



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

**AGENDA**

**For Wednesday, October 26, 2022, 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:00 am E 69-22 Scott & Ruthanne Kristensen – 57220 Eden Line, Municipality of Bayham
  - 9:10 am E 70-22 Amy Dale (Gunn & Associates) – Lot 15, Concession NWNBTR, Township of Southwold
  - 9:20 am E 71-22 David Roe – 13379 Imperial Rd, Township of Malahide
  - 9:30 am E 72-22 Jeremie and Michelle Begin – 22202 Douglas Line, Municipality of West Elgin
  - 9:40 am E 73-22 Yorkland Farms Ltd. – 45714 Edgeware Line, Municipality of Central Elgin
  - 9:50 am E 74-22 David John Obar – 11643 Plank Road, Municipality of Bayham
  - 10:00 am E 75-22 Chris Liddy (In The Hunt Trailers Inc.) – 22100 Downie Line, Municipality of West Elgin
  - 10:10 am E 76-22 Tom & Nancy Mohan – 22997 Silver Clay Line, Municipality of West Elgin

10:20 am	E 77-22	Antoinette Van Blyderveen and Toby Lovell – 14508 Putnam Road, Township of Malahide
10:30 am	E 78-22	Dan McKillop – Lot 30, Reg. Plan No. 202 Municipality of West Elgin
10:40 AM	E 79-22	Amy Dale – 45255 Sparta Line, Municipality of Central Elgin
10:50am	E 67-22	SBM Ltd. (Simona Rasanu) – 52339 Talbot Line, Township of Malahide
11:00am	E 89-21 E 90-21	Community of Christ – 54246 Eden Line, Municipality of Bayham

10<sup>th</sup> Adjournment

Please click the link below to watch the Committee Meeting:

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

**Accessible formats are available upon request.**

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

**Minutes**

**September 28, 2022**

County of Elgin Land Division Committee met this 28<sup>th</sup> day of September 2022. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

**Committee Members Present (in-person / electronic):**

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

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

Paul Clarke, Planning Technician / Land Division Committee Secretary-  
Treasurer  
Brian Lima, General Manager of Engineering, Planning & Enterprise /  
Deputy CAO  
Marlene Bainbridge, Administrative Assistant  
Nicolas Loeb, Senior Legal Counsel

**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**

**3. ADOPTION OF MINUTES**

Moved by: Rosemary Kennedy  
Seconded by: John Andrews

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

RESOLVED THAT the minutes of the meeting held on August 24, 2022 be adopted.

- Motion Carried.

#### **4. BUSINESS ARISING OUT OF MINUTES**

None.

#### **5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None.

#### **6. CORRESPONDENCE – ITEMS FOR INFORMATION**

None.

#### **7. BUSINESS ARISING FROM CORRESPONDENCE**

None.

#### **8. NEW BUSINESS**

None.

#### **9. APPLICATIONS FOR CONSENT:**

**Application E 63-22 – 9:02 a.m.**  
**Michael DeLeebeeck**, 96 Coulter Ave.

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 1418.5m<sup>2</sup> (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 2039.9m<sup>2</sup> (0.5 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: Not present  
Agent: Michael Brightling

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

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the 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 the 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 63-22 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, 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.

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

- Motion Carried.

**Application E 64-22 – 9:10 a.m.**

**Robert Ian Foster & Constance Marie Foster, Part of Lot 6, Concession 8**

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.

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: Ian Foster by phone  
Agent: Joseph Hentz virtually

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

<b>Submission</b>		<b>Comments</b>
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 64-22 be approved subject to the following conditions:

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

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

- Motion Carried.

**Application E 65-22 – 9:20 a.m.**

**Donald Francis Ciparis, Lots 20-21, Concession 7**

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 33,766.02m<sup>2</sup> (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 427,631.31m<sup>2</sup> (105.67 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.

Owners: None

Agent: None

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 Valley Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: Dugald Aldred

Seconded by: Dennis O'Grady

RESOLVED THAT severance application E 65-22 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 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.

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

- Motion Carried.

**Application E 59-22 – 9:29 a.m.**  
**Henk and Ans Dieker, 24397 Argyle Line**

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 8091.71m<sup>2</sup> (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.

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: Henk and Ans Dieker, virtually  
Agents: none

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval, subject to conditions
2	Lower Thames Valley Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval, subject to conditions

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

Moved by: John Andrews  
Seconded by: John Seldon

RESOLVED THAT severance application E 59-22 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 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.

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

- Motion Carried.

**Application E 15-21 – 9:40 a.m.**  
**David Walter Wheeler, 8847 Iona Road**

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 457.50m<sup>2</sup> (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 3,307.4m<sup>2</sup> (0.82 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: none  
Agent: none

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

Submission		Comments
1	Municipality of Dutton Dunwich	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: Jack Van Kasteren  
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 15-21 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. 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, 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.

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

- Motion Carried.

**Application E 66-22 – 9:49 a.m.**  
**Michael Mescia, 4509 Union Road**

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.

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  
Agent: None

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

<b>Submission</b>		<b>Comments</b>
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	Requests road widening
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 66-22 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 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, 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 Bylaw 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*.

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

- Motion Carried.

#### **Application E 67-22 – 10:00 a.m.**

**Renkema Family Farms Ltd, 52339 Talbot Line**

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 6,360.4m<sup>2</sup> (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.

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

Agent: Simona Rasanu was present virtually

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

<b>Submission</b>		<b>Comments</b>
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Long Point Region 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.
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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 67-22 be deferred pending compliance with the Planning Act's notice requirements.

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

- Motion Carried.

**Application E 68-22 – 10:10 a.m.**  
**Dan Heibert, 53008 Calton Line**

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 1,882.3m<sup>2</sup> (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 7,775.1m<sup>2</sup> (1.92 acres), proposed to remain in residential use.

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

Owners: None  
Agent: Simona Rasanu was present virtually

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

Submission		Comments
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns.
3	Elgin County Engineering Services	No on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 68-22 be approved subject to the following conditions:

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

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

- Motion Carried.

**Application E 49-22 – 10:19 a.m.**

**Kelsey Berkelmans, 11644 Carter Road**

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 5,824.4m<sup>2</sup> (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.

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:

Agent: Kelsey Berklemans was present virtually

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

<b>Submission</b>		<b>Comments</b>
1	Township of Malahide	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	No 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

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

Moved by: Jack Van Kasteren  
Seconded by: John Andrews

RESOLVED THAT severance applications E 49-22 be approved subject to the following conditions:

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

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

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

7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being fulfilled.

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

- Motion Carried.

**Application E 58-22 – 10:29 a.m.**

**Ernst Hoffsuemmer**, 38652 Longhurst Line

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 any of the applications introduce themselves to the Committee.

Owner: None

Agent: None

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

<b>Submission</b>		<b>Comments</b>
1	Township of Southwold	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided



*(\*) 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 applications E 58-22 be approved subject to the following conditions:

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

Additionally, 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.
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*.

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

- Motion Carried.

**Application E 62-22– 10:40 a.m.**  
**Dan McKillop**, 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.

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: Dan and Jan McKillop were present virtually  
Agent:

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

<b>Submission</b>		<b>Comments</b>
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: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT the Land Division Committee move into closed session.

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

Nicolas Loeb provided legal counsel on application E 62-22.

Moved by: John Andrews

Seconded by: John Seldon

RESOLVED THAT the Land Division Committee rise and report as directed.

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

Moved by: John Andrews

Seconded by: Jack Van Kasteren

RESOLVED THAT severance application E 62-22 be approved, subject to the following conditions:

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

3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the applicants provide documentation that a farm consolidation has occurred to the satisfaction of Elgin County.

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

1. That a Zoning By-law Amendment is in force and effect for the severed 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.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred		x	
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O'Grady		x	
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>5</b>	<b>2</b>	

- Motion Carried.

## 10. DATE OF NEXT MEETING

The Land Division Committee will meet again on October 26, 2022 at 9:00 a.m.

## 11. ADJOURNMENT

Moved by: Rosemary Kennedy

Seconded by: Jack Van Kasteren

RESOLVED THAT the Committee adjourn at 11:14 a.m. to meet again on October 26, 2022 at 9:00 a.m.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Dennis O’Grady	x		
Aylmer	Jack Van Kasteren	x		
Malahide	Rosemary Kennedy	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		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 69-22**

**PART LOTS 23/24, CONCESSION 9  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 57220 Eden Line**

**TAKE NOTICE that** an application has been made by Scott & Ruthanne Kristensen 57220 Eden Line, Bayham, ON N0J 1H0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 57220 Eden Line.

The applicant proposes to sever a parcel with a frontage of 38.1 metres (125 feet) and a depth of 61.9 metres (203 feet) and an area of 2,192.7m<sup>2</sup> (0.54 acres) create a new residential lot. The applicant is retaining a lot with a frontage of 71 metres (232.94 feet) and a depth of 371.89 metres (1,220 feet) and an area of 22,854.12m<sup>2</sup> (5.65 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 OCTOBER 26, 2022 AT 9:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

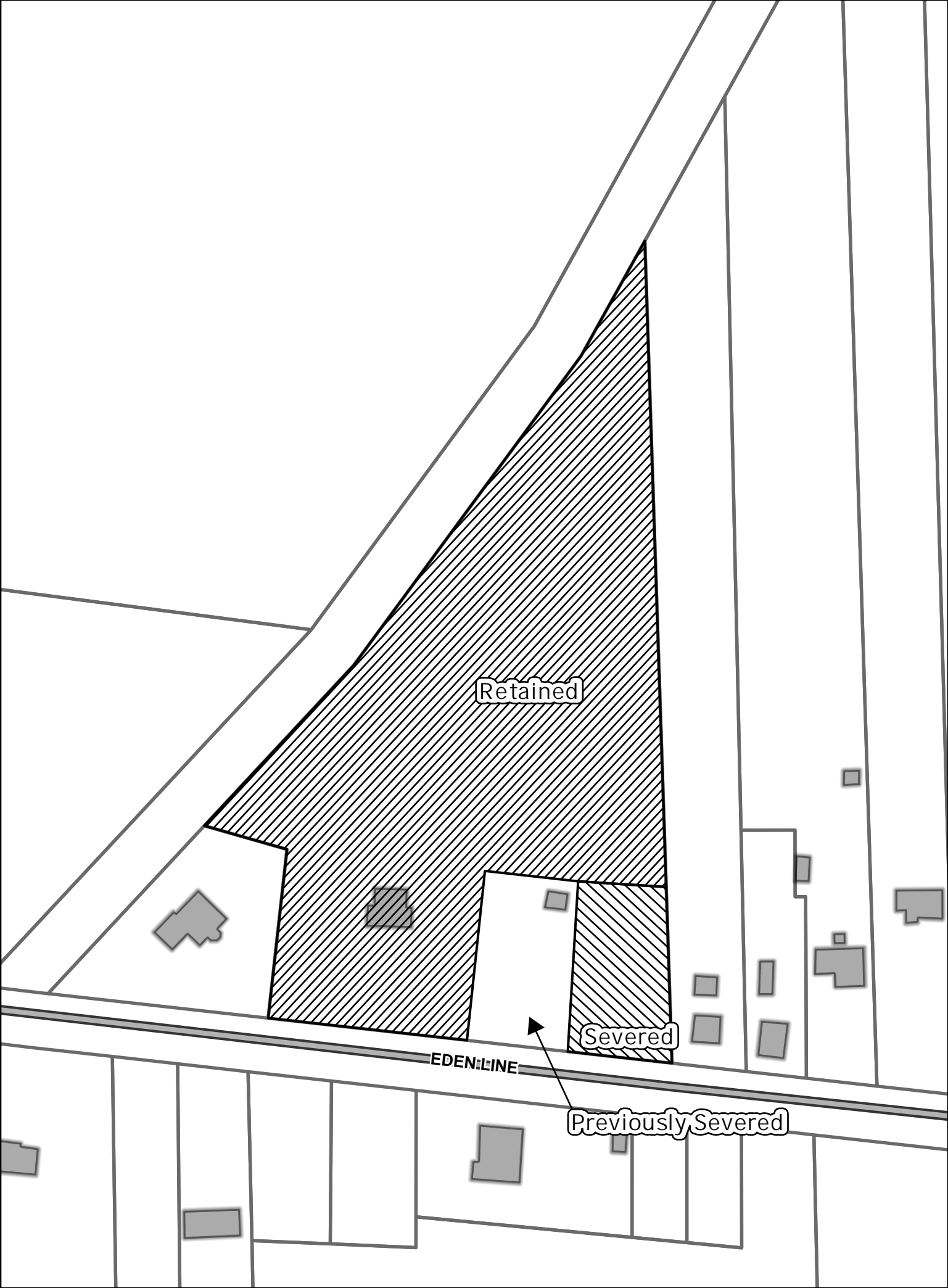
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> day of September, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

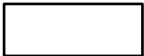
County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



## Legend



Subject Site



Severed



Retained

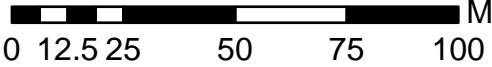


Elgin Road Network



Buildings

Subject Site: 57220 Eden Line  
File Number: E 69-2022  
Owner: Scott & Ruthanne Kristensen  
Planner: Unknown  
CA: Long Point Region Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of Bayham





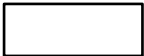


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



Severed



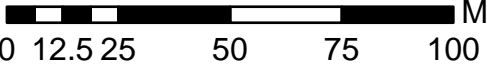
Retained



Elgin Road Network



Buildings





## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 69-22

Applicant Kristensen, S & R

Location Bayham – 57220 Eden Line Con 9 part Lots 23 & 24

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: Hamlets

Policies: Section 4.2.4. I intensification and redevelopment within settlement area boundaries

### PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR)

Rezoning is not required

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

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

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

List of recommended conditions included on the attached Letter.

See Staff Report DS-56/22 considered by Council October 6, 2022.

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the

impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.

4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

#### 4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands.
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service

Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



October 12, 2022

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

EMAIL ONLY

Dear Mr. Clarke

**Re: Application for Consent No. E69-22 Kristensen**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 6, 2022 meeting:

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Line West Branch Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Municipal road access permit
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Municipal Appraisal Sheet and Staff Report DS-56/22 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill  
Planning Coordinator|Deputy Clerk

D09.KRIS

Cc: S. Kristensen (email)



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk

**DATE:** October 6, 2022

**REPORT:** DS-56/22

**FILE NO. C-07 / D09.22 KRISTENSEN**

**Roll # 3401-000-006-19702**

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**SUBJECT:** Consent Application E69-22 Kristensen  
57220 Eden Line, Eden

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### BACKGROUND:

Consent application E69-22 was received from the Elgin County Land Division Committee submitted by Scott and Ruthanne Kristensen proposing to sever 2,192.7 m<sup>2</sup> (0.54 acres) of land and retain 22,854.12 m<sup>2</sup> (5.65 acres) of land with the intent to create a new building lot in the hamlet of Eden.

The subject lands are designated "Hamlets" and "Agriculture" on Schedule 'A1' Municipality of Bayham: Land Use in the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule "D" Eden and Agricultural (A1) as per Schedule 'A' Map No. 3 in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on October 26, 2022.

### DISCUSSION:

The planner's memorandum dated September 23, 2022 analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Staff note that the lot is assessed to the Eden Line West Branch Drain and therefore upon creation of the lot the drain maintenance schedule will have to be reassessed. The driveway to this lot will require a laneway culvert with proper grading. The lot will require connection to the municipal sanitary sewer system and a private well installed as conditions. Additional listed conditions are included in the recommendation.

Staff and planner recommend Council's support of the application with the recommended conditions to permit the creation of one building lot.



## ATTACHMENTS

1. Consent Application E69-22
2. IBI Memorandum dated September 23, 2022

## RECOMMENDATION

**THAT Report DS-56/22 regarding Consent Application E69-22 for Kristensen be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E69-22 be granted subject to the following conditions and considerations:**

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Line West Branch Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Municipal road access permit
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Reviewed by:



Margaret Underhill  
Planning Coordinator|Deputy Clerk



Thomas Thayer  
CAO|Clerk



IBI GROUP  
101 – 410 Albert Street  
Waterloo ON N2L 3V3 Canada  
tel 519 585 2255  
ibigroup.com

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	September 23, 2022
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-874
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Scott and Ruthanne Kristensen - 57220 Eden Line, Eden - Application for Consent E69-22		

1. We have completed our review of consent application E69/22 submitted by Scott and Ruthanne Kristensen for lands located at 57220 Eden Line, north side, east of Plank Road. The applicant is requesting a consent for the severance of 2,192.7 square metres (0.54 acres) of land and to retain 22,854.1 square metres (5.65 acres) of land. The intent is to create a residential lot on a southeast portion of the lot along Eden Line. The lands are designated as 'Hamlet' and 'Agriculture' on Schedule 'A1' – Land Use in the Municipality of Bayham Official Plan. The lands are also zoned Hamlet Residential (HR) as per Schedule 'D' – Eden and Agricultural (A1) as per Schedule 'A' – Map No. 3 in the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has a frontage of 38.1 metres (125 feet) and a depth of 61 metres (200 feet). The proposed area to be severed is currently vacant. The applicant has previously severed a lot of similar dimensions to the west of the proposed lot to be severed. The retained lands have a frontage of 71 metres (232.9 feet) and a depth of 371.9 metres (1220.1 feet) and contain one single-detached dwelling and a barn. The surrounding uses to the south, east, and west are residential, with agricultural uses to the north.
3. Section 4.2.4.1 of the Municipality of Bayham Official Plan states that "*The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services*". The subject property is within the settlement area boundary, and the Hamlet of Eden has partial available municipal services. The proposed lot to be severed is currently vacant. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent, as addressed below:
  - a. *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority. No extension of any municipal services will be required, the applicant shall connect the new dwelling to the municipal sanitary sewer disposal system and the applicant shall install a private well with test results showing water quality and quantity for residential use that meets provincial standards, as outlined below.*
  - b. *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction. The lands front on Eden Line, which is an adequate public road.*

- c. *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly.* The proposed lot has the effect of infilling in an existing developed area within the settlement area boundaries of the Hamlet of Eden.
    - d. *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law.* The proposed lot size is adequate to accommodate low density residential uses in accordance to the Zoning By-law and is adequate to be serviced by municipal sewer services and private water services.
    - e. *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads.* Eden Line is a municipal road suitable for private driveway access and the owners shall obtain approval for the new driveway from the Municipality to access Eden Line.
    - f. *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.* Eden Line is a straight and flat municipal road suitable for a private driveway access and road speeds are lower within the boundaries of Eden.
    - g. *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.* Subsequent access to interior lands is maintained.
  4. The subject lands are located in the Hamlet Residential (HR) zone and the Agricultural (A1) zone as per the Bayham Zoning By-law Z456-2003. The lands proposed to be severed are entirely within the HR zone and the proposed single-detached dwelling is a listed permitted use. The configuration of the proposed lot to be severed is adequate to accommodate the proposed single-detached dwelling unit and would be in accordance with the regulations of the HR zone, including minimum lot area and frontage, minimum setbacks, etc. The new lot is in conformity with the Zoning By-law.
  5. The existing single-detached dwelling is within the HR zone and will continue to conform to the applicable HR zone regulations pertaining to minimum lot area and frontage, minimum setbacks, etc. The rear area of the retained lands is located within the Agricultural (A1) zone and includes an accessory building. The applicant has previously received Minor Variance permission with regard to this accessory structure.
  6. The applicant has previously submitted a Well Evaluation conducted by Matt Wilson, J.B. Wilson & Son Well Drilling Ltd. on July 20, 2022, which stated the opinion that the well in question is supplying an adequate volume of water to meet current needs. The applicant has also submitted a Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only to the Public Health Laboratory – London, which was conducted on July 21, 2022. The test results did not indicate any water quality concerns.
  7. Based on the above review of consent application E-69/22, we have no objection to the proposed consent to create an additional residential lot in a partially serviced settlement area and recommend the following conditions for consent approval:
    - a. That the applicant connect the new lot to the municipal sanitary sewer disposal system.



Municipality of Bayham – September 23, 2022

- b. That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
- c. That the applicant provide a Planning report Fee payable to the Municipality of Bayham for the new lot in accordance with By-Law 2020-053.
- d. That the applicant provide engineered storm water management, drainage and grading plans.
- e. That the applicant obtain Municipal Road Access Permit for the new severed lands driveway.

*Paul Riley*

IBI Group  
Paul Riley, BA, CPT

Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 69-22

OWNER: Scott & Ruthanne Kristensen

PROPERTY: LOT NO. Part Lots 23 / 24 CONCESSION: 9

REG'D PLAN: MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....  
[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:** October 26, 2022  
**Application:** **E 69-22**

**Owner:**  
**Scott & Ruthanne Kristensen**  
57220 Eden Line

**Agent:**  
**None.**

**Location:** Part of Lots 23 and 24, Concession 9, Bayham. Municipally known as 57220 Eden Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 38.1 metres (125 feet) and a depth of 61.9 metres (203 feet) and an area of 2,192.7m<sup>2</sup> (0.54 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 71 metres (232.94 feet) and a depth of 371.89 metres (1,220 feet) and an area of 22,854.12m<sup>2</sup> (5.65 acres), proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Hamlets

**Local Municipality Zoning  
By-law**  
Hamlet Residential (HR)  
Agricultural (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of Bayham – 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). 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 2,200m<sup>2</sup> from the exiting residential property for future development. The subject land is within the Village of Eden, which is designated as

a Settlement Area within the County Official Plan and has access to municipal water services. Section 1.1.3.1 of the PPS directs that settlement areas shall 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 subject land has access to municipal water services and is proposed to use a private septic system for sewage. The proposed development is not anticipated to have a negative impact on the area or involve premature or unjustified expansion of infrastructure. Furthermore, Section 1.1.3.3 encourages development by way of infill and intensification. The proposed consent will create a new lot from an oversized lot within a settlement area and meets the PPS' definition of intensification.

#### 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 the creation of a new lot within a settlement area. Tier 2 Settlement Areas are those which are smaller in population than Tier 1 and have access to partial municipal services. Lot creation is permitted in all settlement areas, subject to the criteria of Section E1.2.3.1. Staff have reviewed the proposal against the criteria of the CEOP and found no deficiencies. With respect of land use, a variety of uses are permitted within settlement areas, including residential development. The applicant is proposing to create a new residential lot and continuing the existing residential use of the retained lot.

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

Staff have reviewed the application against the policies of the Municipality of 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. Section 4.2.4.1 of the Bayham OP states that "the municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services." The subject land is within a settlement area and has partial municipal services.

The subject land is zoned Hamlet Residential (HR) and Agricultural (A1). The lands that are proposed to be severed are located within the HR zone and the proposed single-detached dwelling is a permitted use. The land use of the retained parcel is not proposed to change.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicant's cost for permits and installation.
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Line West Branch Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Municipal road access permit.
6. Purchase of a civic number sign for the severed lot.
7. Cash-in-lieu of Parkland Dedication fee to the municipality for the created lot.
8. Planning Report fee payable to the Municipality.
9. Provide a digital copy of the registered plan of survey.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 70-22**

**LOT 15, CONCESSION NORTHWEST OF THE NORTH BRANCH OF TALBOT ROAD  
TOWNSHIP OF SOUTHWOLD**

**TAKE NOTICE that** an application has been made by Amy Dale (Gunn & Associates) 108 Centre Street, St. Thomas, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 15, Concession Northwest of the North Branch of Talbot Road, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 454.18 metres (1,490.1 feet) and a depth of 197.493 metres (647.94 feet) and an area of 10.305ha (25.46 acres) for future residential development. The applicant is retaining a lot with a frontage of 813.186 metres (2667.93 feet) and a depth of 408 metres (1,338.58 feet) and an area of 27.625ha (68.26 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 OCTOBER 26, 2022 AT 9:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

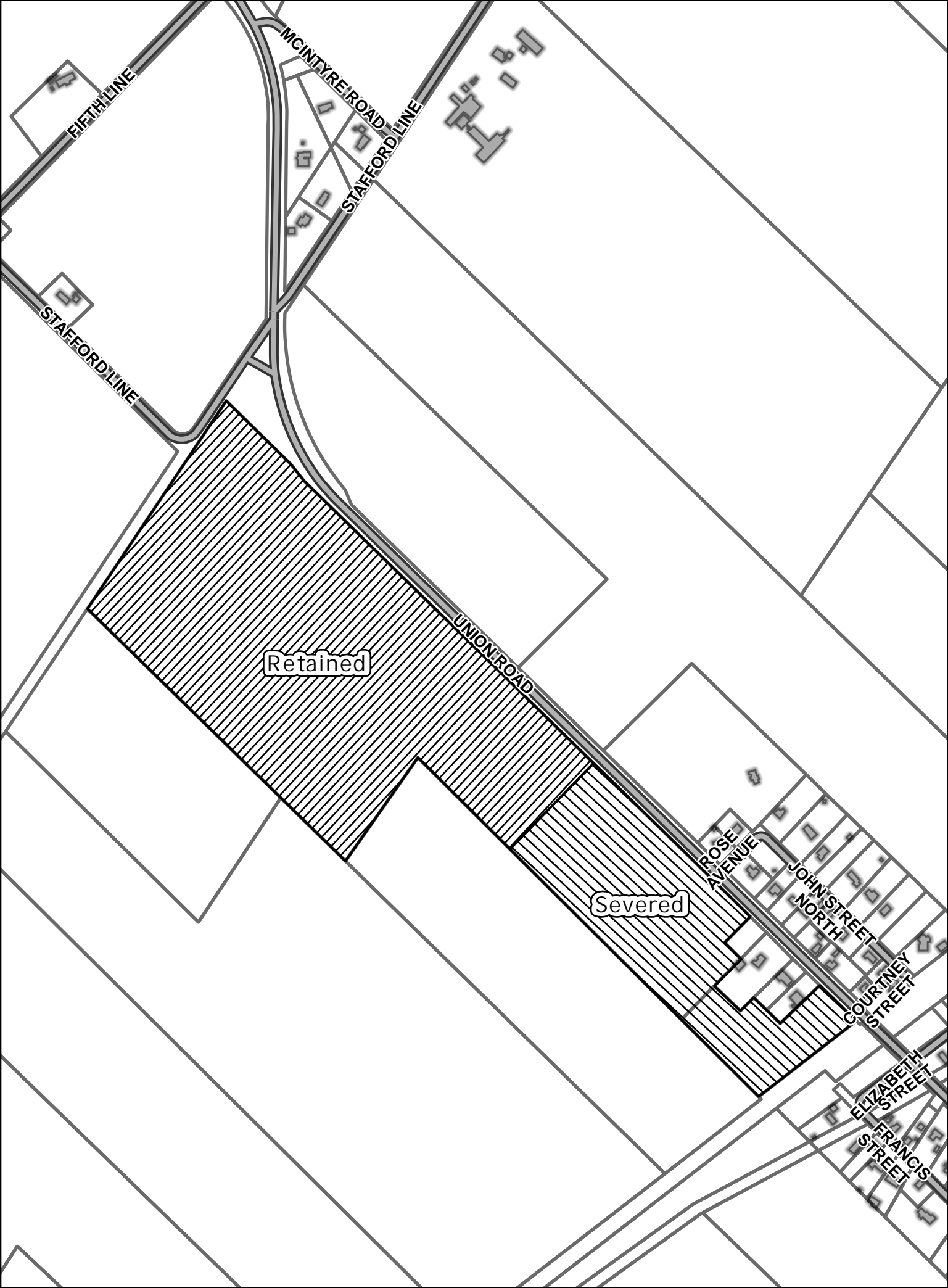
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> 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](http://www.progressivebynature.com)

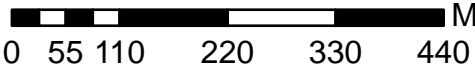


# Location Map

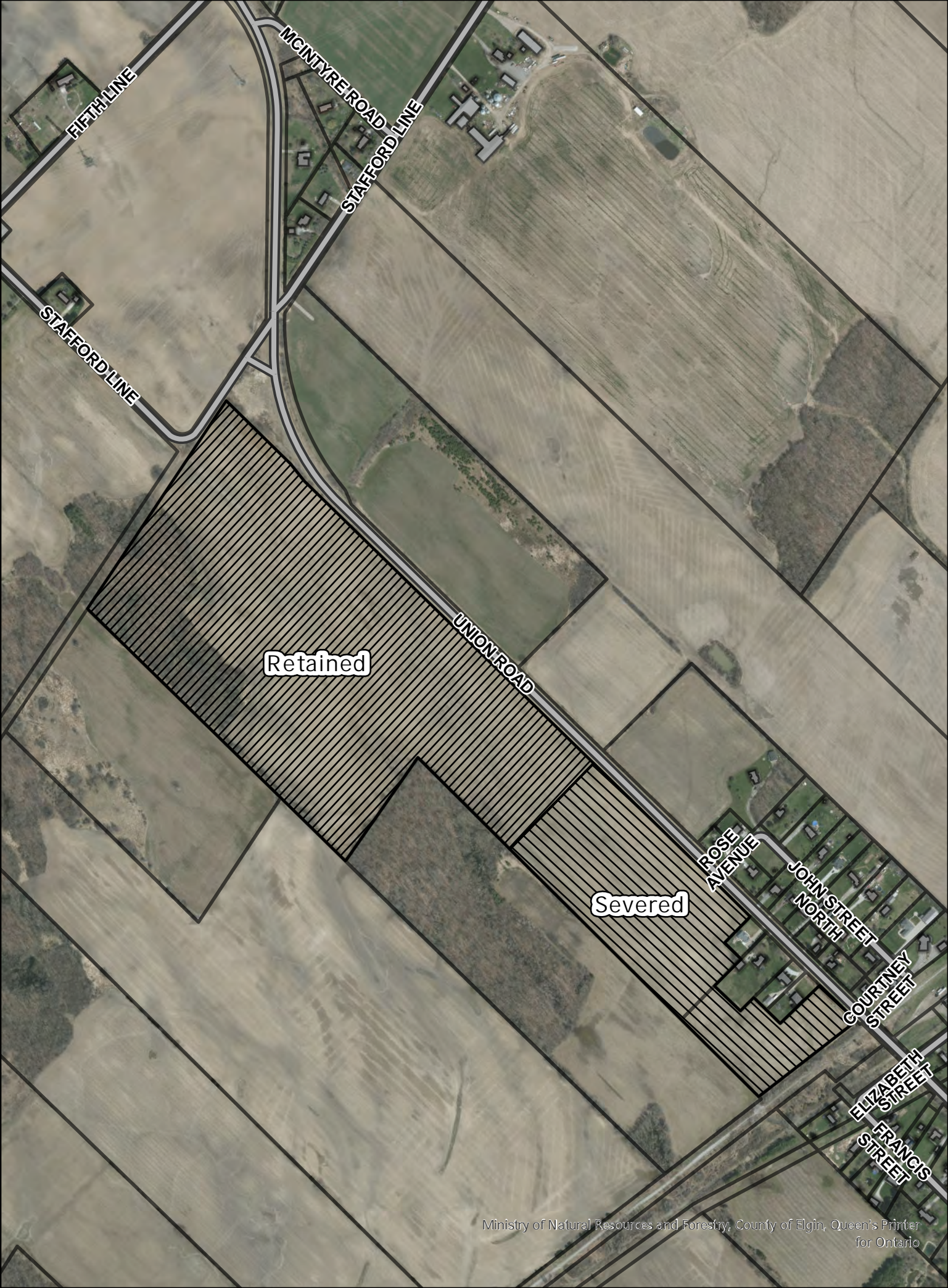


- Legend
-  Subject Site
  -  Severed
  -  Retained
  -  Elgin Road Network
  -  Buildings

Subject Site: Lot 15, Concession NWNBTR, Southwold  
File Number: E 70-2022  
Owner: John and Jane Andrews  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Southwold







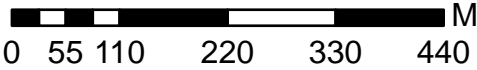
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

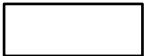


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Owner: John and Jane Andrews  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Southwold

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



VIA EMAIL ONLY

October 12, 2022

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

**RE: Township of Southwold Consent Application - Comments to the County of Elgin**  
**County File Number: E70-22**

Please be advised that the Township of Southwold has reviewed the above-noted application at the October 11, 2022, Council Meeting and passed the following resolution: 2022-278

**THAT** Council of the Township of Southwold receive Report PLA 2022-35 regarding Consent Applications E70-22 – 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, E70-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-35;

Council of the Township of Southwold directs Administration to provide Report PLA 2022-35 as Municipal comments to the County of Elgin.

