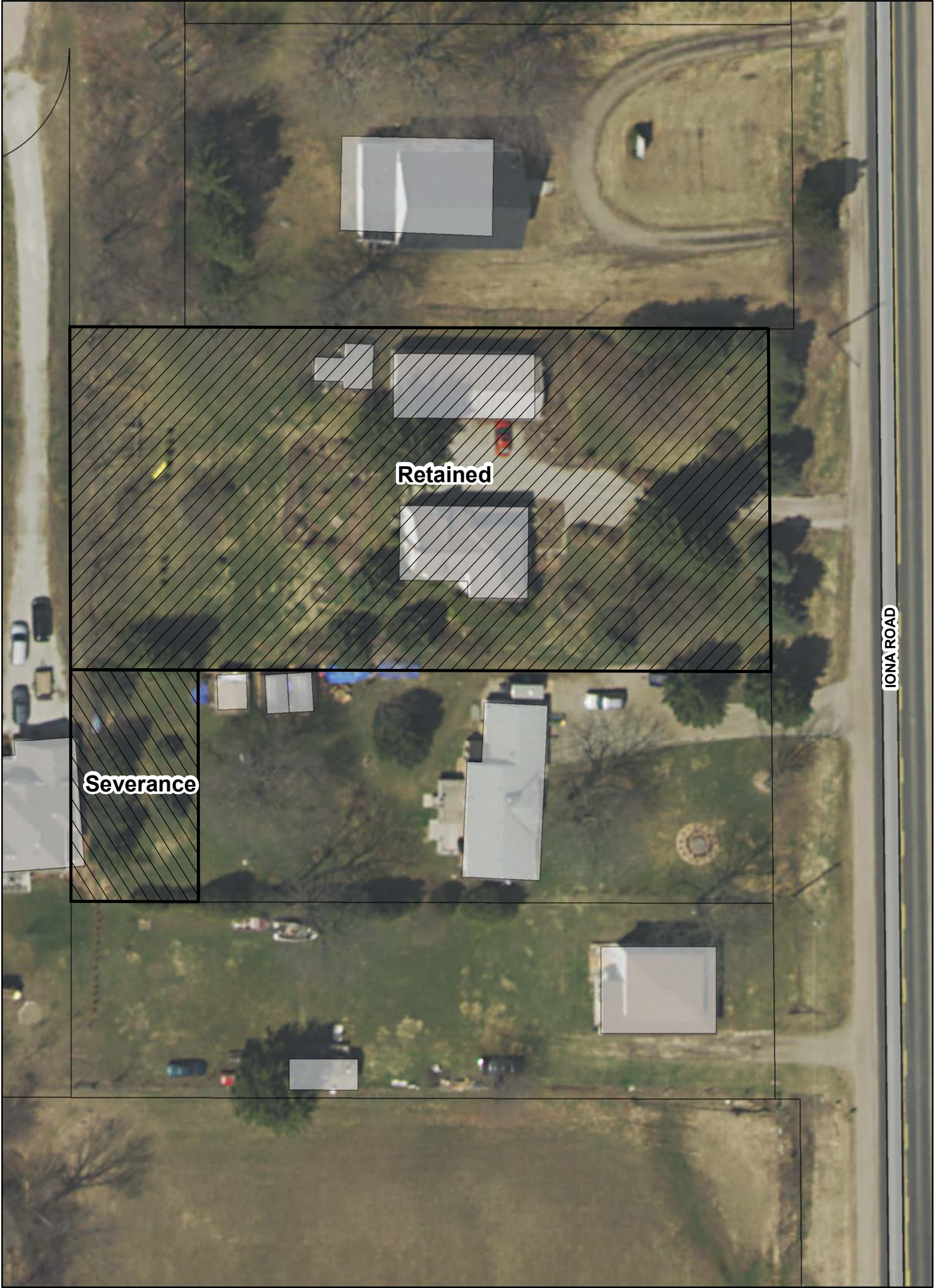
The Corporation of the County Elgin
Prepared By: Planning and Development



Scale 1:550

Legend

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

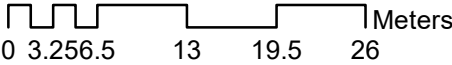


IONA ROAD

Location Map

Subject Site: 8847 Iona Road
File Number: E 15-2021
Owner: Dave & Barb Wheeler
Planner: Nancy Pasato
Created By: TE
Date: 31/03/2021






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



Scale 1:550



Legend

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



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: September 14, 2022

SUBJECT: Application for Severance – 8847 Iona Road (E15/21), Municipality of Dutton Dunwich – Dave and Barb Wheeler

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 E15/21 for 8847 Iona Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That septic system review has been completed;
- b) That municipal drain re-apportionments have been completed;
- c) That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet;
- d) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- e) That taxes are to be paid in full;
- f) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
- g) 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; and
- h) That the lots merge on title.

FOR INFORMATION:

Reasons for and Nature of the Application

A severance application was re-submitted to the County of Elgin Land Division Committee (E15/21) by Dave and Barb Wheeler, the owner of the subject property.

Approval of the application was originally received on April 28, 2021, and all conditions were met; however, the applicant did not file with the County prior to April 28, 2022 deadline, and the application had lapsed. Therefore, they must re-apply.

The owners are requesting a lot line adjustment to enlarge an existing residential lot.

The property subject to the severance is legally described as CON 8 PT LOT C RP 11R1758; PARTS 1, 2 & 4 and locally known as 8847 Iona Road, Municipality of Dutton Dunwich (see area in yellow on attached Key Map).

The proposed severed parcel is located at the rear of an irregular shaped property and has an area of 457.50 m², depth of 15.04 m and width of 30.48 m. The proposed severed parcel is vacant with no services or buildings and is used for residential amenity space (see area in yellow on the attached Sketch).

The proposed severed parcel will be merged with the abutting land to the northeast, which fronts on the southwest side of Iona Road. The parcel is locally known as 8837 Iona Road and is owned by Albert and Paulette Larocque. The parcel is used for residential, has a dwelling and accessory buildings and is serviced with municipal water and private septic system (see area in blue on the attached Sketch).

The proposed retained parcel will have an area of 3,307.40 m² with a depth of 82.83 m and frontage of 39.93 m on the southeast side of Iona Road. The proposed retained land is used for residential, has a dwelling and 1 accessory structure and is serviced with municipal water and private septic system (see area in green on the attached Sketch).

The subject property is within the Iona Settlement Area. Agricultural and residential uses surround the subject lands.

The proposed severance application was circulated to municipal staff. No new comments or concerns were received.

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.

The subject property is within an existing settlement area. Section 1.1.3.2 requires settlement areas shall be the focus of growth and development.

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

County of Elgin Official Plan (OP)

The subject lands are designated Settlement Area - Tier 2 on Schedule ‘A’ Land Use of the County of Elgin Official Plan.

E1.2.3.2 sets out that 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.

Comment: The proposed severed parcel will meet the above-noted criteria. No new lot is being created. The proposed severance conforms to the County of Elgin Official Plan.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated Hamlet on Schedule 'A' Land Use Plan in the current and adopted OP.

Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

Comment: The proposed severed parcel will meet the above-noted criteria. There is no new lot being created. The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law, the subject lands are zoned Hamlet Residential (HR) on Schedule E – Iona, Map 1 with LTVCA Regulation Limit Overlay.

Permitted uses in the HR zone include single detached dwellings on one lot and accessory structures.

The minimum lot area in the HR zone is 1,000 m² in size.

Comment: The proposed lot configuration will allow the irregularly shaped lot to be in line with the abutting property to the southwest. All regulations in the HR zone can be complied with.

CONCLUSION:

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

The conditions remain the same as the original application.

The resolution will then be forwarded to the Land Division Committee of the County of Elgin for consideration.

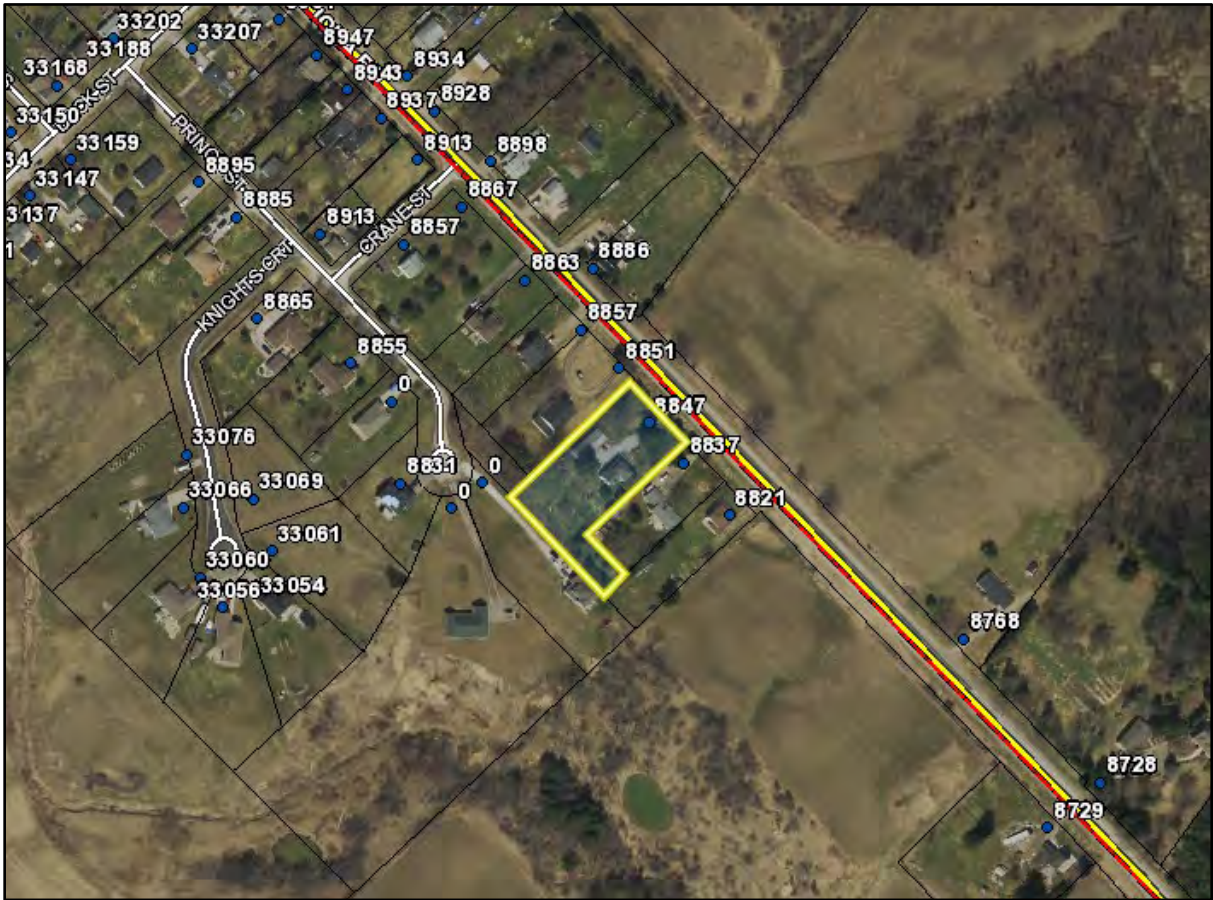
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

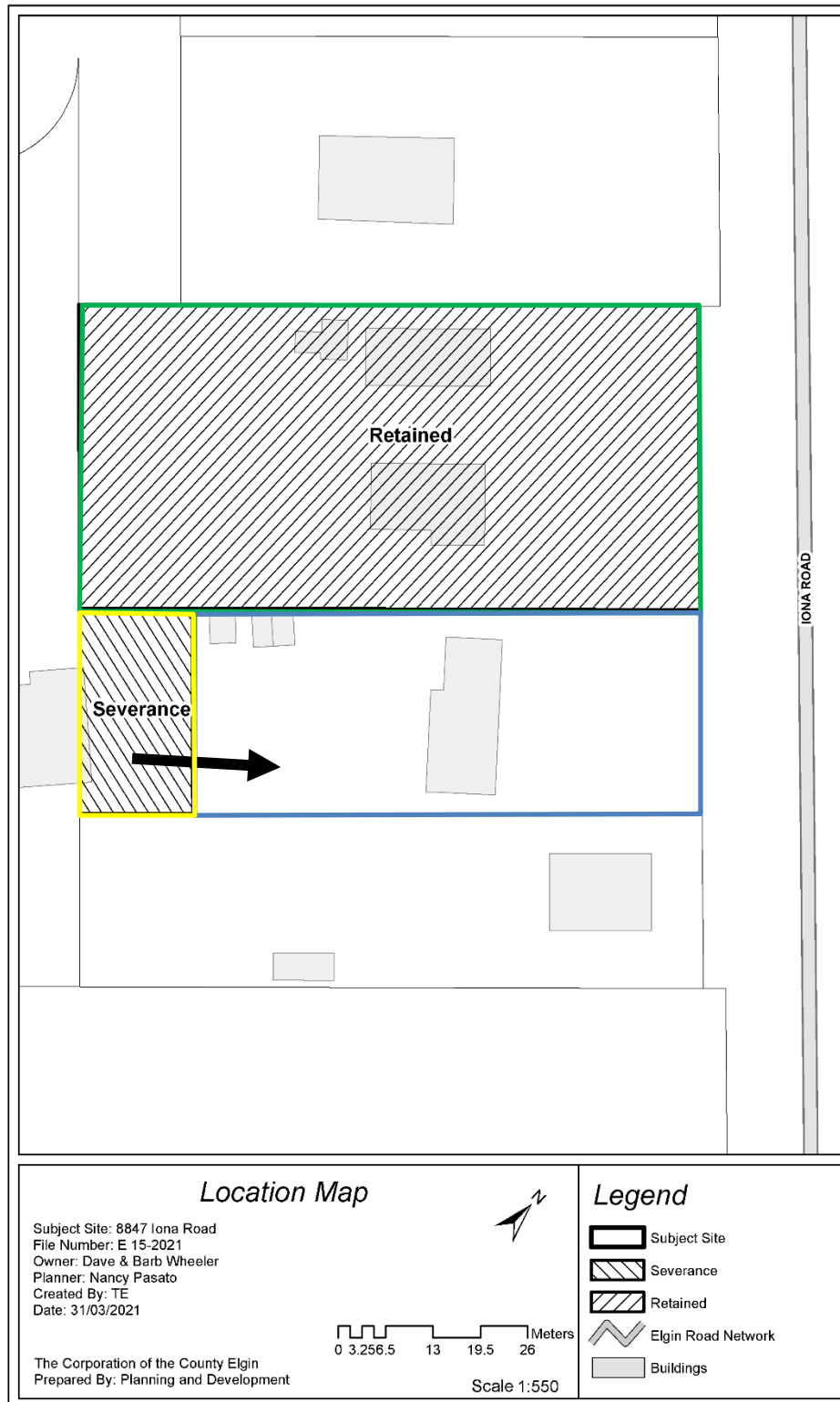
Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



SKETCH



August 17, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 15-21)**
8847 Iona Road (Wheeler)
Lot C; Concession 8
Municipality of Dutton Dunwich

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this proposal. 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 area is not subject to the Authority's regulations.

