



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, February 23, 2023, 9:00 A.M

- 1st Call to Order
- 2nd Swearing in of the Members of the Land Division Committee
- 3rd Election of Chair & Vice Chair
- 4th Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 5th Adoption of Minutes
- 6th Business Arising Out of Minutes
- 7th Disclosure of Pecuniary Interest or the General Nature Thereof
- 8th Correspondence – Items for Information
- 9th Business Arising from Correspondence
- 10th New Business
- 11th Consent Applications
 - 9:20 am E 55-22 Jane and John Andrews – 10518 Ford Road,
E 56-22 Township of Southwold
 - 9:30 am E 89-21 Trevor Benjamins – 54246 Eden Line,
E 90-21 Municipality of Bayham
 - 9:40 am E 85-22 Trevor Benjamins – 7 Oak Street, Municipality
of Bayham
 - 9:50 am E 47-22 Jeffrey Vincent Milcz & Gillian Jane Milcz –
37437 Lake Line, Township of Southwold
 - 10:00 am E 38-22 John Beekman & Susan Kyle – 448 Talbot
E 39-22 Street East, Town of Aylmer
 - 10:10 am E 73-22 Yorkland Farms Ltd. – 45714 Edgeware Line,
Municipality of Central Elgin
 - 10:20 am E 93-22 Amy Dale – 42496 Water Tower Line,
Municipality of Central Elgin

| | | |
|----------|-------------------------------|---|
| 10:30 am | E 105-22 | Glen Weaver Fisheries Inc. – 236 Colonel Bostwick Street, Municipality of Central Elgin |
| 10:40 am | | Morning Break |
| 10:50 am | E 80-22 E 81-22 E 82-22 | Sherry VanQuaethem – Lot 23 & 24, Con 9, Municipality of Bayham |
| 11:00 am | E 83-22 | VanBrenk’s Fruit Farms & Nursery Ltd. – Lot 22, Con 9, Municipality of Dutton Dunwich |
| 11:10 am | E 84-22 | Johan & Sara Janzen – 27 Union Street, Municipality of Bayham |
| 11:20 am | E 86-22 E 87-22 | Ted Halwa – 11061 Graham Road, Municipality of West Elgin |
| 11:30 am | E 107-22 | Ted Halwa – 300 Colbourne Street, Municipality of Central Elgin |
| 11:40 am | E 88-22 E 92-22 | Carl McLeod & Sons Ltd. – 28800 Aberdeen Road, Municipality of Dutton Dunwich |
| 11:50 am | E 89-22 E 95-22 | Anthony Heibert – 56284 Heritage Line, Municipality of Bayham |
| 12:00 pm | | Lunch |
| 12:40 pm | E 91-22 | Peter Mohan – 22300 Talbot Line, Municipality of West Elgin |
| 12:50 pm | E 94-22 | Simona Rasanu – 8150 Carter Road, Township of Malahide |
| 1:00 pm | E 96-22 | Connie Blyde – 255 Hill Street, Municipality of Central Elgin |
| 1:10 pm | E 97-22 E 98-22 | Harry Wismer – 37474 Lake Line & 37510 Lake Line, Township of Southwold |
| 1:20 pm | E 99-22 | Helena Zacharias – 51200 Vienna Line, Township of Malahide |
| 1:30 pm | E 100-22 E 101-22 | Peter Littlejohn – Part Lots 20 & 21, Con 5, Municipality of Dutton Dunwich |
| 1:40 pm | | Afternoon Break |
| 1:50 pm | E 103-22 | Raymond Allain – 23092 Pioneer Line, Municipality of West Elgin |



2:00 pm E 104-22 Brian Crevits – 56858 Tunnel Line, Municipality of Bayham

2:10 pm E 90-22 Ralph & Anne DeVries Farms Ltd. – 32698 Scotch Line, Township of Southwold.

12th Date of Next Meeting

13th 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

October 26, 2022

County of Elgin Land Division Committee met this 26th day of October 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
Marlene Bainbridge, Administrative Assistant

1. CALL TO ORDER

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

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

None.

3. ADOPTION OF MINUTES

Moved by: John Andrews
Seconded by: John Seldon

| Recorded Vote – Minutes | | 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 | | |
| TOTAL | | 7 | 0 | |

RESOLVED THAT the minutes of the meeting held on September 28, 2022 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

John Andrews declared an interest in E 70-22

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 69-22 – 9:02 a.m.
Scott and Ruthanne Kristensen, 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 2,192.7m² (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 22,854.12m² (5.65 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: Scott Kristensen was present virtually

Agent: None

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|--|---|
| 1 | Municipality of Bayham | Recommends approval of the application subject to the conditions provided |
| 2 | Long Point Region 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: John Andrews
Seconded by: Dennis O'Grady

RESOLVED THAT severance application E 69-22 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 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.

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

- Motion Carried.

John Andrews left the room

Application E 70-22 – 9:09 a.m.

Amy Dale, Lot 15, Concession Northwest of the North Branch of Talbot Road

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.

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: Helen Button was present in virtually

Interested Party: Lily Addley-Darel was present in person and made comments.

Written submissions (*) were received from the following:

| Submission | | Comments |
|-------------------|-----------------------|------------------------|
| 1 | Township of Southwold | Recommends approval of |

| | | |
|---|--|---|
| | | application subject to the conditions provided |
| 2 | Long Point Region 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: Rosemary Kennedy
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 70-22 be approved subject to the following conditions:

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

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

- Motion Carried.

John Andrews re-entered the room

Application E 71-22 – 9:21 a.m.

David Roe, 13379, 13389, 13405, and 13429 Imperial Road

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 2,100m² (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 3,100m² (0.77 acres), proposed to continue its current 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: David Roe attended virtually

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|--|---|
| 1 | Township of Malahide | Recommends approval of application subject to the conditions provided |
| 2 | Lower Thames Valley 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: Rosemary Kennedy
Seconded by: Jack Van Kasteren

RESOLVED THAT severance application E 71-22 be approved subject to the following conditions:

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

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

- Motion Carried.

Application E 72-22 – 9:29 a.m.

Jeremie and Michelle Begin, 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 2,749.519m² (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 1,245.612m² (0.3 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: Remi Begin was present in person
 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: Dugald Aldred
Seconded by: John Andrews

RESOLVED THAT severance application E 72-22 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 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*.

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

- Motion Carried.

Application E 73-22 – 9:39 a.m.
Helen Button, 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.

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: Helen Button was present virtually

Written submissions (*) were received from the following:

| Submission | | Comments |
|-------------------|-------------------------------|--|
| 1 | Municipality of Central Elgin | Recommends approval of application subject to the conditions |

| | | |
|---|--------------------------------------|---|
| | | provided |
| 2 | Catfish Creek Conservation Authority | No concerns |
| 3 | Elgin County Engineering Services | 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: Dennis O'Grady

RESOLVED THAT severance application E 73-22 be approved subject to the following conditions:

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

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

1. 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

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

- Motion Carried.

Application E 74-22 – 9:50 a.m.
David John Obar, 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 1,045.159m² (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 8476.9m² (2.09 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: David Obar was present in person
Agent: None

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|-------------------------------------|---|
| 1 | Municipality of Bayham | Recommends approval of application subject to the conditions provided |
| 2 | Kettle Creek Conservation Authority | No concerns |
| 3 | Elgin County Engineering Services | No objections, requests conditions. |
| 4 | Elgin County Planning Services | Recommends approval of application subject to the conditions provided |

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

Moved by: John Andrews
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 74-22 be approved, subject to the following conditions:

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

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

- Motion Carried.

Application E 75-22 – 10:00 a.m.
Paul Randhawa, 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 929m² (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 194,249m² hectares (48 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: Paul Randhawa was present virtually

Applicant: Chris Liddy was present virtually

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|--|---|
| 1 | Municipality of West Elgin | Recommends approval of application subject to the conditions provided |
| 2 | Lower Thames Valley Conservation Authority | No concerns |
| 3 | Elgin County Engineering Services | No concerns. |
| 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: Dennis O'Grady

Seconded by: John Seldon

RESOLVED THAT severance application E 75-22 be approved, subject to the following conditions:

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

Additionally, 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 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*.

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

- Motion Carried.

Application E 76-22 – 10:10 a.m.

Tom and Nancy Mohan, 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.

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: Tom Mohan was present virtually
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 | No on a County Road |
| 4 | Elgin County Planning Services | Recommends approval of application subject to the conditions provided |

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

Moved by: John Andrews
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 76-22 be approved subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That 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*.

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

- Motion Carried.

Application E 77-22 – 10:19 a.m.
James G. Battin, 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 464.515m² (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 5,363.138m² (1.33 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: Antoinette Van Blyderveen and Tony Lovell was present virtually
Agent: None

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 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: Dennis O'Grady
 Seconded by: Rosemary Kennedy

RESOLVED THAT severance applications E 77-22 be approved subject to the following conditions:

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

Additionally, the following conditions from the 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.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|----------------|-----|----|---------|
| West Elgin | Dugald Aldred | x | | |
| Bayham | John Seldon | x | | |
| Southwold | John Andrews | x | | |
| Central Elgin | Dennis O'Grady | x | | |

| | | | | |
|----------------|-------------------|---|---|--|
| Aylmer | Jack Van Kasteren | x | | |
| Malahide | Rosemary Kennedy | x | | |
| Dutton Dunwich | Ian Fleck | x | | |
| TOTAL | | 7 | 0 | |

- Motion Carried.

Application E 78-22 – 10:29 a.m.

Dan McKillop, Lot 30 on Registered Plan No. 202

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 m² (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 38,609.13m² (9.54 acres), proposed to remain in use as a cemetery.

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: Dan McKillop was present virtually

Interested Parties: Bob and Jeremy Karn was present virtually.

Written submissions (*) were received from the following:

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

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

Moved by: Jack Van Kasteren

Seconded by: John Andrews

RESOLVED THAT severance applications E 78-22 be approved subject to the following conditions:

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

Additionally, the following conditions from the Municipality of 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*.

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

- Motion Carried.

Application E 79-22– 10:41 a.m.
Amy Dale, 45255 Sparta Line

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.

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: Helen Button attended virtually

Written submissions (*) were received from the following:

| Submission | | Comments |
|-------------------|--------------------------------------|---|
| 1 | Municipality of Central Elgin | Recommends approval, subject to conditions. |
| 2 | Kettle Creek Conservation Authority | No concerns. |
| 3 | Catfish Creek Conservation Authority | No concerns. |
| 4 | Elgin County Engineering Services | No concerns. |
| 5 | Elgin County Planning Services | Recommends approval of application subject to the conditions provided |

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

Moved by: Dennis O'Grady

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 79-22 be approved subject to the following conditions:

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

Additionally, 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

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | x | | |

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

- Motion Carried

Application E 67-22 – 10:50 a.m.
Remkema 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 6,360.4m² (1.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 278.6 metres (914.04 feet) and a depth of 993.8m (3260.5 feet) and an area of 35.8ha (88.46 acres), proposed to remain in agricultural use.

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: 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 | Long Point Region Conservation Authority | No concerns |
| 3 | Elgin County Engineering Services | No concerns |
| 4 | Elgin County Planning Services | Recommends approval of application subject to the conditions provided |

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

Moved by: Jack Van Kasteren
Seconded by: John Andrews

RESOLVED THAT severance application E 67-22 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.

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.
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.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|----------------|-----|----|---------|
| West Elgin | Dugald Aldred | x | | |
| Bayham | John Seldon | x | | |
| Southwold | John Andrews | x | | |
| Central Elgin | Dennis O’Grady | x | | |

| | | | | |
|----------------|-------------------|---|---|--|
| Aylmer | Jack Van Kasteren | x | | |
| Malahide | Rosemary Kennedy | x | | |
| Dutton Dunwich | Ian Fleck | x | | |
| TOTAL | | 7 | 0 | |

- Motion Carried.

Application E 89-21 and E 90-21 – 10:59 a.m.
Trevor Benjamins, 54246 Eden Line

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.

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: Trevor Benjamins was present virtually

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

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

RESOLVED THAT the notice of decision for severance applications E 89-21 and E 90-21 be amended by changing the lapse date to December 15, 2023 and that Section 53(26) of the Planning, R.S.O., 1990, as amended apply to this decision.

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

- Motion Carried.

10. ADJOURNMENT

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

RESOLVED THAT the Committee adjourn at 11:10 a.m.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John "Ian" Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 55-22**

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

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

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

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

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

**WEDNESDAY FEBRUARY 22ND AT 9:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

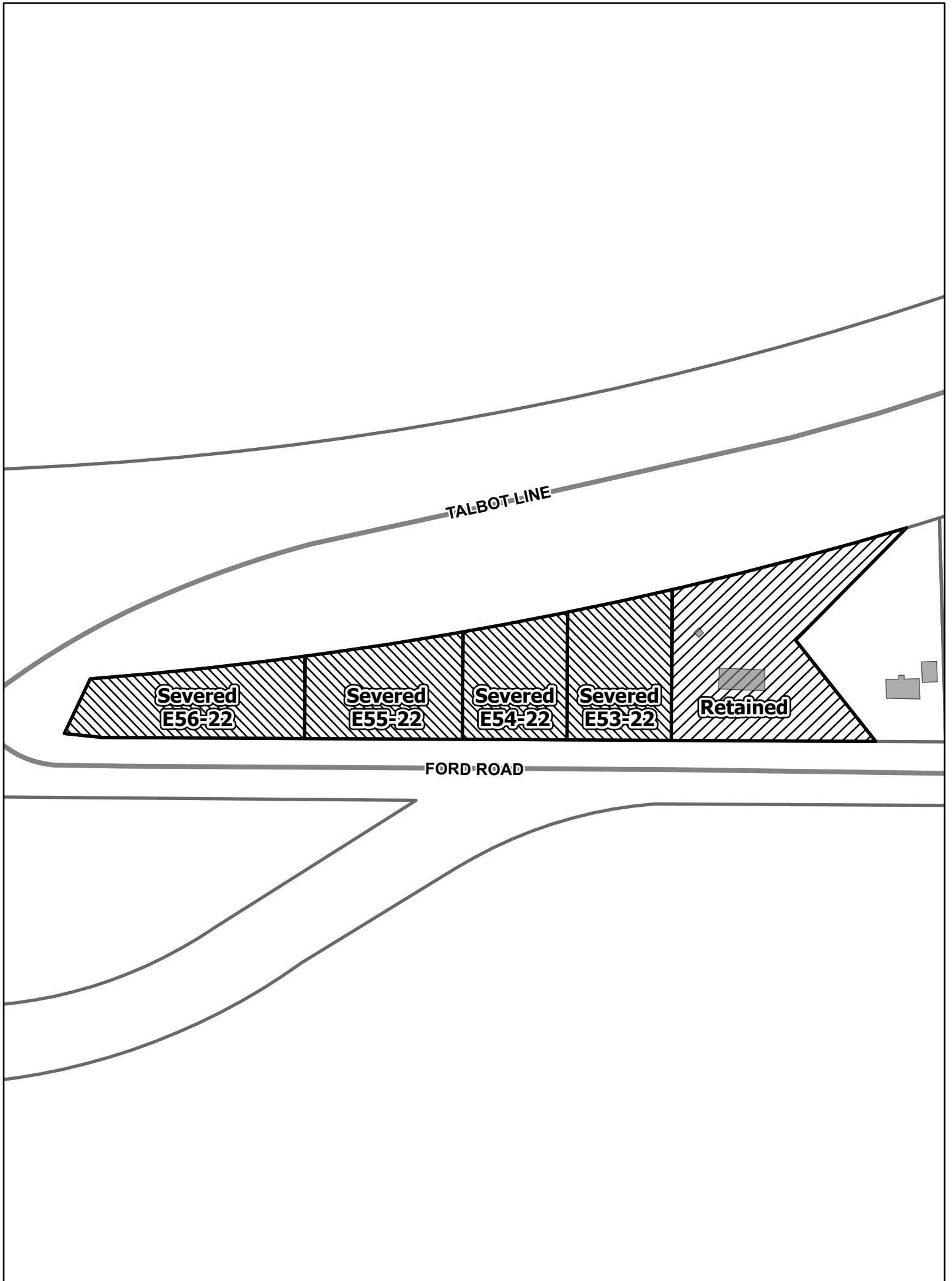
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of February, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