**CARRIED**

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

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

Yours truly,

*Josh Mueller*

Josh Mueller, BES CPT URPT MCIP  
Planner, Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

MUNICIPAL APPRAISAL SHEET

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

Submission: E70-22

Owner/Applicant: John & Jane Andrews

Location: Lot 15, Concession Northwest of the North Branch of Talbot Road,

OFFICIAL PLAN

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

Yes ( x )

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

Yes ( x )

No ( )

Land Use Designation: Agricultural and Residential

Policies: Sectios 5.1, 5.2

ZONING

3. Is there a By-Law in effect?

Yes ( x )

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

Yes ( )

No ( x )

Comments:

Condition of consent to rezone the retained parcels, as contained within Planning Report PLA 2022-35.

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

Yes ( x )

No ( )

OTHER

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

Yes ( x )

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

Yes ( x )

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

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

(b) the dedication of highways ( )

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

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

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

Yes ( x )

No ( )

9. Does Council recommend the application?

Yes ( x )

No ( )

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

All local municipal interests are contained in the conditions imposed by the Township. Please refer to Planning Report PLA 2022-35



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** October 11, 2022

**PREPARED BY:** Josh Mueller, MCIP, Planner

**REPORT NO:** PLA 2022-35

**SUBJECT MATTER: Consent Applications E70-22 – Comments to the County of Elgin**

---

**Recommendation(s):**

THAT Council of the Township of Southwold receive Report PLA 2022-35 regarding Consent Applications E70-22 – 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, E70-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-35;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-35 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 an agricultural lot.

**Background:**

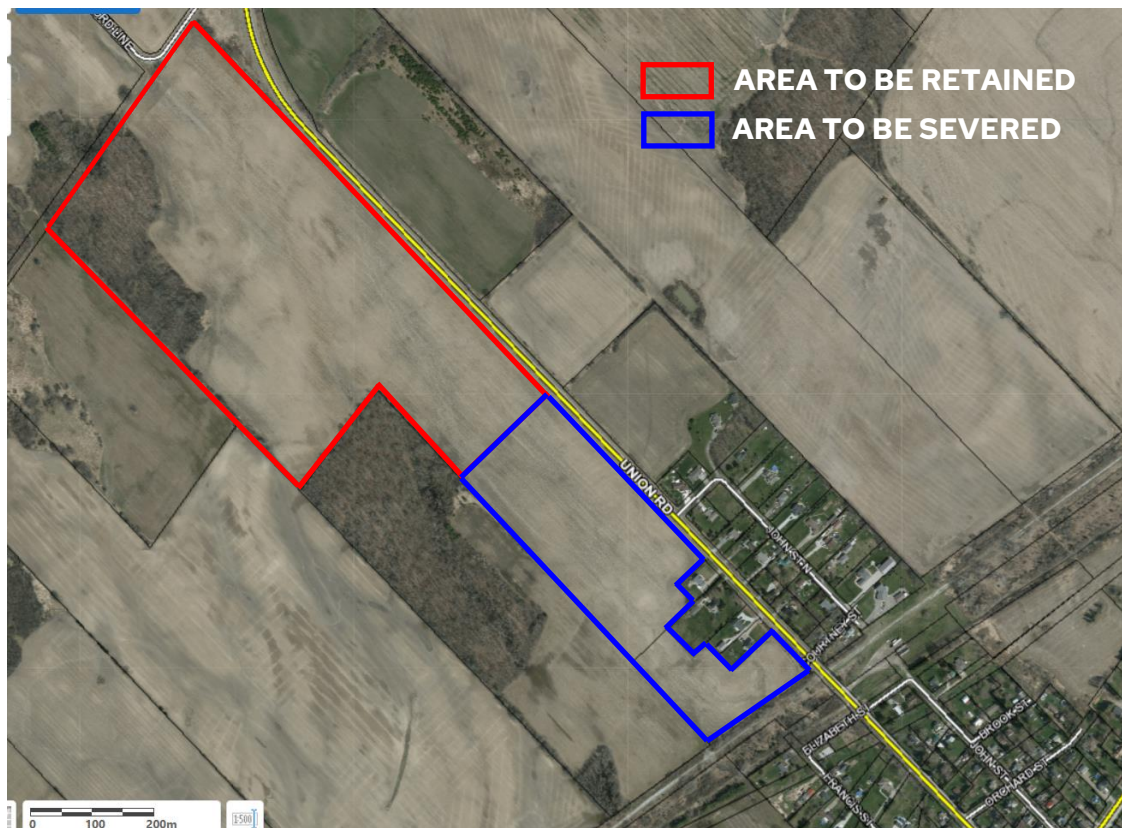
Below is background information in a summary chart:

<b>Application</b>	E70-22
<b>Owners/Applicants</b>	John & Jane Andrews
<b>Agent</b>	Amy Dale, Gunn and Associates
<b>Legal Description</b>	LOT 15 Concession Northwest of the North Branch of Talbot Road
<b>Civic Address</b>	N/A
<b>Entrance Access</b>	Union Road
<b>Water Supply</b>	Municipal Water (served) and (retained)
<b>Sewage Supply</b>	Privately owned and operated sanitary sewage system (severed) Privately owned and operated septic system (retained)

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

The Public Meeting is scheduled for October 26<sup>th</sup>, 2022, at the Elgin County Land Division Committee Meeting.

### Figure One: Areas to be Severed and Retained



The consent sketch, showing E70-22 is attached to this report as Appendix One for reference purposes.

**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 ensure applications 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 consent application 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 Shedden settlement area, in accordance with Section 1.1.3 of the PPS, and the proposed severed parcel is located within the Settlement area. The severed parcel is proposed to be used for future residential development. The proposed retained parcel is not within the Settlement Area, and the agricultural uses on the retained parcel will continue. No new lots will be created on the retained land.

Full municipal water and private septic systems are proposed for the severed portion, in accordance with Section 1.6.6.2. The retained parcel will continue to be used for agricultural purposes.

Therefore, this proposal appears to be consistent with the PPS.

**County of Elgin Official Plan (CEOP)**

The proposed severed parcel is designated Tier 2 Settlement Area on Schedule 'A' Land Use, and the proposed retained parcel is designated Agricultural Area on Schedule 'A' Land Use. No new lots are to be created on the retained parcel.

New lot creation policies of the CEOP contained under Section E1.2.3.1, have 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 private sanitary systems which are permitted as per section E4.1 (i) of the CEOP.

Therefore, this proposal appears to conform to the CEOP.

### **Township of Southwold Official Plan (OP)**

The proposed severed lands are designated Residential on Schedule 4B Shedden Land Use. The proposed retained lands are designated Agricultural Area on Schedule '4' of the OP.

New lot creation policies of the OP contained in Section 7.23, have 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.

No development is proposed on the retained parcel as it will continue to be used for agricultural purposes.

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 1 on Map 2 of ZBL #2011-14. The severed lands are zoned Settlement Reserve on Map 13 of ZBL #2011-14. The provisions of the A1 Zone apply to the SR Zone. Therefore, the applicant will need to apply for a Zoning Bylaw Amendment to enable residential development to occur on the severed parcel.

The agricultural uses would remain on the retained parcel.

Therefore, it would appear that the proposal would comply with the ZBL, providing the applicant submits an application for Zoning Bylaw Amendment.

**Circulation Of The Application:**

**Township Department Comments**

Comments received from the Township Departments are summarized below:

**Building Department**

- No Concerns

**Drainage Department**

There will be a drainage reapportionment required for the

- Orchard Carroll Drain 1979
- Orchard Carroll Drain 1985
- Orchard Carroll Drain 2000
- Orchard Carroll Drain Extension 2011
- Orchard Carroll Drain – Hindley Branch
- Molnar Drain 1974
- Molnar Drain 1983

Mutual agreement drain to allow the retained lands to continue to use the severed lands for a drainage outlet.

**Water Department**

- No Concerns.

**Clerks/CAO**

- No Comments

**Infrastructure and Development Services**

- Looks like severed parcel is taking in a parcel that is already a stand alone parcel.
- Other than that we'd want 911 number and driveway entrance so both parcels can be identified separately.

**Finance Department**

- Cash in lieu of Parkland will be determined at the time of future development on the lands.
- Development charges will be determined at the time a building permit is issued.
- Water connection fees will be determined at the time of future development on the lands.



**Roads Department**

- No Concerns

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

**Additional Comments:**

The recommended Township conditions for consent applications E70-22 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:**  
**Josh Mueller, MCIP,**  
**Planner**  
**"Submitted Electronically"**

**Approved for submission by:**  
**Jeff Carswell**  
**CAO/Clerk**  
**"Approved Electronically"**

Appendices:

1. Appendix One: Consent Sketch E70-22
2. Appendix Two: Consent Application E70-22 Conditions

## **Appendix Two: Severance Application E70-22**

### Consent Applications E70-22 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*.
12. That the severed parcels be merged on title to create one parcel.

September 14, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 70-22)**  
**0 Union Road (Dale (Gunn & Associates))**  
**Lot 15; Concession NNBTR**  
**Township of Southwold**

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: September 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 70-22

APPLICANT: Amy Dale (Gunn & Associates)

PROPERTY: LOT NO. 15 CONCESSION: NORTHWEST OF THE NORTH BRANCH OF TALE ROAD

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

## Paul Clarke

---

**From:** Shedden Homeowners <sheddenhomeowners@gmail.com>  
**Sent:** October 25, 2022 9:15 AM  
**To:** Land Division  
**Subject:** E 70-22

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.

The land division should immediately halt any further severance and development applications until a thorough impact assessment and community consultation can be completed. This community was never designed to have multiple subdivisions. Some would argue it has already reached its full capacity in terms of density. And there are already plans to further develop the current complex grounds and the parcel of land behind Brooke Street.

**Not one tax paying resident is asking for this mass development in our quaint rural community, except those that can profit from it.** The township website talks about the “quaint hamlets” of Southwold like Shedden, that this development will destroy. The current application is not even from a current resident of Shedden, so they will reap the profits, yet the current community members suffer the consequences of over development. That parcel of land is typically flooded and has become a safe haven for migrating birds, butterflies and other wildlife. Instead of development, let's protect Ontario's greenspace.

Furthermore, the safety of residents in this community have already been neglected. Union Road and Hwy 3 are a racetrack for vehicles. There are limited sidewalks and where there are, they are in disarray. Adding additional foot traffic and car traffic is a recipe for injury. The main intersection is already one of the most dangerous in the township as cars and transport trucks speed through the village.

The land division needs to protect small town Ontario. Do not allow greed and conflict of interest to outweigh what everyone in this community is asking you to do. Protect the village from over development and allow growth where the infrastructure can safely sustain it (i.e. Talbotville, Lynhurst).

If the land division / township approves yet another application for development in this small village, at very minimum, pass a bylaw that any development must be a minimum of 80ft from current property lines and the developers must use that 80 feet to plant trees, shrubs and other greenery to protect the charm of the village and allow wildlife a safe passage and means to survive.

Sincerely,

Taxpaying Residents of Shedden



**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:** October 26, 2022  
**Application:** **E 70-22**

---

<b>Owner:</b> <b>John Geoffrey Andrews &amp; Jane Andrews</b> 10518 Ford Road, St. Thomas, ON	<b>Agent:</b> Amy Dale (Gunn & Associates) 108 Centre Street, St. Thomas, ON.
<b>Location:</b> Lot 15, Concession NWNBTR, Southwold.	

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 454.18 metres (1,490.1 feet) and a depth of 197.493 metres (647.94 feet) and an area of 10.305ha (25.46 acres) for future residential development. The applicant is retaining a lot with a frontage of 813.186 metres (2667.93 feet) and a depth of 408 metres (1,338.58 feet) and an area of 27.625ha (68.26 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Tier 2 Settlement Area /  
Agricultural Area

**Local Municipality Official  
Plan**

Residential /  
Agricultural

**Local Municipality Zoning  
By-law**

Settlement Reserve (SR) /  
Agricultural 1 (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – Requests road widening.

*Long Point Region Conservation Authority* – No concerns.

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

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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 10ha from the existing agricultural lot for the purposes of future residential development. The severed parcel is within a settlement area while the retained parcel is designated Agricultural Area and is proposed to continue its

agricultural use. Section 1.1.3 of the PPS directs that settlement areas should be the focus of growth and development. Section 2.3 of the PPS, which speaks to prime agricultural areas prohibits lot creation, except in certain circumstances. This application proposes only to create a new lot within an existing settlement area, no new lot is being proposed in the prime agricultural area and no change of land use is proposed. Therefore, this proposal is consistent 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 application is for the creation of a new lot within a settlement area for future residential development. The severed lands are located within the boundaries of a Tier 2 Settlement Area while the retained lands are designated Agricultural Area, and are proposed to continue their present use. Staff have reviewed the application against the criteria in Section E1.2.3.1 and have found no deficiencies. The proposed parcel has direct road frontage and is not anticipated to have a negative impact on the surrounding land uses or the future development of the retained lands or surrounding lands. At present the severed and retained parcel are vacant, any future servicing needs will be addressed when a development proposal is submitted.

#### 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 severed portion of the subject land is designated Residential in the Southwold OP which permits lot creation as per Section 7.23. The retained portion of the subject land is designated Agricultural and there is no proposed change in land use as a result of this application.

In respect of the Zoning By-law, the retained lot is zoned Agricultural 1 (A1), and the severed parcel is zoned Settlement Reserve (SR). The applicants will need to rezone the severed portion prior to any residential development. Township of Southwold staff have reviewed the proposal for zoning compliance and found no issues.

#### 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. 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.



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.
12. That the severed parcels be merged on title to create one parcel.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 71-22**

**PART OF LOT 13, CONCESSION 10 TOWNSHIP OF MALAHIDE MUNICIPALITY  
KNOWN AS 13379, 13389, 13405 AND 13429 IMPERIAL ROAD**

**TAKE NOTICE** that an application has been made by David Roe (Civic Planning Solutions Inc.) 61 Trailview Drive, Tillsonburg, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Part of Lot 13, Concession 10, Township of Malahide.

The applicant proposes to sever a parcel with a frontage of 50.9 metres (167 feet) and a depth of 40.54 metres (133 feet) and an area of 2,100m<sup>2</sup> (0.52 acres) proposed to remain in residential use. The applicant is retaining a lot with a total frontage of 81.74 metres (268.18 feet) and a depth of 40.38 metres (132.48 feet) and an area of 3,100m<sup>2</sup> (0.77 acres), proposed to continue its current 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 OCTOBER 26, 2022 AT 9:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

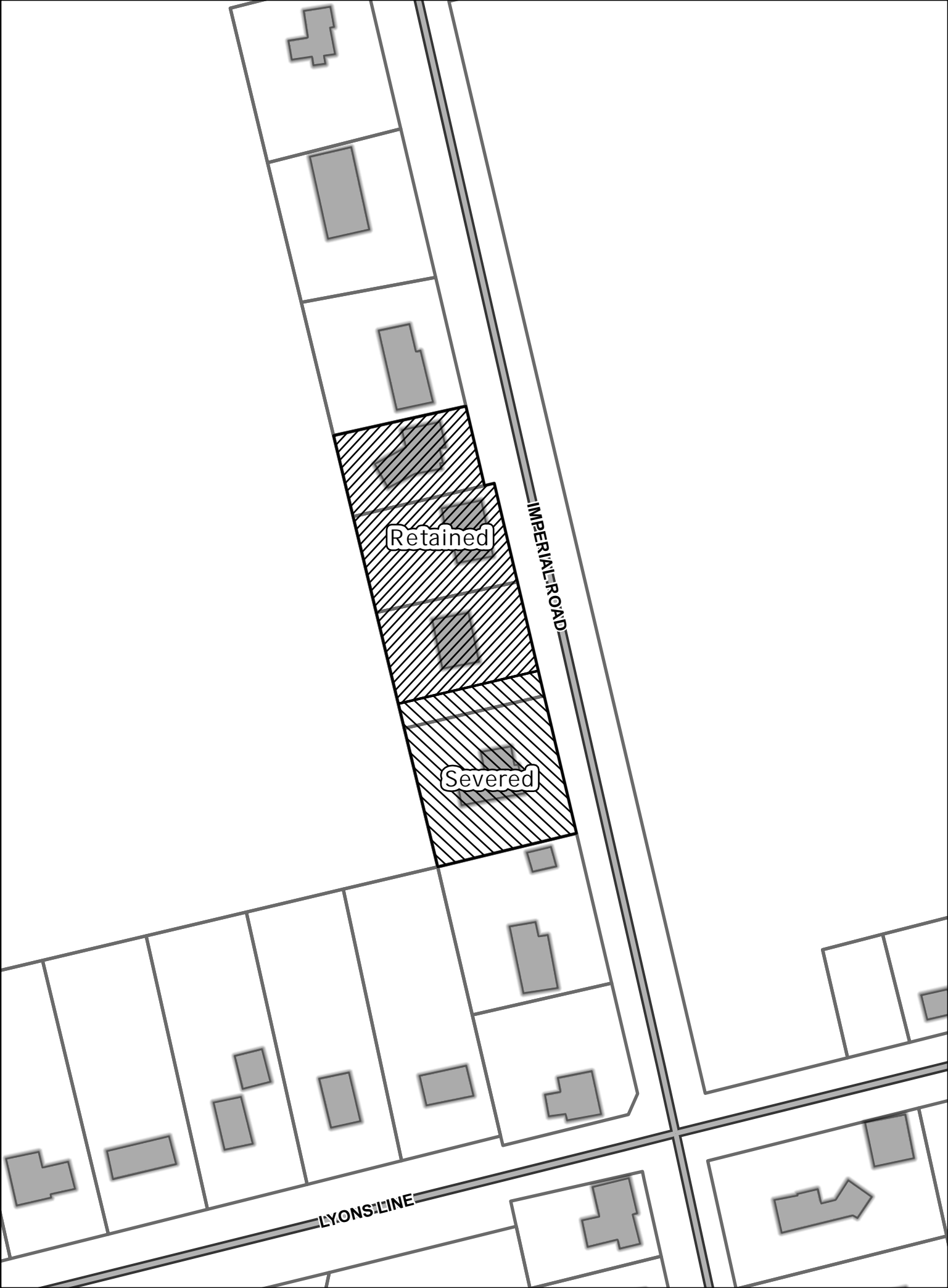
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> 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](http://www.progressivebynature.com)

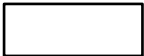


# Location Map



Subject Site: 13379, 13389, 13405 and 13429 Imperial Road  
File Number: E 71-2022  
Owner: Stan Putnam  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

## Legend



Subject Site



Severed



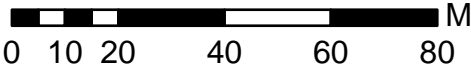
Retained



Elgin Road Network



Buildings







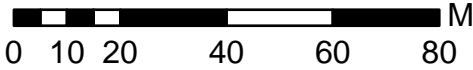
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

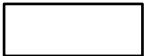


Subject Site: 13379, 13389, 13405 and 13429 Imperial Road  
File Number: E 71-2022  
Owner: Stan Putnam  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





## Report to Council

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**REPORT NO.:** DS-22-52

**DATE:** October 20, 2022  
(Report submitted October 13, 2022)

**ATTACHMENT:** Application, Conditions

**SUBJECT:** **Application for Consent to Sever of Stan Putnam, Application E-71-22**

**LOCATION:** Part Lot 13, Concession 10 (Geographic Township of South Dorchester)

---

### **Recommendation:**

**THAT Report No. REPORT NO.: DS-22-52 entitled “Application for Consent to Sever of Stan Putnam” be received;**

**AND THAT the Application for Consent to Sever of Stan Putnam (E-71-22), relating to the property located in Part Lot 13, Concession 10 (Geographic Township of South Dorchester) 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 re-creation of two lots that have previously merged on title.

The Application relates to the property located in Part Lot 13, Concession 10 (Geographic Township of South Dorchester).

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 26, 2022.

## **Comments/Analysis:**

The lands proposed to be severed comprise an area of approximately 2,100 m<sup>2</sup> (0.51 acres) with a depth of approximately 40.5 metres and a frontage of approximately 50.9 metres along Imperial Road. The land proposed to be severed contains an existing single detached dwelling.

The proposed retained parcel comprises an area of approximately 3,100 m<sup>2</sup> (acres) with a depth ranging from 39.2 metres to 40.3 metres and approximately 81.7 metres of frontage along Imperial Road. The retained parcel contains a single detached dwelling and two accessory structures.

## **County of Elgin Official Plan**

The subject property is designated 'Tier 3 Settlement Area' on Schedule 'A', Land Use Plan. New development in residential areas is to be compatible with the character of the surrounding area (Section C1.1.1). The Official Plan permits technical severances to sever parcels that have unintentionally been merged on title, provided certain criteria can be met including the new lots is generally the same shape and size as the previously conveyable parcel, the lots are able to be serviced appropriately, and the lots have access to an open and maintained road (Section E1.2.3.3). The proposed severance meets these criteria.

## **Malahide Official Plan**

The subject property is designated as 'Hamlet' on Schedule 'A1'; - Land Use Plan. The Hamlet designation permits residential lot creation where the proposed severance meets certain criteria, including the retained and severed lots have adequate road frontage, the consent consists of infilling, and the size of the parcel is appropriate for the intended uses (Section 4.3.3). The proposed severance is consistent with the policies of the Official Plan.

## **Malahide Zoning By-law No. 18-22**

The subject property is zoned 'Hamlet Residential (HR)' on Schedule 'C', to the Township of Malahide Zoning By-law No 18-22. The proposed severed and retained lots would meet the requirements of the HR zone, including the required minimum lot area and frontage.

## **General Comments**

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 Community" Strategic Pillar is "Make Malahide an Inclusive Place to Live". By providing the opportunity for the owners to sever a previously existing lot and provide an additional residential lot, the Council is achieving this goal.

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

Approved by:
Adam Betteridge, Chief Administrative Officer

**APPLICATION FOR A CONSENT TO SEVER**

**Owner: Stan Putnam**

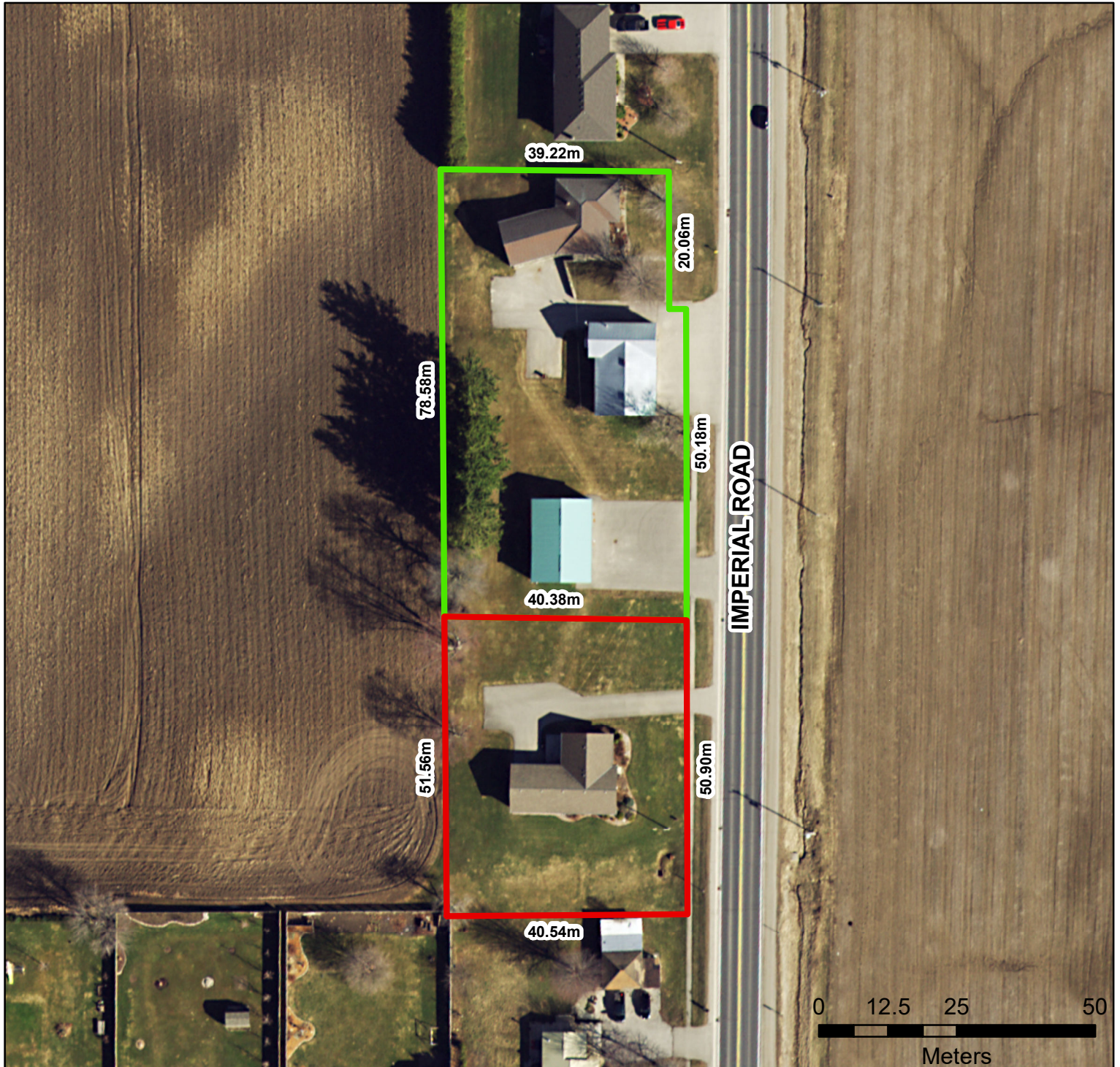
**(Agent: David Roe c/o Civic Planning Solutions Inc.)**

13429 Imperial Road

Concession 10 South, Part Lot 13

Township of Malahide

**Township  
of Malahide  
Figure 1**



**OFFICIAL PLAN DESIGNATION**  
Hamlet

**ZONING**  
HR Hamlet Residential



Lands to be Retained



Lands to be Severed







October 21, 2022

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

Dear Committee Members:

**RE: Land Severance Application E 71-22 - Stan Putnam (David Roe (c/o Civic Planning Solutions Inc.) - 13429 Imperial Road, Concession 10 South, Part Lot 13**

The Malahide Township Council passed the following Resolutions on October 20, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E 71-22 in the name of Stan Putnam, relating to the property located Concession 10 South, Part Lot 13, Township of Malahide, subject to the following conditions:

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

We enclose Municipal Appraisal together with Municipal Report DS-22-52 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A Adams

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

Copy - Rosemary Kennedy  
Stan Putnam  
David Roe (c/o Civic Planning Solutions Inc,)

## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** September 16, 2022 3:40 PM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: E 71-22 Notice of Application - Request for Agency Review

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

Hello,

CCCA has no concerns or comments in regards to the above application at this time.

Thanks,



**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-16-22 1:54 PM  
**To:** David Roe <civicplanningsolutions@nor-del.com>  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E 71-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Application for file number E-71-22 for the Elgin County Land Division Committee meeting scheduled for October 26, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday October 18, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke**

Planning Technician / Secretary-Treasurer of the Land Division Committee

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: September 16, 2022

ELGIN COUNTY ROAD NO.: 73 - 13379, 13389, 13405 AND 13429 IMPERIAL ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 71-22

APPLICANT: David Roe (Civic Planning Solutions Inc.)

PROPERTY: LOT NO. Part of Lot 13 CONCESSION: 10

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 18m from the centreline of construction of Imperial Road County Road (73) 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.elgincounty.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:** October 26, 2022  
**Application:** E 71-22

**Owner:**  
**Stan Putnam**  
13429 Imperial Road, Springfield, ON  
**Location:** Lot 13, Concession 10, Malahide.

**Agent:**  
**David Roe (Civic Planning Solutions)**  
61 Trailview Dr. Tillsonburg, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 50.9 metres (167 feet) and a depth of 40.54 metres (133 feet) and an area of 2,100m<sup>2</sup> (0.52 acres) proposed to remain in residential use. The applicant is retaining a lot with a total frontage of 81.74 metres (268.18 feet) and a depth of 40.38 metres (132.48 feet) and an area of 3,100m<sup>2</sup> (0.77 acres), proposed to continue its current use.

**County of Elgin Official  
Plan**

Tier 3 Settlement Area

**Local Municipality Official  
Plan**

Halmet

**Local Municipality Zoning  
By-law**

Hamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

*County Engineering* – Requests road widening.

*Catfish Creek Conservation Authority* – No concerns.