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

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

Yours truly



Connor Wilson
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 20, 2021 ELGIN COUNTY ROAD NO.: 8847 Iona Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 15-21

OWNER: Dave & Barb Wheeler

PROPERTY: LOT NO. C CONCESSION: 8

REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

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

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

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

BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: September 28, 2022
Application: E 15-21 (resubmission)

Owner:
Dave & Barb Wheeler
8847 Iona Rd, Dutton ON
N0L 1P0

Agent:
Marcus Lennox
598 Paul Mall Street, London, ON
N5Y 2Z9

Location: 8847 Iona Rd –legally described as CON 8 PT LOT C RP 11R1758; PARTS 1, 2 & 4, Municipality of Dutton Dunwich.

PROPOSAL

The applicants propose to sever and convey a parcel with a frontage of 30.48 metres (100.0 feet) along Iona Rd, a depth of 15.01 metres (49.25 feet) and an area of 0.046 hectares (0.11 acres) proposed for residential use. The owners are retaining 0.33 hectares (0.82 acres) with an existing residential use.

This is a resubmission of an application that was granted provisional consent on April 28, 2021. However, the deed was not presented for stamping within the required timelines and therefore the consent lapsed and re-submission is required. The application has not changed from what was originally submitted last year.

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

**Local Municipality Official
Plan**
Hamlet

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

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 issues.

Planning Act and Provincial Policy Statement

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

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

The Applicant has indicated the severed portion of the lands will be conveyed to the adjacent property at 8837 Iona Road, ultimately allowing the parcel at 8837 Iona Road to match up depth-wise with the surrounding parcels. The retained parcel of the lands will be used for the existing residential purpose.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 in the Elgin County Official Plan (OP).

The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). The County OP contains policy related to development of second tier settlements areas within B2.5. This section outlines that limited development is permitted within this designation, given the absence of full municipal servicing. However, infilling and rounding out of existing development is permitted provided the proposed development is within the reserve sewage system capacity and reserve water system capacity; and site conditions are suitable for long-term provision of such services.

As stated by the Applicant, the severed lands are proposed to be retained and conveyed to the adjacent property at 8837 Iona Road and the retained parcel will be maintained as the existing residential use. The two lots created will facilitate in creating a more uniform urban fabric and currently, no changes to the land uses or servicing requirements are proposed.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Hamlet on Schedule 'A' Land Use Plan in Dutton Dunwich Official Plan. Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law, the subject lands are zoned Hamlet Residential (HR) on Schedule E – Iona, Map 1 with LTVCA Regulation Limit Overlay. The proposed lot configuration will allow the irregular shaped lot to be in line with the abutting property to the southwest. All regulations in the HR zone can be complied with.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
3. That the severed lands are deeded in the same name and interest as the abutting lot at 8837 Iona Road and that Section 50(3) of the Planning Act applies to any future consent affecting the same lands.

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

1. That septic system review has been completed;
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;
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 all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
7. 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; and
8. That the lots merge on title.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 66-22**

**PART OF LOTS 15 AND 16, RANGE 1, SOUTH OF UNION ROAD
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 4509 UNION ROAD**

TAKE NOTICE that an application has been made by Michael Mescia (Domus Developments (London) Ltd.), 401-200 Village Walk Boulevard, London, ON N6G 0W8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 4509 Union Road, Southwold.

The applicant proposes to sever a parcel with a frontage of 561.1 metres (1840.88 feet) and an area of 15.1ha (37.31 acres) to create a future residential plan of subdivision. The applicant is retaining a lot with a frontage of 267.4 metres (877.30 feet) and an area of 2.8ha (6.92 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

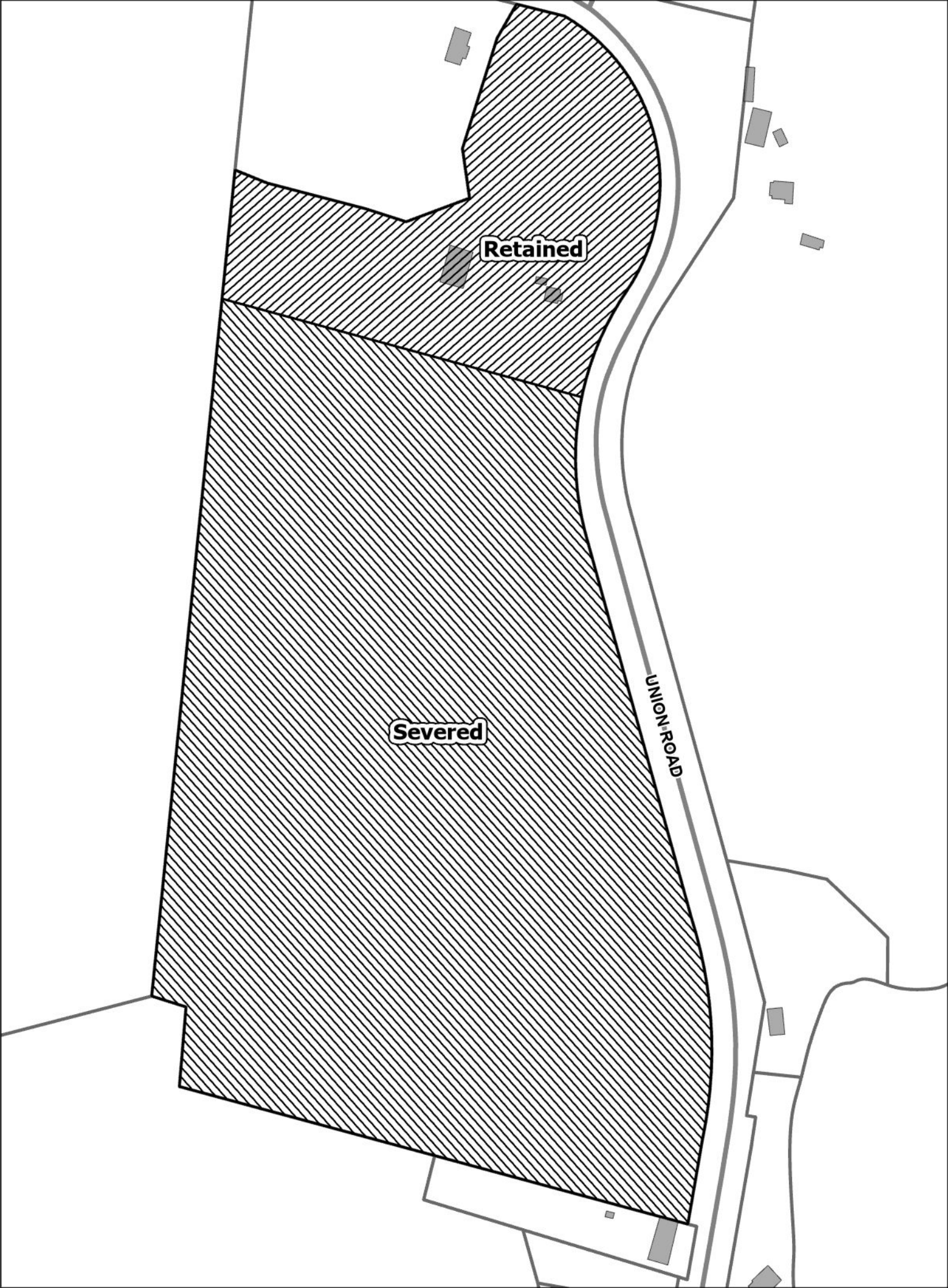
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th day of August, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

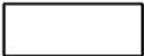
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained

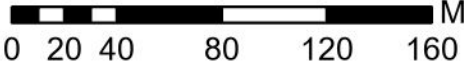


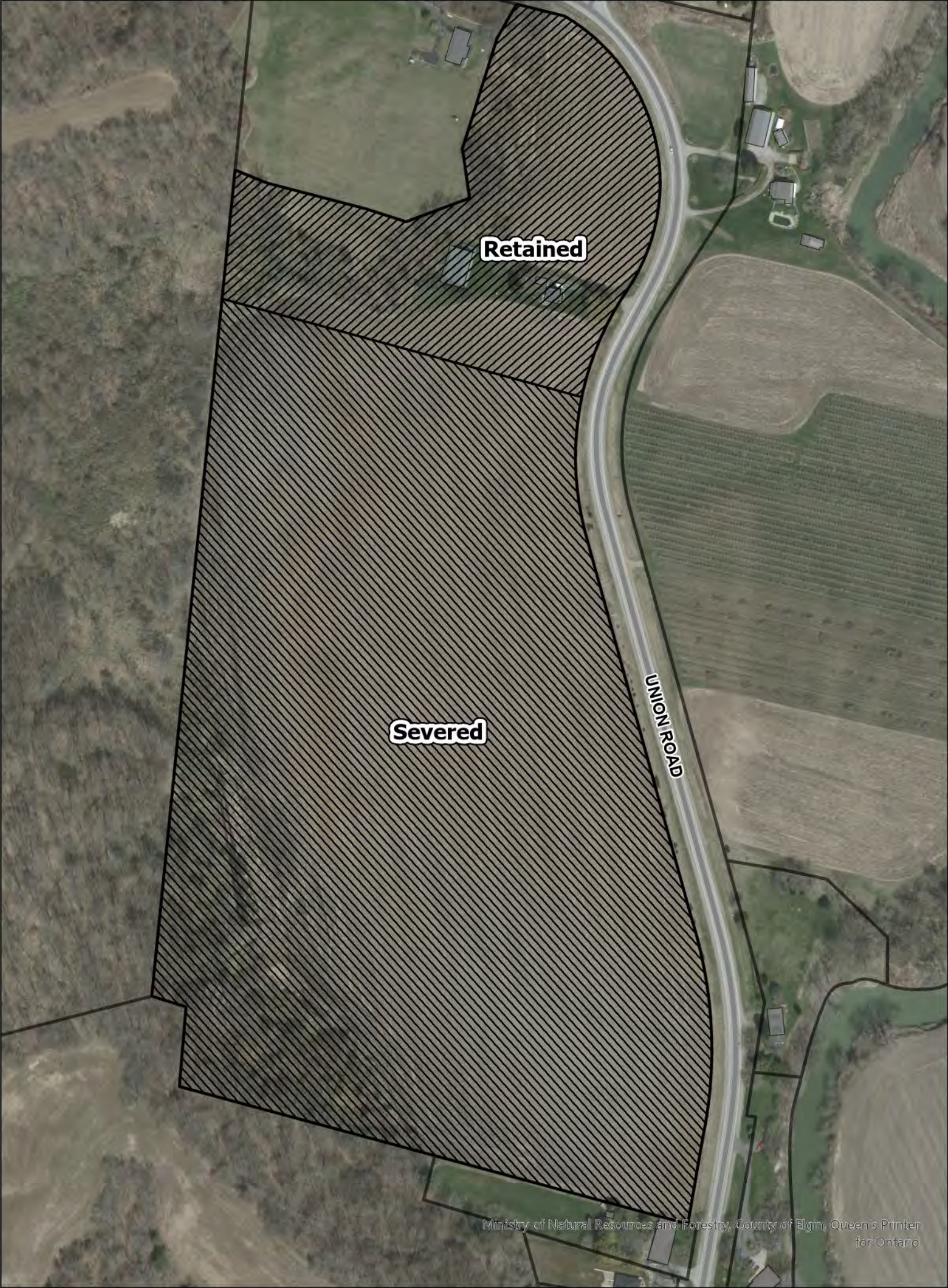
Elgin Road Network



Buildings

Subject Site: 4509 Union Rd.
File Number: E 66-2022
Owner: Frank Turville
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Southwold





Location Map



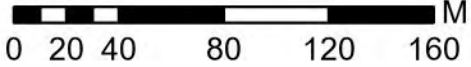
- Legend
- Subject Site

Severed

Retained

Elgin Road Network

Buildings



Subject Site: 4509 Union Rd.
File Number: E 66-2022
Owner: Frank Turville
Planner: Unknown
CA: Kettle Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Southwold



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: September 12, 2022

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

REPORT NO: PLA 2022-31

SUBJECT MATTER: Consent Applications E66-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-31 regarding Consent Applications E66-22 – 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, E66-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-31;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-31 as Municipal comments to the County of Elgin.

Purpose:

The proposal is to sever a parcel to create a future residential plan of subdivision and retain a residential lot.

Background:

Below is background information in a summary chart:

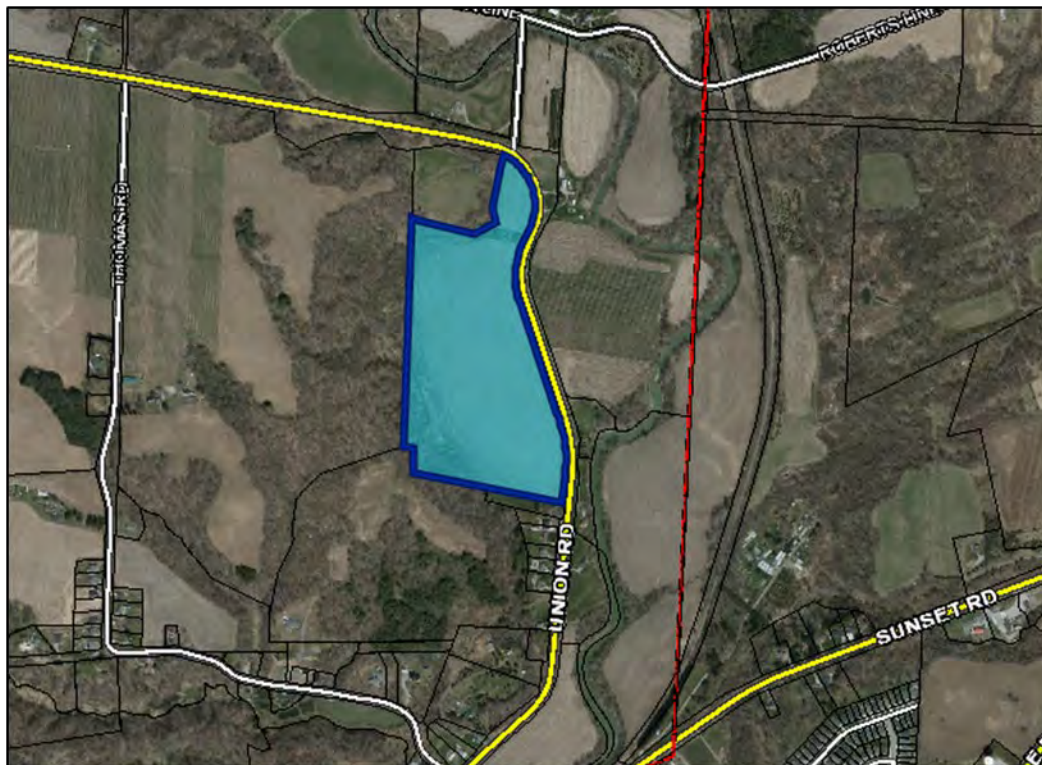
Applications	E66-22
Owners/Applicants	Frank Turville
Agent	Domus Developments (London) Inc.
Legal Description	Part of Lot 15 and 16, Range 1, South of SUR
Civic Address	4509 Union Road
Entrance Access	Union Road
Water Supply	Municipal Water (served) and private well (retained)
Sewage Supply	Publicly owned and operated sanitary sewage system (severed) Privately owned and operated septic system (retained)
Existing Land Area (severed and retained combined)	17.9 ha (44.23 ac)
Buildings and/or Structures	Severed Parcels – vacant, future residential development
	Retained Parcel – single detached dwelling and two accessory structures

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

Severed Parcel			Retained Parcel		
Frontage	Depth	Area	Frontage	Depth	Area
561.1 m (1,840.88 ft)	irregular	15.1 ha (37.31 acres)	267.4 m (877.30 ft)	irregular	2.8 ha (6.92 acres)

The Public Meeting is scheduled for September 28th, 2022, at the Elgin County Land Division Committee Meeting.