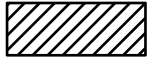




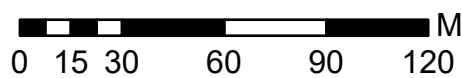
Location Map

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



Legend

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





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

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

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

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

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

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

**WEDNESDAY FEBRUARY 22ND AT 9:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

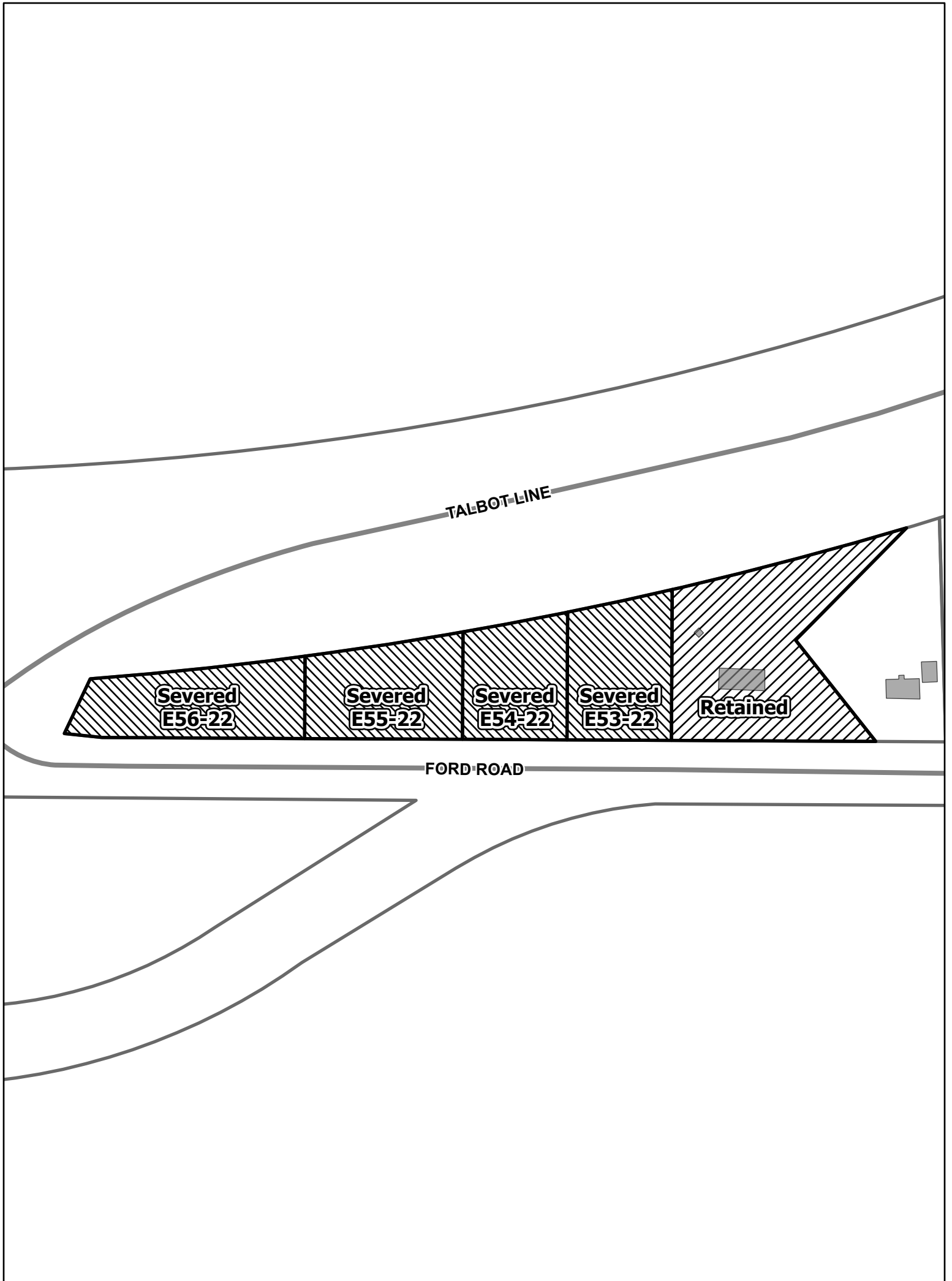
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



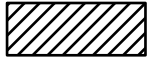




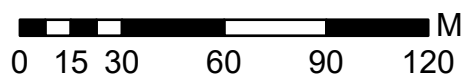
Location Map

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



Legend

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





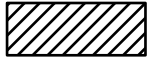




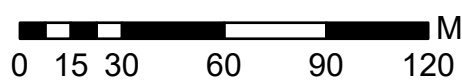
Location Map



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

Legend

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



VIA EMAIL ONLY

August 16, 2022

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

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

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

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

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

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

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

CARRIED

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

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

Yours truly,



Tracey Pillon-Abbs, Planner
Township of Southwold
35663 Fingal Line
Fingal, Ontario, N0L 1K0
Office: 519-769-2010
Email: 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 E53-22 to E56-22

Owner/Applicant: Jane and John Andrews

Location 10518 Ford Road

OFFICIAL PLAN

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

Land Use Designation: Agricultural – Southwold Official Plan _____

Policies:
Sections 4.1, and 7.23 _____

ZONING

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

Comments:
Condition of consent to rezone the severed and retained parcels, as contained within Planning Report PLA 2022-25.

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 () No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication (x)
 - (b) the dedication of highways ()
 - (c) the dedication of land for highway widening (X)
 - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. (x)

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 2022-25

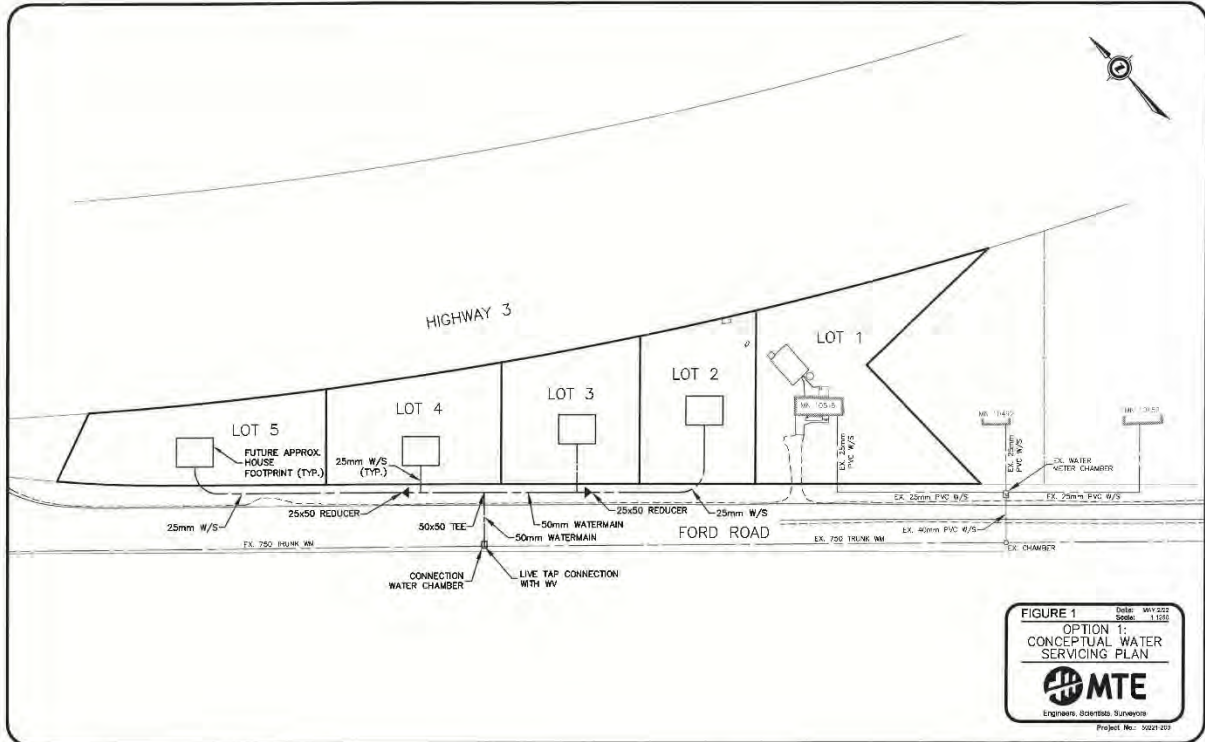
Appendix Two: Severance Applications E53-22 to E56-22 Conditions

Consent Applications E53-22, E54-22, E55-22 and E56-22 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.

13. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
14. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

PLA 2022-25 Report Appendix One: Severance Sketch





TOWNSHIP OF SOUTHWOLD Report to Council

MEETING DATE: August 8, 2022

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

REPORT NO: PLA 2022-25

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

Recommendation(s):

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

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

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

Purpose:

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

Background:

Below is background information, in a summary chart:

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

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

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

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

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



The consent sketch, showing E53-22, E54-22, E55-22 and E56-22 is attached to this report as Appendix One for reference purposes.

Comments/Analysis:

Planning Policy Review:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS), 2020 and does not conflict with Provincial Plans. Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan and Township of Southwold Official Plan and make decisions that represent good land use planning.

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

Provincial Policy Statement

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

As development is proposed on all of the proposed retained parcels, development will need to be outside of natural heritage (Section 2.1 and 3.1 of the PPS).

This proposal appears to be consistent with the PPS.

County of Elgin Official Plan (CEOP)

The subject lands are designated Settlement Area - Tier 2 on Schedule 'A' Land Use in the CEOP.

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

Therefore, this proposal appears to conform to the CEOP.

Township of Southwold Official Plan (OP)

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

The Residential designation permits single detached dwellings.

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

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

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

Therefore, this proposal appears to conform to the OP.

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

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



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

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

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

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

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

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

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

Circulation Of The Application:

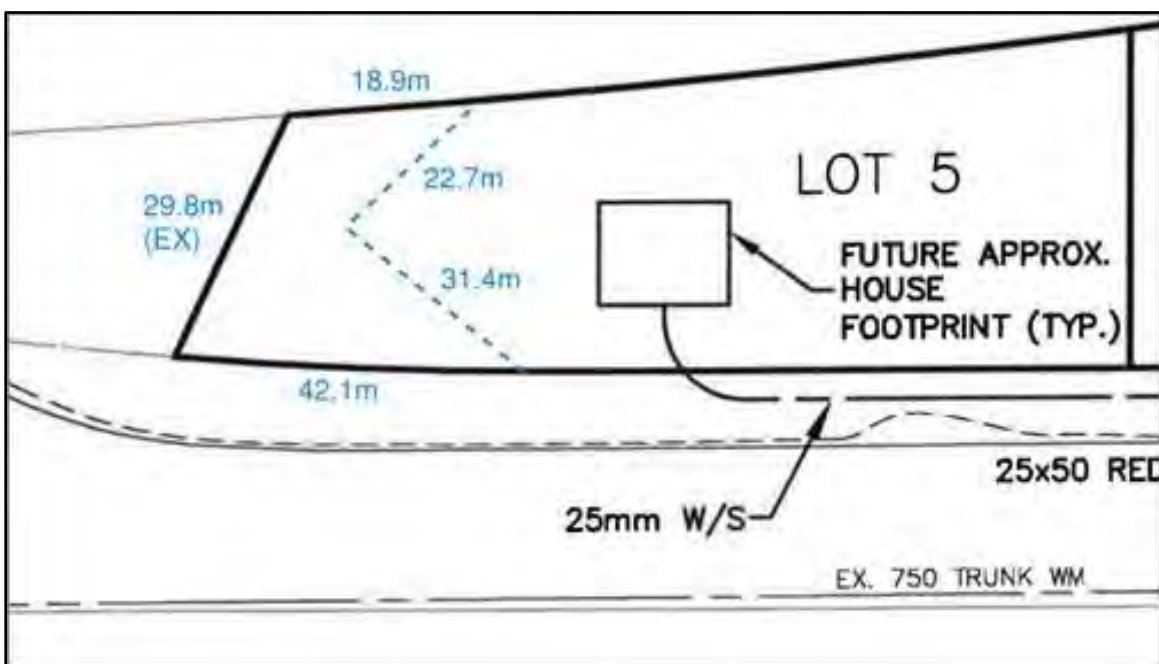
Township Department Comments

Comments received from the Township Departments’ are summarized below:

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

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

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



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

Additional Comments:

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

The required support studies have been provided including the following:

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

Financial Implications:

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

Strategic Plan Goals:

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

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

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed three residential lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

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

Respectfully submitted by:

Tracey Pillon-Abbs, MCIP, RPP
Planner

Approved for submission by:

Jeff Carswell
CAO/Clerk

Appendices:

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

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: January 31, 2023 10:06 AM
To: Joe Gordon <joe@kettlecreekconservation.on.ca>
Subject: KCCA Consent Application Notice - Feb 22

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the February 22nd meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, February 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



www.elgincounty.ca



Paul Clarke

From: Mentley, Ryan (MTO) <Ryan.Mentley@ontario.ca>
Sent: January 18, 2023 8:27 AM
To: Paul Clarke; Patrick Matkowski
Subject: RE: 10518 FORD ROAD - Clearing Consent Conditions for E53-22 to E56-22) - MTO Clearance

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

Good morning Paul,

Thank you for the information/clarification. MTO has no concerns with the proposed conditions.

Please let me know if you have any questions or require anything further.

Regards.

Ryan Mentley

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

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: January 16, 2023 8:47 AM
To: Patrick Matkowski <pmatkowski@mbpc.ca>; Mentley, Ryan (MTO) <Ryan.Mentley@ontario.ca>
Subject: RE: 10518 FORD ROAD - Clearing Consent Conditions for E53-22 to E56-22) - MTO Clearance

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

Hi Ryan,

The blue dashed lines will be the property boundaries for Lot 5 after the road dedication to Southwold is complete. That condition is being imposed by the County on behalf of the Township for future intersection improvements.

Based on your feedback I have drafted the following conditions for E 56-22 to advise the owners of the required MTO setbacks and location of the entrance to Lot 5. Please let me know if there are any changes you would like.

1. That the Owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transportation (MTO) will require a 14m setback from the west property lines and along the east side of the property along Highway 3 for any structure, building, sanitary facilities, etc.

2. That the Owners acknowledge being advised that access to the severed lot shall be located at the southerly limits of the severed lot.

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



www.elgincounty.ca



From: Patrick Matkowski <pmatkowski@mbpc.ca>

Sent: January 13, 2023 4:32 PM

To: Mentley, Ryan (MTO) <Ryan.Mentley@ontario.ca>; Paul Clarke <pclarke@ELGIN.ca>

Subject: RE: 10518 FORD ROAD - Clearing Consent Conditions for E53-22 to E56-22) - MTO Clearance

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

Good Afternoon Paul,

Can you confirm Ryan's inquiry regarding the blue dashed line on the markup.

Regards,

Patrick Matkowski

Planner

MONTEITH BROWN PLANNING CONSULTANTS

610 Princess Avenue, London, Ontario, N6B 2B9

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

E-Mail: pmatkowski@mbpc.ca / Web: www.mbpc.ca



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

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

Sent: Friday, January 13, 2023 12:11 PM

To: Patrick Matkowski <pmatkowski@mbpc.ca>

Subject: RE: 10518 FORD ROAD - Clearing Consent Conditions for E53-22 to E56-22) - MTO Clearance

Hi Patrick,

Per the attached comments; MTO requested confirmation that the blue dashed line shown at the north limits of the property limit is the proposed future property limit. MTO to date has not identified lands to be conveyed to MTO. Was this request from the County?

As outlined in the Decision from the County, MTO is in agreement with point 4. *That the owners acknowledge being advised and will advise prospective purchasers that the MTO will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.* Additionally, the owners shall acknowledge being advised and will advise prospective purchasers of the enhanced setback from the north property limits and access shall be from the southern limits of the severed property for Lot 5.

Prior to development or physical alteration of Lots 1 - 5, MTO review/approvals/permits will be required. This will include submitting individual site plans identifying property setbacks and entrance locations, including access to lot 5 being located at the southerly limits of Lot 5 to maximize the offset from the intersection

Please do not hesitate to contact me with any questions/concern you may have.

Regards,

Ryan Mentley

Corridor Management Planner

Highway Corridor Management Section

Ministry of Transportation

659 Exeter Road, London ON, N6E 1L3

Tel: (519) 878-4026

Fax: (519) 873-4228

Ryan.Mentley@Ontario.ca



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: February 22, 2023
Application: **E 55-22 and E 56-22**

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

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

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

PROPOSAL

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

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

These applications were deferred at the meeting in August, 2022 to provide the applicants time to coordinate with the Ministry of Transport (MTO) regarding the proposed lot layout and required setbacks. The applicants wish to move forward with the applications as originally presented, and no changes have been made.

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

**Local Municipality Official
Plan**
Residential

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential lot with the intention of constructing a new single detached dwelling. This severance is one of four (4) submitted for the subject land, and if approved, would see the creation of a total of 4 new lots, with the retained lot continuing its use for residential purposes. Two lots have already been granted provisional consent (applications E 57-22 and E 58-22).

County of Elgin Official Plan

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

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

Local Municipality Official Plan and Zoning By-law

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

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

The severed lands are also subject to a Natural Area and Adjacent Lands overlay. An environmental assessment was conducted and no adverse nor unalterable impacts on the

natural heritage features will occur as part of the proposed severance. An amendment to the Zoning By-law is required for these lots which the Township of Southwold has indicated they are willing to pursue and have made the requisite zoning amendments a condition of consent.

RECOMMENDATION:

Application E 55-22 is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transport "MTO" will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.
5. That the owners acknowledge being advised that due to future works at the intersection of Highway 3 and Ford Road and proximity of the land to the intersection consideration should be given to reducing the number of new lots to increase the size of the proposed lots to ensure adequate setbacks and entrance locations can be obtained.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to rezone the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.
13. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
14. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
16. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Application E 56-22 is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transport "MTO" will require a 14 m setback from the MTO

- property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.
5. That the owners acknowledge being advised that due to future works at the intersection of Highway 3 and Ford Road and proximity of the land to the intersection consideration should be given to reducing the number of new lots to increase the size of the proposed lots to ensure adequate setbacks and entrance locations can be obtained.
 6. That the owners dedicate lands located at the western portion of the severed parcel measuring 42m along the frontage of Ford Road, and 19m along the existing hydro corridor abutting Talbot Line as shown on "Proposed Severance Sketch Lot 5" as submitted with application E 56-22 to the Township of Southwold for the purposes of future intersection improvements, and that the County of Elgin be provided a copy of the registered deed for the transfer, once complete. All to the satisfaction of the County Engineer with all costs 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 the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four (2) severed parcels and the one (1) retained parcel, addressing all

municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

10. That the Applicant is required to have lots serviced by watermain and will require rural watermain extension policy, all to the satisfaction and clearance of the Municipality.
11. That driveway entrance permit and 911 sign be obtained.
12. That MTO clearance is obtained along with all other requirements, studies, intersection improvements and/or permits.
13. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
14. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
15. That the conditions of Applications E53-22, E54-22, E55-22 and E56-22 be fulfilled in conjunction with one another.
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**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION NO. E 89-21**

**54246 EDEN LINE
LOT 6, CONCESSION 9,
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by Cyril J. Demeyere Limited (Trevor Benjamins), 261 Broadway, P.O. Box 460, Tillsonburg, ON, on behalf of Community of Christ – Corinth Congregation (Dar Shepherdson), 54246 Eden Line, North Hall, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54246 Eden Line, Municipality of Bayham.