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

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 2,100m<sup>2</sup> from the exiting residential parcel to create a new residential lot. The exiting parcel contains two dwellings on it and this severance seeks to separate the dwellings so each will have its own separate lot. The subject land is within a settlement area and the PPS directs that settlement areas be the

focus of growth and development. The parcels each contain a dwelling and accessory structure(s) with no proposed future changes to land use. Section 1.1.3.2 of the PPS sets out the goals for land use patterns within settlement areas, given the subject land already contains dwellings and no additional structures are proposed, the application meets the provisions of this Section and is consistent 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 application is for the creation of a new lot to accommodate two existing dwellings that are currently located on the same parcel. The subject land is within a Tier 3 Settlement Area.

Tier 3 Settlement Areas are the smallest communities in the County and are primarily residential in nature and have no access to municipal services. The applicant has identified that both lots have access to private services and this proposed severance is not anticipated to have any impact on the existing services. Furthermore, this severance is to accommodate two existing dwellings, no change in land use or further development is proposed at this time.

Staff have reviewed this application against the general consent criteria contained within Section E1.2.3.1 and have found no deficiencies. Therefore, this application conforms with the CEOP.

#### 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 subject land is designated as Hamlet within the Malahide OP which permits residential lot creation. With respect of the Zoning By-law, the subject land is zoned Hamlet Residential (HR) and the proposed severed and retained lots meet the requirements of the zone.

#### 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 the owner dedicate lands along the frontage of the severed and retained lot/ parcel up to 18m from the centreline of construction of Imperial Road County Road (73) 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.

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

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 72-22**

**LOT 6, CONCESSION 14; 11R-5823  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 22202 DOUGLAS LINE**

**TAKE NOTICE that** an application has been made by Jeremie and Michelle Bégin, 22202 Douglas Line, Rodney, ON N0L 2C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22202 Douglas Line.

The applicant proposes to sever a parcel with a frontage of 20.015 metres (65.67 feet) and a depth of 58.013 metres (190.33 feet) and an area of 2,749.519m<sup>2</sup> (0.67 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 23.476 metres (77.02 feet) and a depth of 50.078 metres (164.3 feet) and an area of 1,245.612m<sup>2</sup> (0.3 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 OCTOBER 26, 2022 AT 9:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

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

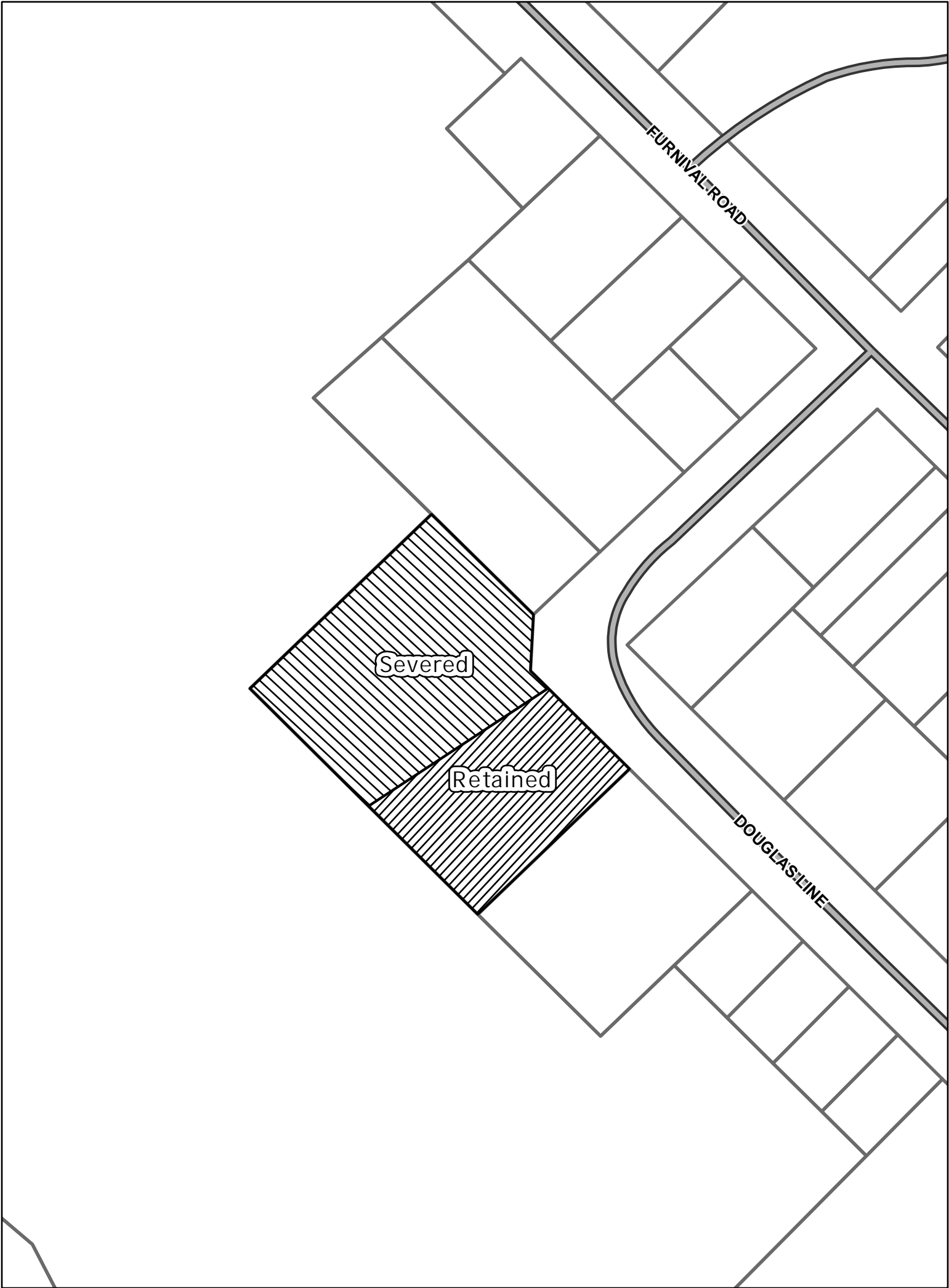
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 14<sup>th</sup> 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](http://www.progressivebynature.com)

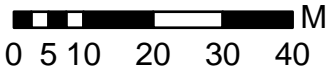









# Location Map



Subject Site: 22202 Douglas Line  
File Number: E 72-2022  
Owner: Jermie and Mchelle Bégin  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin



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





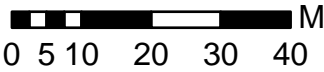
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

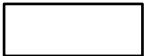


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CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin

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



## Legend



Subject Site



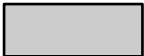
Severed



Retained



Elgin Road Network



Buildings





# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

October 6, 2022

Paul Clake  
Secretary-Treasurer  
Elgin County Land Division

At the Regular Meeting of Council on October 6, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 349**

**Moved: Deputy Mayor Leatham**

**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E72-22 – Comments to the County of Elgin (Planning Report 2022-36);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E72-22, subject to the amended 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.

**Carried**

Sincerely,

Jana Nethercott  
Clerk

/encl.



## Staff Report

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**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2022-09-23

**Subject:** Severance Application E72-22 – Comments to County of Elgin (Planning Report 2022-36)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E72-22 – Comments to the County of Elgin (Planning Report 2022-36);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E72-22, 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 E72-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the creation of a new lot on the northwest side of Douglas Line, west of Furnival Road as shown in the Appendix One attachment.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E72-22
<b>Owner/Applicant</b>	Jeremie & Michelle Begin
<b>Legal Description</b>	Part Lot of 6, Concession 14 & Pt. Part 1, RP 11R 5823
<b>Civic Address</b>	22202 Douglas Line
<b>Entrance Access</b>	Douglas Line
<b>Water Supply</b>	Municipal water service
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	3,995.13 sq. m (43,004.64 sq. ft.)

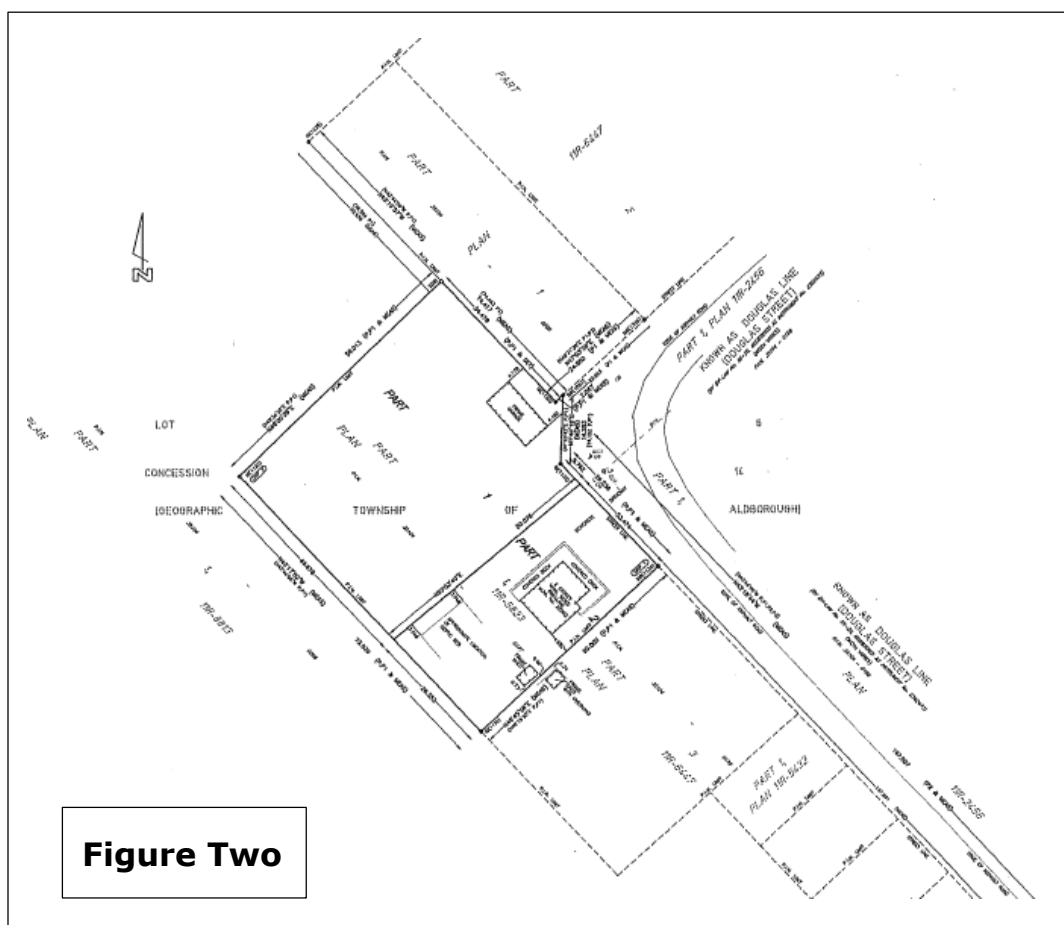
Figure One below, depicts the existing parcel and the proposed lot creation. The red outline is the proposed new lot. The blue outline is the retained and location of the existing dwelling.



The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.

Figure Two and the below chart show the details from the survey sketch prepared as part of the application for severance.

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E72-22	20.045 m (65.76 ft)	58.013 m (190.33 ft)	2,749.52m <sup>2</sup> (29,597 ft <sup>2</sup> )	23.474 m (77 ft)	50.078 m (164.29 ft)	1,245.61m <sup>2</sup> (13,408.1 ft <sup>2</sup> )



**Figure Two**

### **Financial Implications:**

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The proposed lot creation will result in an increase in assessment and permit the construction of a new dwelling.

### **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:**

The existing property is partially located within the LTVCA's regulated area. Depending on the location of new development on the severed parcel a permit may be necessary. The proposed

consent is considered infilling and helps better utilize the large lot in an existing built up and partially serviced area of the municipality. The proposal is consistent with PPS.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP however, the County in cases where the County OP and local plan conflict in terms of designation the County defers to the local Official Plan subject to the relevant policies outlined in the West Elgin Lakeshore Area designation and Port Glasgow Secondary Plan. The current mapping differences have been noted in consultation with West Elgin and the County as part of the County Official Plan review.

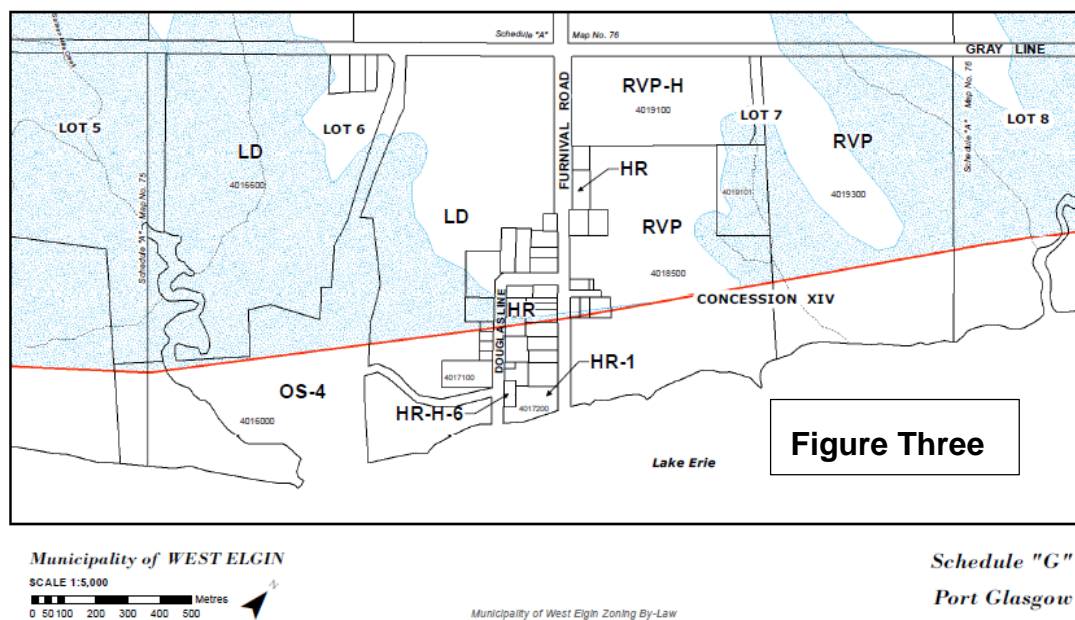
**OP:**

The subject lands are designated as Lakeshore Area, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP, and further detailed in Figure 6 and 7 the lands are also within the Port Glasgow Secondary Plan. Section 7.9 notes that, "the creation of lots in the 'Lakeshore Area' shall take place by consent or by plan of subdivision or plan of condominium in accordance with the provisions of the Planning Act and the relevant policies of this Plan including Section 10.3 and Section 10.4."

The proposed lot creation is via consent and as such subject to Section 10.4. The proposed lot is generally in conformity with the provisions of this section. The lot pattern in the surrounding area is a mix of sizes and lot frontages. Both the severed and retained remain appropriate given the mix in the subject area. Therefore, this proposal conforms to the OP.

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

The subject lands are zoned Hamlet Residential (HR) on Schedule G of the ZBL as depicted in Figure Three. The severed and retained parcels will both meet the minimum required lot area based on the services available in Port Glasgow. Due to the current configuration of the lot and location of the existing dwelling it will be necessary to require a minor variance as a condition of approval. The required lot frontage is 25 m (82 ft.) however the severed parcel will have 20.045 m (65.7 ft.) and the retained will have 23.476 m (77 ft.). This will continue to permit adequate room for access and servicing and does not create any negative impact or change in the character of the area. As such, subject to approval of the necessary minor variance, the proposed lots will conform with the West Elgin Zoning By-law.



### **Interdepartmental Comments:**

The severance application was circulated to municipal staff for comment. It was noted that a new water connection will be required to the severed lands, a septic inspection is necessary for the retained parcel and a new access will be required from Douglas Line to service the severed parcel.

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

### **Summary:**

It is the Planner'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:

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



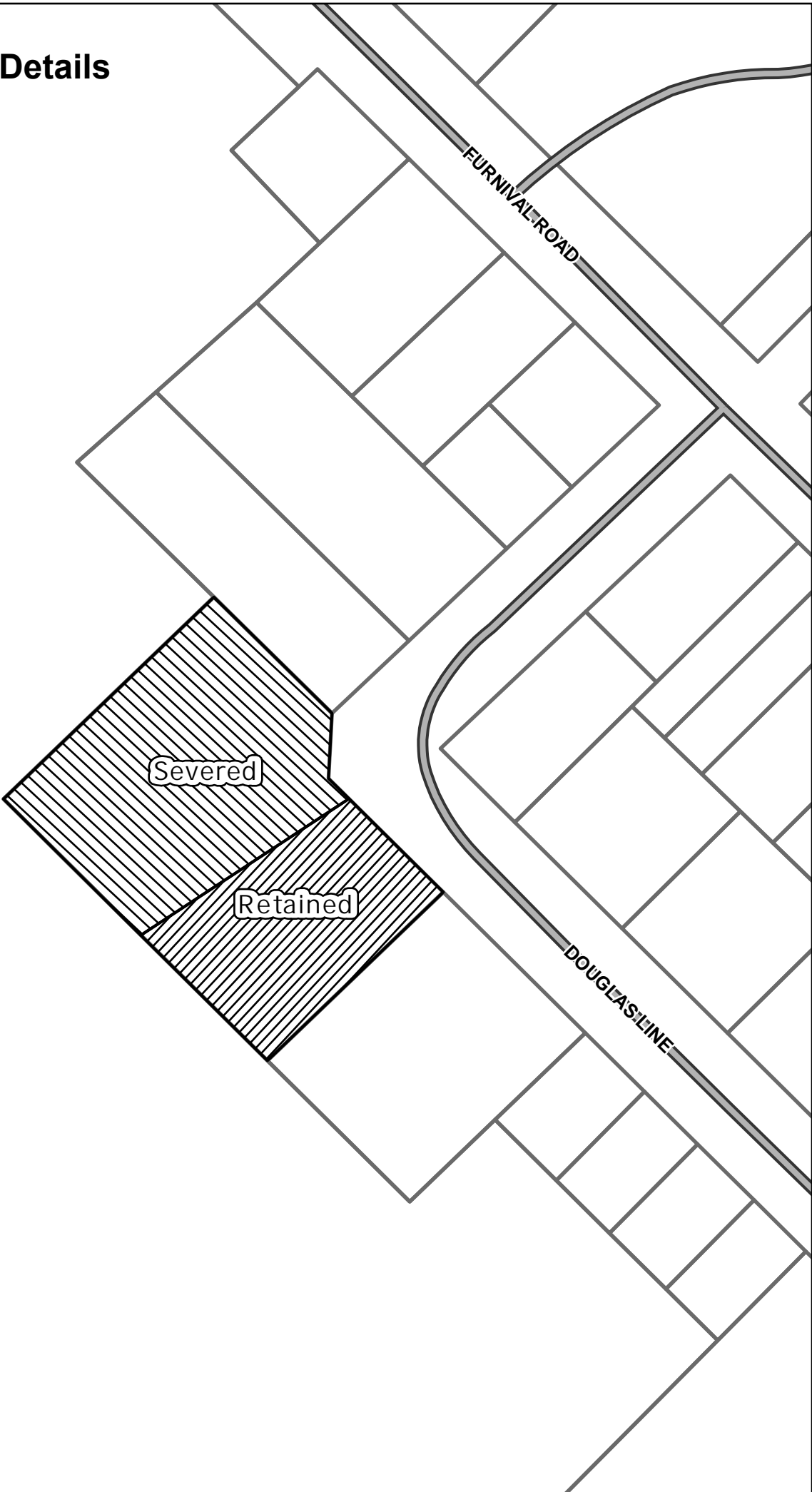
**Report Approval Details**

Document Title:	Severance Application E72-22 - Comments to Elgin County - 2022-36-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-36 Appendix One - Detail.pdf</li><li>- Planning Report 2022-36 Appendix Two - Comments to the County of Elgin.pdf</li></ul>
Final Approval Date:	October 6, 2022

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

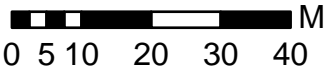
Jana Nethercott

# Appendix One - Details

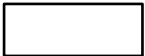


## Location Map

Subject Site: 22202 Douglas Line  
File Number: E 72-2022  
Owner: Jermie and Mchelle Bégin  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin



### Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

## **Planning Report 2022-36: Appendix Two**

### **Consent Application E72-22 – West Elgin Conditions**

#### Consent Application E72-22 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 drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
6. That the applicant make application for and receive approval of a minor variance to address the reduced frontage of the severed and retained parcels to the satisfaction of the Municipality;
7. That the applicant make application for a new access to the severed parcel. Any improvements required as a result of the new access shall be at the applicant's expense;
8. 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.
9. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

September 14, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 72-22)**  
**22202 Douglas Line (Begin)**  
**Lot 6; Concession 14**  
**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 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 property in question is subject to the Authority's Development portion of the regulations. The issues of concern for this area is flooding.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are subject to flooding under regulatory storm conditions. Any proposed structure(s) will be required to be flood proofed to a minimum elevation for the lowest openings into the structure. Setbacks from the drains will be required for any proposed development.

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: September 16, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 72-22

APPLICANT: Jeremie and Michelle Bégin

PROPERTY: LOT NO. 6 CONCESSION: 14

REG'D PLAN: 11R-5823 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 18m from the centreline of construction of Plank Road County Road (19) 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.elgincounty.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:** October 26, 2022  
**Application:** E 72-22

**Owner:**  
**Jeremie and Michelle Bégin**

22202 Douglas Line, West Elgin.

**Agent:**  
**None.**

**Location:** Lot 6, Concession 14, on plan 11R-5823. Municipally known as 22202 Douglas Line, West Elgin.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 20.015 metres (65.67 feet) and a depth of 58.013 metres (190.33 feet) and an area of 2,749.519m<sup>2</sup> (0.67 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 23.476 metres (77.02 feet) and a depth of 50.078 metres (164.3 feet) and an area of 1,245.612m<sup>2</sup> (0.3 acres), proposed to remain in residential use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Lakeshore Area (Port  
Glasgow Secondary Plan)

**Local Municipality Zoning  
By-law**

Hamlet Residential (HR)

**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.

For the purposes of applying the PPS to this severance application, staff are of the opinion that due to the current land use, local OP and zoning the subject lands should be considered

as part of a settlement area and be subject to the policies of Section 1.1.3 of the PPS. The PPS directs that settlement areas be the focus of growth and development and encourages infill and redevelopment of vacant or underutilized lands in these areas.

#### 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 the creation of a new lot within Port Glasgow. The subject land is designated as Agricultural Area in the CEOP. However, Section F10.2 – Interpretation of Land Use Designation Boundaries states:

The boundaries of the settlement areas identified on Schedule A of this Plan are representative of the boundaries as delineated in the local Official Plans. As a result, the local Official Plans should be consulted for accurate settlement area boundaries. Expansions to settlement areas shall only occur in accordance with the policies of this Plan.

Given the local municipalities OP designation which permits lot creation and the zoning of the land as Hamlet Residential (HR), staff feel that for the purposes of applying the CEOP the subject land should be treated as a settlement area in accordance with the municipalities OP policies. Lot creation is permitted in settlement areas in the CEOP, subject to the criteria in Section E1.2.3.1, which this application satisfies.

#### 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 local OP designates the area as Lakeshore Area and is within the Port Glasgow Secondary Plan. Section 7.9 of the local OP permits lot creation in the Lakeshore Area by subdivision approval or consent. Local municipal staff have reviewed the application in respect of the local OP policies and have found the application to be in compliance.

With respect of the Zoning By-law, the subject lands are designated Hamlet Residential (HR). Both the severed and retained lots are anticipated to meet the minimum required lot area. West Elgin staff do anticipate a minor variance for the lot frontage is required as a result of the proposed lot lines, and is requested as a condition of approval.

#### 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. 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 drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
6. That the applicant make application for and receive approval of a minor variance to address the reduced frontage of the severed and retained parcels to the satisfaction of the Municipality;
7. That the applicant make application for a new access to the severed parcel. Any improvements required as a result of the new access shall be at the applicant's expense;
8. 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.
9. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 73-22**

**LOT 16, CONCESSION RANGE 1 N EDGEWARE ROAD YARMOUTH  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 45714 EDGEWARE LINE**

**TAKE NOTICE that** an application has been made by Helen Button (Gunn & Associates), 108 Centre Street, St. Thomas, ON N5R 2Z7, on behalf of Yorkland Farms Ltd., 473 Valley Street, Port Stanley, ON N5L 1G5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45714 Edgeware Line.

The applicant proposes to sever a parcel with a frontage of 60.9 metres (199.80 feet) and a depth of 96.33 metres (316.04 feet) and an area of 0.6 hectares (1.48 acres) to sever an existing residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 514 metres (1,686.35 feet) and a depth of 661 metres (2168.64 feet) and an area of 39.6 hectares (97.85 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 OCTOBER 26, 2022 AT 9:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

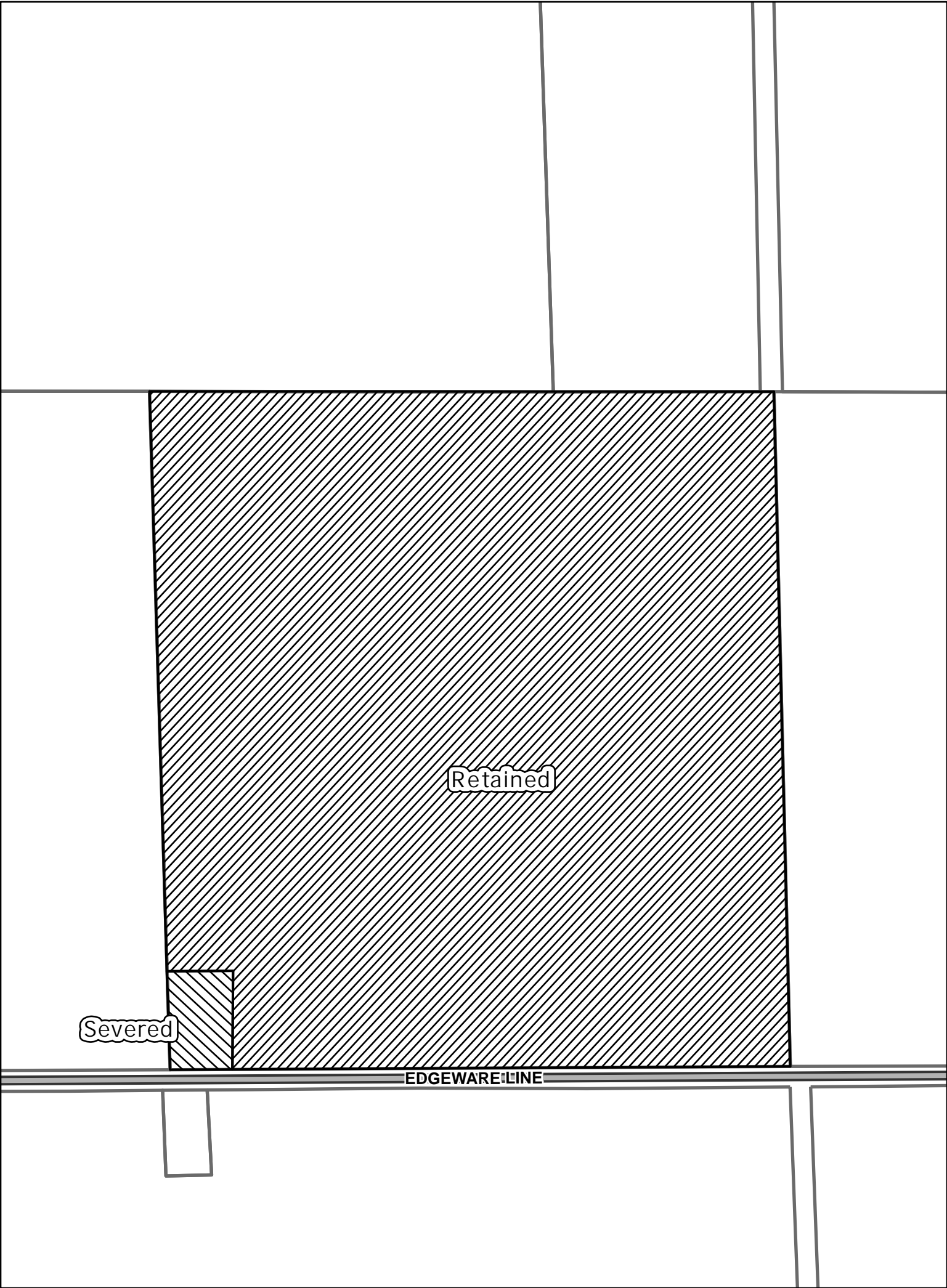
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> day of September, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

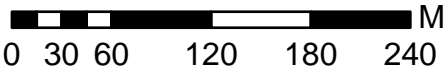
County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map

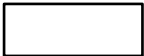


Subject Site: 45714 Edgeware Line  
File Number: E 73-2022  
Owner: Yorkdale Farms Ltd.  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of Central Elgin



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

## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



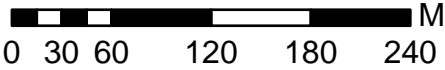


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

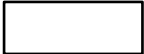


Subject Site: 45714 Edgeward Line  
File Number: E 73-2022  
Owner: Yorkdale Farms Ltd.  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of Central Elgin



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.44.22  
**CEPO FILE NO.** E73/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 457154 Edgeware Line  
Applicant – Yorkland Farms Ltd.  
**DATE** September 26, 2022

**RECOMMENDATION**

**THAT** Report CEP.44.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E73/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. a copy of the reference plan be provided to the Municipality of Central Elgin.