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



The consent sketch, showing E66-22 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 do 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

Lot creation is permitted within the North Port Stanley settlement area, in accordance with Section 1.1.3 of the PPS.

Full municipal water and private septic system are proposed for the severed portion, in accordance with Section 1.6.6.2. Partial services are proposed for the retained portion, in accordance with Section 1.6.6.5.

Therefore, 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, with a portion of the lands subject to the Woodlands and Area of Natural and Scientific Interest overlay on Appendix #1 Natural Heritage Features and Areas 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 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.

Section E4 Sanitary Sewers and Water encourages development on full municipal services. Development on the lands to be severed will be serviced with municipal water service from the Township and municipal sanitary service from the Municipality of Central Elgin.

No development is proposed within the significant woodland, locally significant wetland and natural hazard lands (Section D1.2.6).

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

The retained lands are designated Agricultural Area on Schedule '4' of the OP. The severed lands were part of an Official Plan Amendment (OPA #1), which changed the designation from Agricultural Area to Residential and is awaiting approval by the County of Elgin. The Natural Heritage Features on Schedule '2' overlay applies to a portion of the proposed severed 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 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 retained lands are zoned Agricultural 3 Special Provision 2 (A3-2) on Map 9 of ZBL #2011-14. The severed lands were part of a Zoning By-law Amendment (ZBA #2022-06), which changed the zoning from Agricultural 3 to Settlement Reserve (SR) and has been approved with no appeals.

The 'Natural Area and Adjacent Lands (NA)' overlay applies to the entire parcel of land and is subject to Kettle Creek Conservation Authority Development Regulation.

Permitted uses in the A3-2 zone include existing residential dwellings. Permitted uses in the SR zone include existing farm dwellings and agricultural uses, excluding mushroom farms, commercial greenhouses and livestock operations.

As a condition of severance, a zoning by-law amendment is required to rezone the proposed retained parcel from Agricultural 3 Special Provision 2 (A3-2) to Agricultural 1 (A1-67) to address the resulting parcel size at 2.8 ha and to permit the existing single detached dwelling use. The severed parcel will remain SR zone.

The proposed severed parcel will comply with the SR zone and will be changed to an appropriate zone once development is proposed. A review of the A1 Zone for the retained parcel is as follows:

A1 Zone Provision (reduced lot requirement)	Required	Retained Parcel	Complies
minimum lot area	1,858.0 m2 (20,000 ft2)	2.8 ha (6.92 ac) 28,004.25 m2 (301,435.19 ft2)	Complies

maximum lot area	6,000.0 m2 (1.48 ac)	2.8 ha (6.92 ac) 28,004.25 m2 (301,435.19 ft2)	Relief Required
minimum lot frontage	30.0 m (98 ft)	267.4 m (877.30 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 Turville Drain and the Turville #2 Drain and Mutual agreement drain.
- Financial Services Department: no comments.
- Building Department: no concerns.
- Infrastructure Department: no concerns as comments can be addressed through the subdivision draft plan. It should be noted for information purposes that grading/storm water management for severed and retained parcel need to be reviewed and hydro will need to be reviewed for subdivision with well in close proximity.

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

Additional Comments:

The recommended Township conditions for consent applications E66-22 are attached to this report as Appendix Two for reference purposes.

Financial Implications:

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

Strategic Plan Goals:

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

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

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed application for consent, 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 E66-22
2. Appendix Two: Consent Applications E66-22 Conditions

FRONTAGE

LANDS TO BE RETAINED	267.4m
LANDS TO BE SEVERED	561.1m

LEGEND

- [Pink Box] LANDS TO BE RETAINED
(2.78ha)
- [Blue Box] LANDS TO BE SEVERED
(15.16ha)
- [Dashed Red Line] SEVERANCE BOUNDARY

PART OF LOT 15 AND 16,
RANGE 1, SOUTH OF UNION ROAD
IN THE
TOWNSHIP OF SOUTHDOWN
COUNTY OF ELGIN
CJDL
Consulting Engineers Ltd.
401 E. Beaver Creek Rd., Unit 10
Elgin, ON N0B 1G0
Tel: 519-835-0000
Fax: 519-835-0001
www.cjdl.ca
Scale: AS SHOWN

Appendix Two: Severance Applications E66-22

Consent Applications E66-22 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 retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed 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.
8. That driveway entrance permit and 911 sign be obtained, if required.
9. 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.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within 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*.

From: [Joe Gordon](#)
To: [Paul Clarke](#)
Subject: Application for Consents
Date: August 25, 2022 11:09:37 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

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

Hi Paul

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

- E58-22 38652 Longhurst Line
- E66-22 4509 Union Road

Thank you for the opportunity to comment.

Thank you,
Joeph (Joe) Gordon

**Manager of Planning and Development
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca



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COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 ELGIN COUNTY ROAD NO.: 20 - 4509 UNION ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 66-22

OWNER: Michael Mescia (Domus Developments (London) Ltd.

PROPERTY: LOT NO. Part of Lots 15 & 16 CONCESSION: Range 1 South of Union Ro

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 18m from the centreline of construction of Union Road County Road (20) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner. ☒
- 2) A one-foot reserve is required along the N _____,
S _____, E _____ and/or W _____ property line ☐
- 3) Drainage pipes and/or catchbasin(s) are required ☐
- 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ☐
- 12) Please provide me with a copy of your action on this application ☐
- 13) Other... ☐

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



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



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
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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: September 28, 2022
Application: E 66-22

Owner: Frank Turville 4546 Union Road, Port Stanley, ON	Agent: Domus Developments (London) Inc. 401-200 Village Walk Blvd., London, ON
Location: Part of Lots 15 and 16, Range 1, South of Union Road.	

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 561.1 metres (1840.88 feet) and an area of 15.1ha (37.31 acres) to create a future residential plan of subdivision. The applicant is retaining a lot with a frontage of 267.4 metres (877.30 feet) and an area of 2.8ha (6.92 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Residential as per OPA
approved September 13,
2022

**Local Municipality Zoning
By-law**
Retained: Agricultural 2
Special Provision 2 (A3-2)
Severed: Settlement
Reserve (SR)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – Requests road widening.

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 lands affected by the proposed consent are also the subject of an Official Plan Amendment (OPA) which was approved by the Council of the Township of Southwold on

June 27th, 2022. The purpose of the OPA and subsequent Zoning By-law Amendment is to adjust the settlement area boundary. This Adjustment would see the agricultural designation on 4509 Union Road exchanged to the Settlement Reserve designation currently in place on 4485 Thomas Road. The OPA was approved by Elgin County Council on September 14th, 2022.

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. As previously mentioned the property affected by this consent application is the subject of an OPA, which was approved by Elgin County Council on September 14th, 2022. This OPA has swapped the land designations of 4509 Union road and 4485 Thomas Road with the latter becoming agricultural land and 4509 Union (the subject land) becoming residential and forming a part of the settlement area. As such, this application is subject to the same OP policies as a consent within a settlement area.

The proposed severed parcel meets the Central Elgin OP policies. The retained land which is not being added to the settlement area as part of the OP will remain in agricultural use while the severed parcel which is being added to the settlement area will be used for future residential development. Staff have reviewed the proposed severance against the criteria in Section E1.2.3.1 of the OP and have found no deficiencies.

A portion of the subject land is designated as provincially significant wetland and significant woodland; however, no development is proposed within these areas.

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. As mentioned previously the parcel affected by this application is the subject of an Official Plan Amendment which changed its OP designation from Agricultural to Residential to facilitate future development. The severed land was the subject of a zoning amendment which changed the zoning from Agricultural 3 (A3) to Settlement Reserve (SR) and was approved by the Council of the Township of Southwold and no appeals have been received.

The Township is further requesting a zoning amendment as a condition of consent which will rezone the retained parcel to Agricultural 1 (A1-67) to address the reduced lot size and existing single detached dwelling. The severed lot will be rezoned at a later date once a development proposal, such as an application for a plan of subdivision is received.

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 owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Union Road County Road (20) 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.

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 retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed 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.
8. That driveway entrance permit and 911 sign be obtained, if required.
9. 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.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within 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 67-22**

**PART OF LOT 103, CONCESSION STR MALAHIDE AS IN E19915 (PARCEL 2)
EXCEPT 11R-3587
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 52339 TALBOT LINE**

TAKE NOTICE that an application has been made on behalf of Renkema Family Farms Ltd., by SBM Ltd. (Simona Rasanu), 301-1599 Adelaide St. N., London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 52339 Talbot Line, Malahide.

The applicant proposes to sever a parcel with a frontage of 97 metres (318.24 feet) and a depth of 65.6 metres (215.22 feet) and an area of 6,360.4m² (1.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 278.6 metres (914.04 feet) and a depth of 993.8m (3260.5 feet) and an area of 35.8ha (88.46 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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

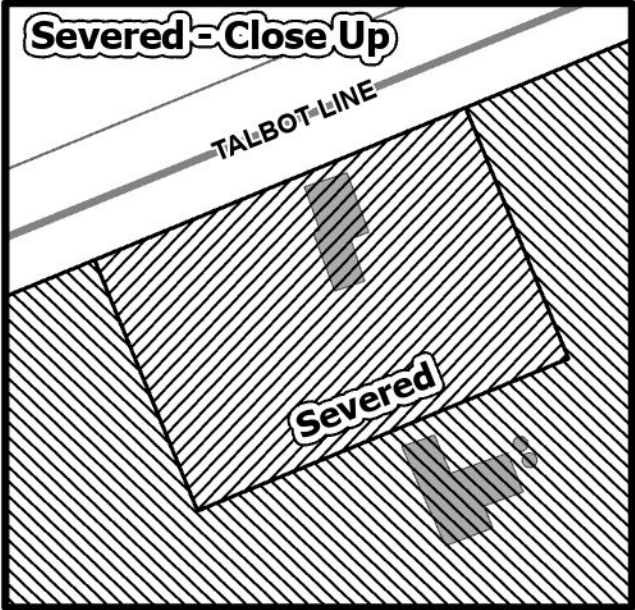
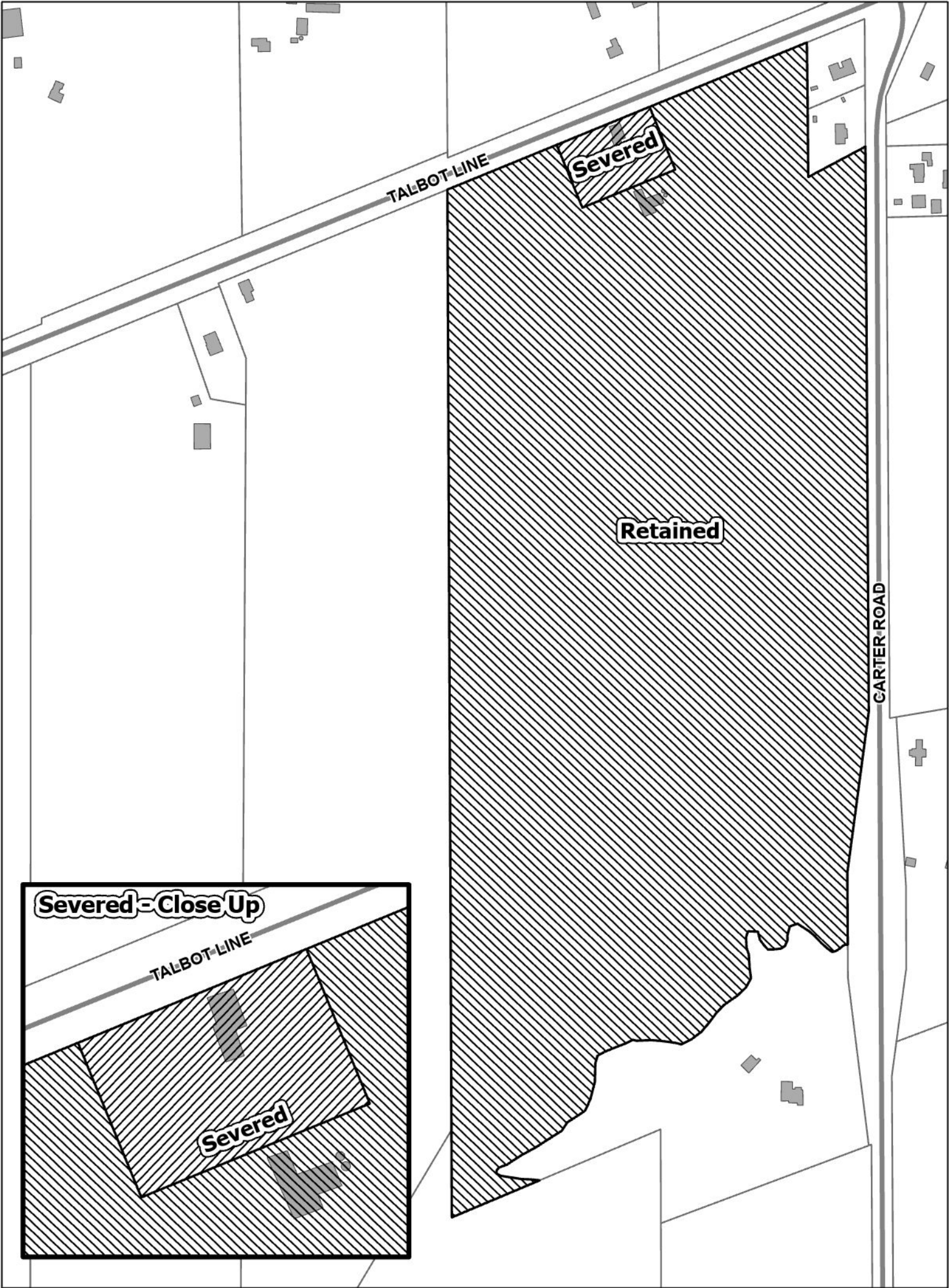
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th 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