The applicants propose to sever a parcel with a frontage of 37.88 meters (124.28 feet) by a depth of 73.63 metres (241.57 feet) and an area of 3,015.6m² (0.74 acres) for future residential use, and retain a parcel with an area of 9,176.1m² (2.27 acres) proposed to remain in institutional use (place of worship).

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 FEBRUARY 22ND AT 9:30 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

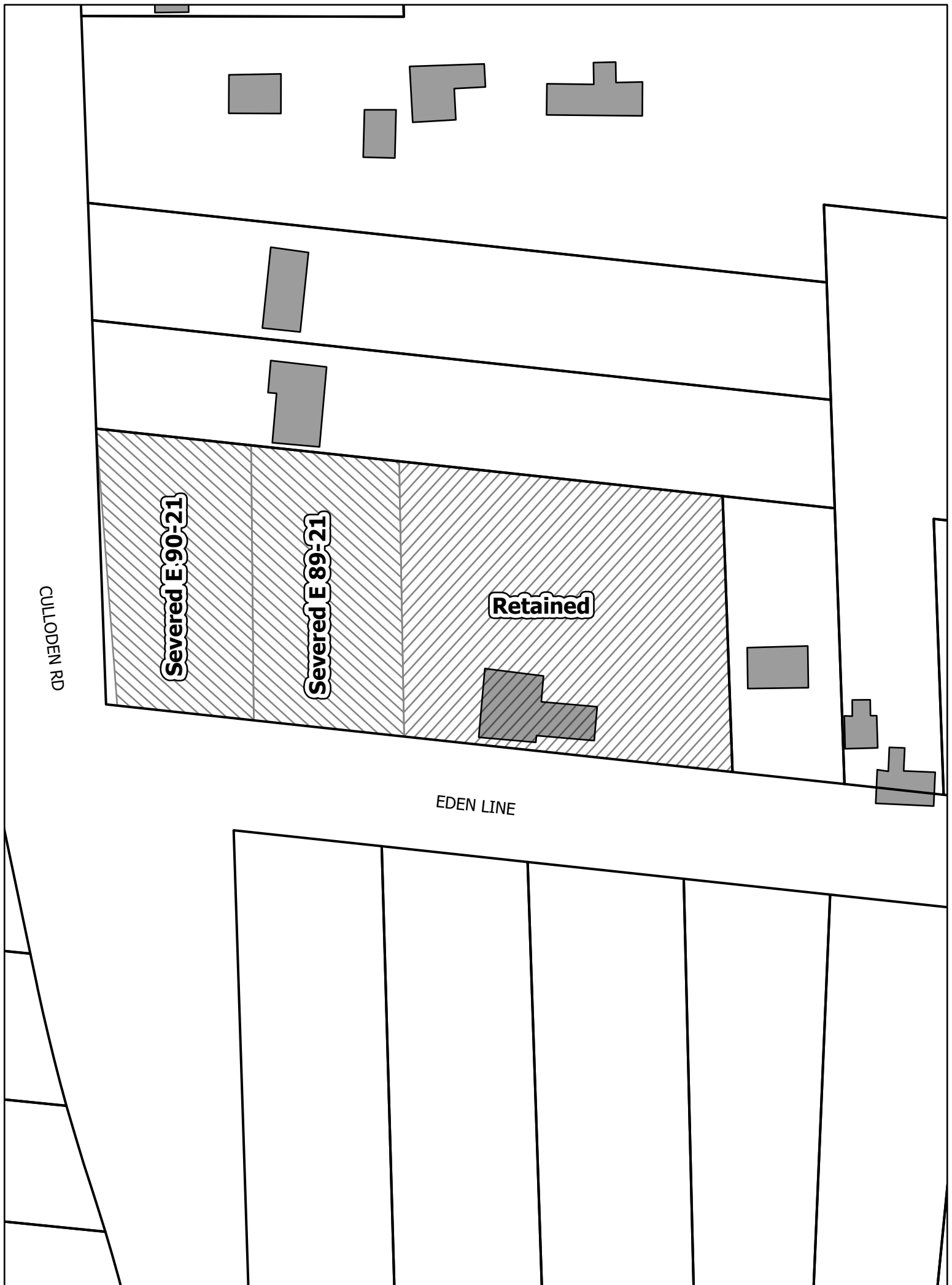
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

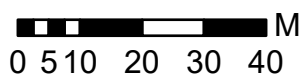
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



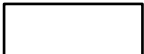




Location Map

Subject Site: 54246 Eden Line
 File Number: E 89-2021 & E 90-2021
 Owner: Community of Christ - Corinth
 Planner: Nancy Pasato
 Created By: AL
 Date: 11/05/2021

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



Legend

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION NO. E 90-21**

**54246 EDEN LINE
LOT 6, CONCESSION 9,
MUNICIPALITY OF BAYHAM**

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The applicants propose to sever a parcel with a frontage of 37.87 meters (124.24 feet) by a depth of 73 metres (239.5 feet) and an area of 2,719.2m² (0.67 acres) for future residential use, and retain a parcel with an area of 6,456.9m² (1.6 acres) proposed to remain in institutional use (place of worship).

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

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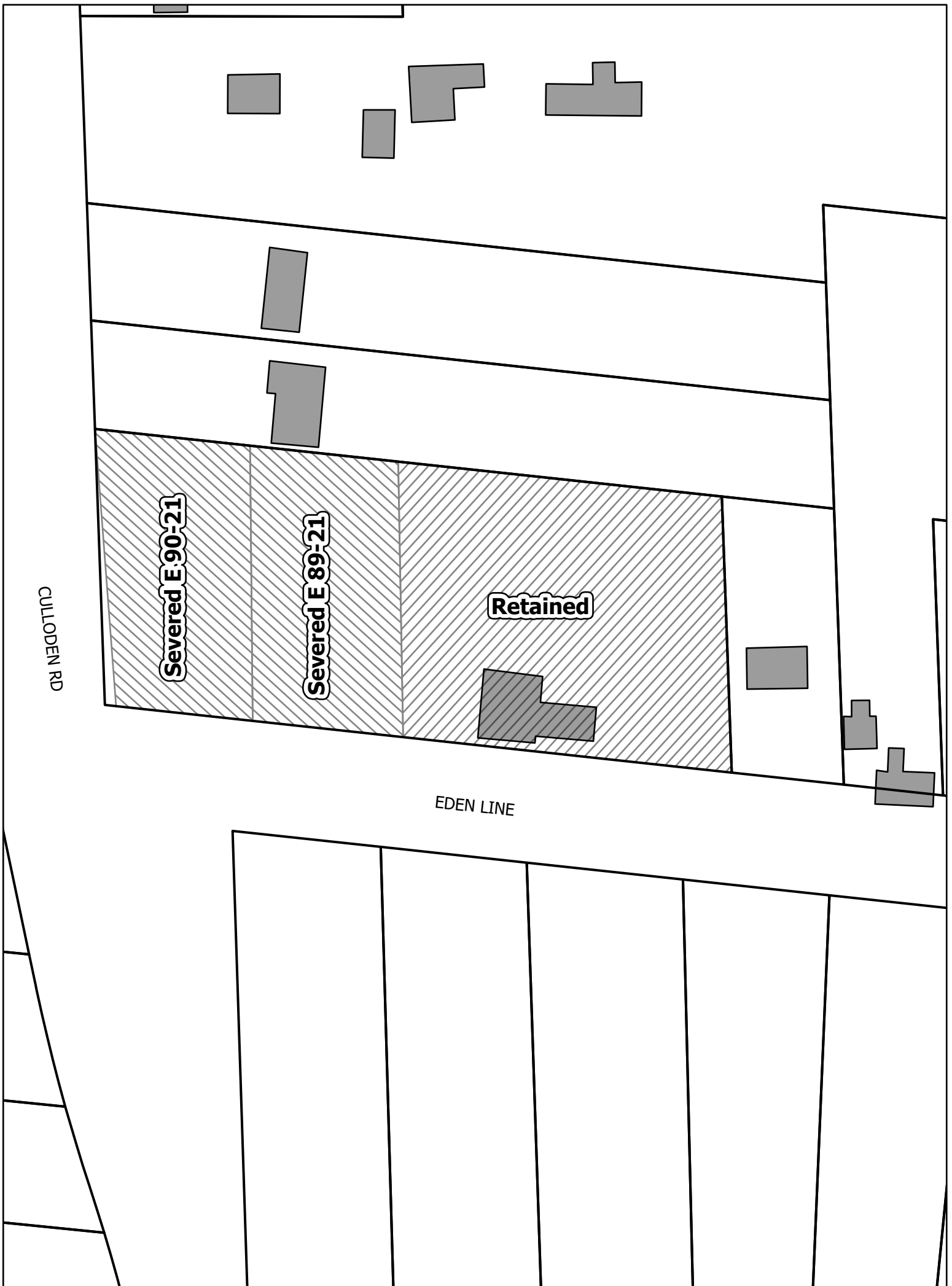
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Paul Clarke
Secretary-Treasurer
Land Division Committee

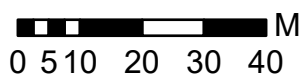
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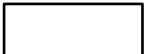




Location Map

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



Legend

-  Subject Site
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-  Buildings

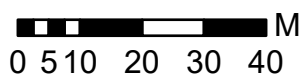


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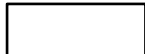




Location Map

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



Legend

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



January 31, 2023

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

EMAIL ONLY

Dear Mr. Clarke,

**Re: Applications for Consent No. E89-21 and E90-21 Community of Christ – Corinth
Congregation**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 19, 2023 meeting:

THAT Report DS-04/23 regarding Amended Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Amended Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:

- 1. Installation of a 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. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality**
- 3. Municipal lot assessment for soil evaluation (septic)**
- 4. Digital copy of the final survey provided to the municipality**
- 5. Purchase civic number signage for the severed lot**
- 6. Planning Report fee payable to the municipality**
- 7. Engineered drainage plan for the severed and retained lands**
- 8. Confirmation of suitability of access to County Rd 44 (Eden Line)**

Municipal Appraisal Sheet and Staff Report DS-04/23 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill
Planning Coordinator|Deputy Clerk

D09.COMM

Cc: T. Benjamin, CJDLEngineering/Agent (email)

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 89-21 and E90-21

Jan 31/23

Applicant Community of Christ – Corinth Congregation

Location Bayham – 54246 Eden Line, Lot 6 Concession 9

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: 4.4.2.2 criteria for consents in hamlet designations

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: Institutional and Hamlet Residential on the two proposed lots

Rezoning was originally required of both the retained and severed; Approved Zoning By-law Z736-2022 passed March 13, 2022

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

See Letter attached with listed conditions revised from original.

See Staff Report DS-04/23 considered at Council meeting January 19, 2023

mu

- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of “Hamlets” shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- 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;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- 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;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- 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;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the “Hamlets”. These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the “Hamlets” are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: January 19, 2023
REPORT: DS-04/23 **FILE NO. C-07 / D09.21 Community Christ**
Roll # 3401-000-005-06300

SUBJECT: Amended Consent Applications E89-21 and E90-21
Community of Christ – Corinth Congregation

BACKGROUND:

On December 2, 2021 Council, considered Staff Report DS-65/21 and passed the following resolution:

THAT Report DS-65/21 regarding Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:

1. Installation of a 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality
4. Municipal lot assessment for soil evaluation (septic)
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B"
6. Digital copy of the final survey provided to the municipality
7. Purchase civic number signage for the severed lot
8. Planning Report fee payable to the municipality
9. Engineered drainage plan for the severed and retained lands
10. Confirmation of suitability of access to County Rd 44 (Eden Line)

Elgin County Land Division Committee granted the two consents on December 15, 2021 with an expiry date of December 15, 2022. Due to extenuating circumstances, the LDC, as per the applicant's request, extended the expiry date to December 15, 2023.

As the applicant was working through the municipal conditions, it was realized that the septic field bed for the retained church was within the boundary of the proposed Lot "B" and the dimensions of the lots would have to be slightly amended.

Amended applications E89-21 and E90-21 were received October 19, 2022 from the Elgin County Land Division Committee submitted by Agent Trevor Benjamins, Cyril J. Demeyere Limited, proposing amended sizing of the two lots: Parcel "A" 3015.6 m² (0.75 ac) and Parcel "B" 2719.2 m² (0.67 ac) and retain 6,456.9 m² (1.6 acres) in Concession 9 Lot 6, municipally known as 54246 Eden Line.

DISCUSSION:

The amended applications are for the purpose of amending the lot dimensions. There is no change to their intent and the created lots still meet the requirements of the hamlet residential regulations.

Staff would recommend support of the amended applications with the same conditions, except to remove Condition 2 requiring rezoning, as it has been completed, and Condition 5 confirmation of location of the septic bed as it has been confirmed. Other conditions remain and are included in the recommendation for the creation of two building lots in the hamlet of North Hall.

ATTACHMENTS

1. Amended Consent Applications E89-21 and E90-21

RECOMMENDATION

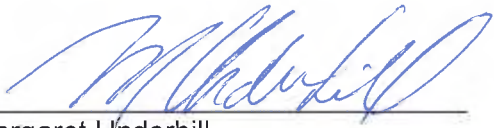
THAT Report DS-04/23 regarding Amended Consent Applications E89-21 and E90-21 for Community of Christ – Corinth Congregation be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Amended Consent Applications E89-21 and E90-21 be granted subject to the following conditions and considerations:

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2. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality
3. Municipal lot assessment for soil evaluation (septic)
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5. Purchase civic number signage for the severed lot
6. Planning Report fee payable to the municipality
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Respectfully Submitted by:

Reviewed by:



Margaret Underhill
Planning Coordinator|Deputy Clerk



Thomas Thayer
CAO|Clerk

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 28, 2021 ELGIN COUNTY ROAD NO.: 44 - 54246 Eden Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 89-21

OWNER: Community of Christ – Corinth Congregation

PROPERTY: LOT NO. 6 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 Eden Line County Road (44) 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 parcel. All costs associated with this shall be borne by the owner.....

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

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

- 11) Not on County Road

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

- 13) Other...

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



BRIAN LIMA, P. ENG.
DIRECTOR OF ENGINEERING SERVICES



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: February 22, 2022
Application: E 89-21 and E 90-21

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

E 89-21:

The applicants propose to sever a parcel with a frontage of 37.88 meters (124.28 feet) by a depth of 73.63 metres (241.57 feet) and an area of 3015.6m² (0.75 acres) for future residential use, and retain a parcel with an area of 9176.1m² (2.27 acres) proposed to remain in institutional use (place of worship).

E90-21:

The applicants propose to sever a parcel with a frontage of 37.88 meters (124.28 feet) by a depth of 73 metres (239.5 feet) and an area of 0.3 hectares (0.67 acres) for future residential use, and retain a parcel with an area of 6456.9m² (1.6 acres) proposed to remain in institutional use (place of worship).

The applicant is requested that the previous decision from 2021 be amended to slightly alter the proposed property boundaries. This report reflects the amended applications as resubmitted by the agent.

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval subject to conditions.

County Engineering – Subject to the provided conditions related to road widening, direct connection to a legal outlet, entrance permit, and lot grading.

Long Point Conservation Authority (LPCA) – No comment.



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-633-7661
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Planning Act and Provincial Policy Statement (PPS)

The amendments to the application are being requested to permit slight alteration of the proposed property boundaries. The planning rationale for these applications has not changed since they were originally presented to the LDC in 2021 and are deemed to be consistent with the PPS.

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

The applicants propose to sever vacant land for future residential use and retain the existing church on the subject site.

County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (North Hall) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. Planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Hamlets" on Schedule 'A1' Land Use; of the Municipality of Bayham Official Plan. The lands are zoned Institutional (I) on Schedule 'C' North Hall of Zoning By-law Z456-2003.

The created lots meet the requirements of the hamlet residential regulations. Water quality and quantity testing reports are required along with the standard conditions for the creation of a lot. These lands are in a low area and considering there are municipal drains nearby, there will have to be consideration for drainage on the severed lots and for the effects on the retained lands.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) 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;
5. Direct Connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel. All costs associated with this shall be borne by the owner; and
7. A Lot Grading Plan is required for the severed lot.

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

1. Installation of a 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. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality
3. Municipal lot assessment for soil evaluation (septic)
4. Digital copy of the final survey provided to the municipality
5. Purchase civic number signage for the severed lot
6. Planning Report fee payable to the municipality
7. Engineered drainage plan for the severed and retained lands
8. Confirmation of suitability for access to County Rd. 44 (Eden Line)



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 85-22**

**LOT 5, 6, 7, AND PART OF LOT 14 ON REGISTERED PLAN No. 54
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 7 OAK STREET**

TAKE NOTICE that an application has been made by Trevor Benjamins (Cyril J. Demeyere Ltd.), 261 Broadway, PO Box 460, Tillsonburg, ON, N4G 4H8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 7 Oak Street, Bayham, ON.

The applicant proposes to sever a parcel with a frontage of 21.780 metres (71.46 feet) and a depth of 40.593 metres (133.18 feet) and an area of 879.6m² (0.22 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 46.422 metres (152.3 feet) and a depth of 40.586 metres (133.46 feet) and an area of 1,890.5 m² (0.47 acres), proposed to remain in residential use.