**REPORT**

**Background:**

Consent application E73/22 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

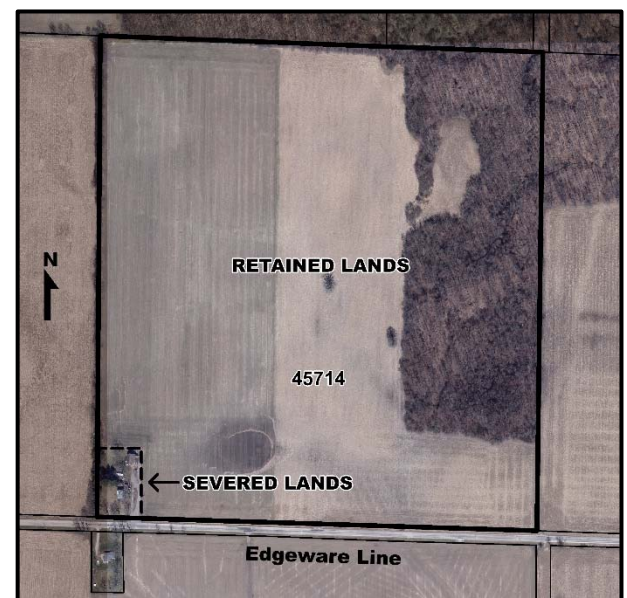
**Location:**

The subject lands are located on the north side of Edgeware Line, between Yarmouth Centre Road and Belmont Road. The lands are described as, Range 1, NER, Lot 16, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a lot with frontage of 60.9m on Edgeware Line, and an area of 5,866.49sqm (0.58 hectares), containing one house, one barn and one shed. The severed lot will be used for rural residential

**Location Plan:**



purposes. The applicant is proposing to retain a lot with frontage of 514m on Edgeware Line and an area of 39.6 hectares. The retained lot will continue to be used for agricultural purposes.

## **Staff Report**

### **1. Official Plan**

- The subject lands are located within the Agricultural designation in accordance with Schedule “A” – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):
  1. The lot containing the residence surplus to a farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law;
    - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
    - iii) Shall be in compliance with the Municipality’s property standards by-law;
    - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
    - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

### **2. Zoning By-Law**

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural rural-residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

### **3. County of Elgin Official Plan:**

- The subject lands are located within the Agricultural designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the 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 be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (b)): the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created

by the consent to sever unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.


#### 4. Comments

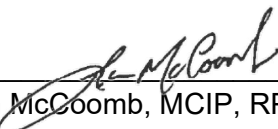
- In accordance with the surplus farm dwelling policies of the Official Plan the agricultural land (retained lot) will need to be rezoned to prohibit any new residential dwelling units.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services



September 27, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
County of Elgin

Via email: [blima@elgin.ca](mailto:blima@elgin.ca)

RE: Consent Application E73/22 – Yorkland Farms Ltd., 45714 Edgeware Line

Dear Mr. Lima:

Please be advised that Council discussed a planning report respecting the above noted application at their Regular Meeting of Council dated Monday, September 26, 2022 and the following resolution was passed:

**THAT** Report CEP.44.22 re Consent Application – 45714 Edgeware Line Applicant – Yorkland Farms Ltd. be received for information;

**AND THAT** Council has no objections to consent application E73/22, Yorkland Farms Ltd., 45714 Edgeware Line subject to the following recommended conditions:

1. Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. A drainage reassessment be done, if necessary, at the owner's expense and
3. A copy of the reference plan be provided to the Municipality of Central Elgin

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

Please feel free to contact municipal staff should you require additional information.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)  
519-631-4860 ext. 286

c.c. Yorkland Farms Ltd., Owner  
H. Button, Gunn & Associates, Solicitor  
S. Craig, Senior Planning Technician, CEPO  
Paul Clarke, Planning Technician, County of Elgin

Encl.



**From:** [Gerrit Kremers](#)  
**To:** [Paul Clarke](#); [Land Division](#)  
**Subject:** RE: E 73-22 Notice of Application - Request for Agency Review  
**Date:** September 13, 2022 1:26:10 PM  
**Attachments:** [image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.gif](#)  
[image013.gif](#)  
[image014.gif](#)  
[image015.gif](#)  
[image016.gif](#)  
[image017.gif](#)  
[image018.gif](#)

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](mailto:planning@catfishcreek.ca)

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**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>  
**Sent:** September-13-22 11:43 AM  
**To:** Helen Button <[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)>  
**Cc:** Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** E 73-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-73-22 for the Elgin County Land Division Committee meeting scheduled for October 26, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday October 18, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke**

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170

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

COUNTY OF ELGIN ROAD SYSTEM

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 73-22

APPLICANT: Helen Button (Gunn & Associates)

PROPERTY: LOT NO. 16 CONCESSION: RANGE 1 N EDGEWARE ROAD YARMOUTH

REG'D PLAN: MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m 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.elgincounty.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:** October 26, 2022  
**Application:** E 73-22

**Owner:**  
**Yorkland Farms Ltd.**  
473 Valley Street, Port Stanley, ON

**Agent:**  
**Helen R. Button (Gunn & Associates)**  
108 Centre Street, St. Thomas, ON

**Location:** Lot 16, Concession Range 1 N Edgeware Rd, Yarmouth, Municipality of Central Elgin. Municipally known as 45714 Edgeware Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 60.9 metres (199.80 feet) and a depth of 96.33 metres (316.04 feet) and an area of 0.6 hectares (1.48 acres) to sever an existing residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 514 metres (1,686.35 feet) and a depth of 661 metres (2168.64 feet) and an area of 39.6 hectares (97.85 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Open Space Zone 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

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

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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

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

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a dwelling that is surplus to a farming operation. The size of the severed residential parcel is 0.6ha and the applicant is retaining a farm parcel with an

area of 39.6ha. The PPS discourages lot creation in the prime agricultural area, except in a few circumstances; one of those being for dwellings surplus to a farm. Surplus dwelling severances must be consistent with Section 2.3.4.1 of the PPS:

a residence surplus to a farming operation as a result of farm consolidation, provided that:

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

In this case the applicant is proposing to sever a 0.6ha parcel which will contain the dwelling, exiting driveway, septic system and existing barn. The boundaries of the proposed lot as indicated on the submitted sketch roughly follow the boundaries of the cultivation line and no actively farmed land is being severed with the dwelling. The Municipality of Central Elgin has requested a condition that the retained farmland parcel be rezoned to one which does not permit residential development which will satisfy Section 2.3.4.1(2) 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 application is for the severance of a dwelling that is surplus to a farming operation. Like the PPS, the CEOP discourages lot creation for new residential development. However, severances for surplus dwellings are permitted in accordance with Section E1.2.3.4:

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 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 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.

Staff have reviewed this application against the general consent criteria contained within Section E1.2.3.1 and have found no deficiencies. Therefore, this application conforms with the CEOP.

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 subject land is designated Agricultural within the Central Elgin OP. The local OP permits lot creation in the agricultural area for the purposes of severing a dwelling that is surplus to a farming operation. With respect of the Zoning By-law, municipal staff have requested a condition to rezone the retained land to prohibit any future residential development.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Central Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. Approval of a Zoning By-law amendment to prohibit residential dwellings on the retained lot
2. A copy of a reference plan be provided to the Municipality of Central Elgin



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 74-22**

**SOUTH PART LOT 23, CONCESSION 9, SOUTH PART OF PART 1 ON 11R-4217  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 11643 PLANK ROAD**

**TAKE NOTICE that** an application has been made by David John Obar and Jessica Jane Cain, 11643 Plank Road, Eden, ON N5J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11643 Plank Road.

The applicant proposes to sever a parcel with a frontage of 22.86 metres (75 feet) and a depth of 45.72 metres (150 feet) and an area of 1,045.159m<sup>2</sup> (0.26 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 72 metres (236.22 feet) and a depth of 118.33 metres (388.22 feet) and an area of 8476.9m<sup>2</sup> hectares (2.09 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 OCTOBER 26, 2022 AT 9:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

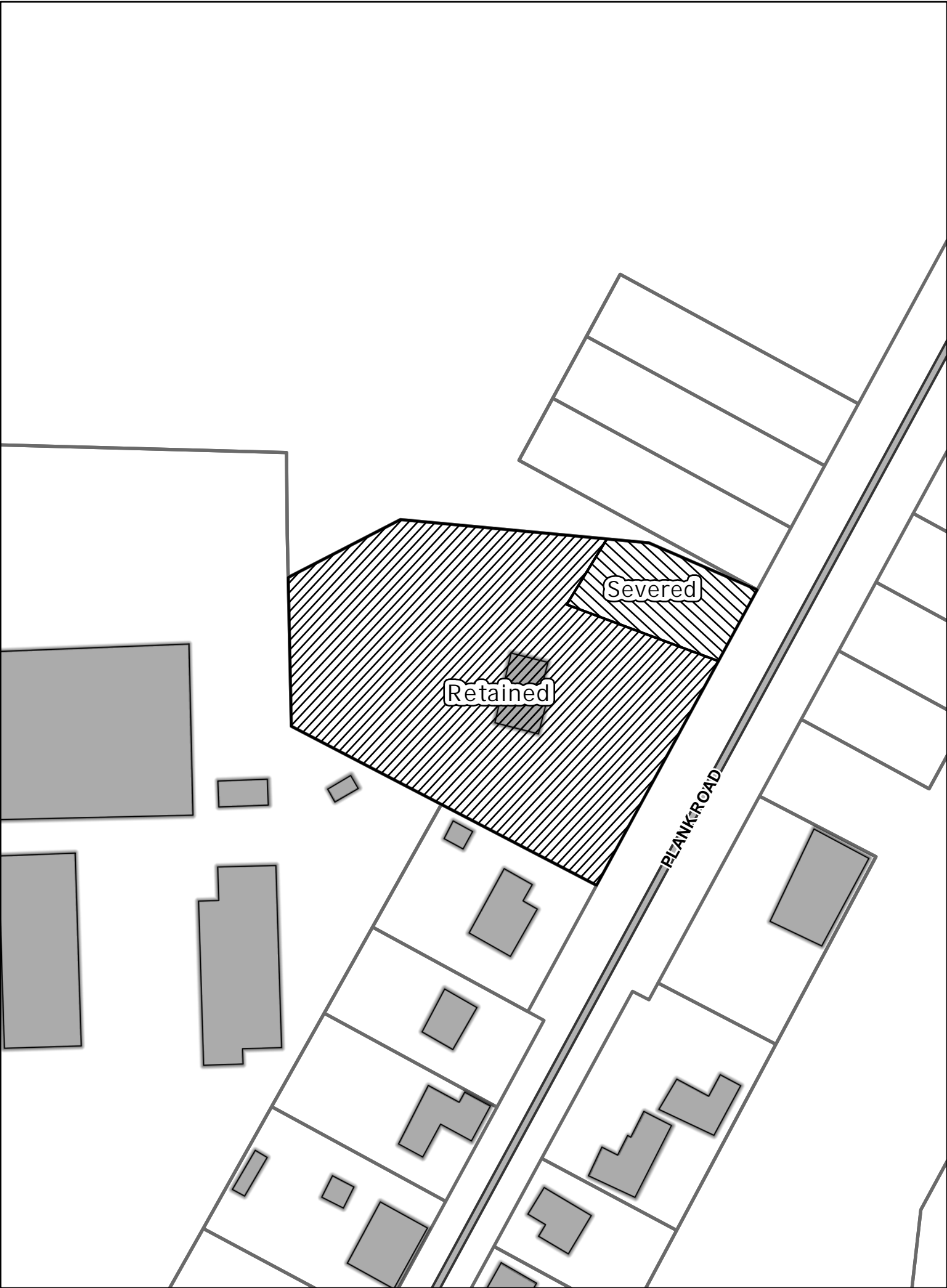
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 14<sup>th</sup> day of September, 2022.

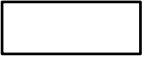




Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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](http://www.progressivebynature.com)

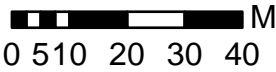


Location Map



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

Subject Site: 11643 Plank Road  
File Number: E 74-2022  
Owner: David John Obar and Jessica Jane Cain  
Planner: Unknown  
CA: Long Point Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of Bayham





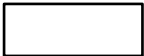


Elgin County, Maxar, Microsoft

# Location Map



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

0 5 10 20 30 40 M

Subject Site: 11643 Plank Road  
File Number: E 74-2022  
Owner: David John Obar and Jessica Jane Cain  
Planner: Unknown  
CA: Long Point Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of Bayham



## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 74-22

Applicant Obar, David and Cain, Jessica

Location Bayham – 11643 Plank Road Con 9 South Part Lot 23

### PART 1 - OFFICIAL PLAN

1. Is there an O.P. in effect? Yes ( ☒ ) No ( ☐ )

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

Land Use Designation: Hamlets

Policies: Section 4.2.4.1 intensification and redevelopment within settlement area boundaries

### PART 2 - ZONING

3. Is there a By-Law in effect? Yes ( ☒ ) No ( ☐ )

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

Comments: Zoning: Hamlet Residential (HR)

Rezoning is not required

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

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

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

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

8. Does the Municipality wish the Committee to impose conditions? Yes ( ☒ ) No ( ☐ )

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

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

List of recommended conditions included on the attached Letter.

See Staff Report DS-57/22 considered by Council meeting October 6, 2022

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the

impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.

4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

#### 4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands;
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service

Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



October 12, 2022

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

EMAIL ONLY

Dear Mr. Clarke

**Re: Application for Consent No. E74-22 Obar and Cain**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the October 6, 2022 meeting:

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch Eden Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Confirmation from the County of Elgin for future access to the County road
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Municipal Appraisal Sheet and Staff Report DS-57/22 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill  
Planning Coordinator|Deputy Clerk

D09.OBAR

Cc: D. Obar (email)



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk

**DATE:** October 6, 2022

**REPORT:** DS-57/22

**FILE NO. C-07 / D09.22 OBAR CAIN**

**Roll # 3401-000-006-19001**

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**SUBJECT:** Consent Application E74-22 Obar and Cain  
11643 Plank Road, Eden

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### BACKGROUND:

Consent application E74-22 was received from the Elgin County Land Division Committee submitted by David Obar and Jessica Cain proposing to sever 1,045.16 m<sup>2</sup> (0.26 acres) of land and retain 8,476.83 m<sup>2</sup> (2.09 acres) of land with the intent to create a new building lot in the hamlet of Eden.

The subject lands are designated "Hamlets" on Schedule 'A1' Municipality of Bayham: Land Use in the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule "D" Eden in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on October 26, 2022.

### DISCUSSION:

The planner's memorandum dated September 28, 2022 analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Staff note that the lot is assessed to the West Branch Eden Drain and therefore upon creation of the lot the drain maintenance schedule will have to be reassessed. The lot will require connection to the municipal sanitary sewer system and a private well installed as conditions. Additional listed conditions are included in the recommendation.

Staff and planner recommend Council's support of the application with the listed conditions to permit the creation of one building lot.



## ATTACHMENTS

1. Consent Application E74-22
2. IBI Memorandum dated September 28, 2022

## RECOMMENDATION

**THAT Report DS-57/22 regarding Consent Application E74-22 for Obar and Cain be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E74-22 be granted subject to the following conditions and considerations:**

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch Eden Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Confirmation from the County of Elgin for future access to the County road
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Reviewed by:



Margaret Underhill  
Planning Coordinator|Deputy Clerk



Thomas Thayer  
CAO|Clerk





IBI GROUP  
101 – 410 Albert Street  
Waterloo ON N2L 3V3 Canada  
tel 519 585 2255  
ibigroup.com

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	September 28, 2022
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-875
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	David John Obar and Jessica Jane Cain - 11643 Plank Road, Eden - Application for Consent E74-22		

1. We have completed our review of consent application E74/22 submitted by David Obar and Jessica Cain for lands located at 11643 Plank Road, west side, north of Eden Line. The applicant is requesting a consent for the severance of 1,045.2 square metres (0.26 acres) of land and to retain 8,476.8 square metres (2.09 acres) of land. The intent is to create a residential lot on a northeast portion of the lot along Plank Road. The lands are designated as 'Hamlet' as per Schedule 'A1' – Land Use of the Municipality of Bayham Official Plan. The lands are zoned as Hamlet Residential (HR) as per Schedule 'D' – Eden of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has a frontage of 22.9 metres (74.8 feet) and a depth of 45.7 metres (149.9 feet). The proposed lands to be severed are currently vacant. The retained lands have a frontage of 72.1 metres (236.5 feet) and a depth of 118.3 metres (388.1 feet) and comprises a single detached residential dwelling. The surrounding uses to the north are agricultural, to the east are commercial, to the south are residential and to the west are industrial.
3. Section 4.2.4.1 of the Municipality of Bayham Official Plan states that "*The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services*". The subject property is within the settlement area boundary, and the Hamlet of Eden has available municipal sewer services. The proposed lot to be severed is currently vacant. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent, as addressed below:
  - a. *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority.* The applicant shall connect the new dwelling to the municipal sanitary sewer disposal system and the applicant shall install a private well with test results showing water quality and quantity for residential use that meets provincial standards.
  - b. *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction.* The lands front on Plank Road, which is an adequate public road.

- c. *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly.* The proposed lot has the effect of infilling in an existing developed area within the settlement area boundaries of the Hamlet of Eden.
- d. *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law.* The proposed lot size is adequate to accommodate low density residential uses in accordance to the Zoning By-law and is adequate to be serviced by municipal sewer services and private water services.
- e. *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads.* Plank Road is an Elgin County road and is likely suitable for private driveway access. Elgin County will require approval for the new driveway for access.
- f. *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.* Plank Road is a straight and flat Elgin County road with other private driveway accesses within Eden which is likely suitable for private driveway access, to be confirmed by Elgin County.
- g. *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.* The vacant agricultural lands designated for residential uses abutting to the north and west have adequate frontage further north on Plank Road for future access, subsequent access to interior lands is not impacted.

4. The subject lands are located within the Hamlet Residential (HR) zone as per the Bayham Zoning By-law Z456-2003. The proposed single-detached residential dwelling on the lands to be severed is a listed permitted use for this zone. The configuration of the proposed lot to be severed is adequate to accommodate the proposed single-detached dwelling unit and would be in accordance with the regulations of the HR zone, including minimum lot area and frontage, minimum setbacks, etc. The existing single-detached dwelling is also located in the HR zone and will continue to conform to the applicable HR zone regulations pertaining to minimum lot area and frontage, minimum setbacks, etc. The proposed lots are in conformity to the Zoning By-law.

5. The applicant has previously submitted a Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only to the Public Health Laboratory – London, which was conducted on June 11, 2022 and the water quality was adequate. The applicant has further submitted the results of a Well Pump Test conducted by WRC Purifying on August 15, 2022. The results of the test indicate adequate water quantity.

6. Based on the above review of consent application 74/22, we have no objection to the proposed consent to create an additional residential lot in a partially serviced settlement area and recommend the following conditions for consent approval:

- a. That the applicant connect the new lot to the municipal sanitary sewer disposal system.
- b. That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.

Municipality of Bayham – September 28, 2022

- c. That the applicant provide a Planning report Fee payable to the Municipality of Bayham for the new lot in accordance with By-Law 2020-053.
- d. That the applicant provide engineered storm water management, drainage and grading plans.

*Paul Riley*

IBI Group  
Paul Riley, CPT

Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: September 16, 2022 ELGIN COUNTY ROAD NO.: 19 - 11643 PLANK ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 74-22

APPLICANT: David John Obar and Jessica Jane Cain

PROPERTY: LOT NO. 23 CONCESSION: 9  
REG'D PLAN: SOUTH PART OF PART 1 ON 11R-4217 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

X
- 2) A one-foot reserve is required along the N\_\_\_\_\_,  
S\_\_\_\_\_, E\_\_\_\_\_ and/or W\_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

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

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

X
- 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  
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www.elgincounty.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:** October 26, 2022  
**Application:** E 74-22

---

**Owner:** David John Obar and Jessica Jane Cain  
11643 Plank Road, Eden, ON

**Agent:**  
None

**Location:** South Part of Lot 23, Concession 9, South Part of Part 1 on 11R-4217,  
Municipality of Bayham. Municipally known as 11643 Plank Road.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 22.86 metres (75 feet) and a depth of 45.72 metres (150 feet) and an area of 1,045.159m<sup>2</sup> (0.26 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 72 metres (236.22 feet) and a depth of 118.33 metres (388.22 feet) and an area of 8476.9m<sup>2</sup> hectares (2.09 acres), proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 2 Settlement Area

**Local Municipality Official  
Plan**

Hamlets

**Local Municipality Zoning  
By-law**

Hamlet Residential (HR)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of Bayham – Recommends approval, subject to conditions.

*County Engineering* – No concerns, recommends conditions.

*Long Point Region Conservation Authority* – No comments.

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

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

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a lot with an area of approximately 1,045m<sup>2</sup> for the purposes of creating a new residential lot, and will retain approximately 8,500m<sup>2</sup>. The subject

land is located within a settlement area. The PPS directs that settlement areas shall be the focus of growth and development. Section 1.1.2 of the PPS directs that “within settlement areas, sufficient land shall be made available through investigation and redevelopment and, if necessary, designated growth areas”.

The PPS defines intensification as “the development of a property site or area at a higher density than currently exists through...infill development.” This application constitutes a form of infill development and intensification within a settlement area and is consistent 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 application is to sever a new residential lot. The subject land is designated as a Tier 2 Settlement Area. In the Hierarchy of Settlement Areas in the OP (Section B2.5), Tier 2 Settlement Areas are identified as being generally smaller than Tier 1, and have access to partial municipal services. Development in Tier 2 Settlement Areas is permitted for infilling provided there is enough reserve capacity to accommodate the development and that site conditions are suitable for the long-term provision of the required private and public services. The applicants have identified that both the severed and retained parcels will utilize a private well and public sewer system.

Staff have reviewed the application against the general consent criteria of Section E1.2.3.1 and have found no deficiencies. Therefore, this application conforms to the CEOP.

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

Staff have reviewed the application against the policies of the Municipality of 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. Section 4.2.4.1 of the Bayham OP states that “the municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.”. The proposed use and dwelling type for the severed parcel is permitted in the Hamlet Residential (HR) Zone.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

3. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
4. 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
5. Lot Grading Plan is required for the severed lot.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation.
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch Eden Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Confirmation from the County of Elgin for future access to the County Road
6. Cash-in-Lieu of Parkland Dedication fee to the Municipality for the created lot.
7. Planning Report fee payable to the Municipality.
8. Provide a copy of the digital registered plan of survey.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 75-22**

**LOT 6, GORE CONCESSION  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 22100 DOWNIE LINE**

**TAKE NOTICE that** an application has been made by Paul Randhawa, 199 Main Street, Glencoe, ON, N0L 1M0, on behalf of Chris Liddy (In the Hunt Trailers Inc.), 12711 Furnival Road, Rodney, ON, N0L 1C0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22100 Downie Line.

The applicant proposes to sever a parcel with a frontage of 30.480 metres (100 feet) and a depth of 30.480 metres (100 feet) and an area of 929m<sup>2</sup> (0.23 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 248.8 metres (816.27 feet) and a depth of 598 metres (1,961.94 feet) and an area of 194,249m<sup>2</sup> hectares (48 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 OCTOBER 26, 2022 AT 10:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

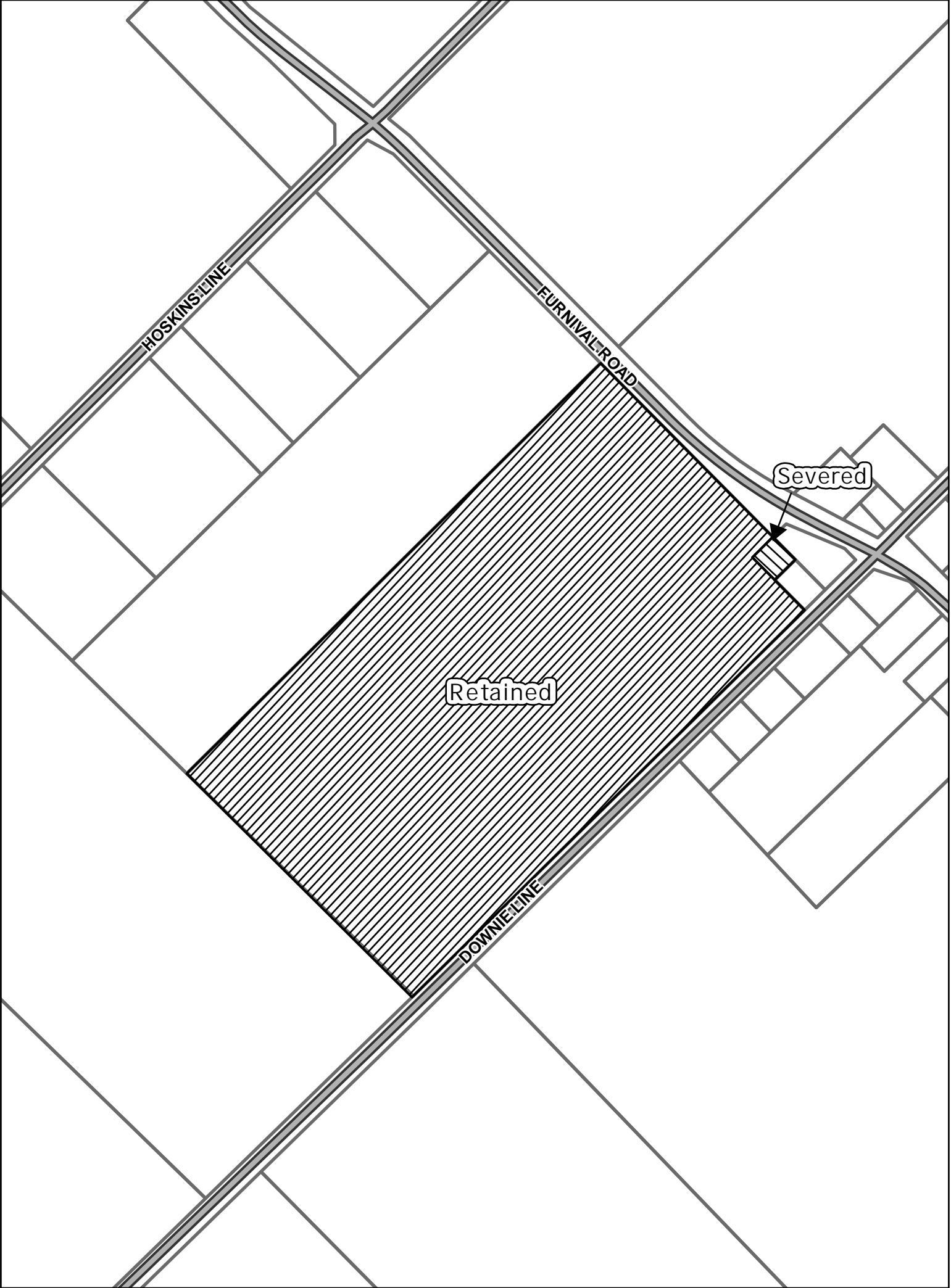
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If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional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

Dated at the Municipality of Central Elgin this 19<sup>th</sup> 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](http://www.progressivebynature.com)

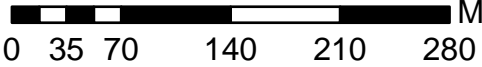


# Location Map

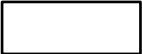


Subject Site: 22100 Downie Line  
File Number: E 75-2022  
Owner: Petrus Fleuren and Ida Fleuren  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin

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



## Legend



Subject Site



Severed



Retained

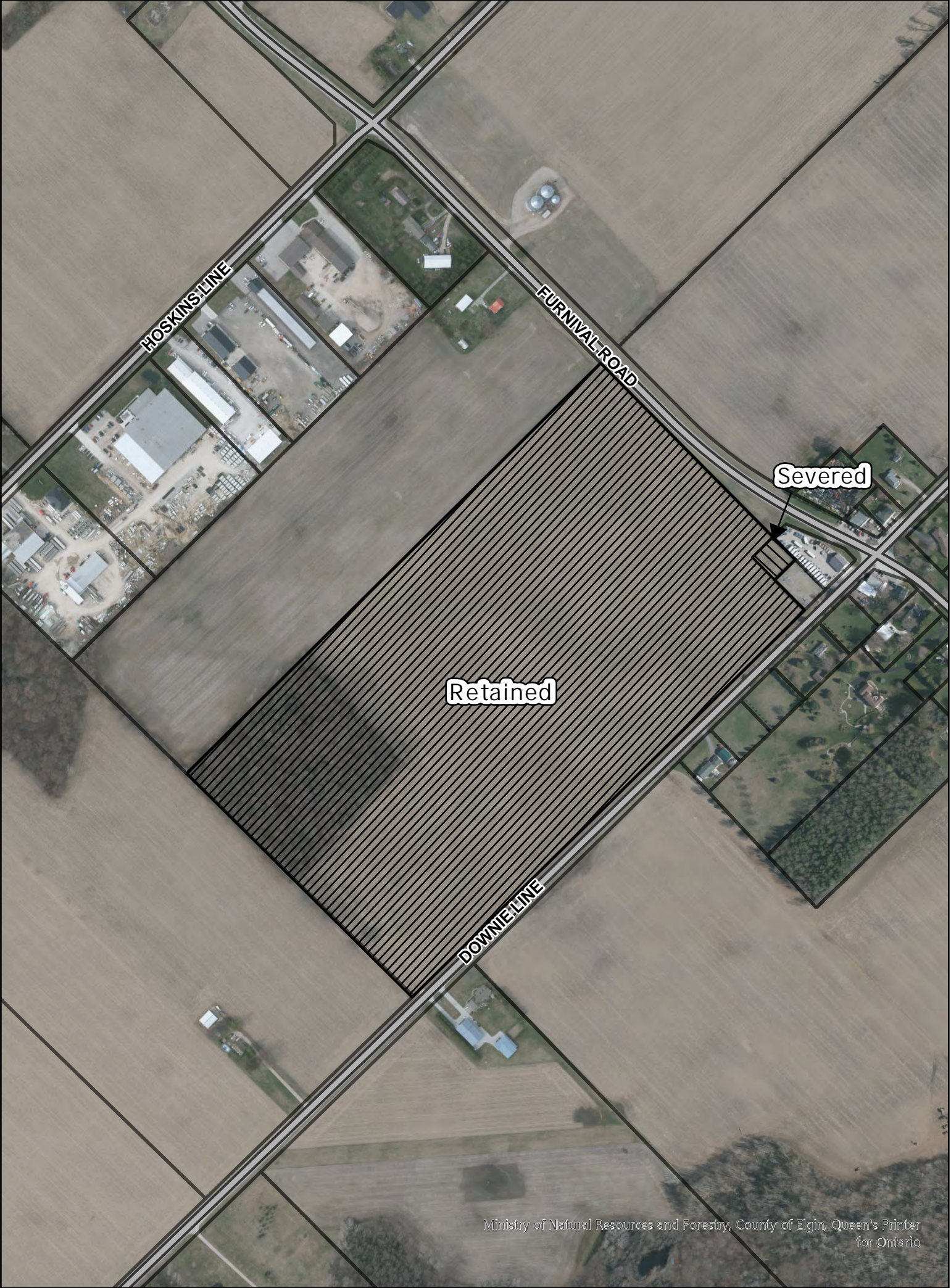


Elgin Road Network



Buildings





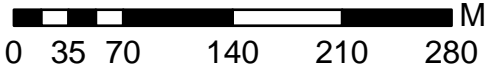
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

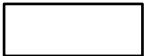


Subject Site: 22100 Downie Line  
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Date: 09/07/2022  
Municipality of West Elgin

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

October 6, 2022

Paul Clake  
Secretary-Treasurer  
Elgin County Land Division

At the Regular Meeting of Council on October 6, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 350**

**Moved: Councillor Rowe**

**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application , E75-22 – Comments to Elgin County (Planning Report 2022-37);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E75-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

**Carried**

Sincerely,

Jana Nethercott  
Clerk

/encl.