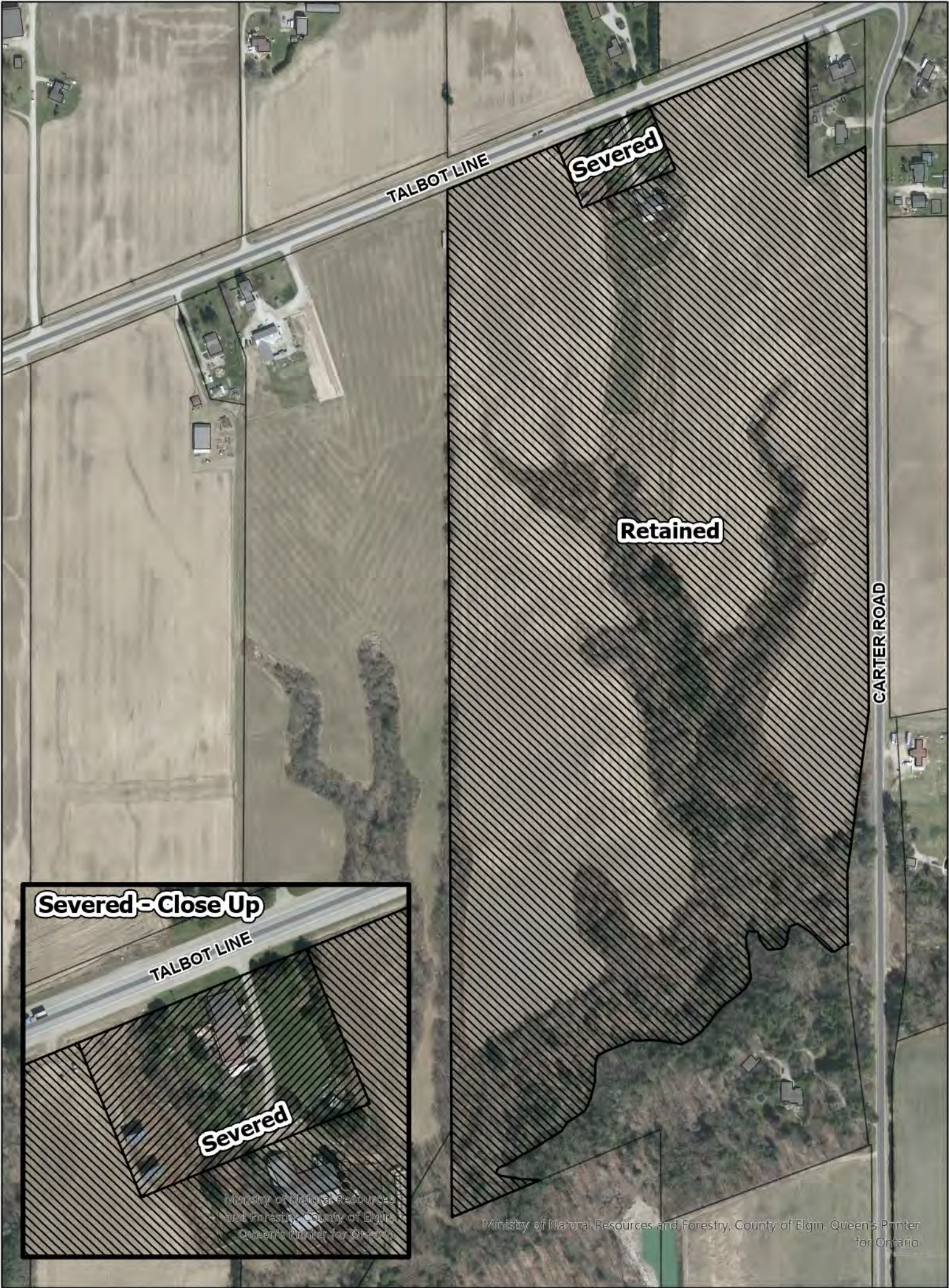
Location Map



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

Subject Site: 52339 Talbot Line
File Number: E 67-2022
Owner: SBM Ltd.
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Malahide

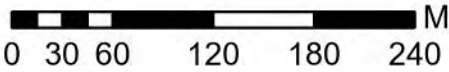









Location Map



Subject Site: 52339 Talbot Line
File Number: E 67-2022
Owner: SBM Ltd.
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Malahide



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



Report to Council

REPORT NO.: DS-22-42
DATE: September 1, 2022
(Report submitted August 25, 2022)
ATTACHMENT: Application, Conditions
SUBJECT: Consent Application of William and Katherine DeSutter,
(Authorized Agent: Simona Rasanu c/o SBM Limited)
LOCATION: Part Lot 103, Concession STR, as in E199915 (Parcel 2) (52339
Talbot Line)

Recommendation:

THAT Report No. DS-22-42 entitled “Consent Application of William and Katherine DeSutter” be received;

AND THAT the Application to Sever No. D10-E67-22 of William & Katherine DeSutter relating to the property located at Part Lot 103, Concession STR; and known municipally as 52339 Talbot Line, be supported for the reasons set out in this Report;

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

Background:

The subject Consent Application has been submitted by SBM Limited, on behalf of William & Katherine DeSutter, in order to sever a surplus farm dwelling from an agricultural parcel. A concurrent Zoning By-law Amendment application proposes to apply the necessary zoning required and would include site-specific provisions to recognize the front yard setback of the existing dwelling. The concurrent Zoning Amendment will be heard at a future Council meeting.

The Application relates to the property located at Part Lot 103, Concession STR, and known municipally as 52339 Talbot Line.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

Comments/Analysis:

The subject property is approximately 20.8 hectares in area, has approximately 511 metres of frontage on Carter Road, and a depth of approximately 408 metres. The subject lands currently contain a single detached dwelling, two accessory sheds, a barn, two silos, and two solar panels. The subject lands are bounded to the north by Talbot Line, to the east by Carter Road, and by agricultural land to the south and west.

Based on the information provided by the owner's agent SBM Limited, the owners reside on the subject lands and have entered into a purchase and sale agreement to convey the agricultural land to a bona fide farmer, who owns and resides on another farm parcel. The existing dwelling on the subject lands would be surplus to the purchasing farmer's needs as a result of farm consolidation.

Provincial Policy Statement (PPS)

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The existing dwelling would be surplus to the needs of the farmer that is to purchase the agricultural land. The proposed severed lot would not include land that is currently in agricultural production. The proposed Zoning Amendment would rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling.

County of Elgin Official Plan

The subject property is designated 'Agricultural Area' on Schedule 'A' – Land Use Plan of the County Official Plan. Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b).

The concurrent Zoning Amendment would address this requirement by rezoning the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling.

Malahide Official Plan

The subject property is designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2).

Section 2.1.7 of the Official Plan permits lot creation for the severance of a dwelling provided that it has become surplus as a result of farm consolidation. The farmer intending to purchase the agricultural land owns and farms other land in the Municipality. Section 2.1.7 also requires additional criteria to be met, including that the existing dwelling be occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot, is located within 100 metres of an opened travelled road, and the severed parcel is to be rezoned to a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. The proposed lot and existing dwelling are located within 100 metres of a public road. The related Zoning Amendment would rezone the severed lot to the 'Small Lot Agricultural (A4)' Zone, which is applied to lots created by consent to dispose of a surplus farm dwelling.

The proposed severed lot currently contains several existing accessory structures. The applicant is proposing to demolish the existing barn and silos as part of the application.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses, meet the provisions of the 'Special Agriculture (A2) Zone', and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4a, 2.1.7.4b, 2.1.7.4c). The proposed retained parcel meets the minimum lot area and frontage requirements of the By-law and the related Zoning Amendment would rezone the retained farm parcel to the 'Special Agricultural (A2) Zone' to prohibit the construction of a dwelling.

Malahide Zoning By-law No. 22-18

The subject property is zoned 'General Agricultural (A1)' on Schedule 'A', Map No. 31 of the Township of Malahide Zoning By-law No. 22-18. The related Zoning By-law Amendment proposes to rezone the retained parcel to 'Special Agriculture (A2)' to prohibit the construction of a dwelling on the farm parcel and the proposed lot would meet the minimum lot area and frontage requirements of the Zoning By-law.

As previously noted, the Zoning By-law Amendment application also proposes to rezone the severed parcel to 'Small Lot Agriculture Special (A4-XX)'. This zone is intended to

be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes.

Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, no comments from the general public or agencies have been received. Any comments submitted will be summarized and provided for the information of the Council/Public at the Public Meeting.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT & CONSENT TO SEVER

Bill and Kathy DeSutter

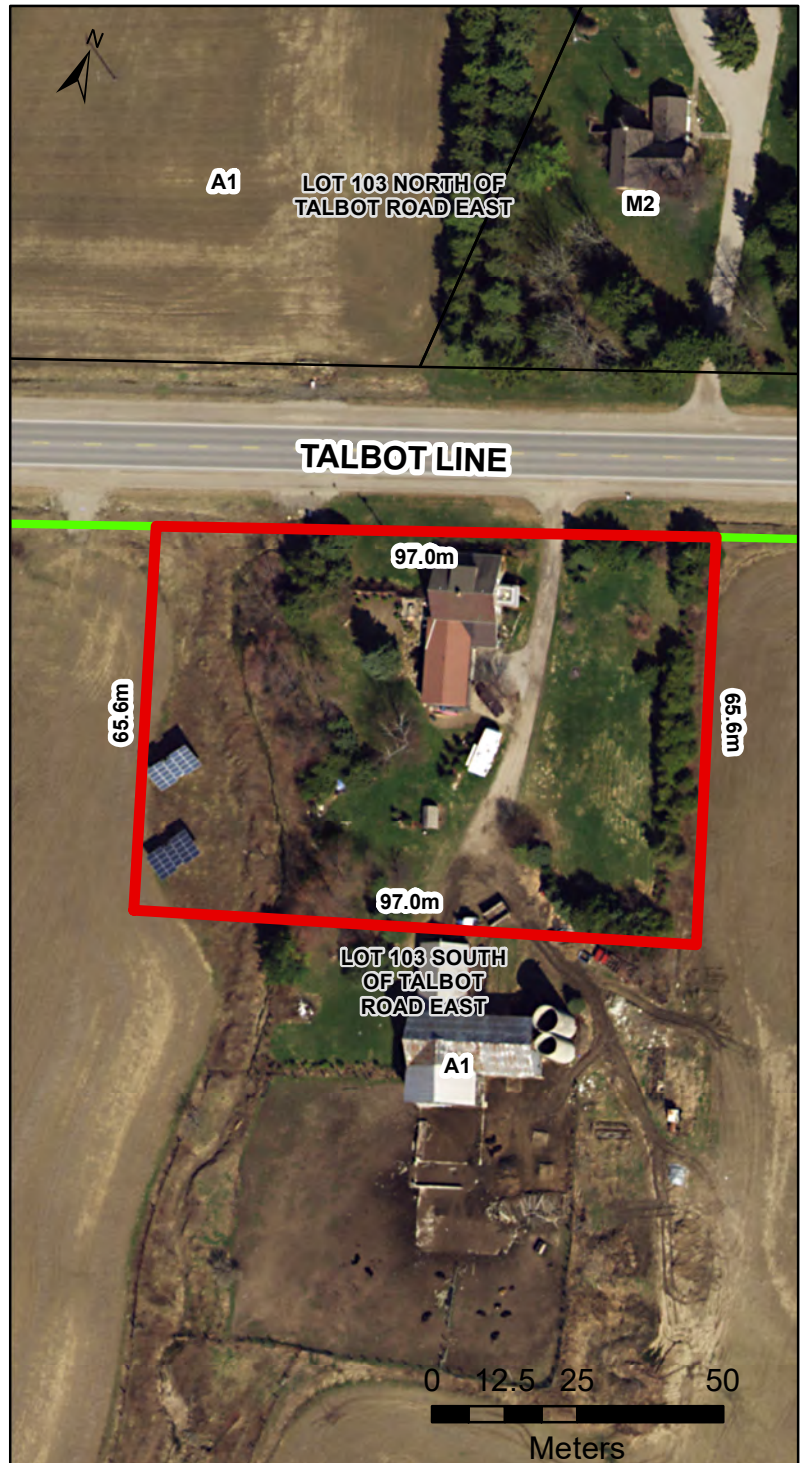
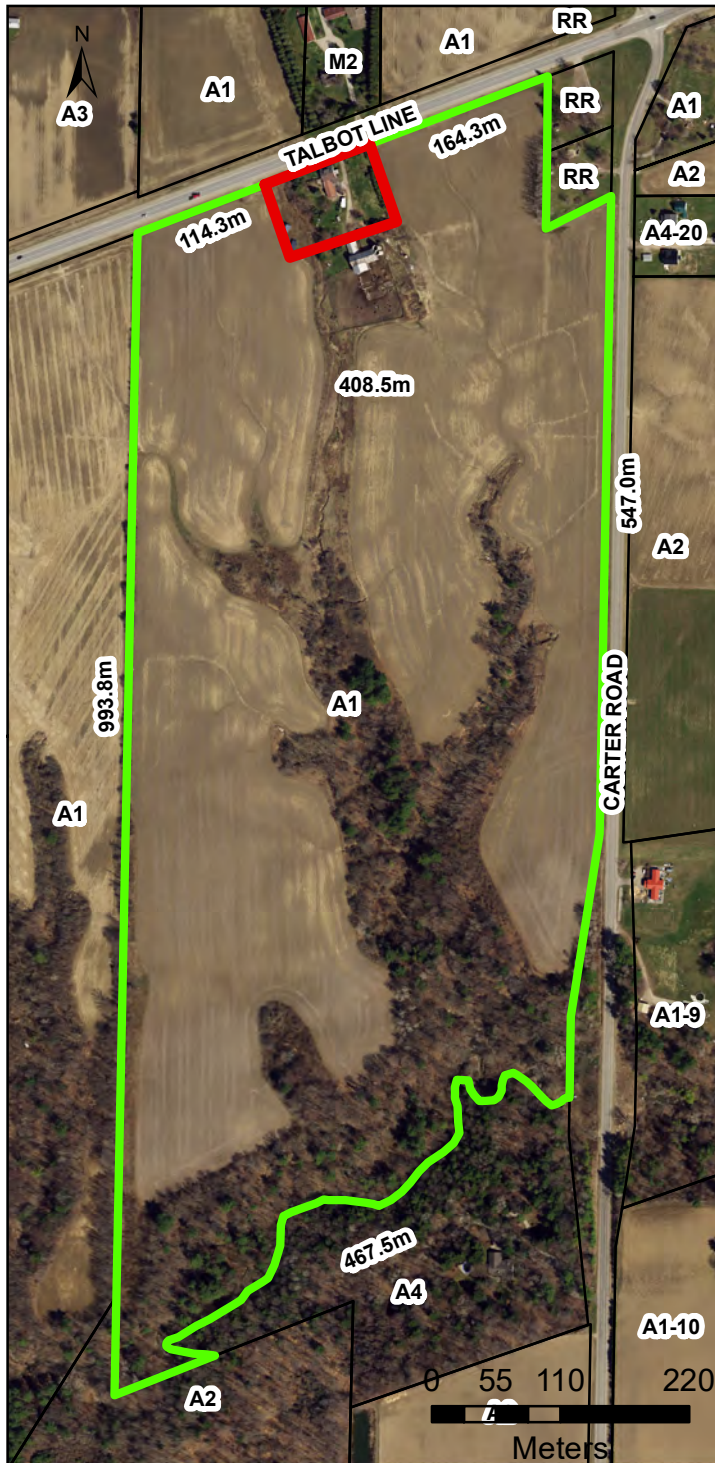
(Agent: Simona Rasanu c/o SBM Ltd.)