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

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

**WEDNESDAY FEBRUARY 22ND AT 9:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE.

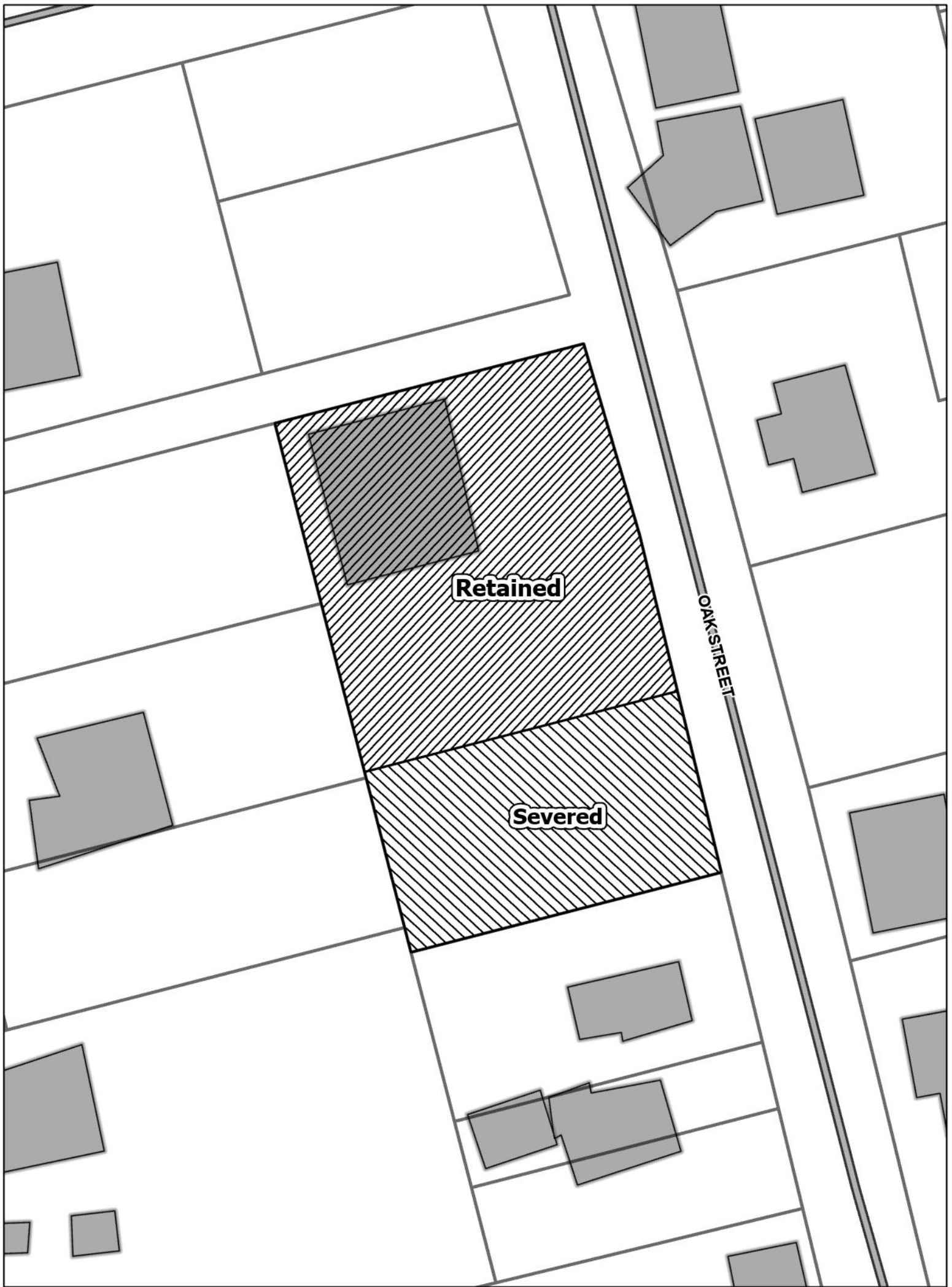
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

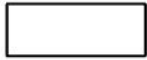

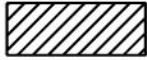




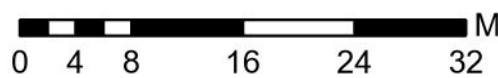
Location Map

Subject Site: 7 Oak Street
 File Number: E 85-22
 Owner: Lindsay & Leanne Walsh
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 09/30/2022
 Municipality of Bayham



Legend

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










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

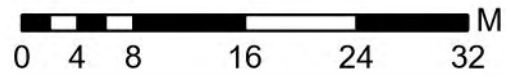
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Subject Site: 7 Oak Street
 File Number: E 85-22
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 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



January 31, 2023

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. E85-22 Walsh

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 19, 2023 meeting:

THAT Report DS-06/23 regarding Consent Application E85-22 Walsh be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E85-22 be granted subject to the following conditions and considerations:

- 1. Installation of a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements**
- 2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for all permits and installation requirements**
- 3. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality**
- 4. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
- 5. Planning Report fee payable to the Municipality**
- 6. Provide a digital copy of the registered plan of survey**

Municipal Appraisal Sheet and Staff Report DS-06/23 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,WALSH

Cc: T. Benjamin, CJDJL Engineering/Agent (email)

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 85-22

Jan 31/23

Applicant Walsh, L and Walsh, L

Location Bayham – 7 Oak Street, Vienna

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Residential

Policies: Section 8.7.2.1 Consents and the Creation of New Lots Policies

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: Village Residential 1 (R1)

Rezoning not required

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

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (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? | | |

See Letter attached with the listed municipal conditions.

See Staff Report DS-06/23 considered by Council January 19, 2023

assessment roll of the municipality at the address shown on the roll or as indicated where the Clerk of the Municipality has received written notice of a change of ownership or occupancy, and shall receive additional notification through prepaid first class mail, to be posted not less than 20 days prior to the public meeting.

8.7 CONSENTS AND THE CREATION OF NEW LOTS

8.7.1 Elgin Land Division Committee

8.7.1.1 The granting of consents to sever and convey land in the Municipality of Bayham shall continue to be the responsibility of the Elgin County Land Division Committee.

8.7.1.2 Municipal Council or their delegated authority shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Municipality of Bayham.

8.7.2 Policies

8.7.2.1 A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered. Where a consent contravenes this Plan or the zoning by-law, no consent shall be granted unless the Plan and/or the Zoning By-law is amended and approved accordingly.

8.7.2.2 The policies of this Plan and the requirements of the Municipality regarding consents may be implemented through a site plan agreement between the Municipality and the applicant pursuant to the Planning Act.

8.7.2.3 A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if a separate lot is created.

8.7.2.4 A consent shall only be granted for the purposes of settling an estate where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the estate is settled and a new lot or lots are created.

8.7.2.5 Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severance does not result in the creation of a new lot, the severed and retained

SECTION 10 VILLAGE RESIDENTIAL 1 (R1) ZONE REGULATIONS

10.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Residential 1 (R1) Zone except for the following purposes:

- Single-detached dwelling or single-detached seasonal dwelling;
- Converted dwelling to a maximum of two (2) units;
- Semi-detached dwelling;
- Duplex dwelling;
- Group home;
- Home occupation;
- Bed and Breakfast Lodging or Tourist Home;
- Accessory uses.

10.2 Permitted Buildings and Structures

- Z751-2022** One dwelling on one lot or one or two units of a semi-detached dwelling on one lot;
- Accessory buildings and structures to the permitted uses.

10.3 Minimum Lot Area

- Vienna, Port Burwell: 800 m², or 1390 m² where no public water supply or sanitary sewage disposal service are available
- Z698-2020** Straffordville: 900 m², or 1390 m² where no sanitary sewage disposal service are available
- Z751-2022** Semi-detached dwelling unit:
400 m², or 695 m² where no public water supply or sanitary sewage disposal service are available

10.4 Minimum Lot Frontage

- Z698-2020** Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres
for an internal lot and 18.0 metres for a corner lot.
- Partially Serviced: 20 metres
- Z751-2022** Semi-detached Dwellings:
10 metres for an internal lot and 13.0 metres for a corner lot

10.5 **Maximum Building Height** Z751-20:12
7.0 metres

10.6 **Maximum Building Coverage**
30%

10.7 **Minimum Floor Area** Z698-20:10

10.8 **Minimum Front Yard Depth**
7.0m

10.9 **Minimum Side Yard Width**

10.9.1 Where a garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on each side of the combined building.

10.9.2 Where no garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on one side of the main building and a minimum of 3 metres on the other side of the main building.

10.9.3 On a corner lot, the side yard abutting a public street shall be a minimum of 4.5 metres and the side yard on the other side of the main building shall be a minimum of 1.2 metres.

10.9.4 On a lot with a semi-detached dwelling, the interior lot line width that forms the party wall shall be 0.0 metres.

10.10 **Minimum Rear Yard Depth**
7.0 metres

10.11 **Regulations for Accessory Buildings**

Notwithstanding the provisions of Section 4.2, the following shall apply:

- Z556-2008 a) No accessory building shall be located within 6.0 metres of a public street;
- b) Maximum Height: 4.5 metres;
- Z751-2022 c) Maximum Floor Area: 75 m² or 8% lot coverage, whichever is less.

10.12 **Exceptions - Village Residential (R1) Zone**

10.12.1
10.12.1.1 **Defined Area**
R1-1 as shown on Schedule "H" to this By-law.

10.12.1.2 **Minimum Lot Area**
2.5 hectares.

10.12.1.3 **Minimum Lot Frontage**
Notwithstanding any other provisions of this By-law, as now or hereafter amended,



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: January 19, 2023
REPORT: DS-06/23 **FILE NO. C-07 / D09.22 WALSH**
Roll # 3401-004-001-15400

SUBJECT: Consent Application E85-22 Walsh, L and Walsh, L
7 Oak Street, Vienna

BACKGROUND:

Consent application E85-22 was received from the Elgin County Land Division Committee submitted by Agent Trevor Benjamins, Cyril J. Demeyere Limited, on behalf of Lindsay Walsh and Leann Walsh proposing to sever 879.6 m² (0.22 acres) of land and retain 1890.5 m² (0.47 acres) of land with the intent to create a new building lot in the village of Vienna at the property municipally addressed as 7 Oak Street.

The subject lands are designated "Residential" as per Schedule 'C' - Vienna in the Municipality of Bayham Official Plan and zoned as Village Residential 1 (R1) and identified as being partially within the LPRCA Regulation Limit as per Schedule 'H' - Vienna in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application in February 2023, no date set.

DISCUSSION:

The planner's memorandum dated January 10, 2023 analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The lot will require connection to the municipal water and sanitary sewer system and engineered storm water management, drainage and grading plans as there are municipal concerns with the existing and the potential drainage along Oak Street with the addition of a new residence. 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 E85-22 Walsh
2. IBI Memorandum dated January 11, 2023

RECOMMENDATION

THAT Report DS-06/23 regarding Consent Application E85-22 Walsh be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E85-22 be granted subject to the following conditions and considerations:

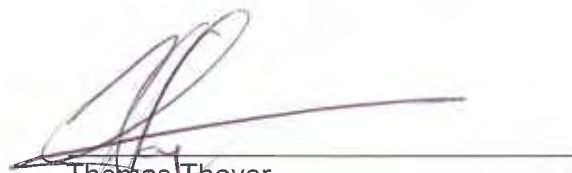
1. **Installation of a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements**
2. **Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for all permits and installation requirements**
3. **Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality**
4. **Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
5. **Planning Report fee payable to the Municipality**
6. **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

Memorandum

To/Attention Municipality of Bayham **Date** January 12, 2023
From Paul Riley BA, CPT **Project No** 3404-877
cc William Pol, MCIP, RPP
Subject Lindsay Walsh and Leann Walsh – 7 Oak Street, Vienna –
Application for Consent E85-22

1. We have completed our review of consent application E85/22, submitted by Lindsay Walsh and Leann Walsh for lands located at 7 Oak Street, west side, north of Plank Road. The applicant is requesting a consent for the severance of 879.6 square metres (0.22 acres) of land and to retain 1890.5 square metres (0.47 acres) of land. The intent is to create a residential lot on the southern portion of the lot. The lands are designated as 'Residential' as per Schedule 'C' – Vienna of the Municipality of Bayham Official Plan and zoned as Village Residential (R1) as per Schedule 'H' – Vienna of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has a frontage of 21.8 metres (71.5 feet) and a depth of 40.6 metres (133.2 feet). The proposed lands to be severed are currently vacant, but heavily treed and include a significant slope toward the Oak Street frontage of the property. The retained lands have a frontage of 46.2 metres (152.2 feet) and a depth of 40.6 metres (133.2 feet). The lands to be retained currently contain a single detached residential dwelling. The surrounding uses to the east, south, and west are residential, with an undeveloped laneway/alley immediately to the north of the retained lands.
3. Section 8.7.2.1 of the Municipality of Bayham Official Plan states that "*A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered*". The proposed use of the severed lands is residential and therefore in conformity with the Official Plan. The proposed lot to be severed conforms to the minimum lot area and minimum frontage stipulated in the provisions of the Zoning By-law. A plan of subdivision will not be required for the proposed severance, as only one new lot is being created, access onto a public road is maintained, and no extension of municipal water or sewer services will be required to accommodate the proposed new lot.
4. The subject lands are located within the Village Residential (R1) 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 R1 zone, including minimum lot area and frontage, minimum

Municipality of BayhamMunicipality of Bayham – January 12, 2023

setbacks, etc. The existing single-detached dwelling is also located in the R1 zone. The proposed lot to be retained would continue to conform to the minimum lot area and frontage requirements. The proposed lots are in conformity to the Zoning By-law.

5. Based on the above review of consent application E85/22, we have no objection to the proposed consent to create an additional residential lot in a settlement area and recommend the following conditions for approval:
 - a. That the applicant connect the new lot/dwelling to the municipal piped water and sanitary sewer systems.
 - b. That the applicant ensure that the existing dwelling is in conformity with Section 10.9.1 regarding minimum side yard width, or obtain a Minor Variance to permit the reduced side yard width.
 - c. That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
 - d. That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - e. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - f. That the owner provides a digital copy of a survey of the subject lands.
 - g. That the applicant provide engineered storm water management, drainage and grading plans.

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham



Long Point Region Conservation Authority

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

Elgin County
St. Thomas, ON

February 15, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 85-22 and can provide the following comments based on LPRCA's various plan review responsibilities for Elgin County's consideration.

It is staff's understanding that the submitted application for consent will facilitate the creation of an additional residential lot.

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

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

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

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

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

LPRCA staff can advise this slope is generally stable. LPRCA staff can further 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 subject to the following conditions:

- Any development, including fill, grading or proposed structures, *must not* cut into the toe of the slope; and
- The proposed structures *must not* include structural elements that require post-construction maintenance to maintain slope stability.

Ontario Regulation 178/06

The subject lands are 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))

In addition to any proposed structures, any proposed grading to facilitate development on this property will require a permit from this office.

Please feel free to reach out with any further questions related to this matter. Thanks,

Aisling Lavery, Resource Planner
Long Point Region Conservation Authority
519-842-4242 ext. 235 | alavery@lprca.on.ca



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: February 22, 2022
Application: E 85-22

Owner:
Lindsay & Leanne Walsh
7 Oak Street, Vienna, ON N0J 1Z0

Agent:
Trevor Benjamins (Cyril J. Demeyere Ltd.)
261 Broadway, P.O. Box 460
Tillsonburg, ON N4G 4H8

Location: Lot 5, 6, 7 & part of lot 4 on Registered Plan No. 54, Municipality of Bayham.
Municipally known as 7 Oak Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 21.780 metres (71.46 feet) and a depth of 40.593 metres (133.18 feet) and an area of 879.6m² (0.22 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 46.422 metres (152.3 feet) and a depth of 40.586 metres (133.46 feet) and an area of 1,890.5 m² (0.47 acres), proposed to remain in residential use.

County of Elgin Official Plan
Tier 1 Settlement Area

Local Municipality Official Plan
Residential

Local Municipality Zoning By-law
Village Residential 1 (R1)

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 create a new residential lot in an existing settlement area. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development. Section 1.1.3.2 outlines the following:

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

The PPS also encourages land use patterns in existing settlement areas which make use of available land and resources through intensification and redevelopment. This application is for a severance on an existing residential lot with a current frontage of ~68m, significantly more than what is common in the area. This application is consistent with the PPS' definition of intensification and will have access to full municipal services.

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 designated Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest population centers in the County and should be the focus of development, these settlement areas also have access to full municipal services. In respect of consents within settlement areas; new lot creation is permitted in settlement area subject to the criteria of Section E1.2.3.1. Staff have reviewed the proposal against these criteria and found no deficiencies. This application is for a severance on an existing residential parcel which has full access to municipal services and is located on a dead-end street. There are not indicated to be any land use conflicts as a result of the approval of this consent.

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. The proposed lot dimensions and use comply with the Bayham Zoning By-law.