MUNICIPALITY OF  
**West Elgin**

**Staff Report**

---

**Report To: Council Meeting**

**From: Robert Brown, Planner**

**Date: 2022-09-26**

**Subject: Severance Application E75-22 – Comments to County of Elgin (Planning Report 2022-37)**

---

**Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application , E75-22 – Comments to Elgin County (Planning Report 2022-37);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E75-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that the 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 E75-22, as Elgin County is the planning approval authority for consents.

The purpose of the consent application is to facilitate the severance and conveyance of lands as a lot addition from an abutting farm parcel to an existing commercial lot for additional outdoor display area. See Appendix One – Details.

**Background:**

Below is background information, in a summary chart:

<b>Application</b>	E75-22
<b>Owners</b>	Ida & Petrus Fleuren
<b>Applicant</b>	Paul Randhawa on behalf of Chris Liddy
<b>Legal Description</b>	Part Lot of 6, Concession Gore WD
<b>Civic Address</b>	22100 Downie Line
<b>Entrance Access</b>	Furnival Rd & Downie Line
<b>Existing Land Area</b>	19.5 ha (48.23 ac.)
<b>Proposed Lot Addition</b>	929 sq. m (10,000 sq. ft.)
<b>Retained Lands</b>	19.42 ha (48 ac.)

Figure One shows the location of the subject property (outlined in blue), the proposed lot addition lands (outlined in red) and the location of the commercial receiving lot to the east (highlighted by the green arrow).

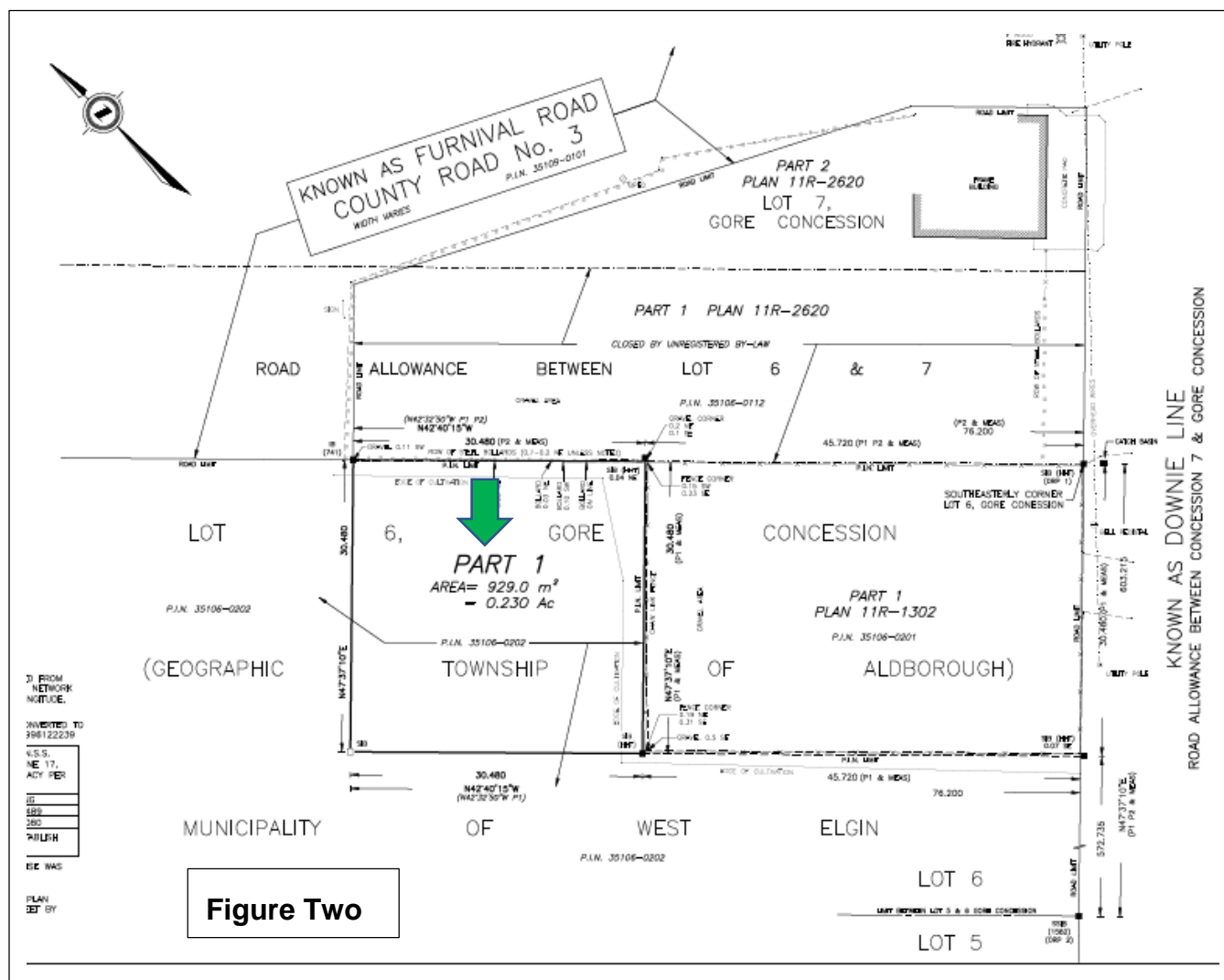


The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.



Figure Two and the chart below show the details from the survey sketch prepared as part of the application for consent. The lot addition lands are shown as Part 1.

Application	Severed Parcel			Retained Parcel		
	Length	Width	Area	Frontage	Depth	Area
E75-22	30.48 m (100 ft.)	30.48 m (100 ft.)	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )	249 m +/- (816.3 ft.)	598 m +/- (1,962 ft.)	19.4 ha (48 ac.)



### Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The convey of lands from the farm to the commercial will result in an increase in assessment on the receiving lands and minor decrease on the retained farm parcel.

### 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:**

Section 2.3.6, Non-Agricultural Uses in Prime Agricultural Areas outlines a number of criteria for permitting limited non-residential use including the following:

1. the land does not comprise a specialty crop area;

Comment: the subject lands are not a specialty crop area.

2. the proposed use complies with the minimum distance separation formulae;

Comment: there are no livestock operations within 500 metres of the proposed lot addition

3. there is an identified need with the planning horizon provide for in policy 1.1.2 for additional land to accommodate the proposed use; and

Comment: the lot addition is for an existing business to expand outdoor display and storage and is very minimal in size and located directly behind an existing Enbridge substation so it will have minimal impact on the retained farm parcel.

4. alternative locations have been evaluated, and

- i. there are no reasonable alternative location which avoid prime agricultural areas; and

Comment: the majority of West Elgin is located on prime agricultural lands so it is very challenging to avoid these lands even in cases of very minor lot additions.

- ii. there are no reasonable alternative location in prime agricultural areas with lower priority agricultural lands.

Comment: Relocating the existing business on lower prior lands is not feasible and could result in the loss of additional lands unnecessarily.

As such, the proposal is consistent with PPS.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.2 outlines that a consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. The approval authority shall be satisfied that the boundary adjustment does not affect the viability of the use of the affected lands nor shall it negatively impact the viability of the affected agricultural parcel.

Comment: The lot addition is less than a quarter of an acre, is located in the corner of the parcel already impacted by the previous Enbridge substation lot and will not impact on the use of either the retained farm parcel or receiving lot. The boundary adjustment will also not affect the ongoing viability of the retained farm parcel. As such the proposed lot addition severance conforms with the policies of the County Official Plan.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Section 10.4.3 outlines that a severance for the purpose of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall only be permitted provided:

- a) the conveyance does not lead to the creation of an undersized, irregularly shaped lot(s) unsuited to the purpose for which it is being used or proposed to be used, or contrary to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.

Comment: a zoning amendment will be necessary to rezone the lot addition lands to match with that of the receiving lot. The conveyance will also result in reducing the lot area of the retained farm parcel which is currently undersized. This too can be addressed in the same amending by-law.

- b) The lands being conveyed are registered in the same name and title as the lands to which they are being added; and

Comment: this is included as condition of the lot addition consent approval;

- c) It is stipulated in the granting of the severance that any subsequent conveyance or transaction will require a future severance.

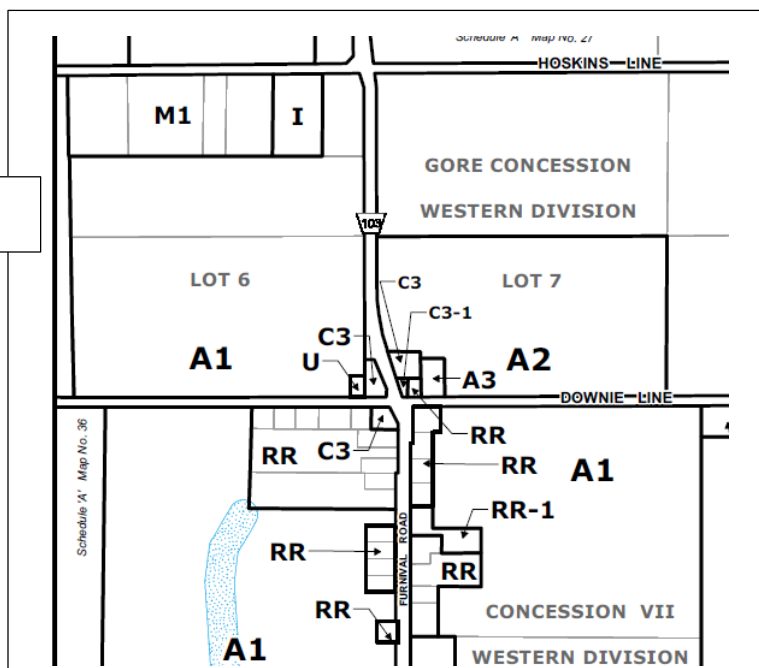
Comment: this too is included as a condition of approval.

Therefore, this proposal conforms to the OP.

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

The lot addition land and retained parcel are zoned Agriculture (A1) while the receiving lot is zoned Highway Commercial (C3) on Map 37 of the ZBL as depicted in Figure Three.

Figure Three



The lot addition lands will need to be rezoned to match the zoning on the receiving lot. As part of the same zoning amendment the further under sizing of the retained farm parcel (minimum lot area is 20.2 ha (50.ac.)) will be addressed. With this as a condition of approval, the application will conform with the West Elgin Zoning By-law.

### Interdepartmental Comments:

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

#### Drainage:

- The lot addition will trigger drainage reapportionment for the subject lands.

Staff were also in agreement that zoning would need to be undertaken as outlined earlier in the report. Site Plan approval was also a consideration however since the lands are only proposed as outdoor storage area for now site plan would not be necessary. Should additional buildings be proposed on the newly configured lot in the future then site plan approval will be required at that time. No other comments or concerns were received from Administration.

### Summary:

The proposed lot addition is consistent with the PPS, conforms to both the CEOP and West Elgin OP, will comply with the ZBL once the required amendment is completed as a condition of approval; 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 stylized, elongated horizontal stroke at the end.

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

**Report Approval Details**

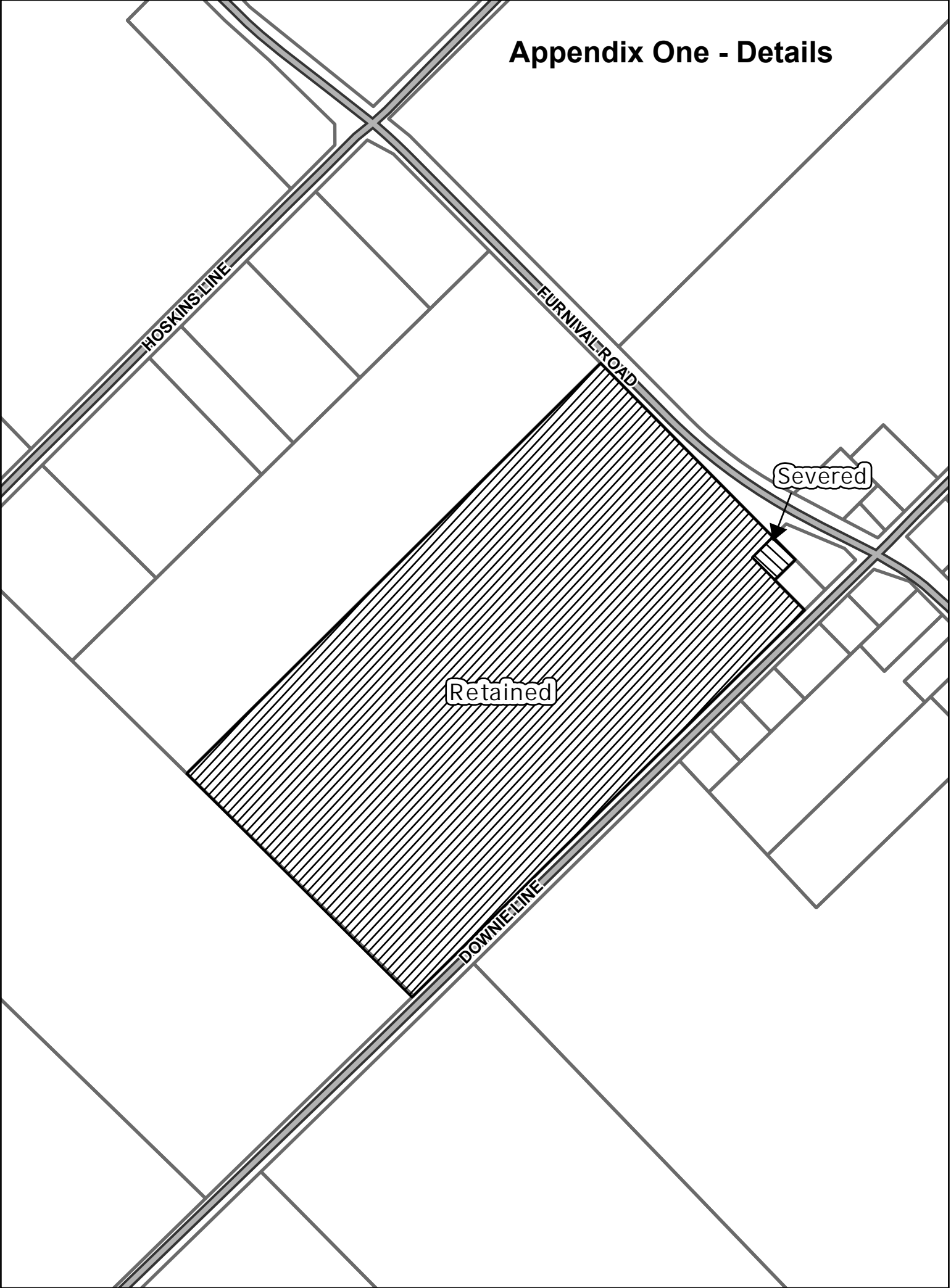
Document Title:	Severance Application E75-22 - Comments to Elgin County - 2022-37-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-37 Appendix One - Detail.pdf</li><li>- Planning Report 2022-37 Appendix Two - Comments to the County of Elgin.pdf</li></ul>
Final Approval Date:	October 6, 2022

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

Jana Nethercott



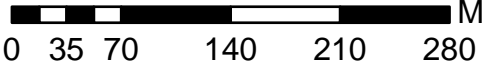
Appendix One - Details



Location Map



Subject Site: 22100 Downie Line  
File Number: E 75-2022  
Owner: Petrus Fleuren and Ida Fleuren  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin



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

## **Planning Report 2022-37: Appendix Two**

### **Consent Application E75-22 – West Elgin Conditions**

Consent Application E75-22 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 severed parcel be conveyed to and consolidated with the abutting parcel to the east Roll No. 3434 000 020 09900 (12711 Furnival Road) and that Section 50 (3 or 5) of the *Planning Act* apply to any subsequent application for consent.
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 the applicant make application for and receive approval of a zoning by-law amendment to rezone the lot addition (severed parcel) to the same zone as the receiving lot and address the further reduction in the lot area of the retained farm parcel to the satisfaction 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*.



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** October 26, 2022  
**Application:** E 75-22

**Owner:**  
**Petrus Fleuren and Ida Fleuren**  
22100 Downey Line, Rodney, ON

**Agent:**  
**Paul Randhawa**  
199 Main Street, Glencoe, ON

**Location:** Lot 6, Gore Concession, Municipality of West Elgin. Municipally known as 22100 Downie Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 30.480 metres (100 feet) and a depth of 30.480 metres (100 feet) and an area of 929m<sup>2</sup> (0.23 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 248.8 metres (816.27 feet) and a depth of 598 metres (1,961.94 feet) and an area of 194,249m<sup>2</sup> hectares (48 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
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 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 with an area of 929m<sup>2</sup> to be conveyed as a lot addition to an adjacent parcel located at 22336 Downie Line and owned by In The Hunt Trailers Inc. The

lot addition will have the effect of extending an existing parcels property lines so that they line up with the boundaries of an adjacent parcel which is also owned by In The Hunt Trailers Inc.

Section 2.3.4.2 of the PPS permits lot adjustments in prime agricultural areas 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.” This severance will not result in the creation of a new lot and will be conveyed to an adjacent lot; therefore, this application is consistent 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 application is for a lot addition to an adjacent parcel. The proposed use of the retained lot will continue to be agricultural, while the severed parcel will be merged with an exiting commercial property. The CEOP permits lot additions in the agricultural area, as per Section E1.2.3.2 – Boundary Adjustments:

A consent may be granted 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 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 applicant proposed to continue the agricultural use of the retained parcels. The lot the severed portion is being added to is already being used for commercial purposes by In The Hunt Trailers Inc., and therefore, it is not anticipated that there will be any new land use conflicts as a result of this application being approved.

#### 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 West Elgin OP permits lot additions in the Agricultural designation to convey a modest amount of land to an abutting lot. The retained parcel is currently zoned Agriculture (A1) and the lot being added to is zoned Highway Commercial (C3), to address this discrepancy, West Elgin staff have proposed a condition of consent to rezone the severed parcel to match that of the lot being added to.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
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6. That the applicant make application for and receive approval of a zoning by-law amendment to rezone the lot addition (severed parcel) to the same zone as the receiving lot and address the further reduction in the lot area of the retained farm parcel to the satisfaction 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 76-22**

**LOTS 9 AND 10, CONCESSION 12  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 22997 SILVER CLAY LINE**

**TAKE NOTICE that** an application has been made by Tom and Nancy Mohan, 22997 Silver Clay Line, Rodney, ON N0L 2C0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22997 Silver Clay Line.

The applicant proposes to sever a parcel with a frontage of 265 metres (869.42 feet) and a depth of 786 metres (2,578.74 feet) and an area of 20.83 hectares (51.47 acres) to remain in agricultural use. The applicant is retaining a lot with a frontage of 301 metres (987.53 feet) and a depth of 731 metres (2,398.30 feet) and an area of 22.01 hectares (54.39 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 OCTOBER 26, 2022 AT 10:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

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

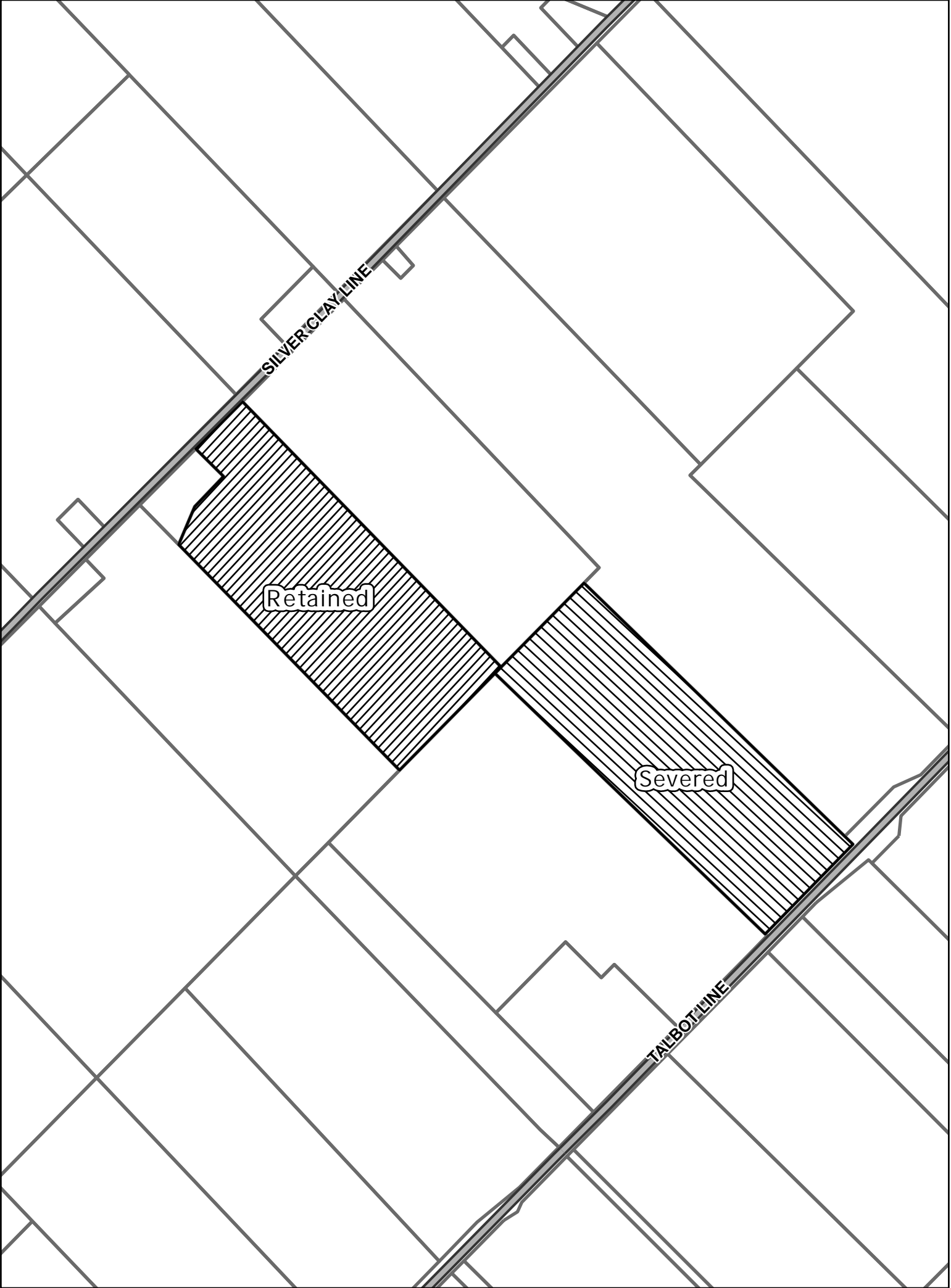
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> 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](http://www.progressivebynature.com)

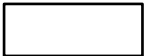




# Location Map



## Legend



Subject Site



Severed



Retained

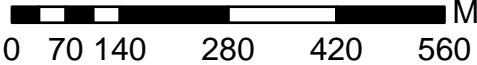


Elgin Road Network



Buildings

Subject Site: 22997 Silver Clay Line  
File Number: E 76-2022  
Owner: Tom and Nancy Mohan  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin





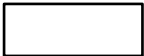


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



Severed



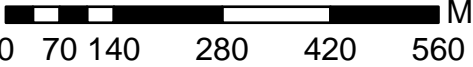
Retained



Elgin Road Network



Buildings







# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

October 6, 2022

Paul Clake  
Secretary-Treasurer  
Elgin County Land Division

At the Regular Meeting of Council on October 6, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 351**

**Moved: Deputy Mayor Leatham**

**Seconded: Councillor Rowe**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E76-22 – Comments to the County of Elgin (Planning Report 2022-38)

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application E76-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

**Carried**

Sincerely,

Jana Nethercott  
Clerk

/encl.



# MUNICIPALITY OF West Elgin

## Staff Report

---

**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2022-09-23

**Subject:** Severance Application E76-22 – Comments to County of Elgin (Planning Report 2022-38)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E76-22 – Comments to the County of Elgin (Planning Report 2022-38)

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application E76-22, 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 E76-22, as Elgin County is the planning approval authority for consents.

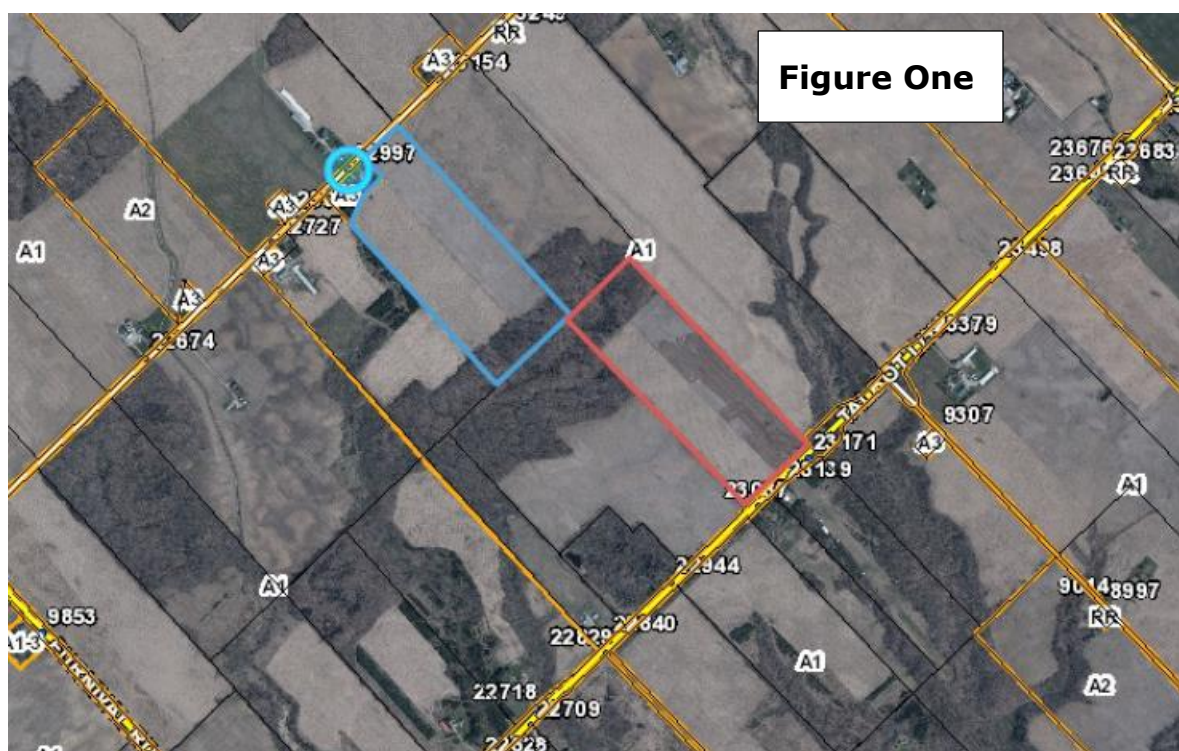
The purpose of the consent application is to facilitate the re-establishment of two existing farm lots which inadvertently merged as the result of being abutting lands held under the same ownership.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E76-22
<b>Owner/Applicant</b>	Tom & Nancy Mohan
<b>Legal Description</b>	Part Lot of 9 & 10, Concession 12
<b>Civic Address</b>	22997 Silver Clay Line
<b>Entrance Access</b>	Silver Clay Line and Talbot Line
<b>Existing Land Area</b>	42.84 ha (105.85 ac.)
<b>Proposed</b>	20.83 ha (51.47 ac) & 22.01 ha (54.39 ac.)

Figure One shows the location of the subject property. The blue outline being the retained parcel and the red outline the severed parcel.



The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.

A survey sketch was not prepared since the proposed consent is simply re-establishing the existing lot pattern. The measurements in the chart below are based on the current aerial mapping and considered appropriate for the proposed consent.

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E76-22	265 m+/- (869.42 ft)	786 m+/- (2,579 ft)	20.83 ha+/- (51.47 ac.)	140 m+/- (459.3 ft)	731 m+/- (2,398 ft)	22.01 ha+/- (22.01 ac.)

### **Financial Implications:**

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The proposed re-establishment of the existing farm lots will not result in any change 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:**

There are no issues of Provincial significance raised by the proposed consent to re-establish the two farm lots. The merging of the lands was inadvertent and only caused as a result of the unusual offset between the rear lot lines of the parcels. The lands are separated by a natural heritage feature and have been farmed separately and will continue to be farmed separately. A forced consolidation of the lands would result in unnecessary impact to the natural heritage feature and would not improve the efficient operation of the farming operation or impact on the current or future viability of the parcels. The connection between the two parcels is minimal and very unusual in nature and should be taken into consideration.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.4 does permit the creation of lots in the agricultural area if the lot to be severed and lot to be retained are about 40 hectares; or as established in the local planning documents. The West Elgin OP follows a similar criteria however smaller parcels can be considered.