52339 Talbot Line

Part Lot 30, Concession 6 & Part Lot 103, Concession STR

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION

Agriculture

ZONING

A1 General Agricultural



Lands to be Retained and Rezoned to Special Agricultural (A2) Zone

Lands to be Severed and Rezoned to Small Lot Agricultural (A4) Zone

E67/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required 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.
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.

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 66-22

OWNER: Renkema Family Farms Ltd.

PROPERTY: LOT NO. Part of Lot 103 CONCESSION: STR Malahide as in E19915

REG'D PLAN: MUNICIPALITY: Malahide

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

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

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



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



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
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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: September 28, 2022
Application: **E 67-22**

Owner:
William and Katherine DeSutter
52339 Talbot Line, Aylmer, ON

Agent:
Simona Rasanu (SBM Ltd.)
301-1599 Adelaide Street N., London,
ON

Location: Part of Lot 103, Concession STR Malahide, As in E199915 Except 11R-3587.
Municipally known as 52339 Talbot Line, Malahide.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 97 metres (318.24 feet) and a depth of 65.6 metres (215.22 feet) and an area of 6,360.4m² (1.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 278.6 metres (914.04 feet) and a depth of 993.8m (3260.5 feet) and an area of 35.8ha (88.46 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region 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 68-22**

**PART OF LOT 33, CONCESSION 4 S
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 53008 CALTON LINE**

TAKE NOTICE that an application has been made on behalf of Dan Hiebert by SBM Ltd. (Simona Rasanu), 301-1599 Adelaide St. N., London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53008 Calton Line, Township of Malahide.

The applicant proposes to sever a parcel with a frontage of 31.5 metres (103.35 feet) and a depth of 59.8 metres (196.20 feet) and an area of 1,882.3m² (0.47 acres) to be conveyed as an addition to an abutting lot. The applicant is retaining a lot with a frontage of 128.3 metres (420.93 feet) and a depth of 61.6m (202.1 feet) and an area of 7,775.1m² (1.92 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 SEPTEMBER 28, 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**

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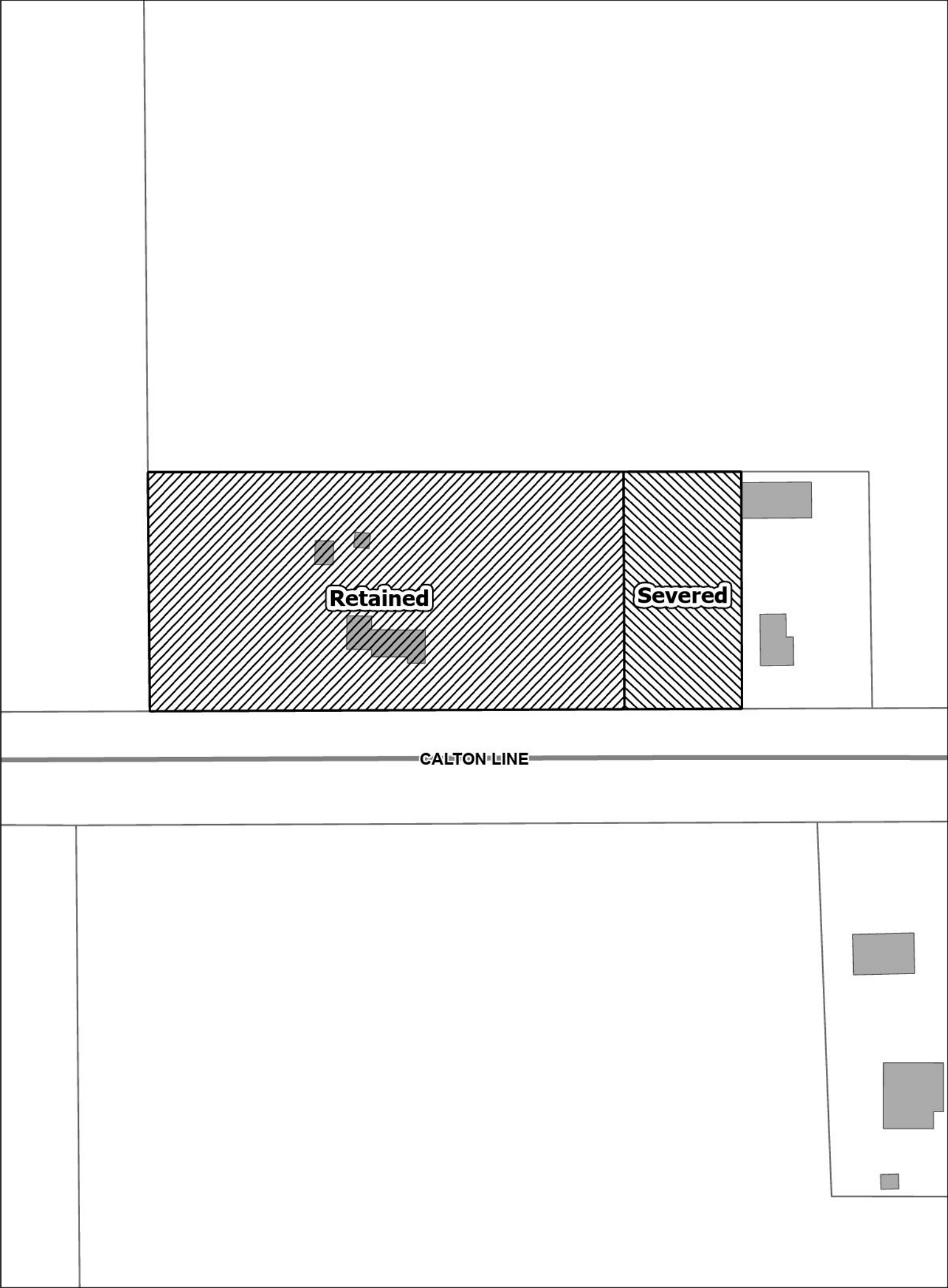
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 13th day of August, 2022.






Paul Clarke
Secretary-Treasurer
Land Division Committee

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Planning Department
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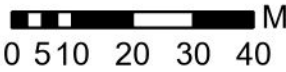


Location Map



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

Subject Site: 53008 Calton Line
File Number: E 68-2022
Owner: SBM Ltd.
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Malahide



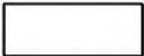


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Legend



Subject Site



Severed



Retained

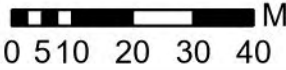


Elgin Road Network



Buildings

Subject Site: 53008 Calton Line
File Number: E 68-2022
Owner: SBM Ltd.
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 08/08/2022
Township of Malahide





Report to Council

REPORT NO.: DS-22-43

DATE: September 1, 2022
(Report submitted August 25, 2022)

ATTACHMENT: Application, Conditions

SUBJECT: **Application for Consent to Sever of Henry Hiebert c/o SBM Limited, Application E-68-22**

LOCATION: Part Lot 33, Concession 4 S (Geographic Township of Malahide)

Recommendation:

THAT Report No. REPORT NO.: DS-22-43 entitled “Application for Consent to Sever of Henry Hiebert” be received;

AND THAT the Application for Consent to Sever of Henry Hibert (E-68-22), relating to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide) be supported for the reasons set out in this Report;

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

Background:

The Consent application has been submitted to permit the conveyance of land from the subject property to the adjacent, undersized existing parcel.

The Application relates to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide).

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

Comments/Analysis:

The lands proposed to be severed comprise an area of approximately 1,882.3 m² (0.46 acres) with a depth of approximately 59.8 metres and a frontage of approximately 31.5 metres on Calton Line. The land proposed to be severed is vacant land. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the east.

The enlarged parcel is a residential parcel that contains an existing single detached dwelling and two accessory structures. The enlarged parcel would have an area of approximately 3,679 m² (0.9 acres). The effect of the boundary adjustment is to enlarge an existing undersized lot.

The proposed retained parcel comprises an area of approximately 7,775.1 m² (47.6 acres) with a depth of approximately 59.8 metres and approximately 128.3 metres of frontage on Calton Line. The retained parcel is a small lot agricultural parcel used for residential purposes and contains an existing dwelling and two accessory structures.

County of Elgin Official Plan

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan, provided that no new lot is created and the viability of the agricultural parcels are not affected. The proposed lot addition would not result in the creation of a new parcel and would not impact the viability of surrounding agricultural lands.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The proposed lot boundary adjustment is for the purposes of enlarging an existing undersized parcel. No new lot is proposed to be created. The well and private septic systems for both the retained land and the enlarged parcel would be located on separate lots and continue to use existing accesses onto Calton Line.

Malahide Zoning By-law No. 18-22

The subject property is zoned 'Rural Residential (RR)' on Schedule 'A', Map No. 61 to the Township of Malahide Zoning By-law No. 18-22. The parcel proposed to be enlarged is zoned 'Small Lot Agricultural (A4)'. Therefore, if the proposed consent is approved, the enlarged parcel would have multiple zones on the same lot. Therefore, a concurrent Zoning By-law Amendment application has been filed to rezone the entirety of the proposed enlarged parcel to the A4 zone, as well as recognize existing reduced front yard and side yard setbacks to the existing dwelling. The Zoning By-law Amendment will be heard at a future public meeting.

The lands proposed to be retained would satisfy the minimum lot area and lot frontage requirements of the RR zone.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

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

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

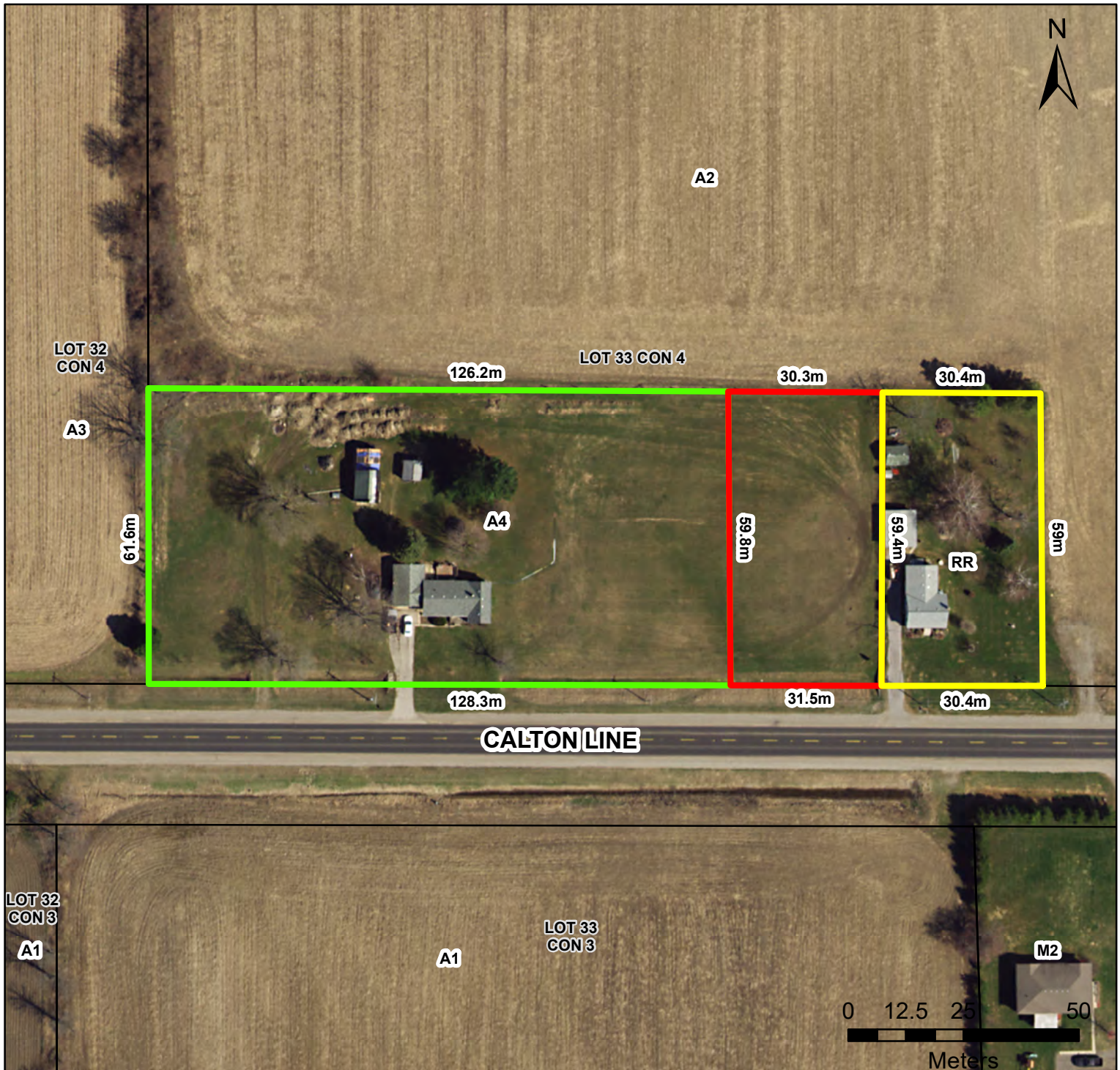
Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT & CONSENT TO SEVER

**Henry Hiebert (53008 Calton);
Shawn Morgan George Senior & Roslyn Anne Snior (53052 Calton)
(Agent: Simona Rasanu c/o SBM Ltd.)**

53008 and 53052 Calton Line
Part Lot 33, Part of Concession 4 South
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A4 Small Lot Agricultural



Lands to be Retained



Lands to be Severed and Rezoned Rural Residential (RR) Zone



Lands to which the severed lot will be conveyed as lot addition

E68/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required 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.
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.

From: [Gerrit Kremers](#)
To: [Paul Clarke](#); [Land Division](#)
Subject: RE: E 68-22 Notice of Application - Request for Agency Review
Date: August 19, 2022 9:09:17 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

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

Hello,

CCCA has no concerns or objections to the above noted application.

Thank You,

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

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: August-15-22 8:52 AM
To: Simona Rasanu <SRasanu@sbmltd.ca>; dannyhiebert8@gmail.com
Cc: Marlene Bainbridge <mbainbridge@ELGIN.ca>
Subject: E 68-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-68-22 for the Elgin County Land Division Committee meeting scheduled for September 28, 2022.

If you wish to provide comments on this application please submit them to landdivision@elgin.ca by **Tuesday September 20, 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
www.elgincounty.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 23, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 66-22

OWNER: Renkema Family Farms Ltd.

PROPERTY: LOT NO. Part of Lot 103 CONCESSION: STR Malahide as in E19915

REG'D PLAN: MUNICIPALITY: Malahide

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

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

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



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



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: September 28, 2022
Application: E 68-22

Owner:
Henry Hiebert
54701 Vienna Line, Port Burwell, ON

Agent:
Simona Rasanu (SBM Ltd.)
301-1599 Adelaide Street N., London,
ON

Location: Part of Lot 33, Concession 4 S, Township of Malahide. Municipally known as 53008 Calton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 31.5 metres (103.35 feet) and a depth of 59.8 metres (196.20 feet) and an area of 1,882.3m² (0.47 acres) to be conveyed as an addition to an abutting lot. The applicant is retaining a lot with a frontage of 128.3 metres (420.93 feet) and a depth of 61.6m (202.1 feet) and an area of 7,775.1m² (1.92 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Rural Residential (RR)

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 applying to sever approximately 1,800m² from the existing parcel to be conveyed to the adjacent lot located at 53052 Calton Line. Both the subject land and the lot

that is proposed to receive the lot addition are within the prime agricultural area. The PPS allows for technical severances within the prime agricultural area where no new lots are created.