RECOMMENDATION:



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

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 a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements.
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicant's cost for all permits and installation requirements.
3. Provide engineered storm water management, drainage and grading plans to the satisfaction of the municipality.
4. Cash-in-lieu of Parkland Fee payable to the municipality as required in Municipal By-law No. 2020-053
5. Planning Report fee payable to the municipality
6. Provide a digital copy of the registered plan of survey.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 47-22**

**LOT R ON REGISTERED PLAN No. 39
TOWNSHIP OF SOUTHWOLD
MUNICIPALLY KNOWN AS 37437 LAKE LINE**

TAKE NOTICE that an application has been made by Jeffrey Vincent Milcz and Gillian Jane Milcz, 37437 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37437 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 102.523 metres (336.36 feet) and a depth of 147.93 metres (485.33 feet) and an area of 9,840.11m² (2.43 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 210.010 metres (689 feet) and a depth of 147.939 metres (485.36 feet) and an area of 38,054.51m² (9.4 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 FEBRUARY 22ND AT 9:50 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

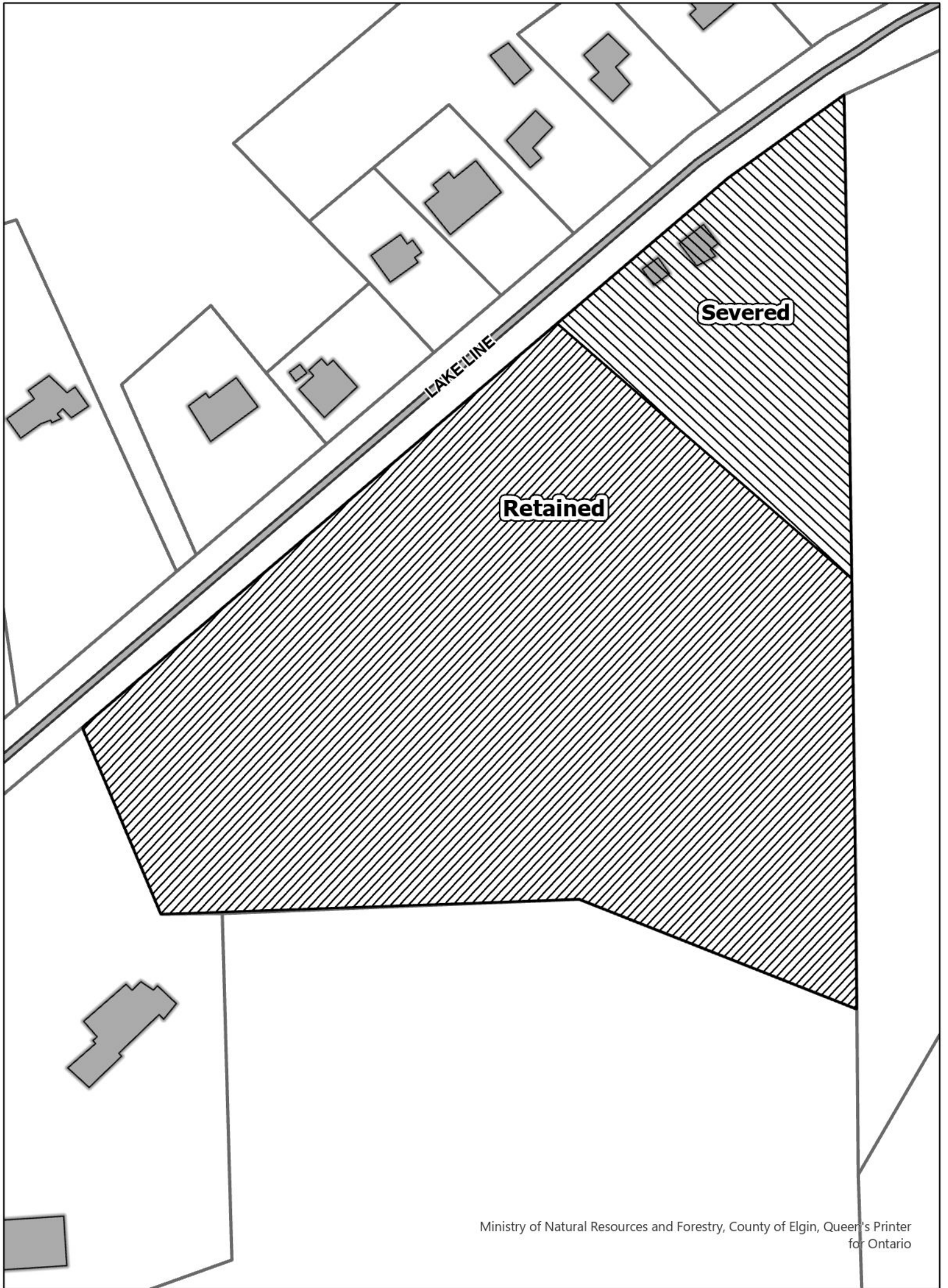
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

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



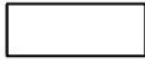

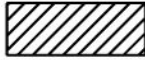


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map

Subject Site: 37437 Lake Line
 File Number: E 47-22
 Owner: Jeffrey Vincent Milcz & Gillian Jane Milcz
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 01/31/2022
 Township of Southwold



Legend

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







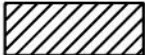


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

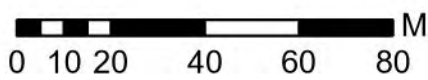
Location Map

Subject Site: 37437 Lake Line
 File Number: E 47-22
 Owner: Jeffrey Vincent Milcz & Gillian Jane Milcz
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 01/31/2022
 Township of Southwold



Legend

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



VIA EMAIL ONLY

January 26, 2023

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin County File Number: E47-22

Please be advised that the Township of Southwold has reviewed the above-noted application at the January 25, 2023 Council Meeting and passed the following resolution: 2023 - 25

PLA 2023-02 Consent Application E47-22, Milcz, 37437 Lake Line

2023-25 **THAT** Council recommends approval of the Land Division Committee of County of Elgin for the consent application E47-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-02.

CARRIED

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, NOL 1K0

Office: 519-769-2010

Email: 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 attach relevant excerpts from the appropriate Official Plan and Zoning By-Law. Should you have any questions, please call this office.

Submission: E47-22

Owner/Applicant: Jeff and Gillian Milcz

Location: 37437 Lake Line,

OFFICIAL PLAN

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

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

Land Use Designation: Settlement Area

Policies: Section 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 (X) No ()

Comments: No Comments

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 2022-39

Appendix Two: Severance Application E47-22

Consent Applications E47-22 Conditions:

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees 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 of the Marr Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
8. That 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*.

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: January 31, 2023 10:06 AM
To: Joe Gordon <joe@kettlecreekconservation.on.ca>
Subject: KCCA Consent Application Notice - Feb 22

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the February 22nd meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, February 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



www.elgincounty.ca





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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: February 22, 2023
Application: E 47-22

Owner: Jeffrey Vincent Milcz & Gillian Jane Milcz
Agent: None

37437 Lake Line, Port Stanley, ON N5L 1J1

Location: Lot R on Registered Plan No. 39, Township of Southwold. Municipally known as 37437 Lake Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 102.523 metres (336.36 feet) and a depth of 147.93 metres (485.33 feet) and an area of 9,840.11m² (2.43 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 210.010 metres (689 feet) and a depth of 147.939 metres (485.36 feet) and an area of 38,054.51m² (9.4 acres), proposed to remain in residential use.

County of Elgin Official Plan

Agricultural Area

Local Municipality Official Plan

Settlement Area

Local Municipality Zoning By-law

Settlement Reserve (SR)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns. Permit from KCCA will be required prior to development.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential parcel and construct a residential dwelling with an attached garage on the retained land and are proposing to continue the use of the severed lot as residential.

Following an amendment to the Township of Southwold's Official Plan the subject lands are now within a settlement area and so Section 1.1.3 of the PPS applies to this consent application.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

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

The PPS also encourages new development in existing settlement areas to take place by intensification and redevelopment, where possible. The PPS defines intensification as "the development of a property, site or area at a higher density than currently exists, through...the development of vacant and/or underutilized lots within previously developed areas and infill development".

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is within an Agricultural Area. However, Section F10.2 of the OP states the following:

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.

The Township of Southwold Official Plan was recently amended, and approved by County Council to correct a mapping error which erroneously identified the subject lands as not being within the settlement area. Following the approval of the OPA, the subject land was designated to Settlement Area and therefore the appropriate policies of the CEOP should prevail, which does permit lot creation.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

The lands are designated as Residential on the new Official Plan following the OPA which was approved by Southwold Council in August of 2022. The purpose of the OPA was to correct a mapping error in the new Southwold OP which identified the subject lands as being outside of the settlement area, when in previous Official Plans the lands were within the Settlement Area. This consent was originally on hold pending the approval of this OPA, which now approved and finalized can proceed as originally presented.

Township of Southwold staff have reviewed this application for compliance with the Southwold Zoning By-law and have found no issues. Southwold planning staff are recommending approval of the application, subject to conditions.

RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees 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 of the Marr Drain completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.



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www.elgin-county.on.ca

6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
8. That driveway entrance permit and 911 sign be obtained, if required.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 38-22**

**PART OF LOT 86
TOWN OF AYLMER
MUNICIPAL ADDRESS: 448 TALBOT STREET EAST**

TAKE NOTICE that an application has been made by John Beekman & Susan Kyle, 448 Talbot Street East, Aylmer, ON N5H 1J5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 448 Talbot Street East, Town of Aylmer.

The applicant proposes to establish a sewer easement over the proposed severed parcel to facilitate the existing private drain connection serving the retained parcel.

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

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

**WEDNESDAY JUNE 22, 2022 AT 10:30 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

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

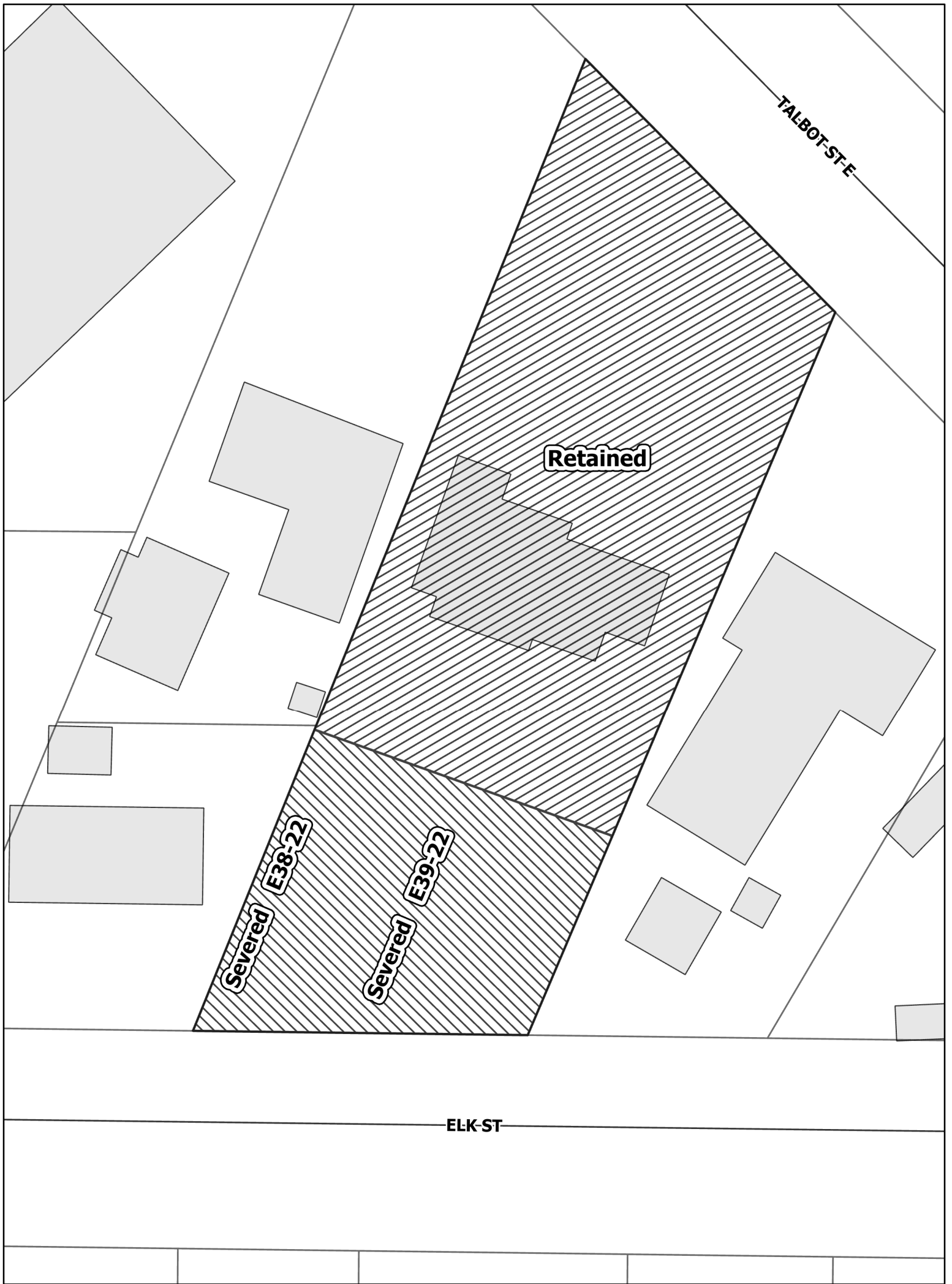
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 30th day of May, 2022.

Julie Gonyou
Secretary-Treasurer
Land Division Committee

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



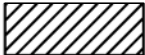




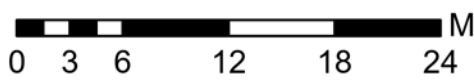
Location Map

Subject Site: 448 Talbot Street East
 File Number: E 38-2022
 Owner: John Beekman & Susan Kyle
 Planner: Unknown
 CA: Catfish Creek Conservation Authority
 Created By: TE
 Date: 05/05/2022
 Town of Aylmer



Legend

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





**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 39-22**

**PART OF LOT 86
TOWN OF AYLMER
MUNICIPAL ADDRESS: 448 TALBOT STREET EAST**

TAKE NOTICE that an application has been made by John Beekman & Susan Kyle, 448 Talbot Street East, Aylmer, ON N5H 1J5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 448 Talbot Street East, Town of Aylmer.

The applicant proposes to sever a parcel with a frontage of 30.8 metres (101.05 feet) and a depth of 30 metres (98.43 feet) and an area of 0.073 hectares (0.18 acres) to create a new residential lot. The applicants are retaining 0.20 hectares (0.49 acres) containing a residence, 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 FEBRUARY 22ND AT 10:00 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

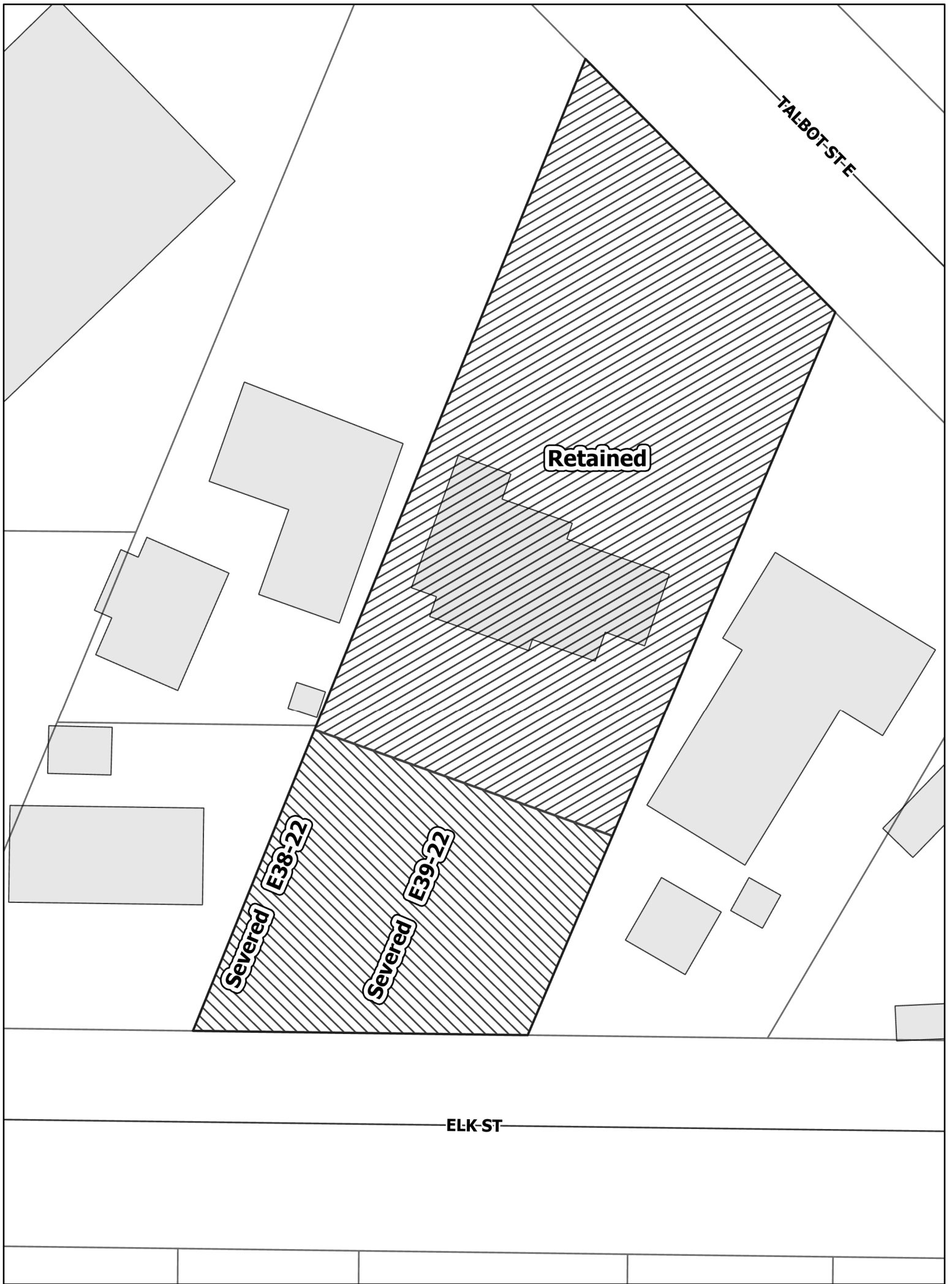
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








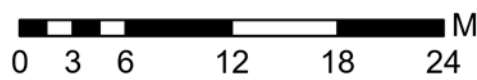
Location Map

Subject Site: 448 Talbot Street East
 File Number: E 39-2022
 Owner: John Beekman & Susan Kyle
 Planner: Unknown
 CA: Catfish Creek Conservation Authority
 Created By: TE
 Date: 05/05/2022
 Town of Aylmer



Legend

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





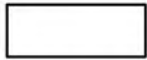

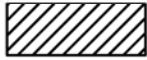


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

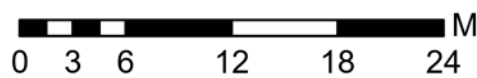
Location Map

Subject Site: 448 Talbot Street East
 File Number: E 39-2022
 Owner: John Beekman & Susan Kyle
 Planner: Unknown
 CA: Catfish Creek Conservation Authority
 Created By: TE
 Date: 05/05/2022
 Town of Aylmer



Legend

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





May 20th, 2022

Josh Brick, Director of Corporate/Legislative Services
46 Talbot Street West
Aylmer, ON
N5H 1J7

Subject: 448 Talbot Street East Consent Applications E38-22 & E39-22

Dear Mr. Brick:

As requested, WSP provides the following comments and recommendation related to the property located at 448 Talbot Street East (herein referred to as the “subject property”). The purpose of the memo is to provide a planning policy overview regarding two consent applications to create a new lot on the subject property (E39-22) and to create a sanitary easement on the severed lands, in favor of the retained lands (E38-22). The proposed use of the severed lot is residential and the retained lot would remain commercial.