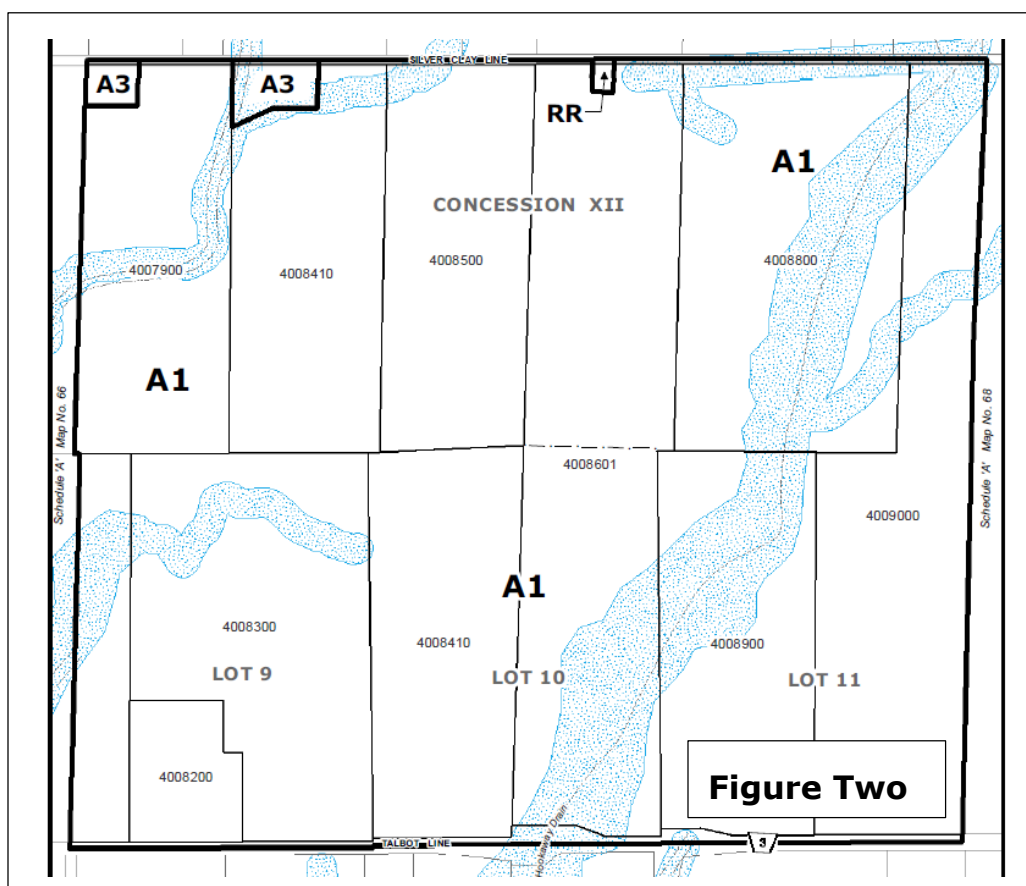
**OP:**

The subject lands are designated as Agricultural Area, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Section 6.2.7 does permit the creation of new farm lots with a minimum size of 40 hectares for both the severed and retained however, Section 6.2.7 h) permits the proposed re-establishment of the existing lots as proposed since they inadvertently merged as a result of changes in the Planning Act dating back to the 1970's. Therefore, this proposal conforms to the OP.

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

The subject lands are zoned Agricultural (A1) as shown on Schedule A of the ZBL and depicted on Map 67 (Figure 2). Despite the minimum lot area requirement outlined in the OP, the Zoning By-law lot area minimum in the A1 is 20.2 ha (50 ac.). Both the severed and retained lands meet the minimum lot area requirement of the ZBL. The minimum lot frontage is noted at 300 m (984 ft.). The frontage of the severed and retained lands is currently considered as legal non-conforming. The re-establishment of the parcels as separate lots is not considered to impact on this and as such both the severed and retained parcels are in compliance with the West Elgin Comprehensive Zoning By-law.





### **Interdepartmental Comments:**

The severance application was circulated to municipal staff for comment. Since the proposal is for the re-establishment of the existing separate farm lots there is no change to servicing needs, access to the farms and there is no need for drainage re-apportionment. As such, there was no comments or concerns from Administration.

### **Summary:**

It is the Planner's opinion that the proposed lot re-establishment, 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:

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

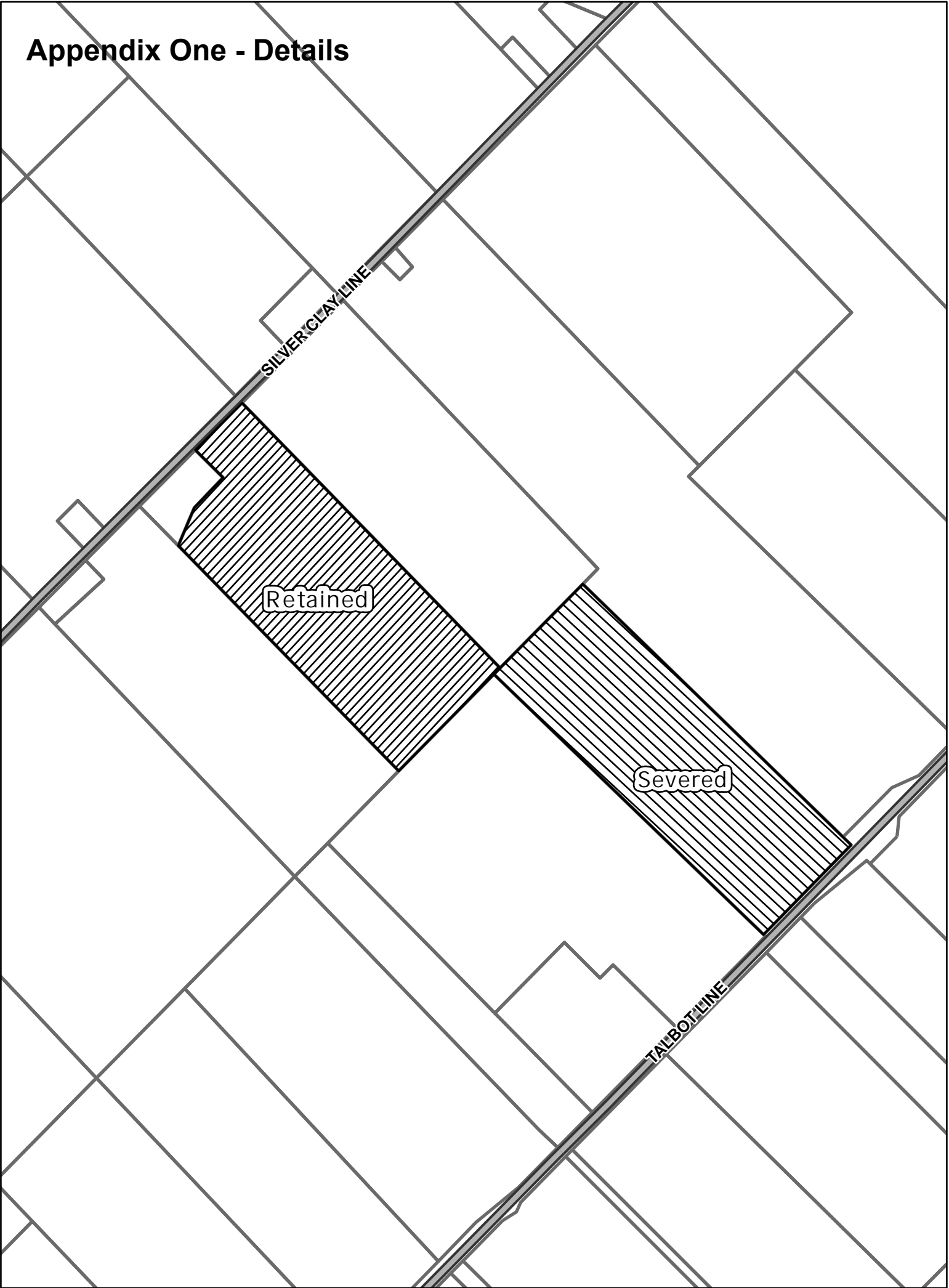
**Report Approval Details**

Document Title:	Severance Application E76-22 - Comments to Elgin County - 2022-38-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-38 Appendix One - Detail.pdf</li><li>- Planning Report 2022-38 Appendix Two - Comments to the County of Elgin.pdf</li></ul>
Final Approval Date:	October 6, 2022

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

Jana Nethercott

# Appendix One - Details

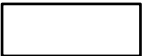


## Location Map



Subject Site: 22997 Silver Clay Line  
File Number: E 76-2022  
Owner: Tom and Nancy Mohan  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Municipality of West Elgin

### Legend



Subject Site



Severed



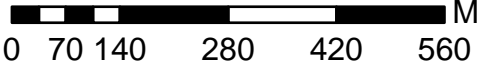
Retained



Elgin Road Network



Buildings



## **Planning Report 2022-38: Appendix Two**

### **Consent Application E76-22 – West Elgin Conditions**

Consent Application E76-22 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 prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
5. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

September 14, 2022

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

Attn: **Robert Brown**

Re: **Consent Application (E 76-22)**  
**22997 Silver Clay Line (Mohan)**  
**Lots 9 & 10; Concession 12**  
**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 are the Schnekenburger Drain, the Yauch 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: September 14, 2022 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 76-22

OWNER: Tom and Nancy Mohan

PROPERTY: LOT NO. 9 & 10 CONCESSION: 12

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.elgincounty.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:** October 26, 2022  
**Application:** E 76-22

**Owner:**  
**Tom and Nancy Mohan**

22997 Silver Clay Line, Rodney, ON

**Agent:**  
**None**

**Location:** Lots 9 and 10, Concession 12, Municipality of West Elgin. Municipally known as 22997 Silver Clay Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 265 metres (869.42 feet) and a depth of 786 metres (2,578.74 feet) and an area of 20.83 hectares (51.47 acres) to remain in agricultural use. The applicant is retaining a lot with a frontage of 301 metres (987.53 feet) and a depth of 731 metres (2,398.30 feet) and an area of 22.01 hectares (54.39 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agricultural Area

**Local Municipality Zoning  
By-law**

Agricultural (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 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 two parcels which were merged on title. The severed parcel is approximately 20ha in area while the retained parcel will be approximately 22ha in area. In Ontario, adjacent lands that are held in identical ownership merge on title effectively

becoming one lot. In order to restore those parcels to their original configuration of separate lots, the owners must apply for a consent.

Section 2.3.4 of the PPS allows for lot creation in agricultural areas subject to the provisions of 2.3.4.1(a):

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations

This application seeks to restore the lots to their original form prior to the margining and are proposed to remain in agricultural use.

#### 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. Lot creation in the agricultural area is generally discouraged by the CEOP, except in certain circumstances. In accordance with section E1.2.3.4, lot creation for agricultural uses is permitted:

[if] the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents

While the CEOP generally prescribed a minimum lot size of 40ha (versus the 20ha proposed), given this application is to return the lots to their original configuration as separate parcels, staff are of the opinion that the intent of the CEOP is maintained. This severance would see the parcels return to their original form and size, with both continuing their current agricultural use.

#### 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 subject land is designated Agricultural Area in the West Elgin OP. Section 6.2.7(h) of the OP permits farm splits to re-establish existing lot boundaries in the event of an inadvertent merge on title. With respect of the Zoning By-law, the severed and retained lots will meet the minimum lot area requirements.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 77-22**

**LOT 3, CONCESSION 8  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 14508 PUTNAM ROAD**

**TAKE NOTICE that** an application has been made by James G. Battin, 25 Bidwell Street, Tillsonburg, ON N4G 3T4, on behalf of Antoinette Van Blyderveen and Toby Lovell, 14506 Putnam Road, Springfield, ON N0L 2J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 14508 Putnam Road.

The applicant proposes to sever a parcel with a frontage of 30.480 metres (100 feet) and a depth of 15.240 metres (50 feet) and an area of 464.515m<sup>2</sup> (0.11 acres) to be conveyed to an adjacent parcel. The applicant is retaining a lot with a frontage of 87.978 metres (288.64 feet) and a depth of 60.960 metres (200 feet) and an area of 5,363.138m<sup>2</sup> (1.33 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 OCTOBER 26, 2022 AT 10:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

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

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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> 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](http://www.progressivebynature.com)

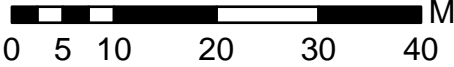


# Location Map



Subject Site: 14508 Putnam Road  
File Number: E 77-2022  
Owner: Michael Brown and Julianne Cronheimer-Brown  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

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





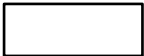


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



Severed



Retained

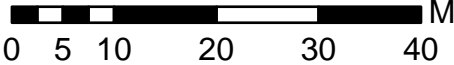


Elgin Road Network



Buildings

Subject Site: 14508 Putnam Road  
File Number: E 77-2022  
Owner: Michael Brown and Julianne Cronheimer-Brown  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide







## Report to Council

---

**REPORT NO.:** DS-22-50

**DATE:** October 20, 2022  
(Report submitted October 13, 2022)

**ATTACHMENT:** Application, Conditions

**SUBJECT:** **Application for Consent to Sever of Anne Van Blyderveen, Application E-77-22**

**LOCATION:** Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester)

---

### Recommendation:

**THAT Report No. REPORT NO.: DS-22-50 entitled “Application for Consent to Sever of Anne Van Blyderveen” be received;**

**AND THAT the Application for Consent to Sever of Anne Van Blyderveen (E-77-22), relating to the property located in Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester) 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 to facilitate a lot boundary adjustment to resolve an encroachment onto the subject lands.

The Application relates to the property located in Part Lot 3 Concession 8, RP 11R-10226 (Geographic Township of Malahide).

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 26, 2022.

## **Comments/Analysis:**

The land proposed to be conveyed has been historically used by the applicant as part of their property. However, it was discovered that the land proposed to be conveyed was actually a part of the property located at 14508 Imperial Road. The applicant is now looking to purchase that portion of the lands that have been historically used by them from the owner of 14508 Imperial Road.

The lands proposed to be conveyed comprise an area of approximately 464.1 m<sup>2</sup> (0.11 acres) with a depth of approximately 15.24 metres and are currently vacant. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the west.

The parcel to be enlarged is a residential parcel that contains an existing single detached dwelling. The enlarged parcel would have an area of 1,857.6 m<sup>2</sup> (0.45 acres). The effect of the boundary adjustment is to convey land that has been historically used by an adjacent land owner.

The proposed retained parcel comprises an area of approximately 5,363.1 m<sup>2</sup> with a depth of approximately 60.9 metres and approximately 30.4 metres of frontage on Putnam Road. The retained parcel is a small lot agricultural parcel used for residential purposes and contains an existing single detached dwelling and several 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 conveying land that has been historically used by the adjacent property owner. 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 Putnam Road.

## **Malahide Zoning By-law No. 18-22**

The subject property is zoned 'Small Lot Agricultural (A4)' on Schedule 'A', Map No. 8 to the Township of Malahide Zoning By-law No. 18-22. The parcel proposed to be enlarged is zoned 'Rural Residential (RR)'. Therefore, if the proposed consent is approved, the enlarged parcel would have multiple zones on the same lot. On lots that

have more than one zone, Section 3.5 of the Zoning By-law treats the zone boundaries as a lot boundary. Therefore, it is recommended that a Zoning By-law Amendment application be required as a condition of consent approval.

The lands proposed to be retained would satisfy the minimum lot area and lot frontage requirements of the A4 zone.

### **General Comments**

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. 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.

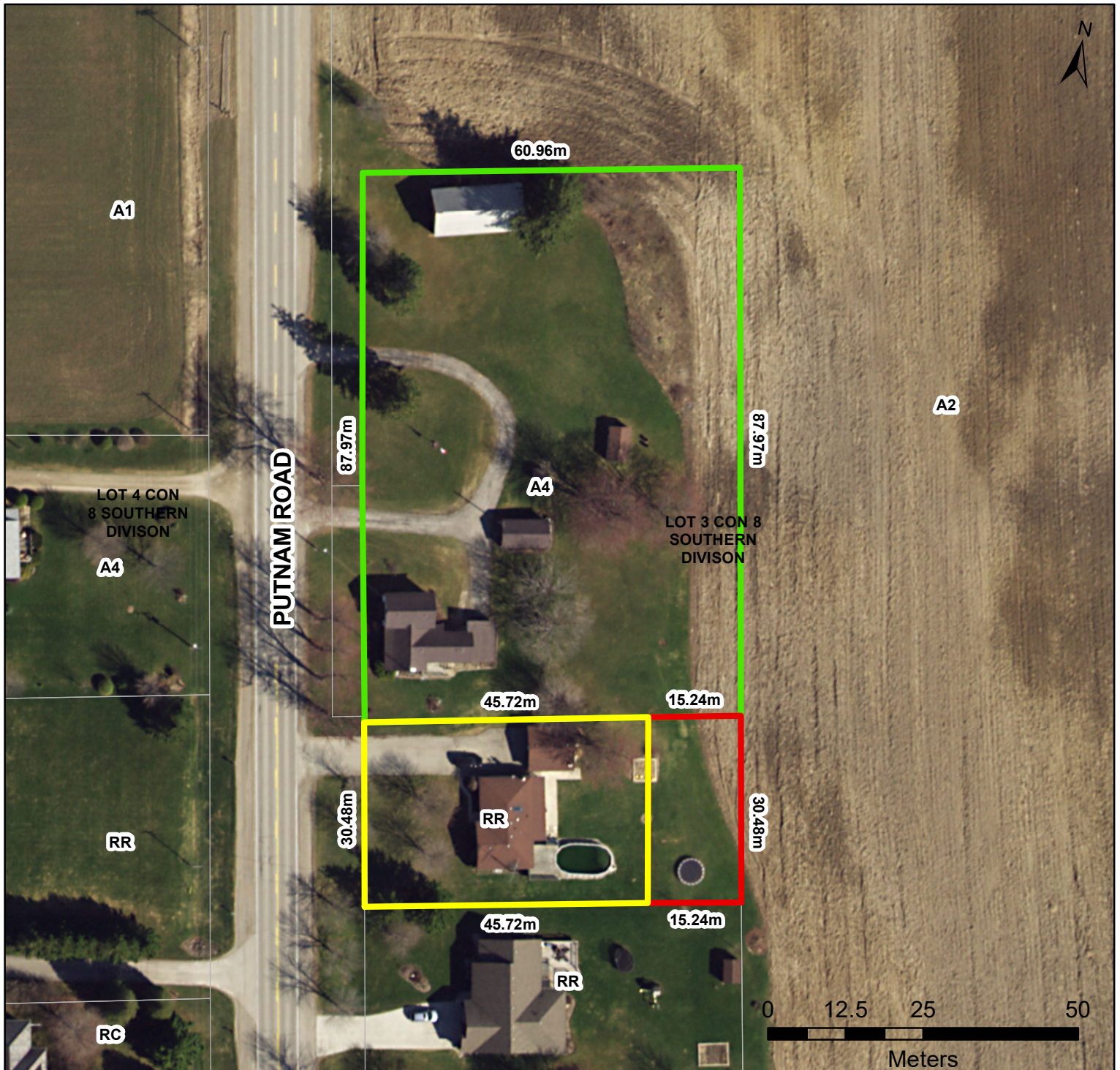
One of the goals that supports the "Our Land" Strategic Pillar is "Protect and Enhance Malahide's Agricultural Character". The proposed lot addition would not impact surrounding agricultural lands, and therefore, the Council is achieving this goal.

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**  
**Owners: Michael Brown & Julianne Cronheimer-Brown**  
**Agent: James G. Battin**  
**Applicants: Antoinette Van Blyderveen & Toby Lovell**  
 Part of Lot 3, Concession 8, R-Plan 11R-10226 Part 2  
 Township of Malahide

**Township  
of Malahide  
Figure 1**



**OFFICIAL PLAN DESIGNATION**  
 Agriculture

**ZONING**  
 A4 General Agricultural  
 RR Rural Residential



Retained Lands



Severed Lands



Lands to which the retained lot will be conveyed as a lot addition





October 21, 2022

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

Dear Committee Members:

**RE: Land Severance Application E 77-22 - Michael Brown & Julianne Cronheimer Brown (James G. Battin) - 14508 Putnam Road, Part of Lot 3, Concession 8. Registered Plan 11R-10226 Part 2**

The Malahide Township Council passed the following Resolutions on October 20, 2022:

THAT the Malahide Township Council has no objection to the Land Severance No. E 77-22 in the name of Michael Brown & Julianne Cronheimer Brown, relating to the property located Part of Lot 3, Concession 8. Registered Plan 11R-10226 Part 2, Township of Malahide, subject to the following conditions:

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

We enclose Municipal Appraisal together with Municipal Report DS-22-50 for your records.

## 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 E77-22

Applicant Michael Brown & Julianne Cronheimer Brown (James G. Battin)

Location 14508 Putnam Road (Part of Lot 3, Concession 8. Registered Plan 11R-10226 Part 2)

### 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 2.1.2 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 subject property is zoned 'Small Lot Agricultural (A4)' on Schedule 'A', Map No. 8 to the Township of Malahide Zoning By-law No. 18-22. The parcel proposed to be enlarged is zoned 'Rural Residential (RR)'. Therefore, the enlarged parcel would have multiple zones on the same lot. On lots that have more than one zone, Section 3.5 of the Zoning By-law treats the zone boundaries as a lot boundary. Therefore, it is recommended that a Zoning By-law Amendment application be required as a condition of consent approval.

The lands proposed to be retained would satisfy the minimum lot area and lot frontage requirements of the A4 zone.

- |  |           |        |
|--|-----------|--------|
| 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? |         |        |



Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy  
Michael Brown & Julianne Cronheimer Brown  
James G. Battin

**From:** [Gerrit Kremers](#)  
**To:** [Paul Clarke](#); [Land Division](#)  
**Subject:** RE: E 71-22 Notice of Application - Request for Agency Review  
**Date:** September 16, 2022 3:40:14 PM  
**Attachments:** [image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.gif](#)  
[image013.gif](#)  
[image014.gif](#)  
[image015.gif](#)  
[image016.gif](#)  
[image017.gif](#)  
[image018.gif](#)

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

Hello,

CCCA has no concerns or comments in regards to the above application at this time.

Thanks,

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

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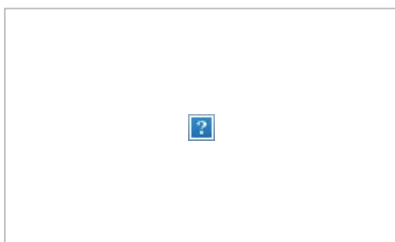
**From:** Paul Clarke <[pclarke@ELGIN.ca](mailto:pclarke@ELGIN.ca)>  
**Sent:** September-16-22 1:54 PM  
**To:** David Roe <[civicplanningsolutions@nor-del.com](mailto:civicplanningsolutions@nor-del.com)>  
**Cc:** Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** E 71-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Application for file number E-71-22 for the Elgin County Land Division Committee meeting scheduled for October 26, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday October 18, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,



**Paul Clarke**

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170

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

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



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: September 14, 2022 ELGIN COUNTY ROAD NO.: 47 - 14508 PUTNAM ROAD

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 77-22

APPLICANT: James G. Battin

PROPERTY: LOT NO. 3 CONCESSION: 8

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

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

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



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

**From:** [am\\_lovell@msn.com](mailto:am_lovell@msn.com)  
**To:** [Land Division](#)  
**Subject:** Comments for Application E 77-22  
**Date:** October 17, 2022 9:14:04 PM

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

The following are comments from the owners of 14506 Putnam Road, the applicants, wishing to purchase the property to be severed. To be reviewed by the committee.

1. When we purchased our property there were no visible property stakes distinguishing that the property to be severed was not part of our purchase.  
The property at the time of purchase had a shed, cemented down trampoline, fire pit and a birdhouse on it. All of which was sold to us at the time of purchase.
2. After having issues with our septic tank we hired someone to use ground penetrating radar to find our leeching bed. We found out that 5 feet of our leeching bed runs onto the property to be severed.
3. We have maintained the property to be severed for 11 years now.

Please consider these points when making a decision on whether the severance will be approved.

Thank you.

Antoinette Van Blyderveen and Toby Lovell



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** October 26, 2022  
**Application:** E 77-22

**Owner:**  
**Michael and Julianne Cronheimer-Brown**  
14508 Putnam Road, Springfield, ON

**Agent:**  
**James G. Battin**  
25 Bidwell Street, Tillsonburg, ON

**Location:** Lot 3, Concession 8, Township of Malahide. Municipally known as 14508 Putnam Road.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 30.480 metres (100 feet) and a depth of 15.240 metres (50 feet) and an area of 464.515m<sup>2</sup> (0.11 acres) to be conveyed to an adjacent parcel. The applicant is retaining a lot with a frontage of 87.978 metres (288.64 feet) and a depth of 60.960 metres (200 feet) and an area of 5,363.138m<sup>2</sup> (1.33 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Small Lot Agricultural (A4)

**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 a portion of their yard and convey it as a lot addition to an adjacent parcel. Both the subject land and the lot proposed to receive the addition are within

the agricultural area. Section 2.3.4.1 of the PPS permits lot additions where no new lot is created within the prime agricultural area.

#### Section 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 of easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. The proposed severance will not result in the creation of a new lot. Furthermore, both parcels affected by this application are residential in nature, the surrounding agricultural lands are not anticipated to be affected by this proposal.

#### 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. Lot creation in the agricultural area is generally discouraged by the CEOP; however, lot adjustments which do not create a new parcel are allowed in the agricultural area as per Section E1.2.3.4:

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

This is a minor boundary adjustment which will not result in the creation of a new lot and will align the lot boundaries with the surrounding parcels. These parcels are residential in nature and are surrounded by agricultural land. As the nature of this severance is minor, no new lot is being created and there is not anticipated to be any adverse effect on the surrounding agricultural land this severance is deemed to be in conformity with the CEOP.

#### 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. Section 8.7.1.7 of the Township of Malahide OP permits lot boundary adjustments where no new lot is being created. The subject land is zoned Small Lot Agricultural (A4) while the parcel receiving the lot addition is zoned Rural Residential (RR), to address this Malahide has proposed a zoning by-law amendment be included 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 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.

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

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 78-22**

**LOT 30 ON REGISTERED PLAN No. 202  
MUNICIPALITY OF WEST ELGIN**

**TAKE NOTICE that** an application has been made by Dan McKillop, 29094 Silver Clay Line, Dutton, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lot 30 on Registered Plan No. 202, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 119.17 metres (390.98 feet) and a depth of 287.42 metres (942.98 feet) and an area of 34,251.84 m<sup>2</sup> (8.46 acres) for future residential development. The applicant is retaining a lot with a frontage of 134.33 metres (440.72 feet) and a depth of 287.42 metres (942.98 feet) and an area of 38,609.13m<sup>2</sup> (9.54 acres), proposed to remain in use as a cemetery.

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 OCTOBER 26, 2022 AT 10:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

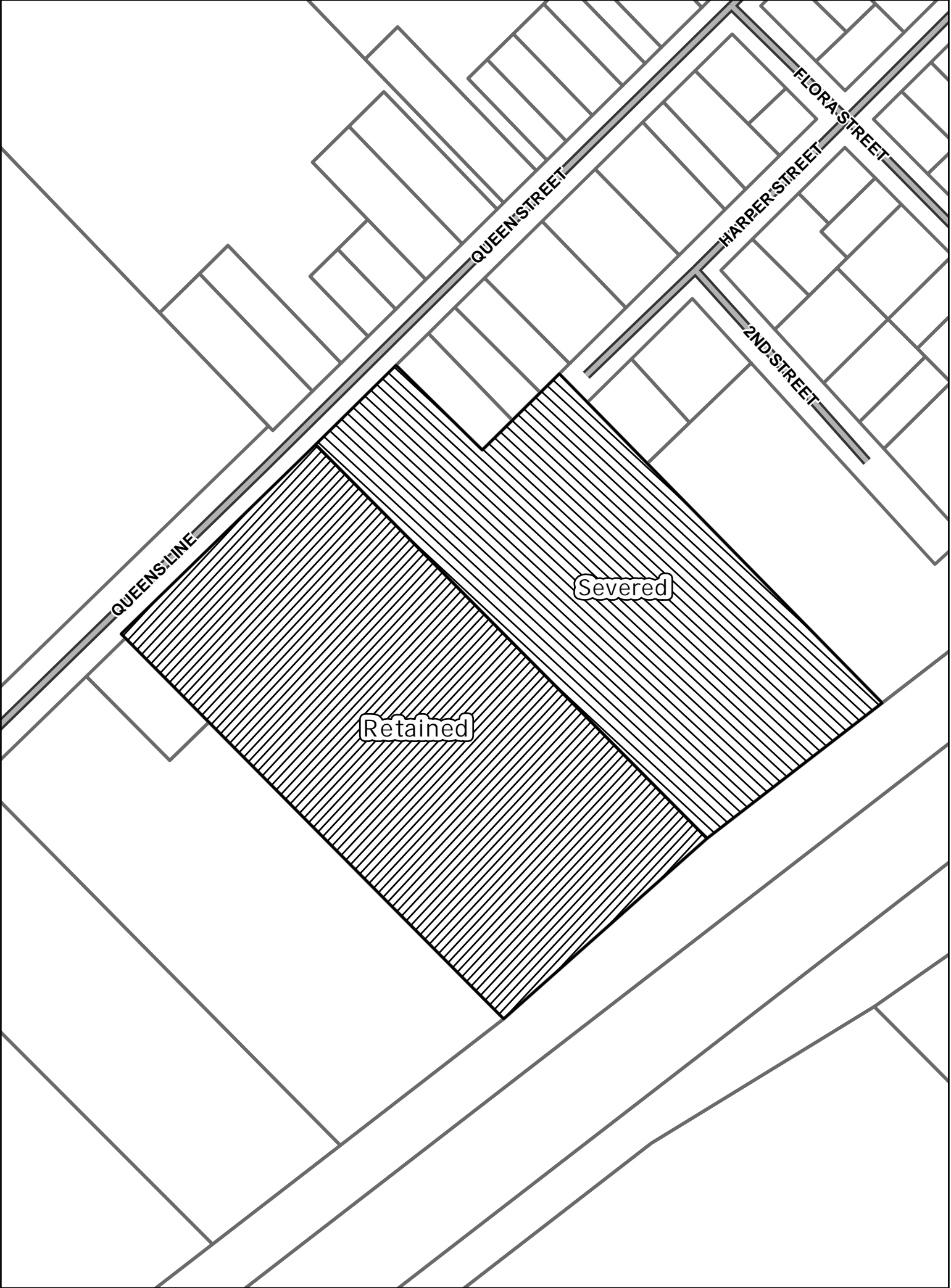
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 21<sup>st</sup> 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](http://www.progressivebynature.com)

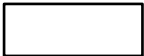


Location Map



Subject Site: 14508 Putnam Road  
File Number: E 77-2022  
Owner: Michael Brown and Julianne Cronheimer-Brown  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

Legend



Subject Site



Severed



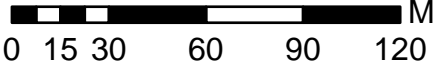
Retained



Elgin Road Network



Buildings





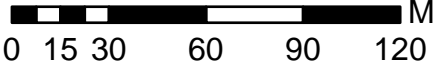


# Location Map

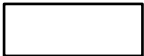


Subject Site: 14508 Putnam Road  
File Number: E 77-2022  
Owner: Michael Brown and Julianne Cronheimer-Brown  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

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



## Legend



Subject Site



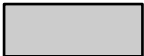
Severed



Retained



Elgin Road Network



Buildings





# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

October 6, 2022

Paul Clake  
Secretary-Treasurer  
Elgin County Land Division

At the Regular Meeting of Council on October 6, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 352**

**Moved: Councillor Tellier**

**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the consent application File E78-22 – Comments to County of Elgin (Planning Report 2022-039);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E78-22, subject to the Lower Tier Municipal conditions in Appendix Two of this report;

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

**Carried**

Sincerely,

Jana Nethercott  
Clerk

/encl.