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

The PPS defines legal or technical reasons as “severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

The proposed severance is for a lot addition and will not have the effect of creating 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 application is for a lot addition within the Agricultural Area. The OP prohibits lot creation within the Agricultural Area, except for surplus dwellings and does allow consents for boundary adjustments as per Section E1.2.3.2:

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.

The severed parcel will be added to an existing adjacent residential lot whose exiting home is and accessory structures are built close to the present property line. This proposal will not result in the creation of a new lot and both the retained parcel and the parcel receiving the lot addition are currently used for residential purposes and this lot addition is not anticipated to have any effect on the surrounding agricultural lands. Regarding the land use policies of the OP, the land use of both parcels are not proposed to change and thus this proposal has no effect on the OP policies for this land use designation.

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. The proposed application is for a lot addition which is permitted in the Township OP provided no new lots are created.

The subject property is zoned Rural Residential (RR) and the property being enlarged is zoned Small Lot Agricultural (A4). To address this difference in zoning and to avoid one lot having multiple zones, the Township has proposed a condition to rezone the enlarged parcel

to the A4 zone. This zoning amendment will also be used to recognize the reduced front and side yard setbacks to the existing dwelling.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Malahide 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. 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.

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 all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required 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.
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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION NO. E 49-22**

**PART OF LOT 31, CONCESSION 9 N
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 11644 CARTER ROAD**

TAKE NOTICE that an application has been made by Kelsey Berkelmans, 52900 College Line, Aylmer, ON N5H 2R3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11644 Carter Road, Township of Malahide.

The applicant proposes to sever a parcel with a frontage of 70.856 metres (232.47 feet) and a depth of 82.200 metres (269.69 feet) and an area of 5,824.4m² (1.44 acres) containing a residence, a barn, three sheds, and a garage for residential use. The applicants are retaining 20.17 hectares (49.84 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, SEPTEMBER 28, 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 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 17th 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

CARTIER ROAD

Severed

Retained

Location Map

Subject Site: 11644 Carter Road
File Number: E 49-2022
Owner: Frank and Sheryl Berkelmans
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 06/27/2022
Township of Malahide



Legend



Subject Site



Severed



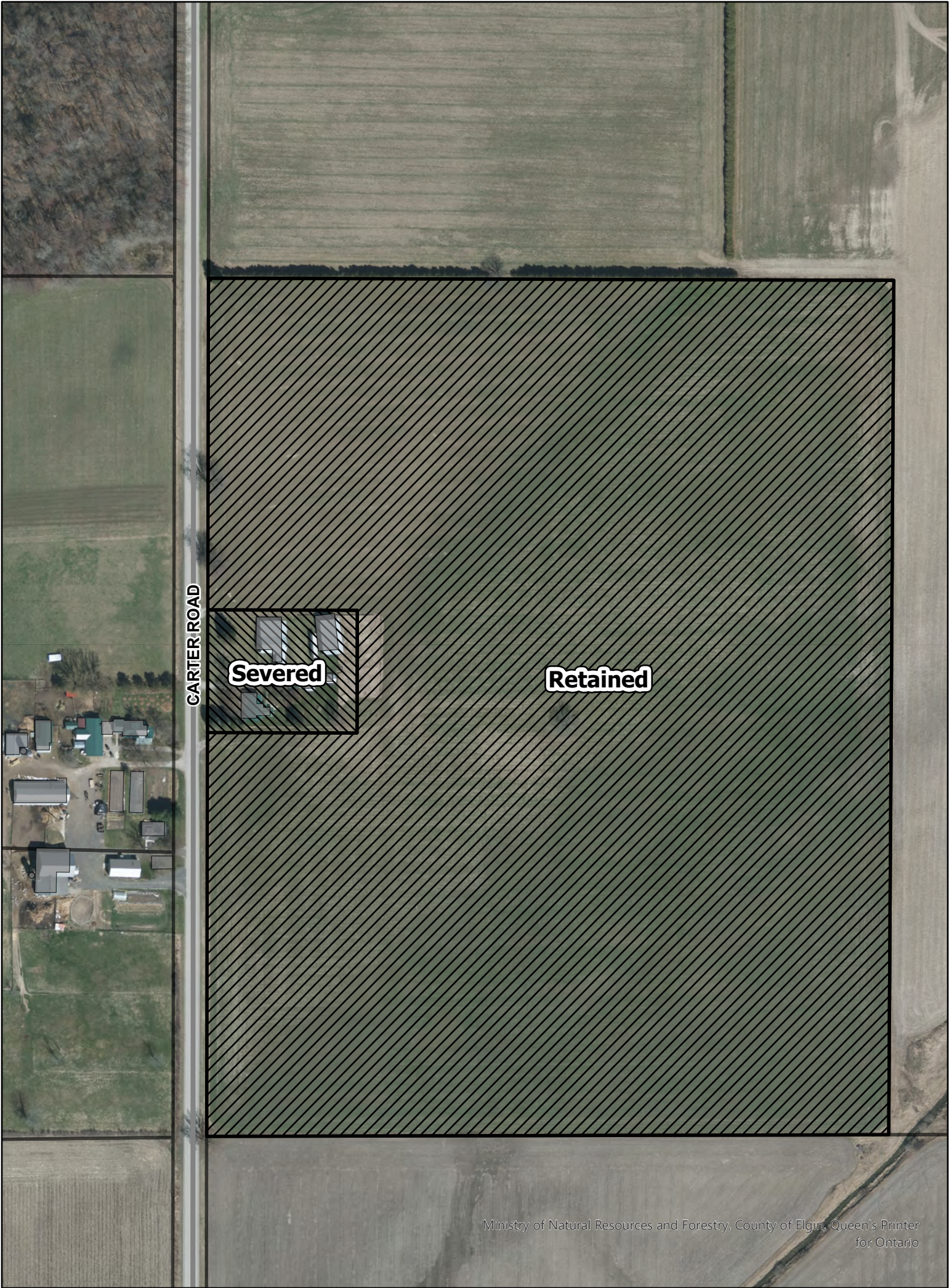
Retained



Elgin Road Network



Buildings



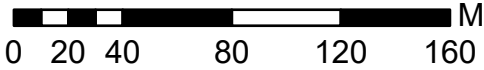
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map



Subject Site: 11644 Carter Road
File Number: E 49-2022
Owner: Frank and Sheryl Berkelmans
Planner: Unknown
CA: Catfish Creek Conservation Authority
Created By: TE
Date: 06/27/2022
Township of Malahide

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

E49/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required 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.
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.

APPLICATION FOR A CONSENT TO SEVER

Frank and Sheryl Berkelmans

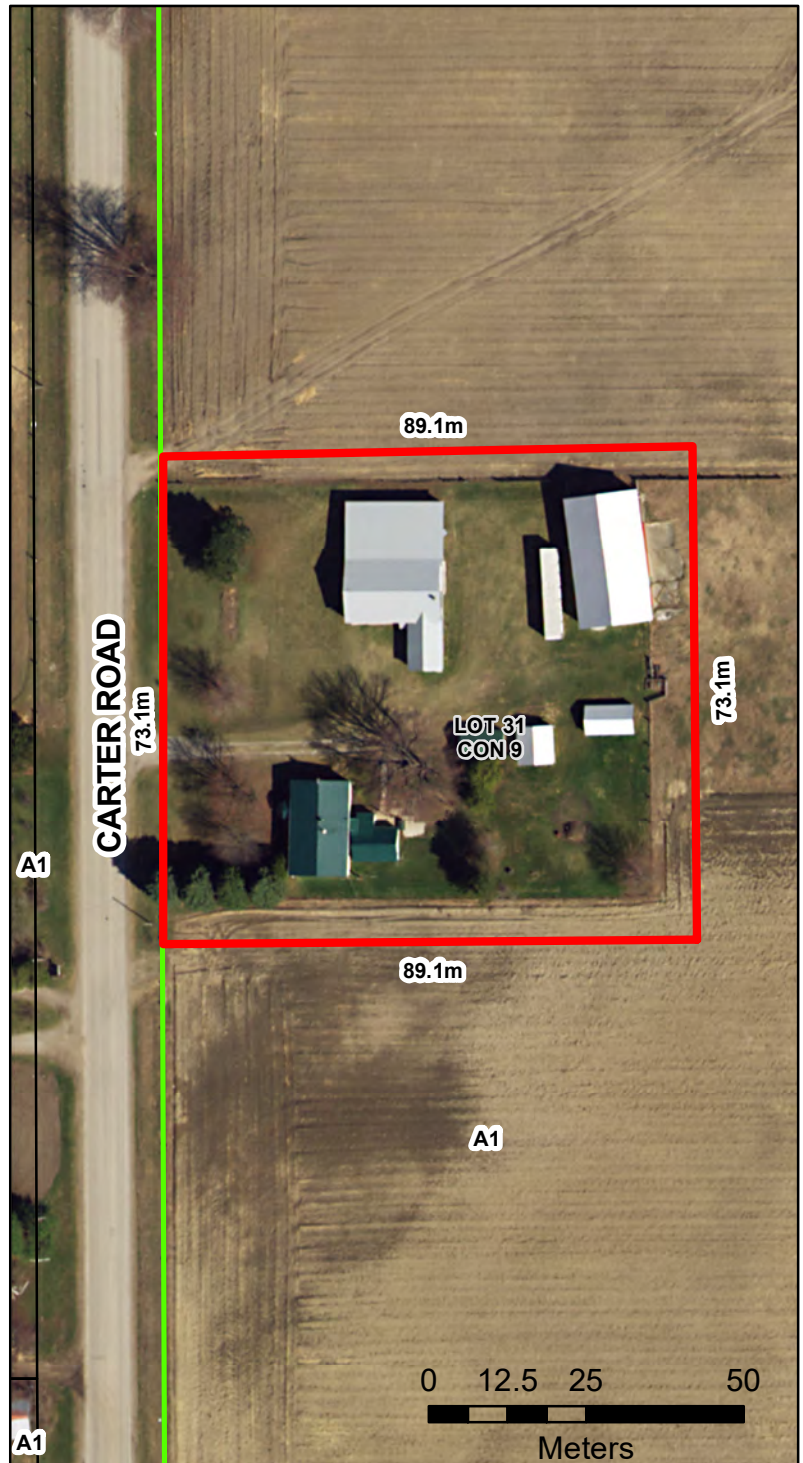
(Agent: Simona Rasanu c/o SBM Ltd.)

11644 Carter Road

Part of Lot 31, Concession 9

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural



Lands to be Severed



Lands to be Retained



Hazard Lands



APPLICATION FOR A ZONING BY-LAW AMENDMENT

Frank and Sheryl Berkelmans

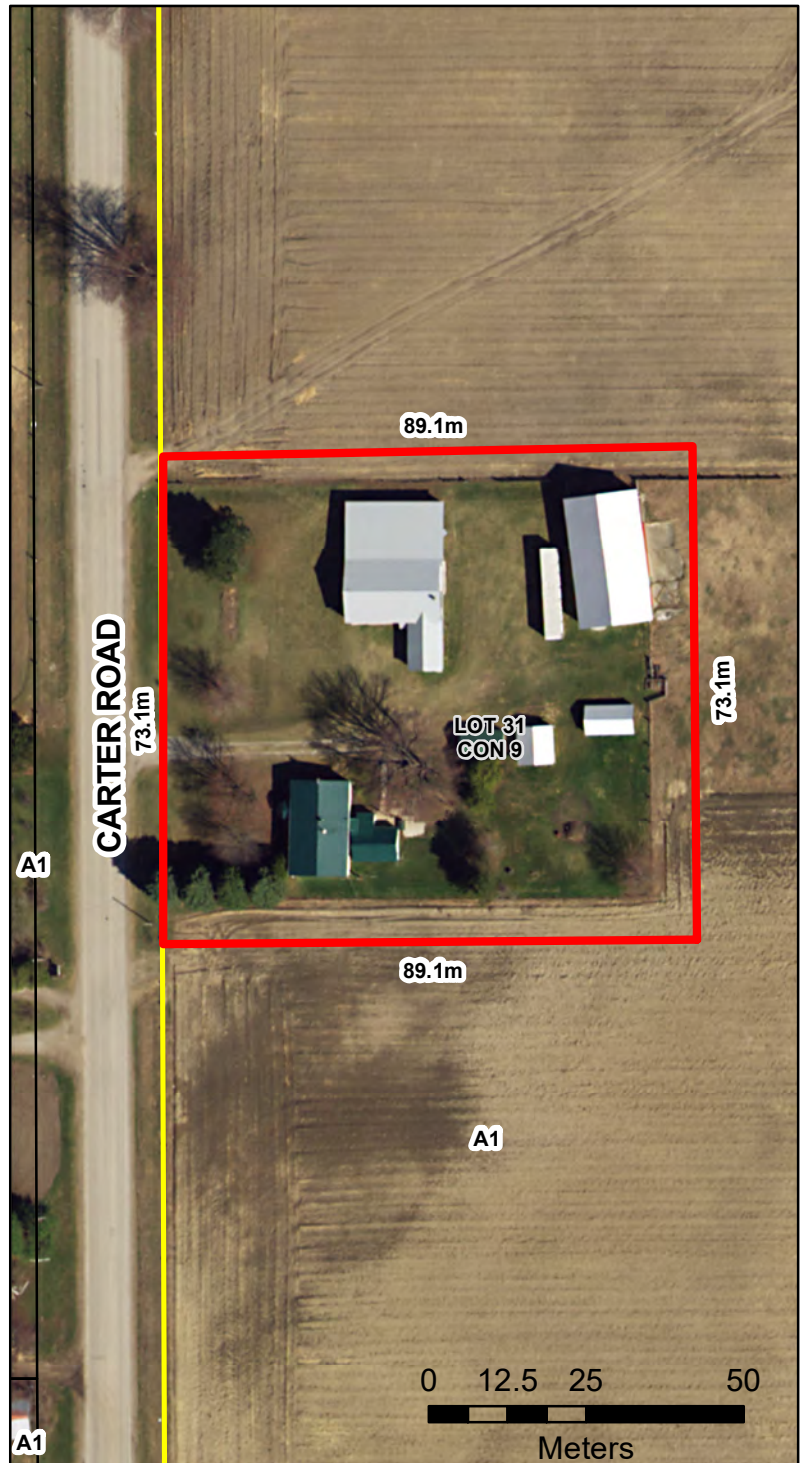
(Agent: Simona Rasanu c/o SBM Ltd.)

11644 Carter Road

Part of Lot 31, Concession 9

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION

Agriculture

ZONING

A1 General Agricultural



Lands to be Rezoned from General Agricultural (A1) Zone to Site Specific Small Lot Agricultural (A4-24) Zone



Lands to be Rezoned from General Agricultural (A1) Zone to Special Agricultural (A2) Zone



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

Applicant Frank and Sheryl Berkelmans, (Authorized Agent: Simona Rasanu c/o SBM Ltd.)