BACKGROUND & PROPOSAL

The subject property is known municipally as 448 Talbot Street East, in the Township of Aylmer. The subject property is currently occupied by a single-detached dwelling with an attached garage, which is considered a legal non-conforming use. The subject property has a total area of 2,497.4 m².

Two provisional consent applications have been submitted for the subject property. Application E39-22 represents a provisional consent application to sever a new lot on the south side of the property. The severed lands will have a frontage of 30.8 m on Elk Street, and an area of 722.6 m². The retained lands will contain the existing dwelling and have a frontage of 32.9 m on Talbot Street East, and an area of 1,774.8 m².

Application E38-22 represents a provisional consent application to create an easement. The easement is located on the north side of the severed lands, with a width of 4.0 metres, and a depth of 30 metres for an area of 120 m². The easement contains the existing sanitary connection and will be in favor of the retained lands.

It should be noted that the Town has also received an Official Plan Amendment and Zoning By-Law Amendment Application related to the subject property. The subject property is currently designated Arterial Commercial as per the Town of Aylmer Official Plan. The Official Plan Amendment Application proposes to change the designation of the severed lands to Low Density Residential. The retained lands would remain designated as Arterial Commercial.

The Zoning By-law Amendment proposes to rezone the severed lands from Highway Commercial (C3) to Residential Type 1B (R1B). No change is proposed to the zoning for the existing dwelling on the retained lands.



This report does not provide a recommendation on the appropriateness of the Official Plan Amendment and Zoning By-law Amendment applications, but this provides important context for assessing the consent applications.

POLICY REVIEW

When considering a provisional consent application, the following criteria are generally considered:

- conformity with the official plan
- compatibility with adjacent uses of land;
- compliance with the zoning by-law;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and
- the need to ensure protection from potential flooding.

Town of Aylmer Official Plan

The subject property is designated Arterial Commercial on Schedule on Schedule “A” of the Town of Aylmer Official Plan.

Under Section 4.3.2 of the Town of Aylmer Official Plan, the Arterial Commercial designation, “is intended for uses which due to their size and/or function may be unable to locate in the core where the space per use is limited by individual buildings and multiple ownerships. This designation is also intended to recognize existing commercial areas that, due to their limited depth or multiple ownerships, cannot meet the minimum floor area restrictions applicable to development in the Business Park Commercial Area.”

Permitted uses within the Arterial Commercial designation are:

- a) those commercial uses that are dependent on a high degree of access and visibility to vehicular traffic on main roads, including restaurants, automotive uses, retail stores, offices, food stores, personal service establishments, commercial courier establishments, hotels, motels, recreational uses and tourist facilities
- b) Institutional uses such as rest homes, day care facilities, public, private, or commercial schools
- c) Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores may locate within the Arterial Commercial Areas, provided all open storage areas are located and screened in accordance with the implementing Zoning By-law

Residential uses are not permitted within the Arterial Commercial designation, and the intent of the designation is to accommodate larger-sized commercial uses. Therefore, the severance of the property to create a new residential lot would not conform with the policies of the Official Plan.

Town of Aylmer Zoning By-law 57-99 As Amended



The subject property is currently zoned Highway Commercial (C3) by the Town of Aylmer Zoning By-law. Permitted uses within this zone include a wide range of commercial uses including retail, hospitality, services, venues, etc. The only residential use permitted is, “a dwelling unit on a second floor accessory to a permitted C3 use.”

Stand-alone residential uses are not permitted within the C3 zone, with the exception of legal non-conforming uses that were legally established prior to the passing of the C3 zone on the property, and which have continued to be used for that pre-existing use.

The C3 zone provides different standards for Automobile Uses, Hotels/Motels and Other uses. The proposed dimensions of the retained lot would comply with all lot requirements of the C3 zone. The proposed lot dimensions of the severed lot would not meet the minimum requirements for Automobile Uses in the C3 zone, but would comply with the requirements for Hotel/Motel and Other uses.

As noted above, the Town has received applications for an Official Plan Amendment and Zoning By-law Amendment related to the subject property. The purpose of the Official Plan Amendment and the Zoning By-law Amendment is to permit residential use on the severed lands, whereas the current designation and zoning would only permit commercial uses. As such, it would be premature to make a decision on the proposed consent applications prior to a decision on the Official Plan and Zoning By-law Amendments.

CONCLUSION AND RECOMMENDATION

Based on our review, it is our opinion that the subject applications are premature and a decision should be deferred until a decision has been made by Town Council on the related Official Plan Amendment and Zoning By-Law Amendment application.

Sincerely,

Matt Alexander, MCIP, RPP
Project Manager

Angela Zhao, MCIP, RPP
Project Planner

Town of Aylmer

Report PLAN 03-23



| | |
|--|--|
| Report Title: | Planning Evaluation Report: Application for Consent (Easement) No. E38-22 – 448 Talbot Street East (Beekman/Kyle c/o SBM Ltd.) |
| Submitted for: | Council Meeting – February 1, 2023 |
| Report Author: | Heather James, Manager of Planning and Development |
| <input type="checkbox"/> Receive for Information | <input checked="" type="checkbox"/> Recommendation |

Recommendation:

THAT Council of the Town of Aylmer receive Report PLAN 03-23 regarding Planning Evaluation Report: Application for Consent No. E38-22 – 448 Talbot Street East;

That the Application for Consent No. E38-22 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 448 Talbot Street East, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Purpose:

The purpose and effect of the Application for Consent is to provide an easement on the proposed severed parcel in favour of the proposed retained parcel to provide municipal sanitary service. There are no municipal sanitary service lines along the front of the proposed retained parcel (Talbot Street East) and the subject lands are currently serviced with municipal sanitary service from Elk Street. The subject lands are a through lot with frontage along Talbot Street East and Elk Street. The proposed easement will facilitate the associated residential lot severance, file no. E39-22.

On June 22, 2022, severance file nos. E38-22 and E39-22 were respectively placed on hold pending the outcome of an Application for a Local Official Plan Amendment No. OPA01-22 and Application for a Zoning By-law Amendment No. ZBA02-22. The Local Official Plan Amendment was adopted by the Council of the Town of Aylmer on August 17, 2022 and was approved by Elgin County Council on November 8, 2022 and came into force and effect (no appeals filed) on December 8, 2022. The Council of the Town of Aylmer passed the by-law for the Zoning By-law Amendment on August 17, 2022 and the by-law came into force and effect when the Local Official Plan Amendment came into force and effect. A

new public hearing for the consent is scheduled for February 22, 2023 at the Elgin County Land Division Committee Meeting.

Background:

Below is the background information, in a summary chart:

| | |
|--|--|
| Consent to Sever No. E38-22 | |
| Local Official Plan Amendment No. OPA01-22, Zoning By-law Amendment No. ZBA02-22 and Consent to Sever No. E39-22 | |
| John Beekman and Susan Kyle | |
| Simona Rasanu (SBM Ltd.) | |
| Part of Lot 86, Concession South of Talbot Road | |
| 448 Talbot Street East | |
| Proposed Municipal Sanitary Sewer Easement | |
| Length | 30.0 m (98.43 ft.) |
| Frontage and Width | 4.0 m (13.12 ft.) |
| Area | 120.0 m ² (1,291.67 ft. ²) |
| Buildings and/or Structures | Underground sanitary sewer service line (private connection) |
| Services | Municipal sanitary |
| Surrounding Land Uses | Low density residential |

Figure One below depicts the 448 Talbot Street East lands (outlined in yellow):



Figure Two below depicts the lands subject to the Application for Consent to Sever:

The proposed Application for Consent (Easement) conforms to the County of Elgin Official Plan.

Town of Aylmer Official Plan

Section 5.1.2.6 of the Town's Official Plan states consents for the creation of easements or rights-of-way are permitted, and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990, c.P.13 and that the consent would not result in the creation of a new building lot. The Application for Consent for E38-22 will provide an easement for sanitary sewer service for the proposed retained parcel. No new lot will be created by this consent.

Therefore, the proposed Application for Consent (Easement) conforms to the Town of Aylmer Official Plan.

Town of Aylmer Zoning By-law No.57-99

The lands where the Application for Consent (Easement) is proposed is zoned Residential Type 1B (R1B) within the Town's Zoning By-law. The R1B Zone permits low density residential use. Easements are not required to meet zoning regulations as they do not result in the creation of a new lot.

Therefore, the proposed Application for Consent (Easement) complies with the Town of Aylmer Zoning Bylaw No. 57-99.

Consultation

The application was circulated internally to Town staff – no comments of concern were received at the time of the writing of this report.

Strategic Priorities

- Pillar One – Dynamic, Inclusive Community
- Pillar Two – Planning for the Future
- Pillar Three – Economic Vitality
- Pillar Four – Environmental Stewardship
- Pillar Five – Public Service Excellence

Financial Impacts

Not applicable

Recommendation

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E38-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,

Heather James, MES (Pl.), RPP, MCIP
Manager of Planning and Development

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

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

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 E38-22

Agent SBM Ltd. on behalf of landowner John Beekman and Susan Kyle

Location 448 Talbot Street East

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: Low Density Residential and Arterial Commercial

Policies: Land Severances: 5.1.2

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:

The subject lands comply with the Zoning By-law

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

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

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

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

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.

2. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.

3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E38-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.

4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.

5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

10. Does the municipality have other concerns that should be considered by the Committee?
None.

Council Resolution

At their Regular Meeting of Council on February 1, 2023, the Council of the Town of Aylmer passed the below resolution:

That the Council of the Town of Aylmer receive Report PLAN 03-23 regarding Planning Evaluation Report: Application for Consent No. E38-22 – 448 Talbot Street East;

That the Application for Consent No. E38-22 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 448 Talbot Street East, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Town of Aylmer

Report PLAN 04-23



| | |
|--|--|
| <u>Report Title:</u> | Planning Evaluation Report: Application for Consent to Sever No. E39-22 – 448 Talbot Street East (Beekman/Kyle c/o SBM Ltd.) |
| <u>Submitted for:</u> | Council Meeting – February 1, 2023 |
| <u>Report Author:</u> | Heather James, Manager of Planning and Development |
| <input type="checkbox"/> <u>Receive for Information</u> | <input checked="" type="checkbox"/> <u>Recommendation</u> |

Recommendation:

THAT Council of the Town of Aylmer receive Report PLAN 04-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E38-22 – 448 Talbot Street East;

That the Application for Consent to Sever No. E39-22 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 448 Talbot Street East, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Purpose:

The purpose and effect of the Application for Consent is to sever the subject lands into two residential parcels. The subject lands are a through lot with frontage along Talbot Street East and Elk Street.

On June 22, 2022, severance file nos. E38/22 and E39/22 were respectively placed on hold pending the outcome of an Application for a Local Official Plan Amendment No. OPA01-22 and Application for a Zoning By-law Amendment No. ZBA02-22. The Local Official Plan Amendment was adopted by the Council of the Town of Aylmer on August 17, 2022 and was approved by Elgin County Council on November 8, 2022 and came into force and effect (no appeals filed) on December 8, 2022. The Council of the Town of Aylmer passed the by-law for the Zoning By-law Amendment on August 17, 2022 and the by-law came into force and effect when the Local Official Plan Amendment came into force and effect.

A new public hearing for the consent is scheduled for February 22, 2023 at the Elgin County Land Division Committee Meeting.

Background:

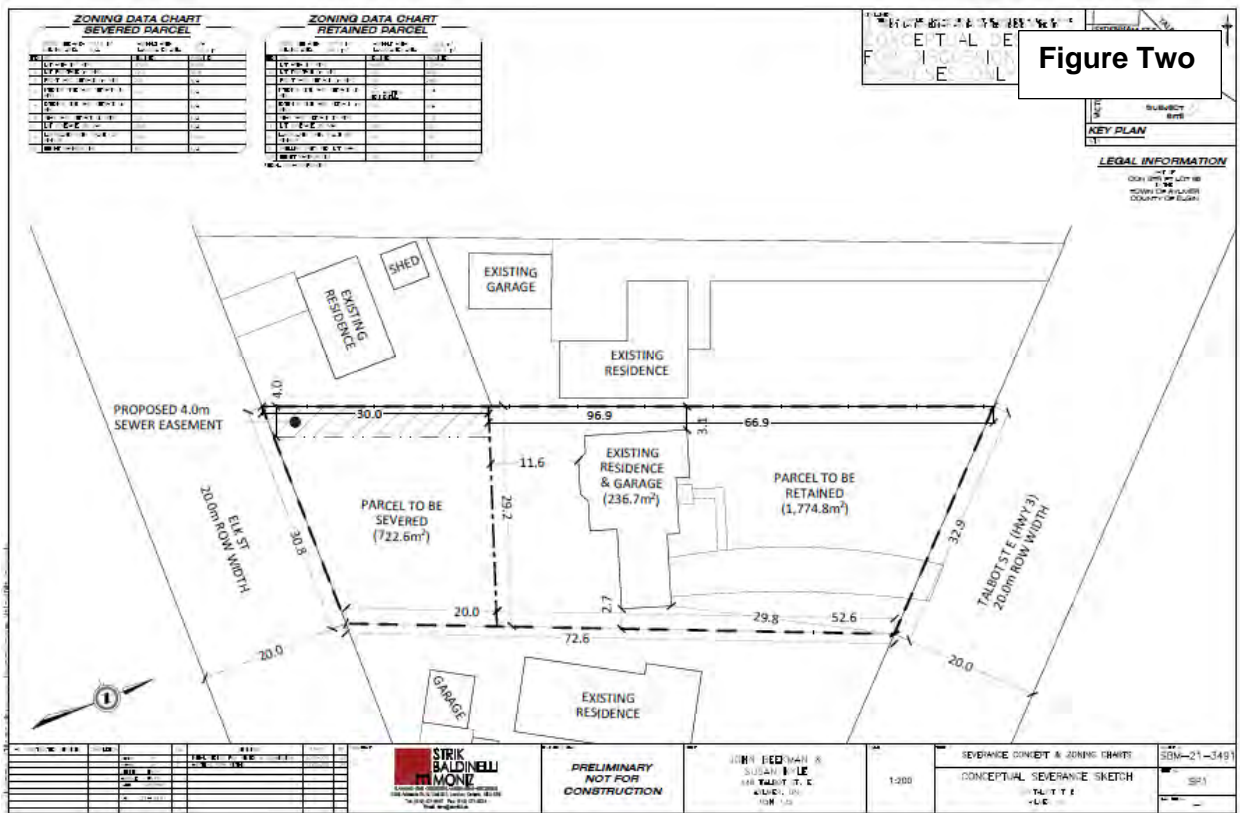
Below is the background information, in a summary chart:

| | | |
|------------------------------------|--|--|
| Application | Consent to Sever No. E39-22 | |
| Associated Applications | Local Official Plan Amendment No. OPA01-22, Zoning By-law Amendment No. ZBA02-22 and Consent to Sever No. E38-22 | |
| Owners | John Beekman and Susan Kyle | |
| Agent | Simona Rasanu (SBM Ltd.) | |
| Legal Description | Part of Lot 86, Concession South of Talbot Road | |
| Civic Address | 448 Talbot Street East | |
| | Proposed Severed Parcel | Proposed Retained Parcel |
| Frontage | 30.8 m (101.05 ft.) along Elk Street | 32.9 m (107.94 ft.) along Talbot Street East |
| Depth | 30.0 m (98.43 ft.) and 20.0 m (65.62 ft.) | 96.9 m (317.91 ft.) and 72.6 m (238.19 ft.) |
| Area | 722.6 m ² (7,778.0 ft. ²) | 1,774.8 m ² (19,103.79 ft. ²) |
| Buildings and/or Structures | None | Single detached dwelling with attached garage |
| Services | Municipal water and municipal sewer (proposed) | Municipal water and municipal sewer |
| Surrounding Land Uses | Low density residential | Low density residential and institutional (nursing home) |

Figure One below depicts the 448 Talbot Street East lands (outlined in yellow):



Figure Two below depicts the lands subject to the Application for Consent to Sever:



A Planning Justification Report, prepared by Laverne Kirkness and Simona Rasanu (SBM Ltd.) and Servicing Feasibility Report, prepared by Ben McCart and Ryan Frouws (SBM Ltd.) were submitted with the application and associated applications.

Planning Evaluation and Analysis:

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 includes direction on housing and stipulates in Section 1.4.3 that planning authorities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating the development of all types of housing options and residential intensification where appropriate.

The PPS, 2020 directs that healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range of residential types, specifically noting additional residential units and multi-unit housing as desirable forms.

The proposal is for residential lot creation which provides for residential intensification.

The proposed Application for Consent to Sever is consistent with the PPS.

County of Elgin Official Plan

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

New lot creation policies of the County of Elgin Official Plan contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be fully serviced, will not affect drainage patterns in the area, and an entrance access to the lands can be obtained through Elk Street.

The proposed Application for Consent to Sever conforms to the County of Elgin Official Plan.

Town of Aylmer Official Plan

The proposed severed parcel is designated Low Density Residential and the proposed retained parcel is designated Arterial Commercial in the Town's Official Plan. The Low-Density Residential designation supports the development of single detached, semi-detached, duplex, converted dwelling types. The Arterial Commercial designation provides opportunities to establish businesses that require more and/or functions than what the core commercial area can offer and recognizes existing commercial land uses that, due to their limited depth or multiple ownerships, cannot meet the minimum floor area restrictions applicable to development in the Business Park Commercial Area.

Section 4.2.2(3) states an objective of this Plan is to promote intensification and redevelopment of vacant and underutilized lands in existing residential areas. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

This proposed consent to sever is appropriate for the lands as the property has a long-standing low density residential use. The proposed severed parcel is located within an area of solely low density residential uses (along Elk Street) and will be adjacent to a low density residential use lot of a similar lot area. The residential character of the area will be maintained.