# MUNICIPALITY OF **West Elgin**

## Staff Report

---

**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2022-09-30  
**Subject:** Severance Application E78-22 – Comments to County of Elgin (Planning Report 2022-39)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the consent application File E78-22 – Comments to County of Elgin (Planning Report 2022-039);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E78-22, 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 E78-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the severance of the vacant portion of the lands located along the east side of the subject property and with the Rodney Settlement area for sale and future development. See Appendix One – Detail.



**Background:**

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

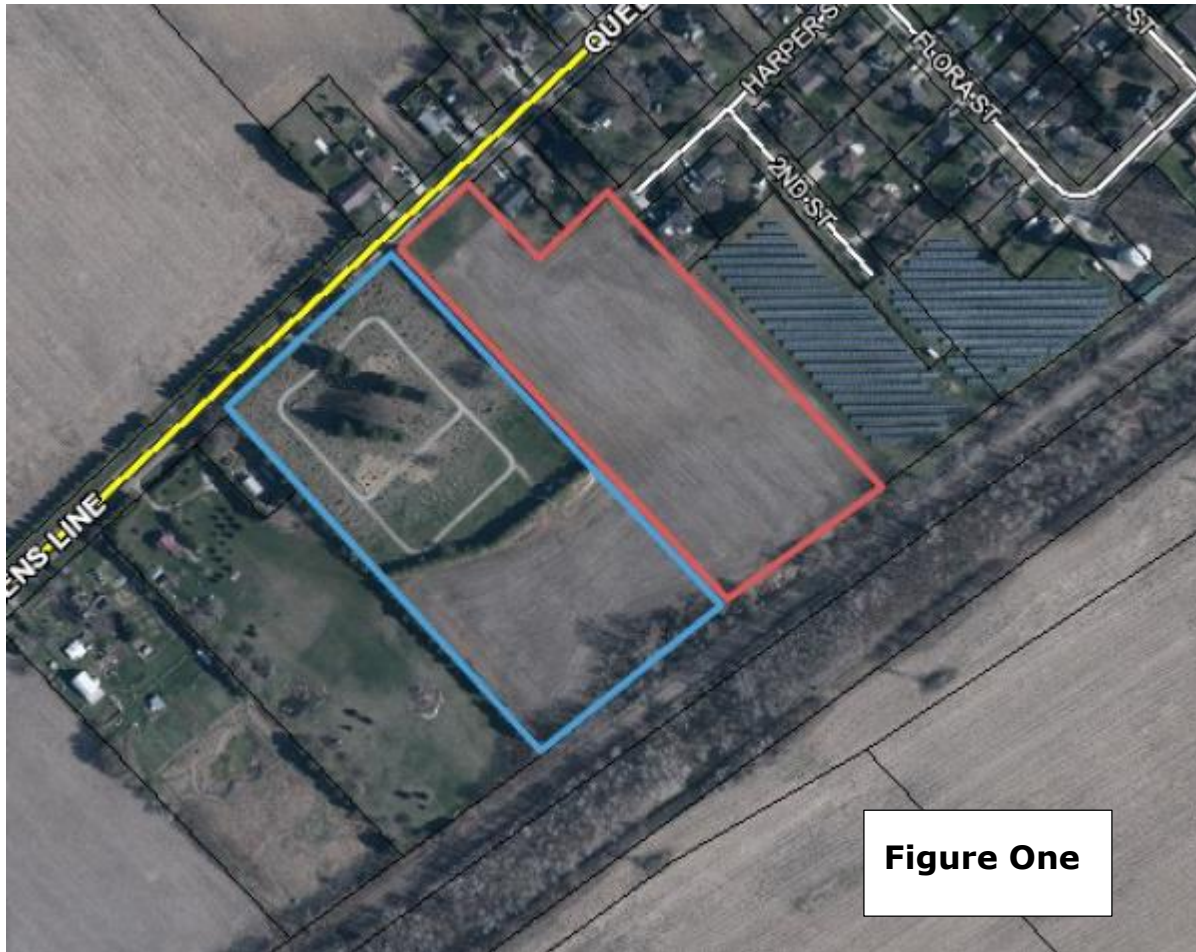
<b>Application</b>	E78-22
<b>Owner</b>	The Rodney Cemetery Company
<b>Applicant</b>	Dan McKillop
<b>Legal Description</b>	Pt. Lot 5, Concession 8, Pt. Lot 30, Plan 202 & Part 2 – 4, RP 11R 5577
<b>Civic Address</b>	21991 Queens Line
<b>Entrance Access</b>	Queens Line
<b>Water Supply</b>	Severed Parcel – Municipal water available Retained Parcel – no services required
<b>Sewage Supply</b>	Severed Parcel – Municipal sanitary sewage service available Retained Parcel – no services required
<b>Existing Land Area</b>	6.57 ha (16.23 ac)
<b>Buildings and/or Structures</b>	Severed Parcel – vacant Retained Parcel – one outbuilding

The chart below details the dimensions and land area of the application:

<b>Application</b>	<b>Severed Parcel</b>			<b>Retained Lands</b>		
	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>E78-22</b>	58.143 m (190.75 ft.)	287.42 m (943 ft.)	2.83 ha (7.0 ac)	134.33 m (440.7 ft.)	287.42 m (943 ft.)	3.73 ha (9.23 ac)

The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below outlines the subject property. The retained lands, outlined in blue while the severed lands are marked in red.



**Figure One**

### **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 approval authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

### **PPS:**

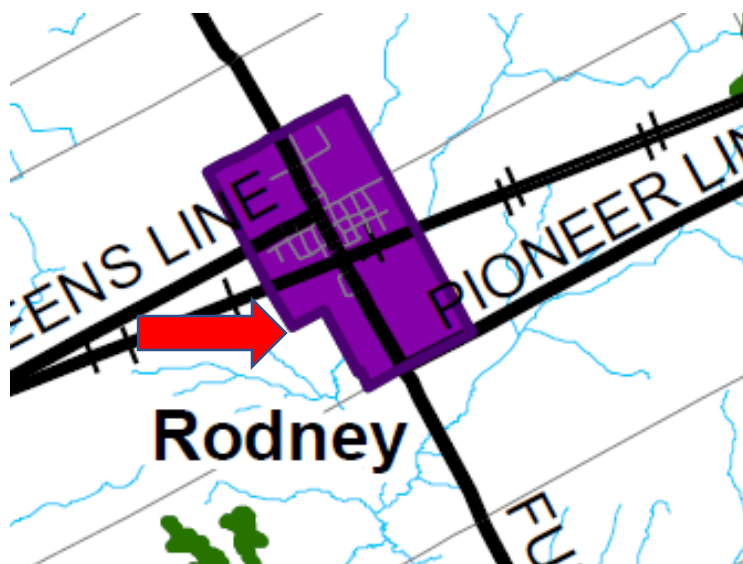
The severed portion of the subject property is location within the Rodney Settlement area. Lot creation is permitted within the Settlement Areas in accordance with Section 1.1 of the PPS.

As part of the pre-consultation proposed it was recommended that the applicant ensure that the limits of the cemetery were clear and that there be confirmation that no part of the severed parcel was utilized as part of the cemetery. Documentation of this confirmation from the applicable provincial authority is attached as Appendix Three.

The proposal is consistent with the PPS.

### **CEOP:**

The severed portion of the subject lands are designated Tier I Settlement Areas while the retained lands remain as an existing use within the Agricultural Area on Schedule 'A' Land Use (Figure Two) in the CEOP. The lot creation policies of the CEOP contained under Section E1.2.3.1, have several applicable criteria to the initial severance of the vacant lands. Those have been reviewed and are addressed through the conditions of approval. Once a comprehensive development plan is provided a plan of subdivision will be necessary further detailing requirements of the eventual build out. This proposal conforms with the CEOP.



**Figure Two**

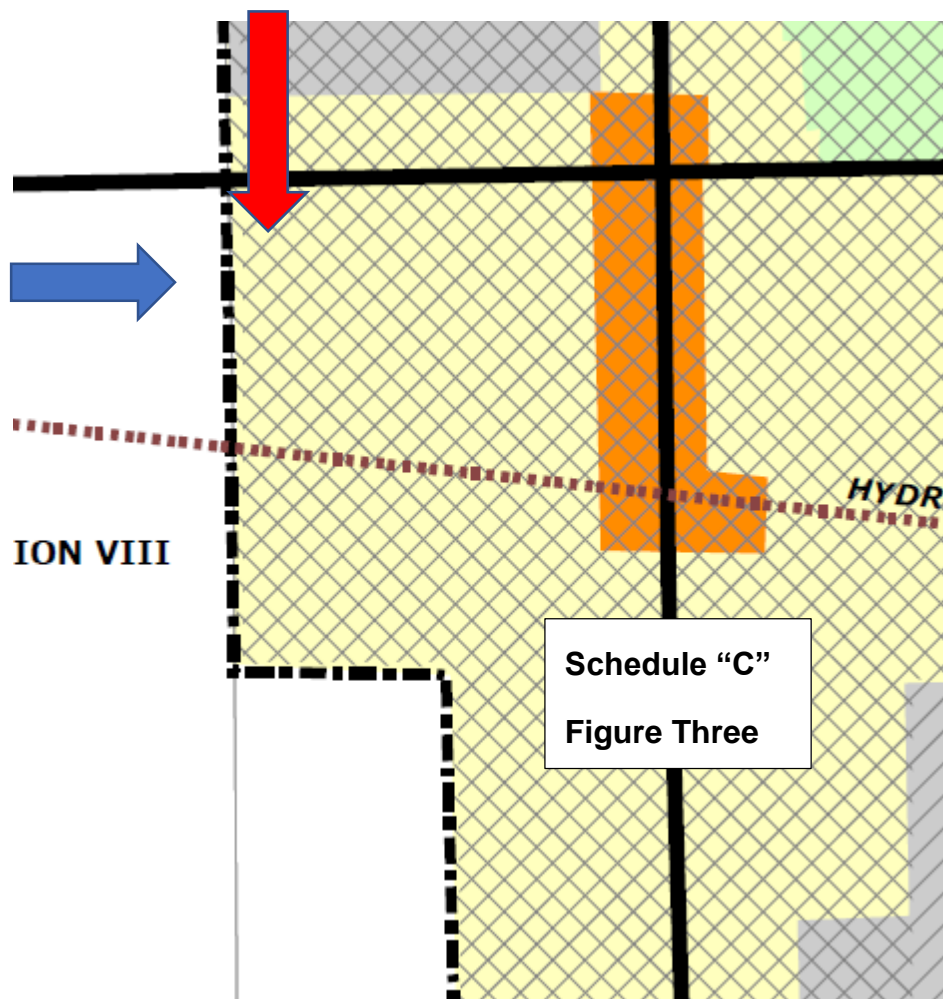
**OP:**

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 retained lands are within the Agricultural designation.

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

Lot creation polices 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.

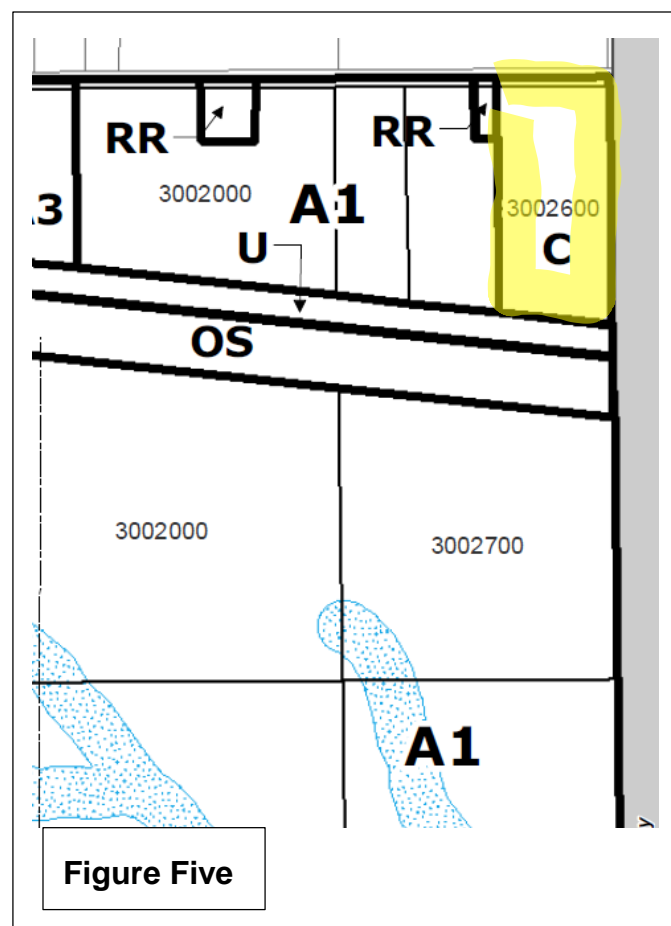
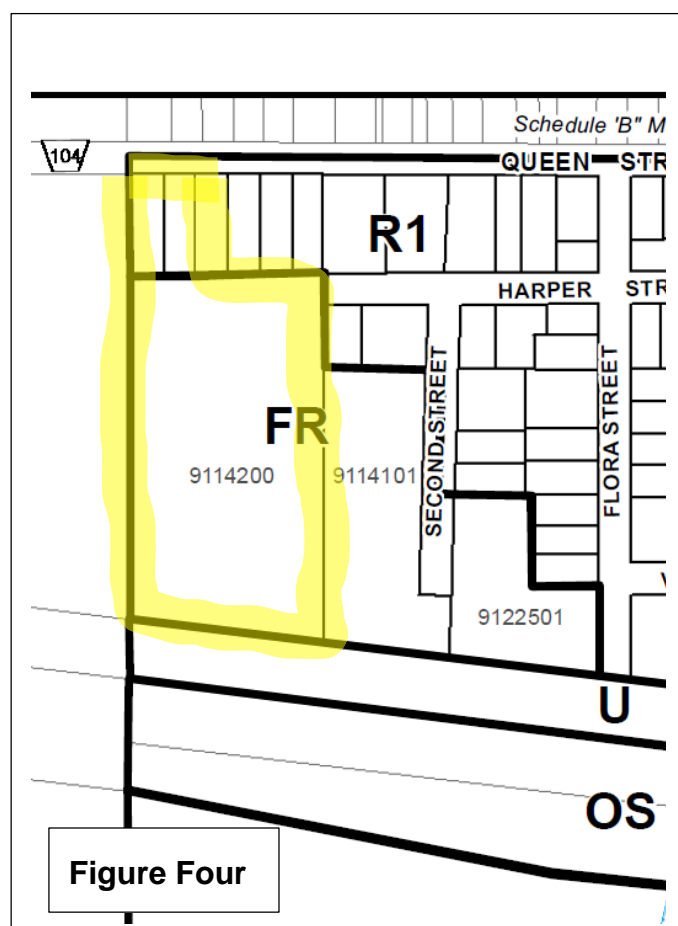
Therefore, this proposal conforms to the OP.



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

The proposed severed parcel is within two separate zones Future Residential Zone (FR) and Residential First Density (R1) on Schedule B, Map 3 (Figure Four) of the ZBL. The proposed retained parcel is zoned Cemetery (C) on Schedule A, Map 46 Figure Five) of the ZBL.

The FR Zone will only permit the continuation of the existing use. Once a development plan is prepared a zoning amendment would be necessary to permit eventual development of the lands for residential use. The portion of the severed parcel within the R1 zone does permit development of a single detached dwelling however this would impact the development of the larger parcel and is not the intent of the prospective purchaser. The severance does not require any change or adjustment of the current zoning on the affected lands. Therefore, the proposal would comply with the ZBL.



**Interdepartmental Comments:**

The severance application was circulated to municipal staff for comment. As the lands are planned for future development there are no concerns with the initial step to sever the parcel away from the retained cemetery. More detailed review and comment will be forthcoming once the final development plans are completed for submission.

**Summary:**

It is the Planner'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:



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



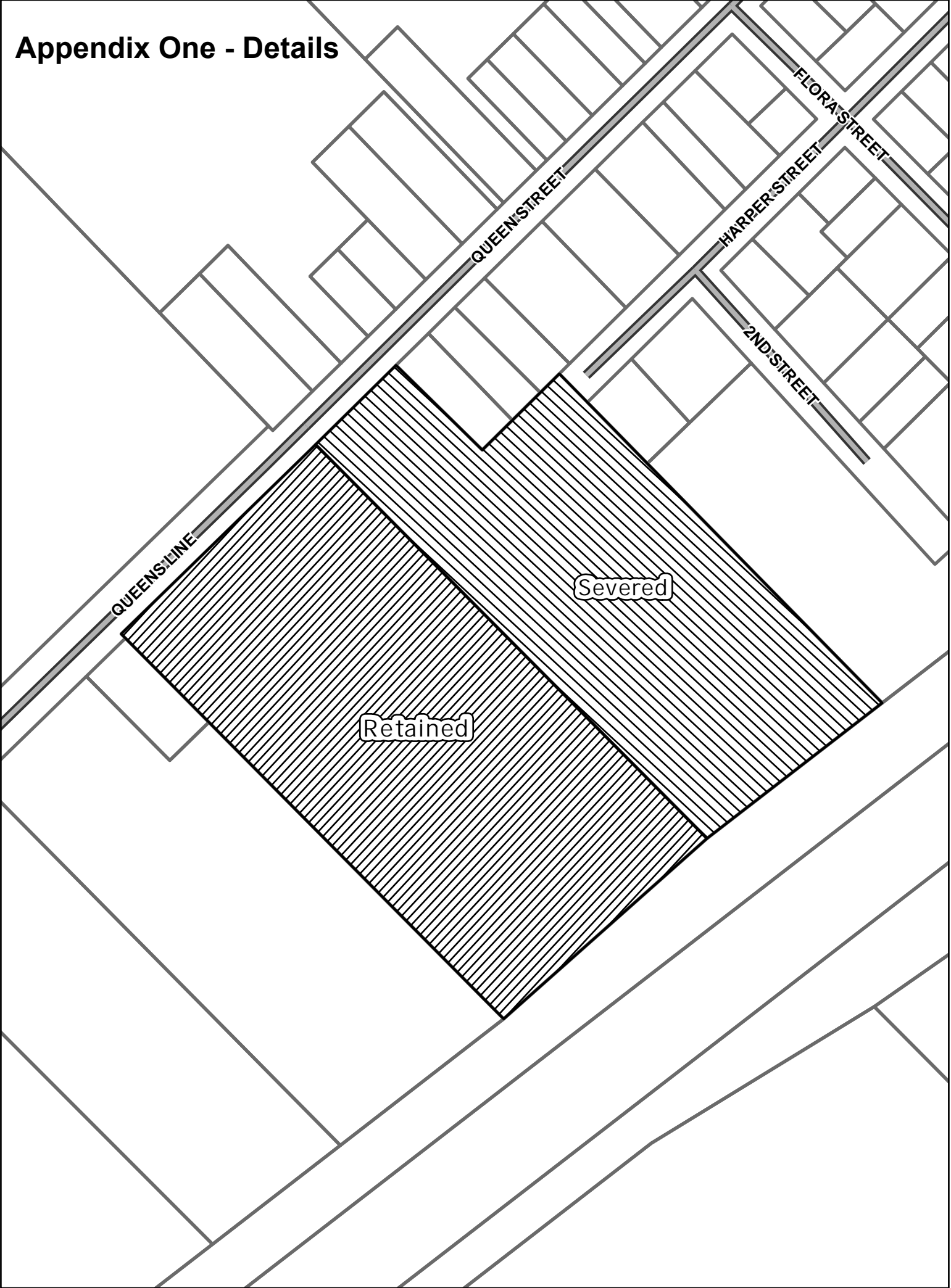
**Report Approval Details**

Document Title:	Severance Application E78-22 - Comments to Elgin County - 2022-39-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-39 Appendix One - Detail.pdf</li><li>- Planning Report 2022-39 Appendix Two - Comments to the County of Elgin.pdf</li><li>- BAO correspondence – Appendix Three</li></ul>
Final Approval Date:	October 6, 2022

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

Jana Nethercott

Appendix One - Details

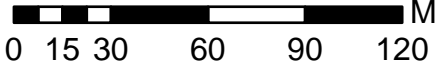


Location Map



Subject Site: 14508 Putnam Road  
File Number: E 77-2022  
Owner: Michael Brown and Julianne Cronheimer-Brown  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: PC  
Date: 09/07/2022  
Township of Malahide

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



**Planning Report 2022-39: Severance Report E78-22 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E78-22 Conditions**

Severance Application E78-22 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 drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That prior to final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
6. That all conditions noted above shall be fulfilled within 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*.

## Appendix Three

RE CC-2022 - Rodney Cemetery - CM-00506 - Rodney, Ontario - Adjacent Properties

Ray Parrill <ray.porrill@thebao.ca>

Mon 2022-08-08 3:01 PM

To: Bill Denning <bill@dennings.ca>

Cc: Martin Joldersma <martinjoldersmalawoffice@yahoo.ca>; Daniel McKillop <danmckillop2012@hotmail.ca>

Hi, Bill.

I remember the conversation.

My research confirmed the original cemetery was registered with the Cemeteries Unit in 1993. Additional land was purchased on speculation to be added to the cemetery at a later date but there is no record that this additional land was ever officially attached or registered with the Bereavement Authority of Ontario. My research shows no consent to increase the capacity of the cemetery was ever issued.




This land was never registered or used as cemetery land. No closure is required.

Best Regards,

Ray **Porrill** | **licensing Officer**

Bereavement Authority of Ontario | 100 Sheppard Av. East, Suite 505 | Toronto, Ontario, M2N 6N5

T: 647.933.6463 | F: 647-748-2645

[www.thebao.ca](http://www.thebao.ca) |   

**BAO**

**Bereavement  
Authority of  
Ontario**

**BAO**

**Bereavement  
Authority of  
Ontario**

*This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you for your cooperation.*

**From:** Bill Denning <bill@dennings.ca>

**Sent:** Monday, August 8, 2022 9:41 AM

**To:** Ray Parrill <ray.porrill@thebao.ca>

**Cc:** Martin Joldersma <martinjoldersmalawoffice@yahoo.ca>; Daniel McKillop <danmcki11op2012@hotmail.ca>

**Subject:** Fw: CC-2022 - Rodney Cemetery- CM-00506 - Rodney, Ontario - Adjacent Properties

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

Hi Ray!

I trust you are doing well!

Regarding the below correspondence, I was hoping to get your take on this.

In summary:

Rodney Cemetery purchased adjacent 7 acres in 2007. Parcel remained separate tax roll number and taxes have been paid on this parcel.

We have completed a needs assessment and determined that the over 2 acres of vacant land we possess (separate from 7 acres) meets the needs of the community for many generations.

I believe what I require to move forward with this land sale is a statement from the Bereavement Authority of Ontario that this land sale does not constitute a "cemetery closure" as the land was never used as cemetery, only owned by cemetery.

I welcome your thoughts!

Bill

Bill Denning  
Funeral Director  
[bill@denning.ca](mailto:bill@denning.ca)  
[www.denning.ca](http://www.denning.ca)

September 30, 2022

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

Attn: **Paul Clarke**

Re: **Consent Application (E 78-22)**  
**29094 Silver Clay Line (McKillop)**  
**Lot 30; Plan 202**  
**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 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**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** October 26, 2022  
**Application:** E 78-22

**Owner:**  
**The Rodney Cemetery Company**  
21991 Queens Line, Rodney, ON

**Agent:**  
**Dan McKillop**  
29094 Silver Clay Line, Dutton, ON

**Location:** Lot 30 on Registered Plan No. 202, Municipality of West Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 119.17 metres (390.98 feet) and a depth of 287.42 metres (942.98 feet) and an area of 34,251.84 m<sup>2</sup> (8.46 acres) for future residential development. The applicant is retaining a lot with a frontage of 134.33 metres (440.72 feet) and a depth of 287.42 metres (942.98 feet) and an area of 38,609.13m<sup>2</sup> (9.54 acres), proposed to remain in use as a cemetery.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Future Residential (FR)  
Residential First Density  
(R1)

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 portion of the existing parcel for future residential development. The severed portion is within the Settlement Area of Rodney, while the



retained portion is within the prime agricultural area. The PPS directs that settlement areas be the focus of growth and development and Section 1.1.3.3 of the PPS encourages the use of infill and intensification to meet housing goals. The proposed severed lot is currently vacant, used for agricultural purposes and is directly beside the exiting built up area of the Rodney and would represent a logical extension of the settlement areas residential land. The retained land is proposed to continue its existing use as a cemetery.

#### 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 lands have two OP designations, the severed land is designated as a Tier 1 Settlement Area while the retained lands are designated as Agricultural Area. Tier 1 Settlement areas are the largest in the County and have full access to municipal services. The CEOP directs that the majority of new growth occur in Tier 1 Settlement Areas. The proposed severance is being requested for the purposes of future residential development. Staff have reviewed this proposal against the criteria in Section E1.2.3.1 and found no deficiencies.

The retained lands are designated agricultural and are currently being used for a cemetery, which is to remain. No changes in land use or lot creation are proposed for the portion of the subject lands designated agricultural area and therefore, this application conforms to the CEOP.

#### 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 severed portion of the subject lands is designated residential in the West Elgin OP, which permits lot creation and a variety of residential uses. The retained lands are designated as Agricultural, but as no lot creation or changes in land use are being proposed as a result of this application, the proposal conforms to the West Elgin OP.

The proposed severed parcel is dual-zoned Residential First Density (R1) and Future Residential (FR). The R1 portion of the property permits single detached dwellings; however, the FR zoned portion only permits the continuation of an existing use and may need be rezoned for future development. West Elgin's staff noted no ZBL deficiencies as a result of this application.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That prior to final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
6. That all conditions noted above shall be fulfilled within 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 79-22**

**PART OF LOT 16, CONCESSION 3  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 45255 SPARTA LINE**

**TAKE NOTICE that** an application has been made by Amy Dale, 108 Centre Street, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45255 Sparta Line, Central Elgin.