Location Part of Lot 31, Concession 9 (11644 Carter Road)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture" on Schedule 'A1' (Land Use Plan)
Policies: The policies of Section 2.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The Zoning Amendment proposes to rezone the retained parcel to 'Special Agriculture (A2)' to prohibit the construction of a dwelling on the farm parcel and the proposed lot would meet the minimum lot area and frontage requirements of the Zoning By-law. This application also proposes to rezone the severed parcel to 'Small Lot Agriculture Special (A4-24)'. This zone is intended to be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to recognize the existing floor area of the detached garage of 318 m², where the By-law requires a maximum floor area of 200 m²; recognize the existing height of the detached garage of 6.37 metres, where the Zoning By-law requires a maximum height of 6 metres; and recognize the existing height of the vacant barn of 7.53 metres where the Zoning By-law requires a maximum height of 6 metres.

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

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

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

From: [Gerrit Kremers](#)
To: [Paul Clarke](#); [Land Division](#)
Subject: RE: E-49-22 Notice of Amended Application - Request for Agency Review
Date: August 19, 2022 9:19:03 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

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

Hello,

CCCA has no concerns with the above noted amended application,

Thank You,

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

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: August-17-22 9:20 AM
To: Kelsey Berkelmans <kelsey_berkelmans@hotmail.com>
Cc: Simona Rasanu <SRasanu@sbmltd.ca>; Marlene Bainbridge <mbainbridge@ELGIN.ca>
Subject: E-49-22 Notice of Amended Application - Request for Agency Review

Good Morning,

Please find attached a Notice of Amended Application for file number E 49-22 for the Elgin County Land Division Committee meeting scheduled for September 28, 2022.

If you wish to provide comments on this application please submit them to landdivision@elgin.ca, by **Tuesday, September 20, 2022** to be included in the agenda package and considered by the Land Division Committee.

The signs from the previous meeting may be re-used for this amendment. Should you require new signs please let myself or Marlene Bainbridge know as soon as possible.

Thanks,

Paul Clarke, CPT

Planning Technician
450 Sunset Drive
St. Thomas, ON. N5R 5V1
(519) 631-1460 ext. 170
pclarke@elgin.ca
www.elgincounty.ca

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 29, 2022 **ELGIN COUNTY ROAD NO.:** _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 49-22

OWNER: Kelsey Berkelmans

PROPERTY: **LOT NO.** Part of Lot 31 **CONCESSION:** 9 N

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

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

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

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

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

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

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

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

☐
- 7) Technical Reports

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

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

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

☐
- 11) Not on County Road

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

☐
- 13) Other...

☐

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



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



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: July 27, 2022
Application: **E 49-22**

Owner:
Frank and Sheryl Berkelmans
52900 College Line, Aylmer, ON.

Agent:
None.

Location: Part of Lot 31, Concession 9 N, Township of Malahide. Municipally known as 11644 Carter Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 70.856 metres (232.47 feet) and a depth of 82.200 metres (269.69 feet) and an area of 5,824.4m² (1.44 acres) containing a residence, a barn, three sheds, and a garage for residential use. The applicants are retaining 20.17 hectares (49.84 acres), proposed to remain in agricultural use.

This application is an amended to a previous application which was granted provisional consent in July. The applicant has applied to amend the application to more accurately reflect the measurements of the severed and retained lots. The original proposal is included below for reference with changes bolded:

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 **6,519.9m² (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.

The planning merits and analysis for this application are unaffected by these amendments as they are minor and are still consistent with the PPS and maintain the general intent and purpose of the Official Plans and Zoning By-law. As such, the planning report remains largely unchanged from its original form.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – recommends approval, subject to conditions.

County Engineering – No comments.

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 a residential dwelling that is surplus to an agricultural operation. Section 2.3.4.3 of the PPS permits lot creation in prime agricultural areas for the purposes of severing surplus dwellings provided the new lot is the minimum size necessary and that no new dwellings are constructed on the retained farmland. A Zoning By-law Amendment can be used to ensure that new residential development is prohibited on the retained farmland parcel.

PPS Section 2.3.4.1 – Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - i) the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - ii) 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 ~5,800m² from the existing agricultural land for the surplus dwelling. This severance will allow the existing outbuildings accessory to the residential use to remain with the proposed severed parcel including a garage, three sheds, a small barn, and the dwelling itself.

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 the Agricultural Area. Similar to the PPS, the County OP contains policies which allow for surplus dwelling severances when residential development on the retained farmland is prohibited. The OP requires that no new residential development be permitted on the retained agricultural parcel, this condition can be addressed through an amendment to the Zoning By-law and has been requested as a condition of consent by the Township of Malahide. No conflicts were identified with the OP, and a zoning by-law amendment to prohibit future

residential development will satisfy the OP policies regarding lot creation in the Agricultural Area.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the 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.

Staff have reviewed the proposed lot against the regulations of the Malahide Zoning By-law and note minor zoning deficiencies that Malahide Staff have advised can be addressed through a zoning by-law amendment. The following zoning deficiencies were noted by Municipal staff:

1. The existing detached garage has a floor area of 318m², whereas the Zoning By-law requires a maximum floor area of 200m²
2. The existing garage has a height of 6.37m, whereas the Zoning By-law requires a maximum height of 6m.
3. The vacant barn has a height of 7.53m, where as the Zoning By-law requires a maximum height of 6m.

The retained agricultural parcel is also being proposed to be rezoned to Special Agricultural (A2) to prohibit residential development and the above noted deficiencies would be addressed at the same time by rezoning the severed parcel to Small Lot Agricultural Special (A4-24), a site-specific zone to address the non-complaint aspects of the existing buildings and structures. Municipal staff have indicated they are willing to amend the By-law, and have no objections to the proposed severance.

RECOMMENDATION:

The application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Malahide 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, 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.



**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 SEPTEMBER 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

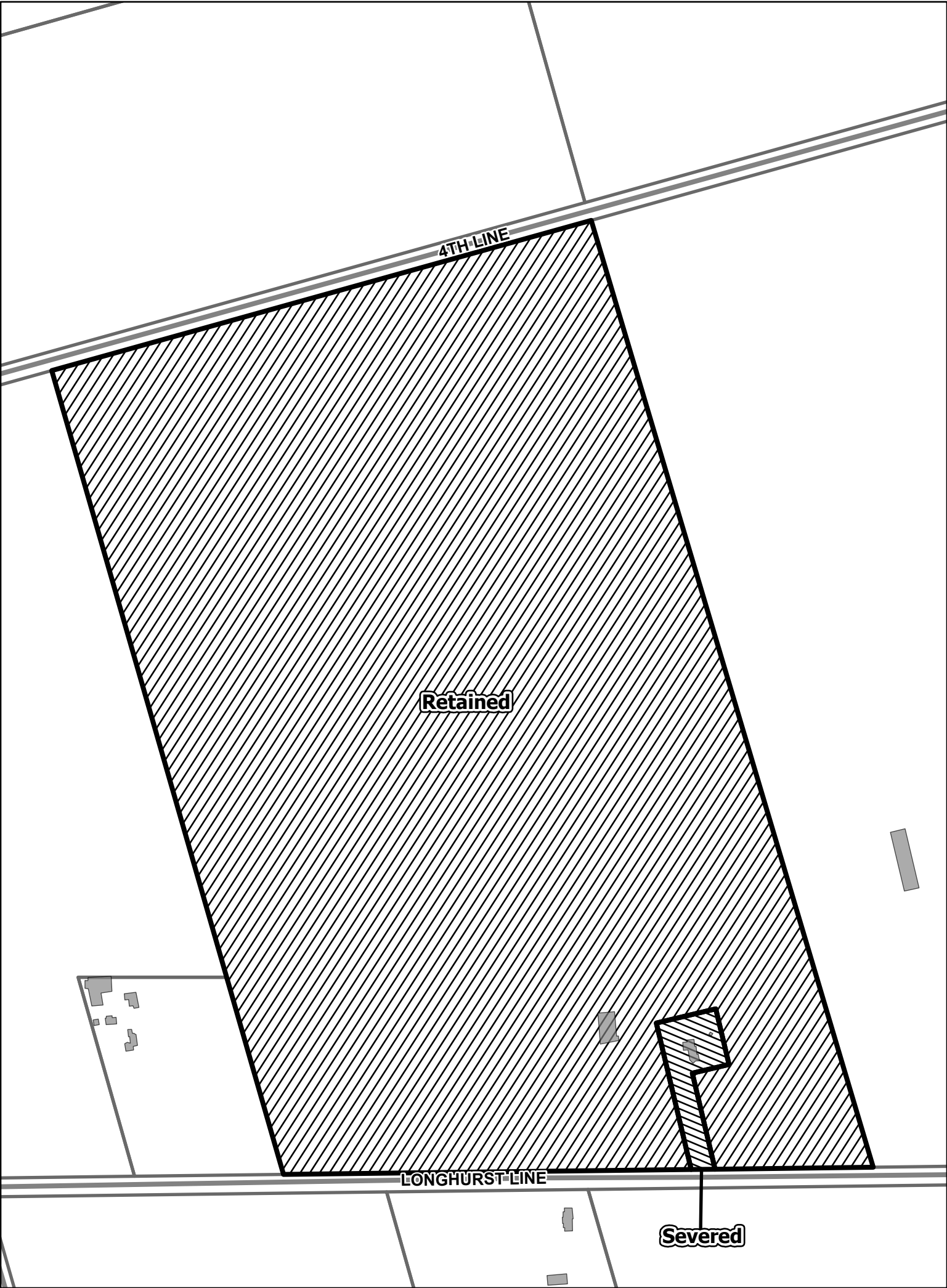
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 9th day of September, 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

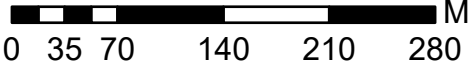


Location Map



Subject Site: 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



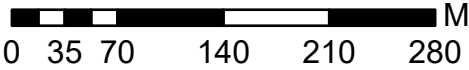
Buildings



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



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:

Application	E58-22
Owners/Applicants	Echo Acres Limited
Agent	N/A
Legal Description	Concession 4, Lot 22, RP 11R1690, Part 1
Civic Address	38652 Longhurst Line
Entrance Access	Longhurst Line
Water Supply	Municipal Water
Sewage Supply	Privately owned and operated individual septic system
Existing Land Area	59.25 ha (146.43 ac)
Buildings and/or Structures	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 ² (20,000.0 ft ²)	0.6586 ha/6,585.99 m ²	40.0 ha (99 ac)	144.8 ac	Complies
maximum lot area	6,000 m ² (1.48 ac)	6,585.99 m ² (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**

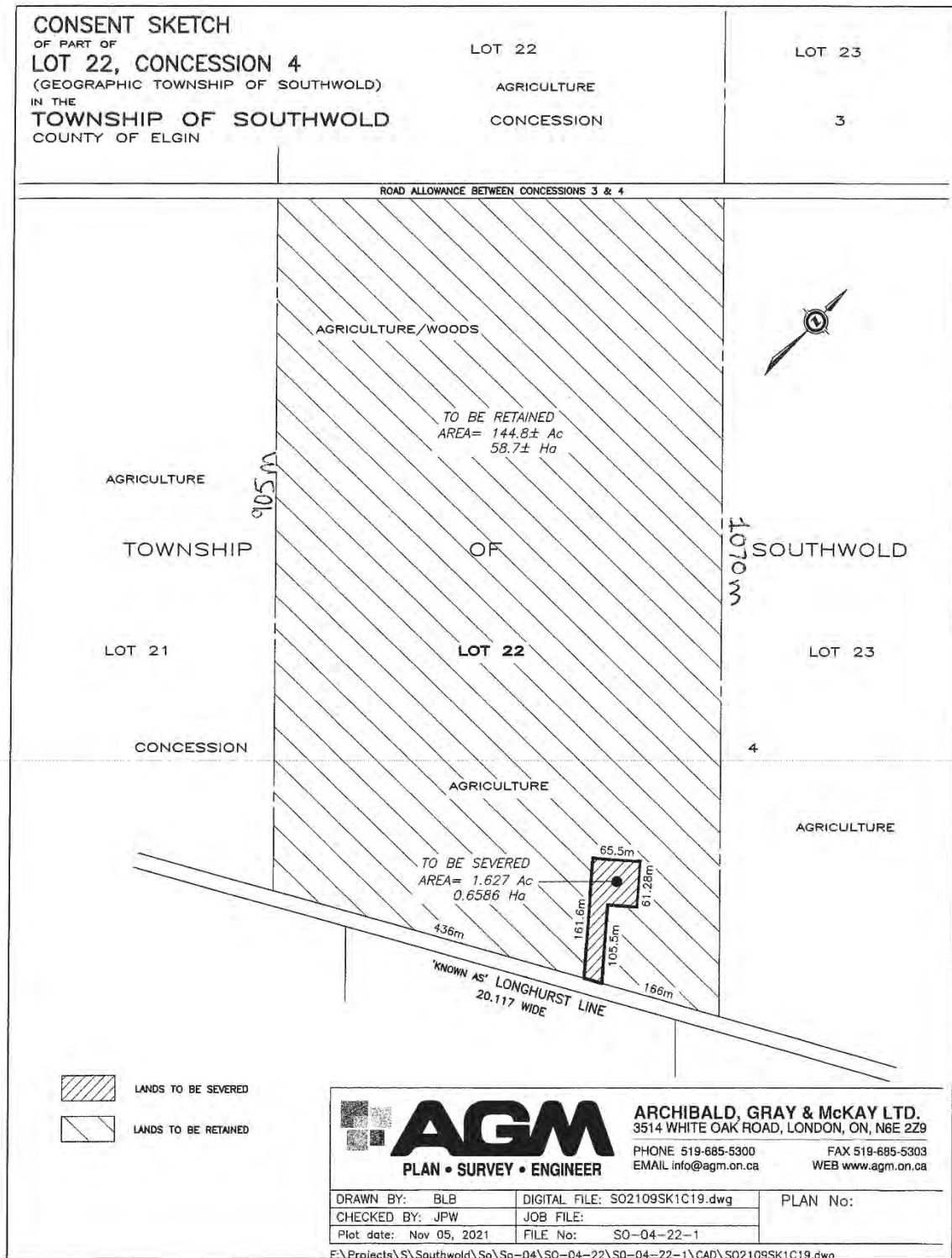
Approved for submission by:

**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*.

From: [Joe Gordon](#)
To: [Paul Clarke](#)
Subject: Application for Consents
Date: August 25, 2022 11:09:37 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

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

Hi Paul

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

- E58-22 38652 Longhurst Line
- E66-22 4509 Union Road

Thank you for the opportunity to comment.

Thank you,
Joeph (Joe) Gordon

**Manager of Planning and Development
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

www.kettlecreekconservation.on.ca



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COUNTY OF ELGIN ROAD SYSTEM

DATE: 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



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 – No new comments, 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). This application was deferred by the Land Division Committee as the required signs were posted one day later than required by the Planning Act. Signs have now been posted in accordance with the Planning Act and all other notice requirements have been met. 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 a dwelling that is surplus to a farming operation from the existing agricultural land. The applicant proposes to sever a lot with an area of

0.6586ha containing a dwelling and 3 accessory structures, with the retained land of approximately 145ha remaining in agricultural production.