The balance of the lands, used for low density residential use exceeds the minimum lot area requirements for highway commercial uses, which will continue to provide flexibility for future uses.

Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria; the proposed Application for Consent to Sever meets the criteria. The proposed severed parcel will be serviced with full municipal services. The proposed retained parcel will also be serviced with full

municipal services in part to the associated easement for sanitary service (file no. E38-22).

Therefore, the proposed Application for Consent to Sever conforms to the Town of Aylmer Official Plan.

Town of Aylmer Zoning By-law No.57-99

The proposed severed parcel is zoned Residential Type 1B (R1B) and the proposed retained parcel is zoned Highway Commercial (C3) Zone within the Town's Zoning By-law. The R1B Zone permits low density residential use. The C3 Zone permits commercial uses exclusively and does not permit a residential use as a primary use.

The proposed severed parcel meets all R1 B Zone regulations.

The proposed retained parcel, which is used for low density residential use will remain zoned Highway Commercial (C3) and will continue to have a legal non-conforming use status. The proposed retained parcel meets all C3 Zone regulations.

Therefore, the proposed Application for Consent to Sever complies with the Town of Aylmer Zoning Bylaw No. 57-99.

Consultation

The application was circulated internally to Town staff – no comments of concern were received at the time of the writing of this report.

Strategic Priorities

- Pillar One – Dynamic, Inclusive Community
- Pillar Two – Planning for the Future
- Pillar Three – Economic Vitality
- Pillar Four – Environmental Stewardship
- Pillar Five – Public Service Excellence

Financial Impacts

Not applicable

Recommendation

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.

2. That the Owner make payment of cash-in-lieu of parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction of the Town of Aylmer.
3. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
4. That the 'proposed severed parcel' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
5. That a draft reference plan, illustrating the 'proposed severed parcel' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E39-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
6. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
8. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,

Heather James, MES (Pl.), RPP, MCIP
Manager of Planning and Development

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

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

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 E39-22

Agent SBM Ltd. on behalf of landowner John Beekman and Susan Kyle

Location 448 Talbot Street East

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: Low Density Residential and Arterial Commercial

Policies: Land Severances: 5.1.2

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:

The subject lands comply with the Zoning By-law

- | | | |
|--|---------|--------|
| 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? <i>At the expense of the applicants</i> | Yes (X) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (X) | No () |

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner make payment of cash-in-lieu of parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction of the Town of Aylmer.
3. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
4. That the 'proposed severed parcel' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
5. That a draft reference plan, illustrating the 'proposed severed parcel' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E39-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.

- 6. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
- 7. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
- 8. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

10. Does the municipality have other concerns that should be considered by the Committee?
 None.

Council Resolution

At their Regular Meeting of Council on February 1, 2023, the Council of the Town of Aylmer passed the below resolution:

That the Council of the Town of Aylmer receive Report PLAN 04-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E39-22 – 448 Talbot Street East;

That the Application for Consent to Sever No. E39-22 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 448 Talbot Street East, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: January 31, 2023 3:30 PM
To: Paul Clarke; Land Division
Subject: RE: CCCA Consent Application Notice - Feb 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.

Hello,

CCCA has no comments or concerns with consent applications E 38-22, E39-22, E99-22 at this time.

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: January-31-23 10:06 AM
To: Gerrit Kremers <planning@catfishcreek.ca>
Subject: CCCA Consent Application Notice - Feb 22

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the February 22nd meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, February 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

Paul Clarke, CPT

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E38-22

OWNER: John Beekman and Susan Kyle

PROPERTY: LOT NO. _____ CONCESSION: _____

REG'D PLAN: _____ MUNICIPALITY: Aylmer

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

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

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

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

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

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

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

- 7) Technical Reports

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

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

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

- 11) Not on County Road

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

- 13) Other...

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



BRIAN LIMA, P. ENG.
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: February 22, 2023
Application: E 38-22 & E 39-22

Owner:
John Beekman & Susan Kyle
448 Talbot Street East, Aylmer, ON N5H 1J5

Agent:
SBM Ltd. (Simona Rasanu)
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: Part of Lot 86, Town of Aylmer. Municipally known as 448 Talbot Street East.

PROPOSAL

E 38-22:

The applicant proposes to establish a 4.0m wide sewer easement over the proposed severed parcel of a concurrent application (E 39-22) to facilitate the existing private drain connection serving the retained parcel.

E 39-22:

The applicant proposes to sever a parcel with a frontage of 30.8 metres (101.05 feet) and a depth of 30 metres (98.43 feet) and an area of 0.073 hectares (0.18 acres) to create a new residential lot. The applicants are retaining 0.20 hectares (0.49 acres) containing a residence, proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 1 Settlement Area

**Local Municipality Official
Plan**

Low Density Residential

**Local Municipality Zoning
By-law**

Residential Type 1B (R1B)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the

analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. The applicant is proposing to sever an existing residential parcel for future residential development. The subject lands are located within the settlement area of the Town of Aylmer. Section 1.1.3 of the PPS permits lot creation in settlement areas, including for the purposes of infrastructure. Section 1.1.3 encourages a variety of land use patterns within settlement areas, and should 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.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject land is within a Tier 1 Settlement Area. The OP directs that Tier 1 Settlement Areas, which have full municipal services, shall be the focus for growth and development within the region.

Section C1.3.1 sets out the goals of the County OP with respect to housing policies, specifically that current and future housing needs are met by encouraging the development and redevelopment of lands within settlement areas. The proposed development is a form of infill within an existing built-up settlement area and conforms to the policies of the Consent Criteria in the CEOP.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Town of Aylmer Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The lands are designated as Low Density Residential. The parcel was the subject of an Official Plan Amendment (OPA) which was required in order to allow the severance application to move forward. The OPA was approved by the Town of Aylmer on August 17, 2022 and the County of Elgin on November 8, 2022. The Low-Density Residential designation supports the development of a variety of low-density residential uses including single detached dwellings, semi-detached and duplex dwellings. The Town of Aylmer Official Plan supports intensification and redevelopment of vacant or underutilized land.

The subject land is zoned Residential Type 1B (R1B) and the retained lands are zoned Highway Commercial (C3). The R1B zone permits low density residential uses and the proposed lot will meet the zoning by-law requirements.

RECOMMENDATION:

The applications are consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Town of Aylmer 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 Town of Aylmer be included as conditions for consent on application E 38-22:

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E38-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

And that application E 39-22 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 Town of Aylmer be included as conditions for consent on application E 39-22:

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.

2. That the Owner make payment of cash-in-lieu of parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction of the Town of Aylmer.
3. That the Owner provide confirmation of the location of any existing overhead or underground services installed to the 'proposed retained parcel'. Services cannot traverse the adjoining lots (sanitary sewer service excluded) and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
4. That the 'proposed severed parcel' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
5. That a draft reference plan, illustrating the 'proposed severed parcel' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E39-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
6. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
8. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.



**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 FEBRUARY 22ND AT 10:10 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

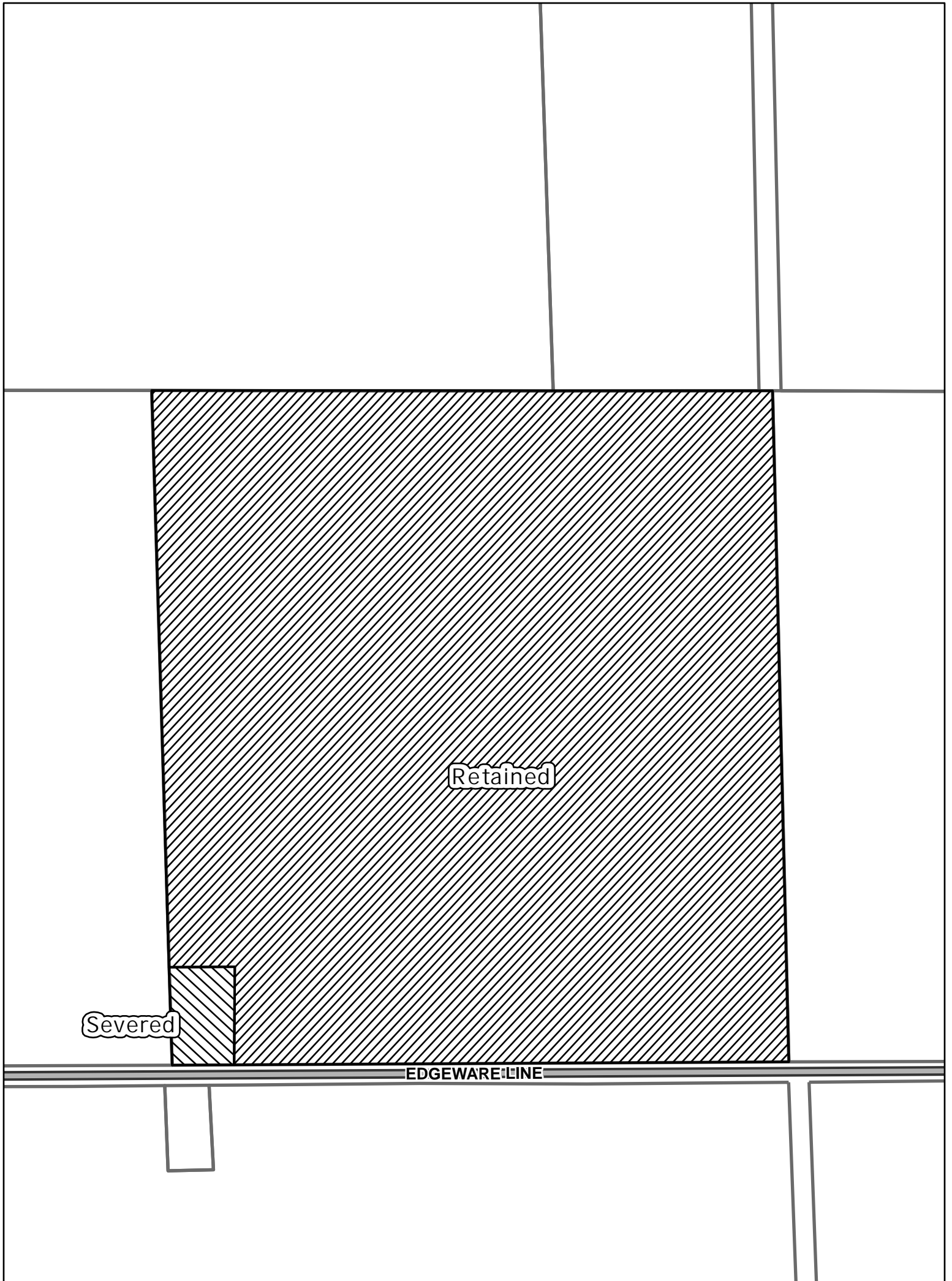
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



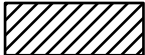




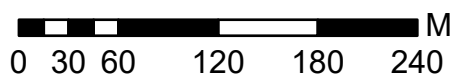
Location Map

Subject Site: 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



Legend

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





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.

BACKGROUND

This application was originally presented to the Land Division Committee in October 2022. However, a condition was omitted from the Notice of Decision and so staff are bringing this application back to LDC to amend the decision to add the missing condition which addresses a municipal drain on the subject lands.

The applicant and agent were made aware of the omission and staff's intent to bring amend the decision shortly following the October meeting. The application itself has not changed.

RECOMMENDATION:

That the Notice of Decision for E 73-22 be amended to contain 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
3. A drainage reassessment be done, if necessary, at the owner's expense



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 93-22**

**LOT 2, RANGE 1, NORTH OF EDGEWARE
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPALLY KNOWN AS 42496 WATER TOWER LINE**

TAKE NOTICE that an application has been made by Amy Dale (Gunn & Associates), 108 Centre Street, St. Thomas, ON N5R 2Z7, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 42496 Water Tower Line, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 79.5 metres (260.83 feet) and a depth of 57.8 metres (189.63 feet) and an area of 0.48012 hectares (1.1864 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 428 metres (1,404.2 feet) and a depth of 660 metres (2,165.35 feet) and an area of 31.565 hectares (78 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 FEBRUARY 22ND AT 10:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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.

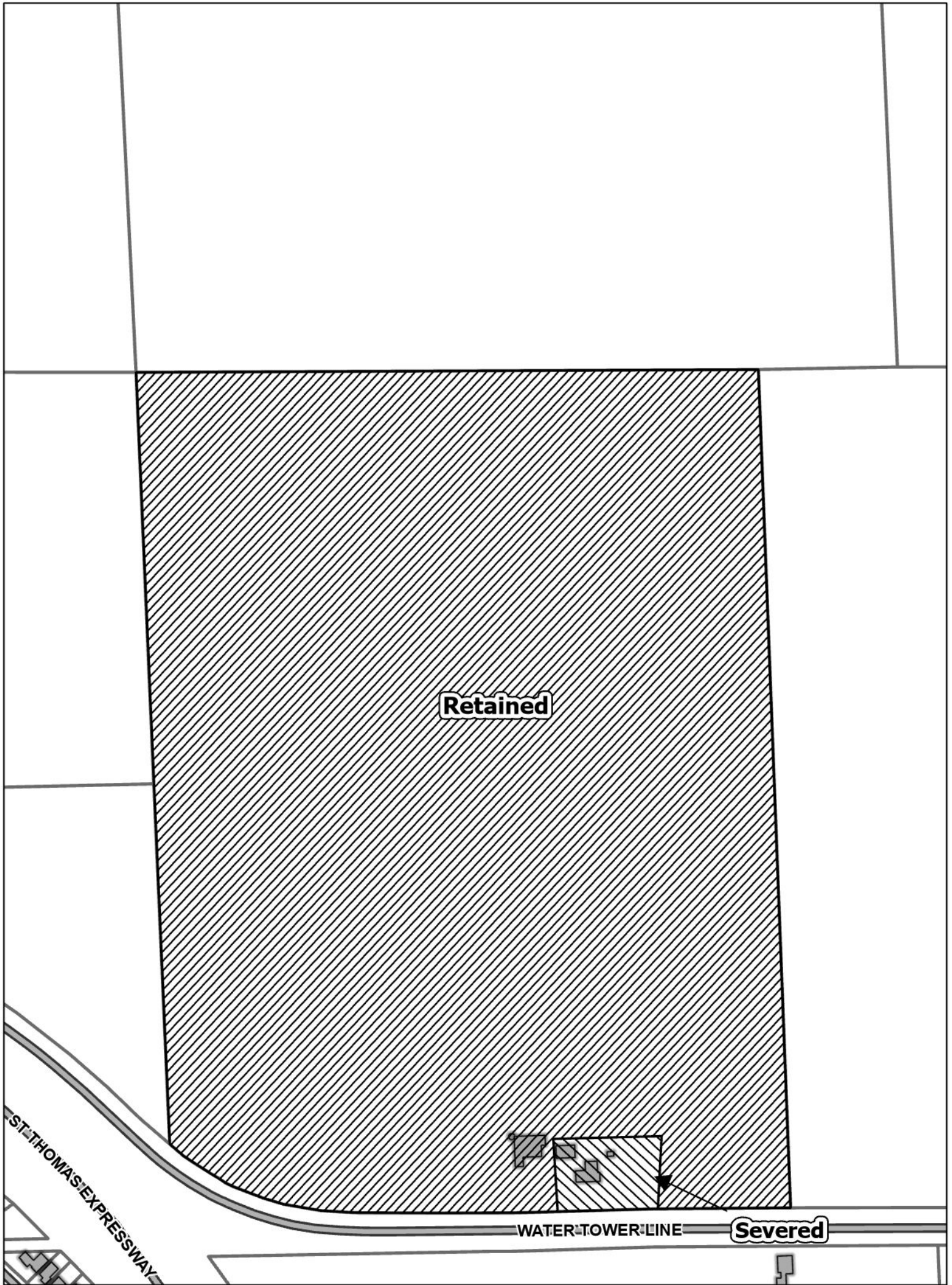
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

**County of Elgin
Planning Department**
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N5R 5V1 Canada
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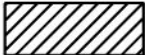




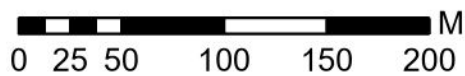
Location Map

Subject Site: 42496 Water Tower Line
 File Number: E 93-22
 Owner: 1068788 Ontario Limited
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 10/28/2022
 Municipality of Central Elgin



Legend

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







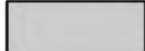


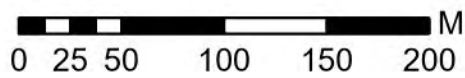
Location Map

Subject Site: 42496 Water Tower Line
 File Number: E 93-22
 Owner: 1068788 Ontario Limited
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 10/28/2022
 Municipality of Central Elgin



Legend

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





December 16, 2022

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: Consent Application E93/22
1068788 Ontario Limited, 42496 Water Tower Line

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, December 12, 2022 and the following resolution was passed:

THAT Report CEP 54.22 re Consent Application - 42496 Water Tower Line, 1068788 Ontario Limited be received as information;

AND THAT Council has no objections to Consent Application E93/22 subject to the following recommended conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lands and to permit rural-residential use on the severed lands;
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
519-631-4860 ext. 286

Attach.

c.c. 1068788 Ontario Ltd., Owner
A. Dale, Gunn & Associates, Agent for the Applicant
S. Craig, CEPO, Sr. Planning Technician



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.54.22
CEPO FILE NO. E93/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - 42496 Water Tower Line
Applicant - 1068788 Ontario Limited
DATE December 12, 2022

RECOMMENDATION

THAT Report CEP.54.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E93/22 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 lands and to permit rural-residential use on the severed lands; and
2. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

Background:

Consent application E93/22 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

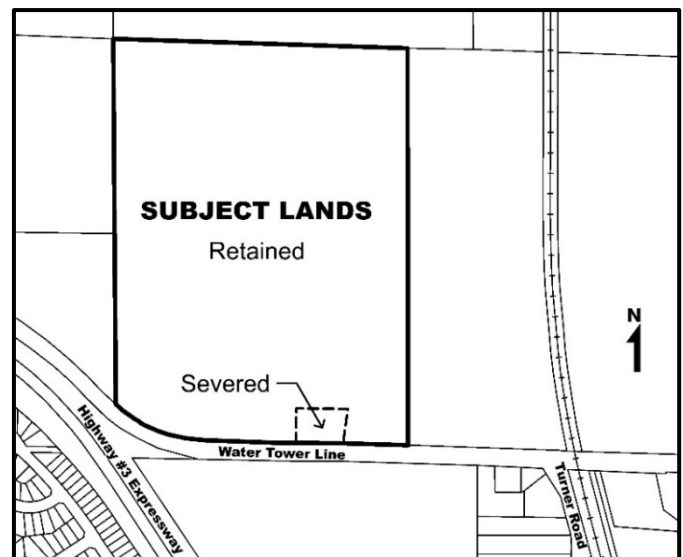
Location:

The subject lands are on the north side of Water Tower Line, west of Turner Road, the lands are described as, Range 1, NER, Part Lot 2, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a lot with frontage of 79.5m on Water Tower Line and an area of 4,801.19sqm, containing one rural-residential dwelling and one detached garage, the lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 428m on Water Tower Line and an area of 31.56ha, the lot will continue to be used for agricultural purposes.