The applicant proposes to sever a parcel with a frontage of 30.48 metres (100 feet) and a depth of 224.42 metres (736.29 feet) and an area of 0.81ha (2 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 427.52 metres (1,402.62 feet) and a depth of 1650 metres (5413.4 feet) and an area of 79.58ha (196.6 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 OCTOBER 26, 2022 AT 10:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

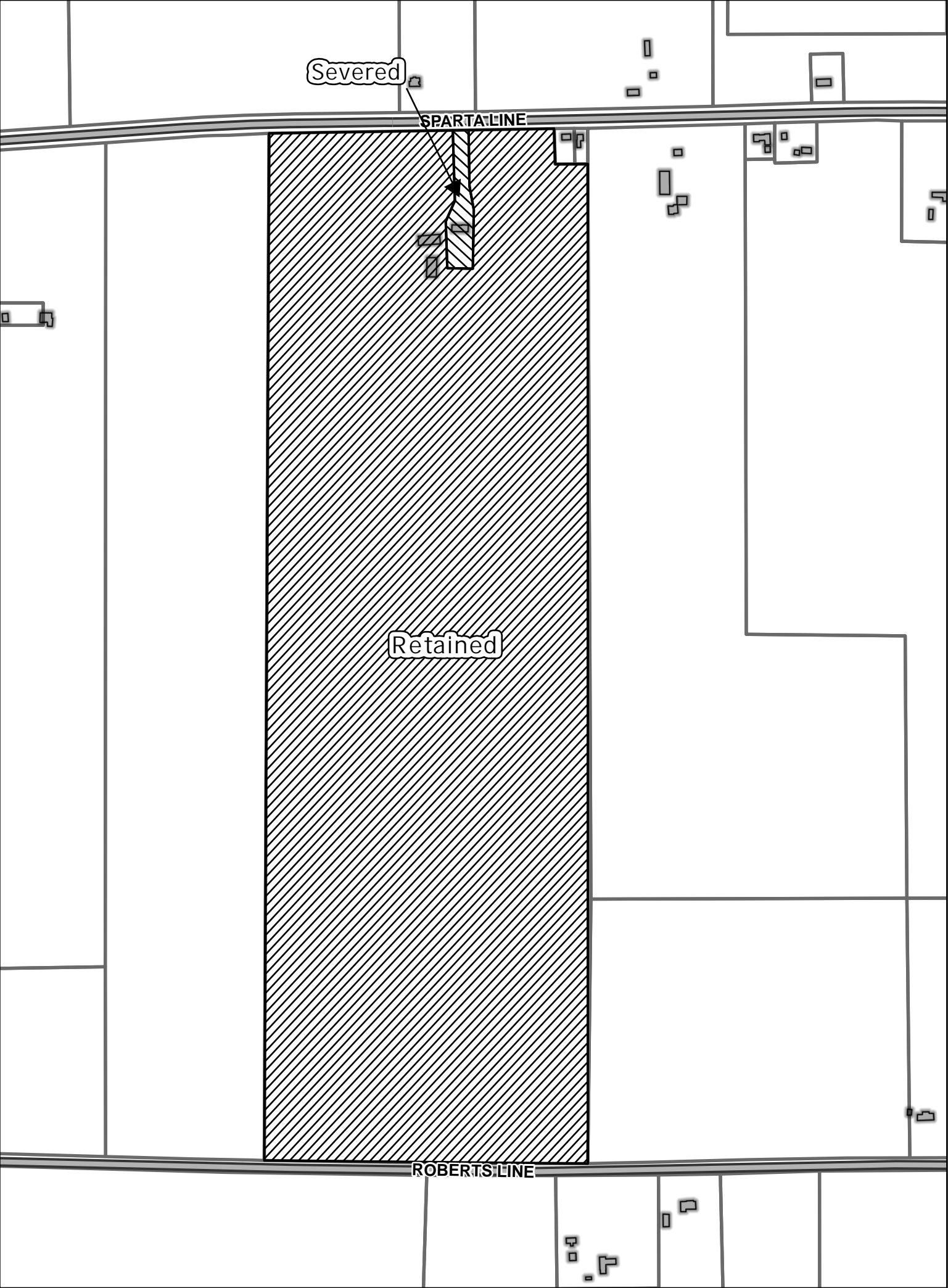
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 14<sup>th</sup> day of September, 2022.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

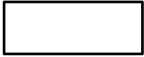
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



# Location Map



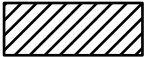
## Legend



Subject Site



Severed



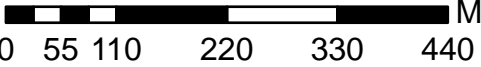
Retained



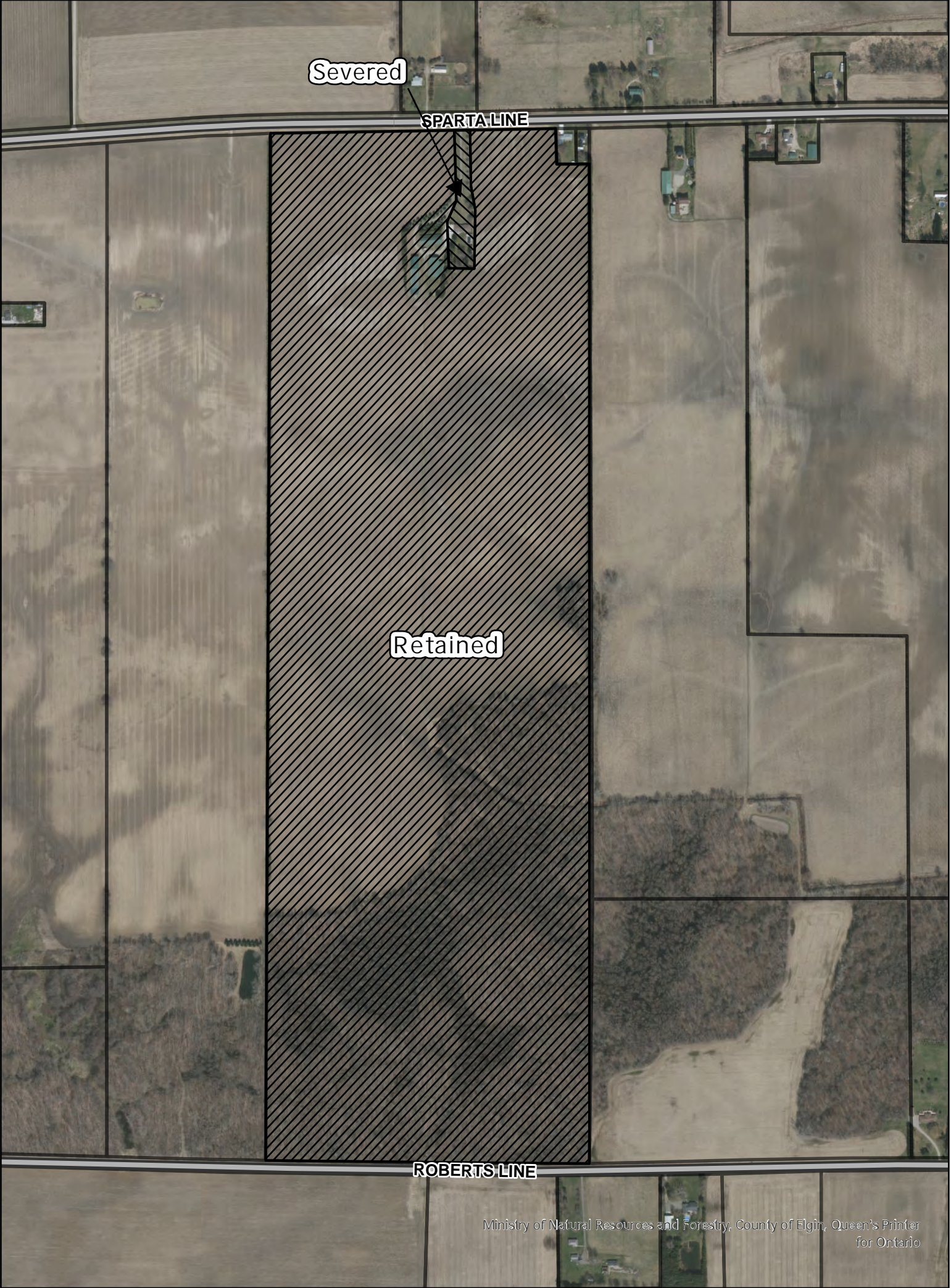
Elgin Road Network



Buildings







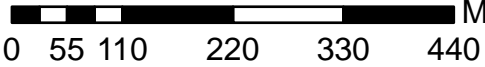
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map

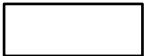


Subject Site: 45255 Sparta Line  
File Number: E 79-2022  
Owner: De Vries Family Farms Limited  
Planner: Unknown  
CA: Kettle Creek / Catfish Creek Conservation  
Created By: PC  
Date: 09/13/2022  
Municipality of Central Elgin

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





September 27, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
County of Elgin

Via email: [blima@elgin.ca](mailto:blima@elgin.ca)

RE: Consent Application E79/22 – De Vries Family Farms Limited, 45255 Sparta Line

Dear Mr. Lima:

Please be advised that Council discussed a planning report respecting the above noted application at their Regular Meeting of Council dated Monday, September 26, 2022 and the following resolution was passed:

**THAT** Report CEP.46.22 re Consent Application – 45255 Sparta Line Applicant – De Vries Family Farms Limited be received for information;

**AND THAT** Council has no objections to consent application E79/22 De Vries Family Farms, Limited, 45255 Sparta Line, subject to the following recommended conditions:

1. Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. The lot frontage for the severed lot be increased to 30.48m;
3. A drainage reassessment be done, if necessary, at the owners expense and
4. A copy of the reference plan be provided to the Municipality of Central Elgin

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

Please feel free to contact municipal staff should you require additional information.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)  
519-631-4860 ext. 286





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.46.22  
**CEPO FILE NO.** E79/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 45255 Sparta Line  
Applicant – De Vries Family Farms Limited  
**DATE** September 26, 2022

**RECOMMENDATION**

**THAT** Report CEP.46.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E79/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. the lot frontage for the severed lot be increased to 30.48m; and
3. a copy of the reference plan be provided to the Municipality of Central Elgin.

**REPORT**

**Background:**

Consent application E79/22 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

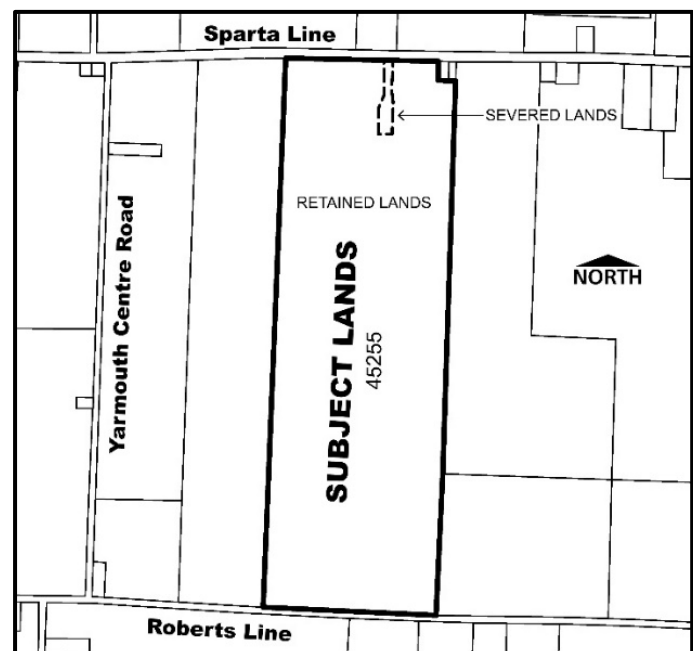
**Location:**

The subject lands are located on the south side of Sparta Line, east of Yarmouth Centre Road, the lands are described as, Concession 3, Part Lot 16, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a lot with frontage of 27.25m on Sparta Line, and an area of 7,599.99sqm (0.76 hectares), containing one house

**Location Plan:**



and one swimming pool. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 430.75m on Sparta Line and an area of 79.63 hectares. The retained lot will continue to be used for agricultural purposes.

## **Staff Report**

### **1. Official Plan**

- The subject lands are located within the Agricultural designation in accordance with Schedule “A” – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):
  1. The lot containing the residence surplus to a farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law;
    - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
    - iii) Shall be in compliance with the Municipality’s property standards by-law;
    - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
    - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

### **2. Zoning By-Law**

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural rural-residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

### **3. County of Elgin Official Plan:**

- The subject lands are located within the Agricultural designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the 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 be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (b)): the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the

development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.


#### 4. Comments

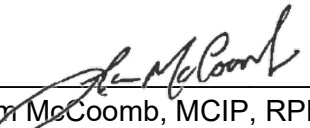
- The lot frontage (27.25m) for the proposed surplus farm dwelling (severed lot) is deficient and will need to be increased by 2.98m to conform with the Open Space Zone 1 (OS1) minimum lot frontage requirement of 30.48m.
- In accordance with the surplus farm dwelling policies of the Official Plan the agricultural land (retained lot) will need to be rezoned to prohibit any new residential dwelling units.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

c.c. De Vries Family Farms Ltd., Owner  
A. Dale, Gunn & Associates, Solicitor  
S. Craig, Senior Planning Technician, CEPO  
Paul Clarke, Planning Technician, County of Elgin

Encl.

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** September 15, 2022 8:25 AM  
**To:** Paul Clarke  
**Subject:** RE: E 79-22 Notice of Application - Request for Agency Review

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

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the consent application notice E79-22 affecting 45255 Sparta Line, Central Elgin and that based on our mandate and policies, we have no objection to its approval.

I can also confirm that the proposed severed lands are not affected by natural hazard regulations under the *Conservation Authorities Act*.

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**  
Manager of Planning and Development  
*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** September 14, 2022 2:50 PM  
**To:** Amy Dale <amydale@gunn.on.ca>  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E 79-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-79-22 for the Elgin County Land Division Committee meeting scheduled for October 26, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday October 18, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke**

Planning Technician / Secretary-Treasurer of the Land Division Committee

## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** September 15, 2022 9:01 AM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: E 79-22 Notice of Application - Request for Agency Review

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

Hello,

CCCA has no concerns at this time for the above noted application. Might be worth noting that the watershed boundary between CCCA and KCCA bisects this property.

Thanks,



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

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** September-14-22 2:50 PM  
**To:** Amy Dale <amydale@gunn.on.ca>  
**Cc:** Marlene Bainbridge <mbainbridge@ELGIN.ca>  
**Subject:** E 79-22 Notice of Application - Request for Agency Review

Good morning,

Please find attached a Notice of Amended Application for file number E-79-22 for the Elgin County Land Division Committee meeting scheduled for October 26, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca) by **Tuesday October 18, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke**





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** October 26, 2022  
**Application:** E 79-22

**Owner:**  
**DeVries Family Farms Ltd.**

45255 Sparta Line, Sparta, ON

**Location:** Part of Lot 16, Concession 3, Municipality of Central Elgin. Municipally known as 45255 Sparta Line.

**Agent:**

**Amy Dale (Gunn & Associates)**

108 Centre Street, St. Thomas, ON

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 30.48 metres (100 feet) and a depth of 224.42 metres (736.29 feet) and an area of 0.81ha (2 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 427.52 metres (1,402.62 feet) and a depth of 1650 metres (5413.4 feet) and an area of 79.58ha (196.6 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agricultural

**Local Municipality Zoning  
By-law**

Open Space 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

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

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

*Kettle Creek Conservation Authority* – No concerns

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

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

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a dwelling that is surplus to a farming operation. In general, lot creation in the prime agricultural area is discouraged by the PPS, except in a few circumstances, one of which is 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 proposed severance will be limited in size (approximately 0.75ha) with the retained farmland parcel proposed to be rezoned to one which prohibits residential development as per a condition requested by Central Elgin.

#### 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 lands are located within the Agricultural Area of the CEOP. Lot creation in the agricultural area is generally discouraged, but is permitted for dwellings that are surplus to a farming operation. Section E1.2.3.4 states:

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 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 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 proposed severed lot is 0.75ha in area and comprises the exiting dwelling, pool and driveway and does not appear to include any actively farmed land.

#### 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 subject land is designated Agricultural within the Central Elgin Official Plan. Surplus farm dwellings are permitted in this land use designation, subject to the following:

- i) Shall be in compliance with the regulations of the applicable zoning by-law;
- ii) Should generally be no larger than what is required to meet the minimum requirements to

provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;

- iii) Shall be in compliance with the Municipality's property standards by-law;
- iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
- v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.

2. The lot that is being consolidated into the farm operation:

- i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
- ii) Shall be rezoned to prohibit any new residential dwelling unit; and
- iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.

The subject land is zoned Open Space 1 (OS1). The proposed lot frontage of the severed surplus farm dwelling is deficient. To address this, Central Elgin staff have proposed a condition that the frontage of the severed lot be increased to 30.48m to meet the minimum requirements.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Central Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. Approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. The lot frontage for the severed lot be increased to 30.48m;
3. A drainage reassessment be done, if necessary, at the owners expense and
4. A copy of the reference plan be provided to the Municipality of Central Elgin



**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 6,360.4m<sup>2</sup> (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 OCTOBER 26, 2022 AT 10:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
MASONIC CENTRE OF ELGIN, 42703 FRUIT RIDGE LINE, ST. THOMAS, N5P 3S9**

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

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

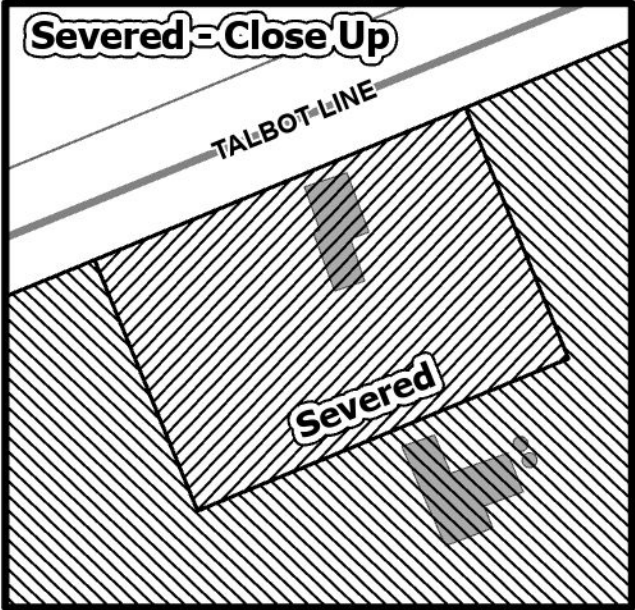
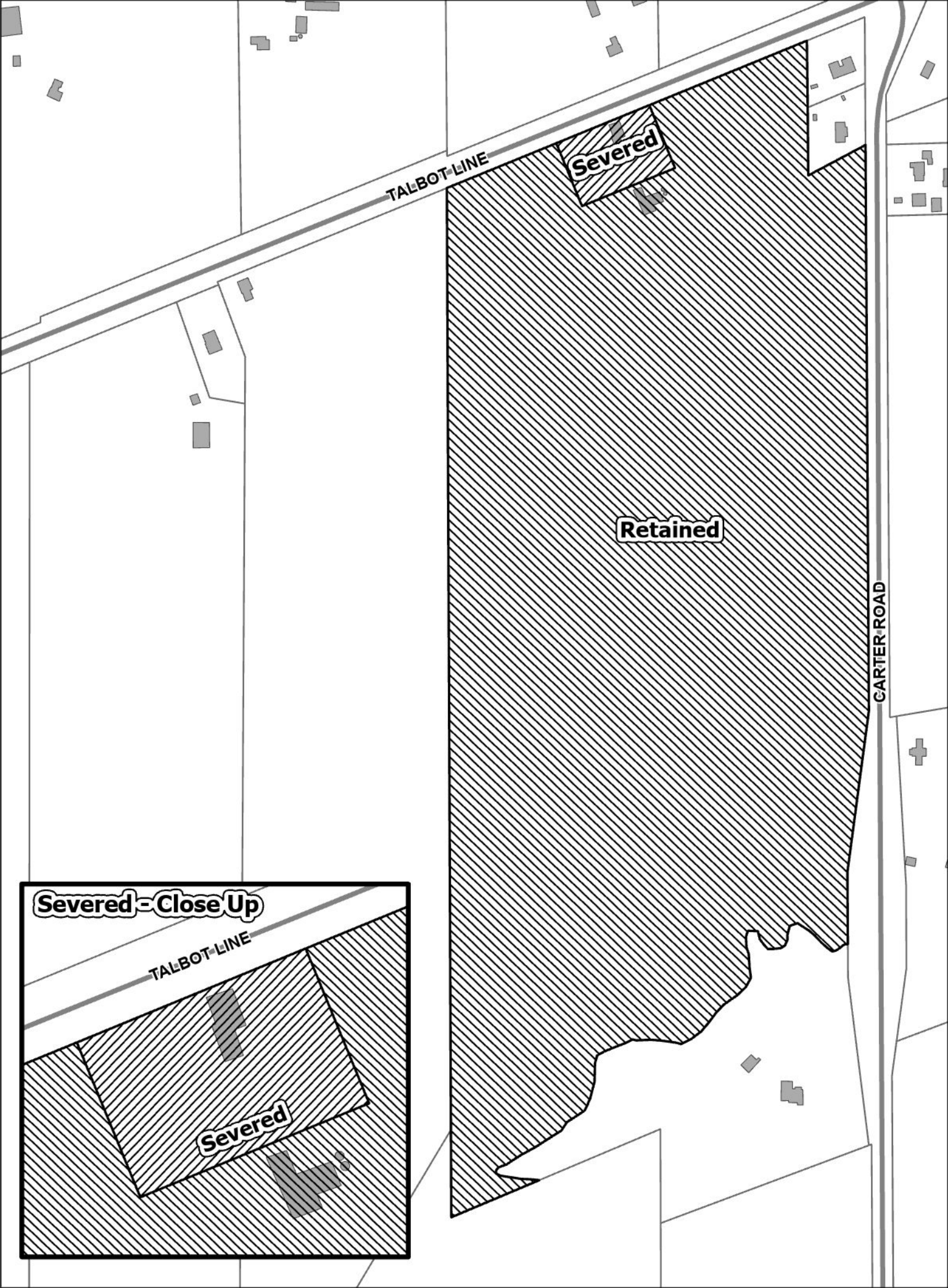
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 29<sup>th</sup> 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](http://www.progressivebynature.com)



Location Map

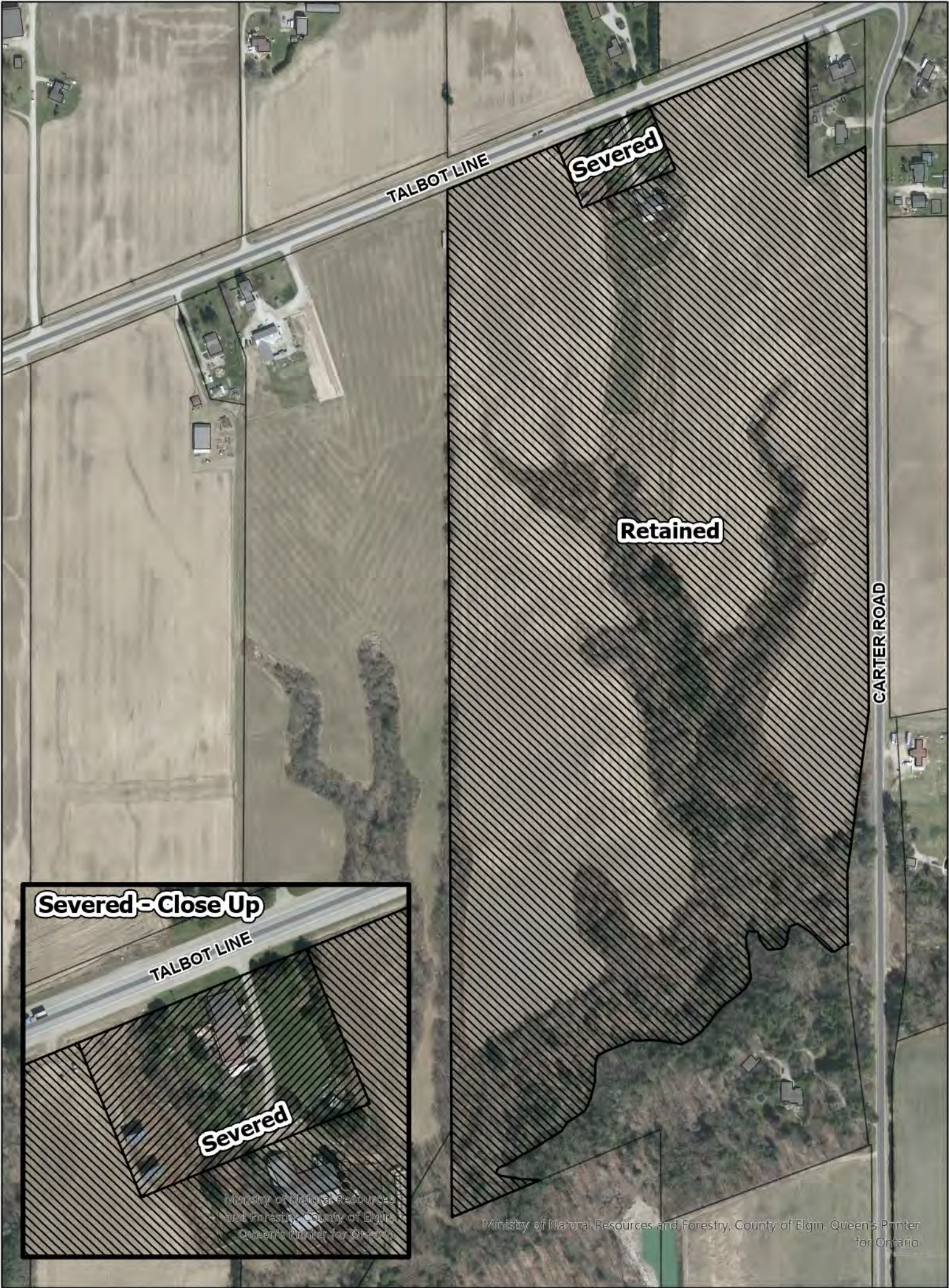


- Legend
- Subject Site
  - Severed
  - Retained
  - Elgin Road Network
  - Buildings







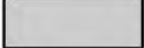
Subject Site: 52339 Talbot Line  
File Number: E 67-2022  
Owner: SBM Ltd.  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 08/08/2022  
Township of Malahide

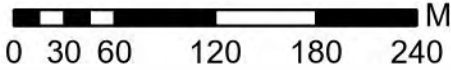




# Location Map



- 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



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.



## 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

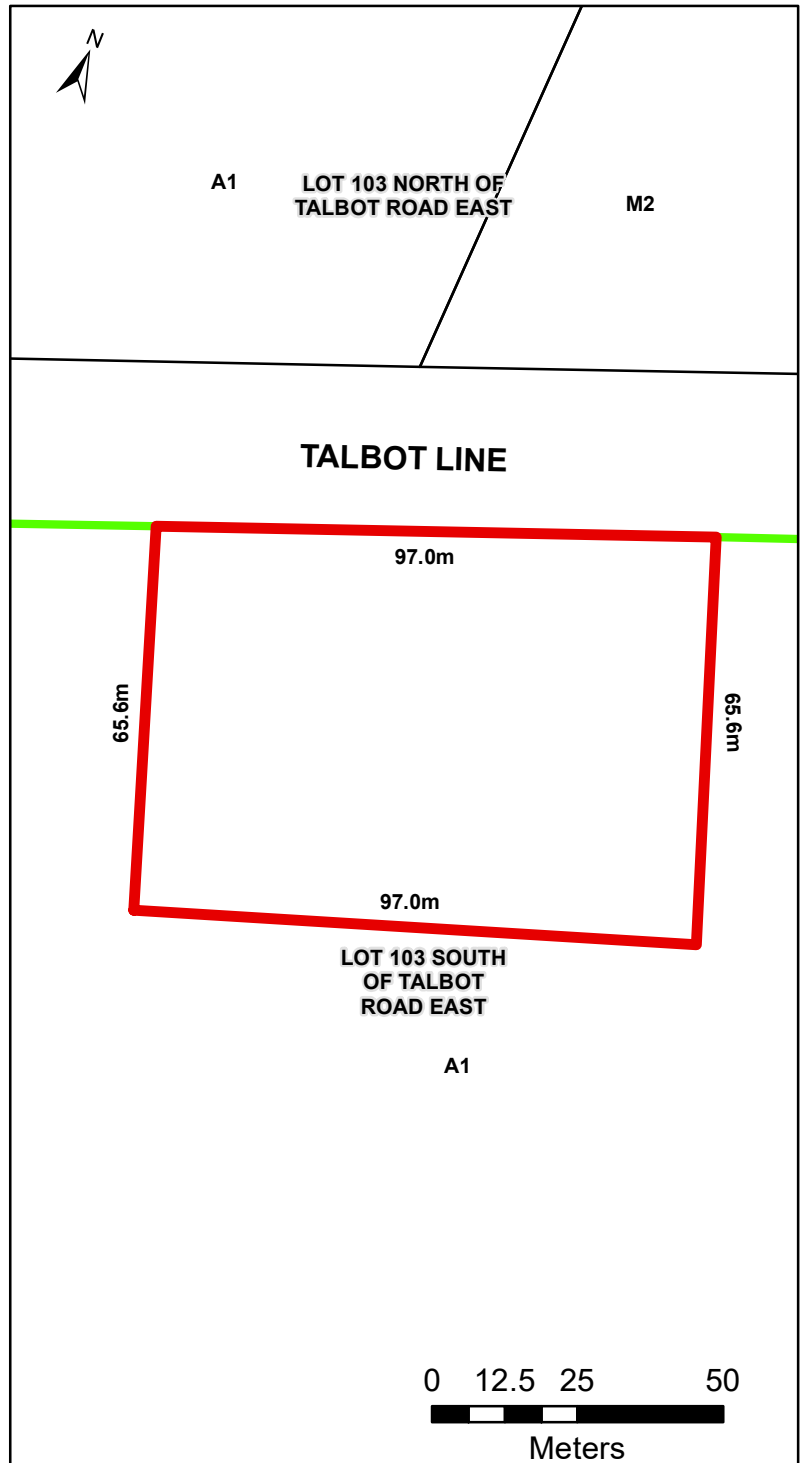
(Agent: Simona Rasanu c/o SBM Ltd.)

52339 Talbot Line

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

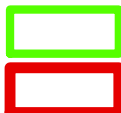
Township of Malahide

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





## Long Point Region Conservation Authority

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

Elgin County  
St. Thomas, ON

October 19, 2022

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 67-22 and provide the following comments based on LPRCA's various plan review responsibilities for Elgin County's consideration.

It is staff's understanding that the submitted application for consent will facilitate the creation of a new lot for a surplus farm dwelling.

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

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

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

### Ontario Regulation 178/06

The subject lands are partially regulated by Long Point Region Conservation Authority under Ontario Regulation 178/06. Permission from this office is required prior to any development within the regulated area.

Development is defined as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or

- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990, c. 27, s. 28 (25))

Both the proposed severed and retained parcels are partially regulated under Ontario Regulation 178/06 as a result of a drain/watercourse. The LPRCA has no concerns with the application as proposed but notes any future development on either the proposed severed or retained parcels may require permission from the LPRCA.

Please feel free to reach out with any further questions related to this matter. Regards,

Aisling "Ashleen" Lavery, CPT | Resource Planner  
Long Point Region Conservation Authority  
4 Elm St., Tillsonburg ON N4G 0C4  
519-842-4242 ext. 235 | [alavery@lprca.on.ca](mailto:alavery@lprca.on.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:** October 26, 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 6,360.4m<sup>2</sup> (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). This application was originally scheduled to be heard at the September LDC meeting but was deferred due to signs not being posted on the subject land. Signs were posted well in advance of this meeting, and 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 an existing dwelling that is surplus to a farming operation. The proposed severed lot will be ~6,360m<sup>2</sup> in area and contain a residential dwelling, sheds and solar panels as well as the well & septic system for the home. The PPS prohibits the creation of new lots within the prime agricultural area except in a few circumstances – one of those is for surplus dwellings which are governed by Section 2.3.4.1:

Lot creation in the prime agricultural area is discouraged and may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

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

Staff have reviewed the sketch submitted by the applicant and aerial photography of the area and believe that the lot size meets the requirements of the PPS as it will allow the accommodation of the existing sewage and water system as well as the solar panels to remain with the existing dwelling.

#### 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 the severance of an existing dwelling that is surplus to a farming operation on lands designated Agricultural Area in the OP. Like the PPS, the OP discourages new lot creation in the prime agricultural area except for surplus farm dwellings. The OP directs that the severed lot should be the minimum needed to accommodate the dwelling and appropriate water and sewage and that the retained farmland parcel be prohibited from any future residential development.

#### E 1.2.3.4(b) – Lot Creation on Lands in the Agricultural Area

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 Township of Malahide has requested a condition be included which will see the retained farmland parcel rezoned to a zone that does not allow residential development but will allow agricultural activities to continue. This zoning amendment, once approved, will satisfy both the OP and PPS requirements of prohibiting future residential development on the farmland parcel.

#### 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 has proposed, as a condition of consent, to rezone the retained parcel to Special Agricultural (A2) which would prohibit future residential development on the farmland parcel. It is also proposed to rezone the severed residential parcel to Small Lot Agricultural Special (A4-XX).

The severed lot contains an barn and silo which the applicant is proposing to demolish.

#### 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. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

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





**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](http://www.elgin-county.on.ca)

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.



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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:** October 26, 2022  
**Application:** **E 89-21 and E 90-21**

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**Owner:**  
**Community of Christ**  
54246 Eden Line, North Hall, Ontario

**Agent:**  
**Trevor Benjamins**  
261 Broadway, PO Box 460, Tillsonburg,  
ON

**Location:** Part of Lot 6, Concession 9, Municipality of Bayham. Municipally known as 54246 Eden Line.

**PROPOSAL**

The applicant is requesting that the decision be amended to provide a two-year lapsing date to allow adequate time to amend the application to reflect the property boundaries as set out in the reference plan. 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 December 15, 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.

The applicant has applied for minor amendments to both applications; however, due to the notice requirements provided by the Planning Act the amendments would not be able to be heard by the LDC before the applications lapse and new applications as well as new fees would be required.

**RECOMMENDATION:**

That the decision on severance applications E 89-21 and E 90-21 be amended to establish a new lapse date of December 15, 2023, and that Section 53(26) of the Planning Act, R.S.O., as amended applies as the change to the decision is minor.