The PPS permits lot creation in prime agricultural areas only in specific circumstances which include surplus dwellings, provided the following conditions are met:

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 residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

The proposed severed parcel does not include any land currently used for agricultural production and staff believe the proposed lot dimensions meet the first criterion. Regarding the second, the Township of Southwold has included a recommendation for a condition that will rezone the retained farmland to prohibit future residential 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 designated as Agricultural in the County OP. Section E1.2.3.4 speaks to lot creation and consents in the Agricultural Area and permits surplus dwelling consents in accordance with the following criteria:

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 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 a merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

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 subject lands are designated as Agricultural in the Southwold OP, which permits consents for surplus dwellings provided the new parcel is limited in size and the retained farm parcel is rezoned to prohibit construction of any additional dwellings.

The proposed severed parcel is slightly larger than the maximum permitted by the Zoning By-law, however, the Municipality has identified they are willing to amend the Zoning By-law. Additionally, the retained farmland will be rezoned to A3 which prohibits residential dwellings.

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 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 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.



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

12. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.

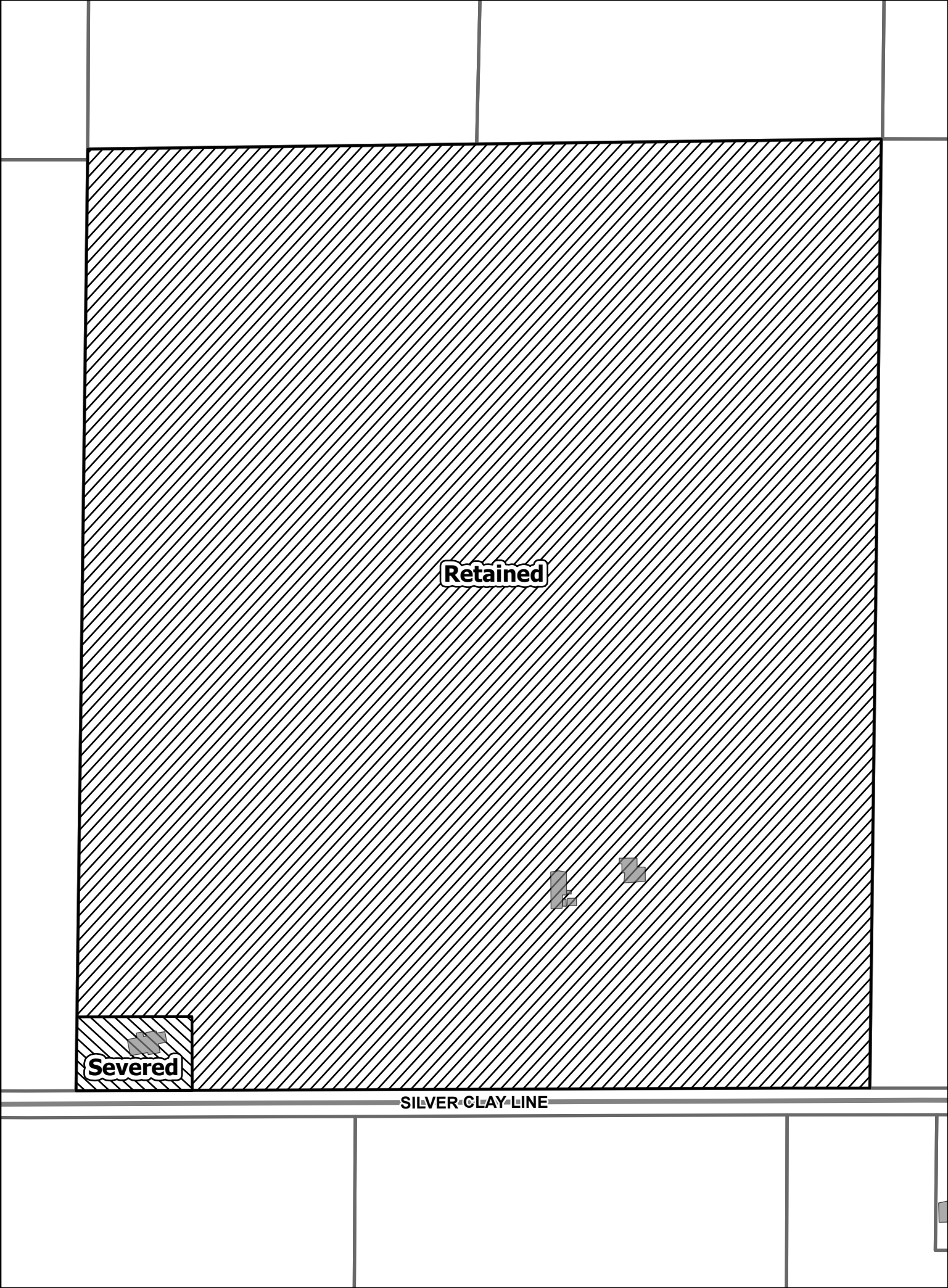
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 11th day of July, 2022.

Paul Clarke
Secretary-Treasurer
Land Division Committee

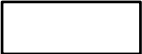
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained

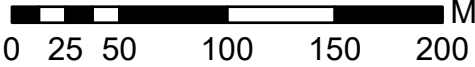


Elgin Road Network



Buildings

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





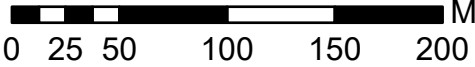
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map

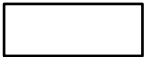






Subject Site: 29094 Silver Clay Line
File Number: E 62-2022
Owner: Dan & Janet McKillop
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 07/08/2022
Municipality of Dutton Dunwich

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 ²	4,799.99 m ²	Yes
Max. Area	Lot	N/A	N/A	8,093 m ²	4,799.99 m ²	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.

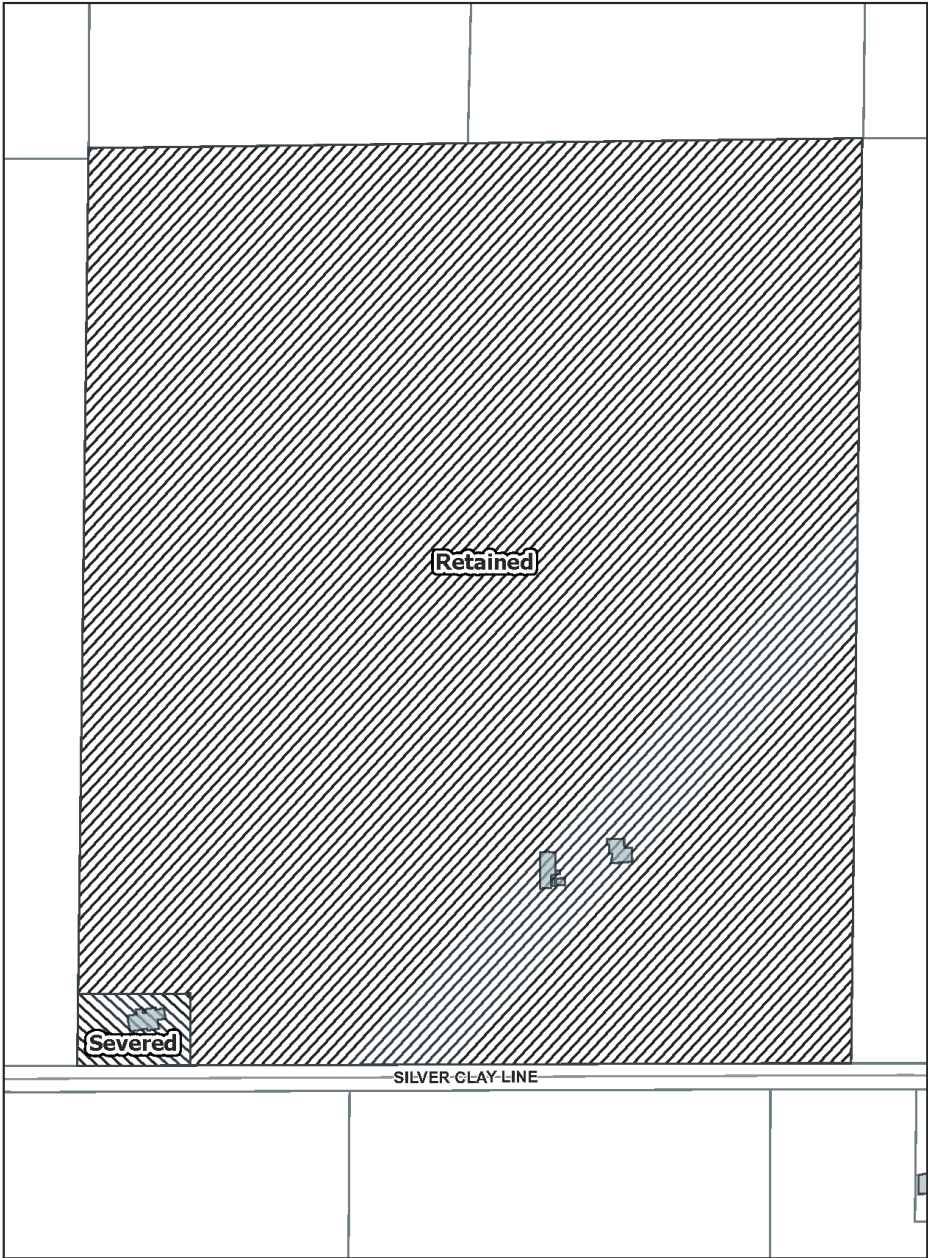
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



Location Map

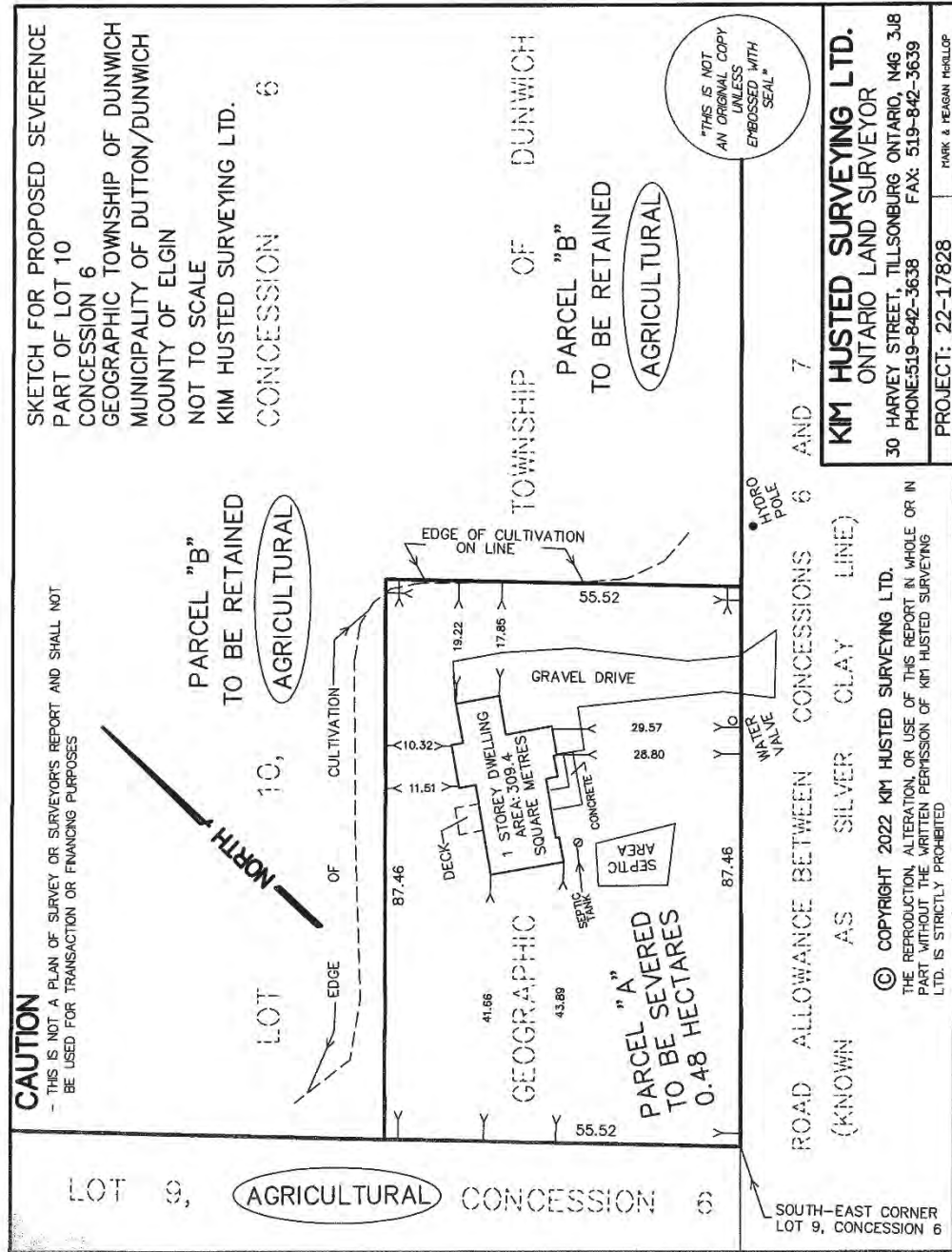
Subject Site: 29094 Silver Clay Line
File Number: E 62-2022
Owner: Dan & Janet McKillop
Planner: Unknown
CA: Lower Thames Valley Conservation Authority
Created By: TE
Date: 07/08/2022
Municipality of Dutton Dunwich

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 ☒
- 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

From: [Dan McKillop](#)
To: [Paul Clarke](#)
Cc: [Heather James](#)
Subject: Application E 62-22
Date: September 20, 2022 10:02:50 AM

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

Good Morning

We spoke prior of you going on vacation, about the above application. At that time, you indicated that we did not have to make any changes to the application, and it would be resubmitted at the September 28, 2022, meeting. Please find some additional facts to address committee members concerns.

1. The first was if one of the buyers were to die. This concern is in the Agreement of Purchase and Sale. The remaining buyer/spouse will be responsible for the AOP. If in the event both buyers were to die then the AOP falls to the estate of the buyers.
2. Second was the concern that buyers were to walk away from the AOP . This is highly unlikely as the buyers have spent over \$100,000.00 on farm tile in May of 2020.
3. The third was the Land Committee, setting a president for future applications. We got advice from the planner for Dutton Dunwich. We supplied a legal document (AOP) and the existing lease of the property.. In my opinion this sets the bar for future severance applications.

Please advise if you need more information. Janet and I plan on attending the meeting virtually Thank you.

Dan McKillop
Peak Professionals Realty Inc.
Sales Representative
226 926 6328
Working together for a better tomorrow



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: September 28, 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.

This application was deferred to clarify the status of the purchasing farmer and application. It is the opinion of planning staff that the applicant need not be the purchasing farmer and that the current owner can apply to sever a surplus dwelling where the farmland parcel is being sold to a bona fide farmer. The applicant had originally submitted a purchase agreement as well as the Farm Business Registration Number of the purchasing farmer for the farmland, and that the application as originally presented is consistent with the Provincial Policy Statement. This remainder of this report is largely unchanged from the original submitted.

**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.



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