Location Plan:



Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation and Natural Heritage 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 2 (OS2) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses of the OS2 zone include farm uses (8.3.1.1), the minimum lot area is 25 acres (8.3.1.4(a)) and the minimum lot frontage is 500ft (8.3.1.6(a)).
- The OS2 zone also permits rural-residential uses lawfully used for such purposes on the day of the passing of The Township of Yarmouth Zoning By-Law 1998.

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.
- The lot containing the residence surplus to a farm operation (severed lot) will also need to be rezoned to permit rural-residential use, as the OS2 zone only permits rural-residential uses lawfully used for such purposes on the day of the passing of The Township of Yarmouth Zoning By-Law 1998.

Respectfully submitted:

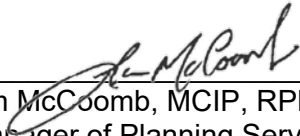


Steve Craig
Sr. Planning Technician

Approved for submission:



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services



Lloyd Perrin
Director of Asset Management and Development

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority



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: February 22, 2023
Application: E 93-22

Owner: 1068788 Ontario Limited
43850 Ferguson Line, St. Thomas, ON N5P 3T1

Agent: Amy Dale
108 Centre Street, St. Thomas, ON N5R 2Z7

Location: Lot 2, Range 1, North of Edgware. Municipally known as 42496 Water Tower Line, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 79.5 metres (260.83 feet) and a depth of 57.8 metres (189.63 feet) and an area of 0.48012 hectares (1.1864 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 428 metres (1,404.2 feet) and a depth of 660 metres (2,165.35 feet) and an area of 31.565 hectares (78 acres), proposed to remain in agricultural use.

County of Elgin Official Plan
Agricultural Area

Local Municipality Official Plan
Agricultural and Natural Heritage

Local Municipality Zoning By-law
Open Space 2 (OS2)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central 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 an existing dwelling that is surplus to the needs of a farming operation. The applicant is proposing to sever a parcel of approximately 0.48ha containing the existing residential dwelling and detached garage and is proposing to retain the 31ha farm parcel. The PPS permits severances in prime agricultural areas for the purposes of surplus dwelling severances, provided the following conditions are met:

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 this application against the policies of the PPS and found that it is consistent. The application is to sever a dwelling that is surplus to the needs of the farmer and the severed lot is of a minimum size needed to accommodate the septic system, well and buildings accessory to the residential dwelling. The proposed property lines for the severed parcel do not encompass actively farmed land.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 2 Settlement Area in the CEOP. Tier 2 Settlement Areas are those which are smaller in population than Tier 1 and have access to partial municipal services. New development and lot creation as well as a variety of land uses, including residential, are permitted in Tier 2 Settlement Areas. The CEOP contains a series of general criteria for reviewing consent applications in Section E1.2.3.1, staff have reviewed this application against those criteria and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severance meets the policies of the Central Elgin Official Plan. The Zoning By-law will need to be amended to rezone the severed lot to permit rural-residential uses, in addition to the rezoning of the retained lands to prohibit 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:



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

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 lands and to permit rural-residential use on the severed lands;
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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 105-22**

**PART OF LOT 1, 2 AND LOT 3 ON REGISTERED PLAN No. 49
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 236 COLONEL BOSTWICK STREET**

TAKE NOTICE that an application has been made by Helen R. Button, 108 Centre Street, St. Thomas, ON N5R 2Z7 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 236 Colonel Bostwick Street, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 25.83 metres (84.74 feet) and a depth of 24.38 metres (79.99 feet) and an area of 213.4m² (2,297 ft.²) to be conveyed as an addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 32.65 metres (107.12 feet) and a depth of 24.83m (81.46 feet) and an area of 625.2m² (6,730 ft.²), proposed to remain in commercial 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 FEBRUARY 22ND AT 10:30 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

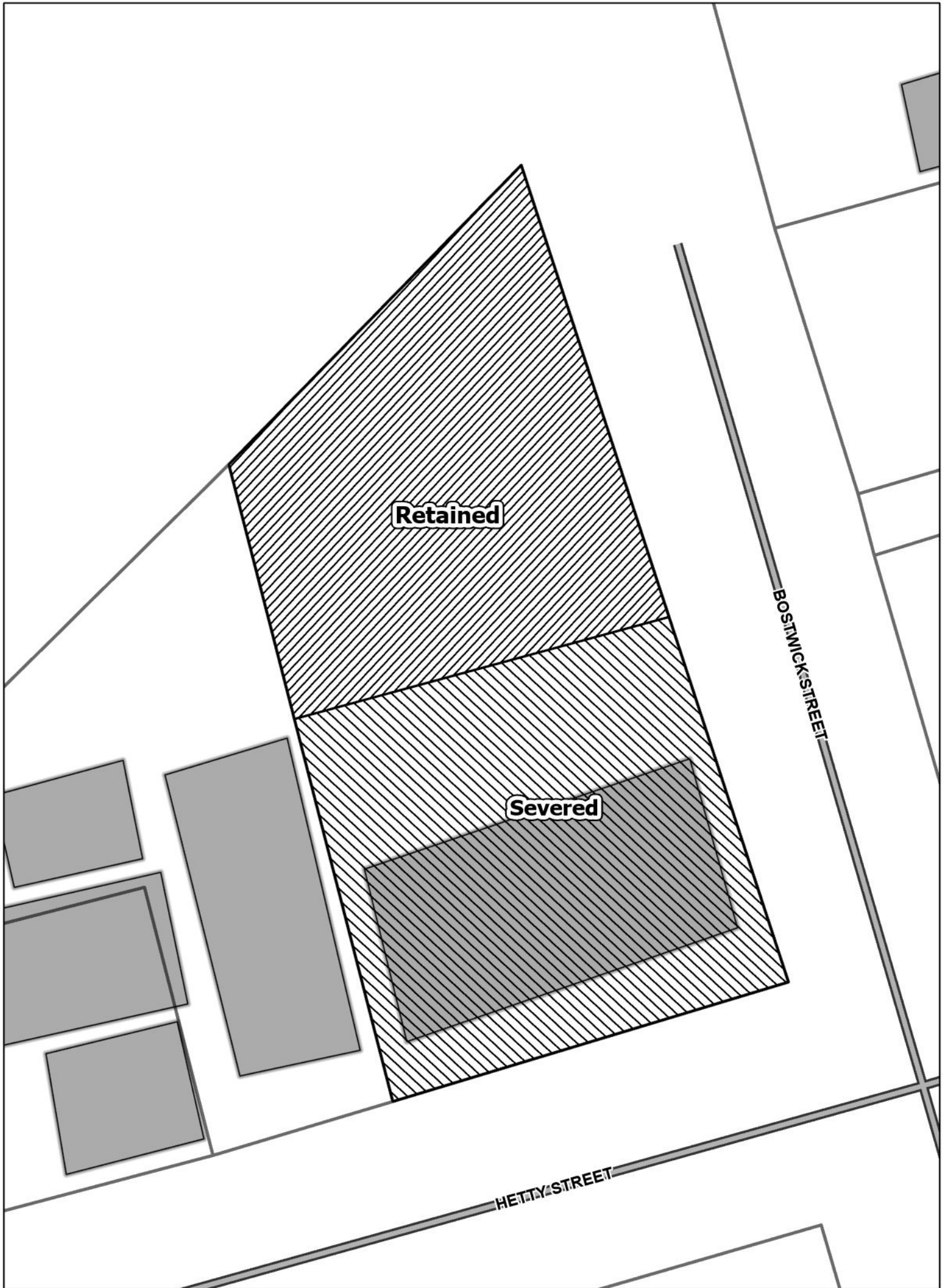
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

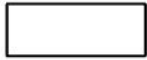

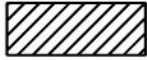




Location Map

Subject Site: 236 Colonel Bostwick Street
 File Number: E 105-22
 Owner: Glen Weaver Fisheries Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Municipality of Central Elgin



Legend

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







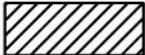

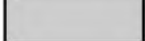
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

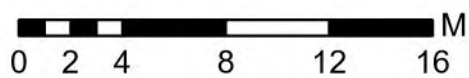
Location Map

Subject Site: 236 Colonel Bostwick Street
 File Number: E 105-22
 Owner: Glen Weaver Fisheries Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Municipality of Central Elgin



Legend

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





February 14, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: Consent Application E105/22
Glen Weaver Fisheries Inc., 236 Colonel Bostwick Street, Port Stanley

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, February 13, 2023 and the following resolution was passed:

THAT Report CEP.63.22 be received for information;

AND THAT Council has no objections to consent application E105/22, Glen Weaver Fisheries Inc., 236 Colonel Bostwick Street subject to the following recommended conditions:

- Approval from the Committee of Adjustment to recognize the lawful non-conforming residential use of the severed lands;
- The severed land be merged in title with the abutting lot to the west, municipally known as 305 Hetty Street;
- 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;
- The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
- A drainage reassessment be done, if necessary, at the owner's expense and
- The Municipality of Central Elgin be provided with a copy of the Reference Plan

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
519-631-4860 ext. 286

Attach.

c.c. Glen Weaver Fisheries, Owner
H. Button, Gunn & Associates
S. Craig, CEPO, Sr. Planning Technician



THE MUNICIPALITY OF CENTRAL ELGIN
REPORT TO COUNCIL

REPORT NO. CEP.63.22
CEPO FILE NO. E105/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 236 Colonel Bostwick Street
Applicant – Glen Weaver Fisheries Inc.
DATE February 13, 2023

RECOMMENDATION

THAT Report CEP.63.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E105/22 to the Land Division Committee, staff recommends the following conditions:

1. approval from the Committee of Adjustment to recognize the lawful non-conforming residential use of the severed lands;
2. the severed land be merged in title with the abutting lot to the west, municipality known as 305 Hetty Street;
3. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
4. the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
5. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

REPORT

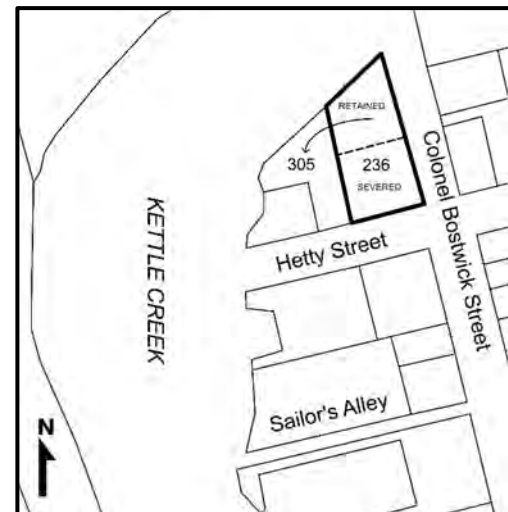
Background:

Consent application E4/22 has been filed for a lot addition, for the purpose of conveying the northly portion of 236 Colonel Bostwick Street to the abutting lot to the west (305 Hetty Street).

Location:

The subject lands are on the northwest corner of Colonel Bostwick Street and Hetty Street, the lands are legally described as, Plan 49, Lots 2 and 3, Part Lot 1, 1 N Hetty St, W Bostwick Street, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicant is proposing to sever a lot with frontage of 24.3m on Colonel Bostwick Street, 25.83m on Hetty Street and a lot area of 610.2sqm, containing one lawful non-conforming single detached dwelling, proposed to continue to be used for residential purposes. The applicant is proposing to retain a vacant parcel of land with frontage of 32.6m on Colonel Bostwick Street and an area of 625.2sqm, proposed to be conveyed to the abutting lot to the west, municipally known as 305 Hetty Street.

Staff Report

1. Official Plan

- The subject lands are located within the “Urban Settlement Area” designation in accordance with Schedule “A” - Land Use Plan, and further designated “Commercial” in accordance with Schedule “G” - Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan. Where land is designated Commercial on the Land Use Schedules to the Plan, the permitted uses shall be commercial uses such as retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly (4.3.2(a)).
- A lawful non-conforming use is a legal use of a parcel of land, building or structure that was established before the date that the Zoning By-law was approved, but which does not conform to the regulations in the Zoning By-law. The Committee of Adjustment will deal with all applications for the enlargement or extension of a legal non-conforming use, as delegated by Council under Section 45(2) of the Planning Act (5.3.10).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are located within the Business Zone 1 (B1) of the Village of Port Stanley Zoning By-Law 1507, Zoning Map 3. The B1 zone permitted uses include a retail store, restaurant, business office, personal service shop, dwelling units above the main or first storey and accessory uses (10.2.1.1).
- The B1 zone requires a minimum lot frontage of 9m (10.2.1.3) and no minimum lot area requirement.
- Existing uses in Business (B) Zones, the height, floor area and location of any buildings and other structures, the floor area ratio, the size, frontage, and depth of the lot on which the buildings and other structures are located, the front, side and rear yards on such lots, the maximum coverage and the number and location of off-street parking spaces, shall remain as they lawfully exist on the day of the passing of the Village of Port Stanley Zoning By-Law 1507 (10.1.1).

3. County of Elgin Official Plan:

- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space (B1).

- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).


4. Comments

- The proposed severed lot contains an existing single detached dwelling, municipally known as 236 Colonel Bostwick Street, it is staff's understanding that the residential dwelling predates the Village of Port Stanley Zoning By-Law 1507 and is considered lawful non-conforming.
- The Business (B) Zone Regulations recognize existing uses in Business Zones as they lawfully exist on the day of the passing of the Village of Port Stanley Zoning By-Law 1507 (March 25, 1968), as such an application to the Committee of Adjustment is required, under Section 45(2) of the Planning Act, in support of the lot addition.

Respectfully submitted:




Steve Craig
Sr. Planning Technician



Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Paul Shipway
CAO/Clerk



Lloyd Perrin
Director of Asset Management and Development

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority



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: February 22, 2023
Application: E 105-22

Owner:
Glen Weaver Fisheries Inc.
305 Hetty Street, Port Stanley, ON N5L 1C1

Agent:
Helen R. Button
105 Centre Street, St. Thomas, ON N5R
2Z7

Location: Part of Lot 1, 2 and Lot 3, on Registered Plan No. 49. Municipally known as 236 Colonel Bostwick Street, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 25.83 metres (84.74 feet) and a depth of 24.38 metres (79.99 feet) and an area of 213.4m² (2,297 ft.²) to be conveyed as an addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 32.65 metres (107.12 feet) and a depth of 24.83m (81.46 feet) and an area of 625.2m² (6,730 ft.²), proposed to remain in commercial use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Urban Settlement Area and
Commercial

**Local Municipality Zoning
By-law**
Business Zone 1 (B1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns. A permit from KCCA will be required prior to any development on the retained parcel.

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 213m² parcel which contains a two-storey dwelling with frontage on Colonel Bostwick Street and Hetty Street. The retained parcel, which is 625m² in area will be conveyed as a lot addition to an adjacent parcel. The subject land is located within the settlement area of Port Stanley. Section 1.1.3 of the PPS directs planning authorities on land use principles within settlement areas.

Section 1.1.3 Settlement areas shall be the focus of growth and development.

Section 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

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

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 1 Settlement Area in the CEOP. Section E1.2.3.1 contains the general criteria for severances, which are permitted in all settlement areas. Staff have reviewed this application and found that it does conform to the OPs consent criteria. Furthermore, since this application will also result in the merging of the retained lands with an adjacent lot, staff have reviewed this application against the policies on Boundary Adjustments in the OP (Section E1.2.3.2) and found no deficiencies.

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 Official Plan designation is Urban Settlement Area and Commercial. Staff have reviewed the application for zoning compliance and found no deficiencies with zone provisions, however, staff are recommending approval be sought from the Committee of Adjustment to recognize the existing legally non-conforming residential use of the severed lands.

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,



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

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 from the Committee of Adjustment to recognize the lawful non-conforming residential use of the severed lands;
2. the severed land be merged in title with the abutting lot to the west, municipality known as 305 Hetty Street;
3. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
4. the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
5. the Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION Nos. E 80-22, E 81-22 & E 82-22**

**PART OF LOTS 12 AND 24, CONCESSION 9
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by Sherry VanQuaethem, 56616 Eden Line, Eden ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Part of Lots 23 and 24, Concession 9.

The applicant proposes to sever three (3) parcels, each with a frontage of 23 metres (75.46 feet) and a depth of 60 metres (196.85 feet) and an area of 1,380m² (0.34 acres) to create three (3) new residential lots. The applicant is retaining a lot with a frontage of 665 metres (2,181.76 feet) and a depth of 332 metres (1,089.24 feet) and an area of 29.95ha (74 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY FEBRUARY 22ND AT 10:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

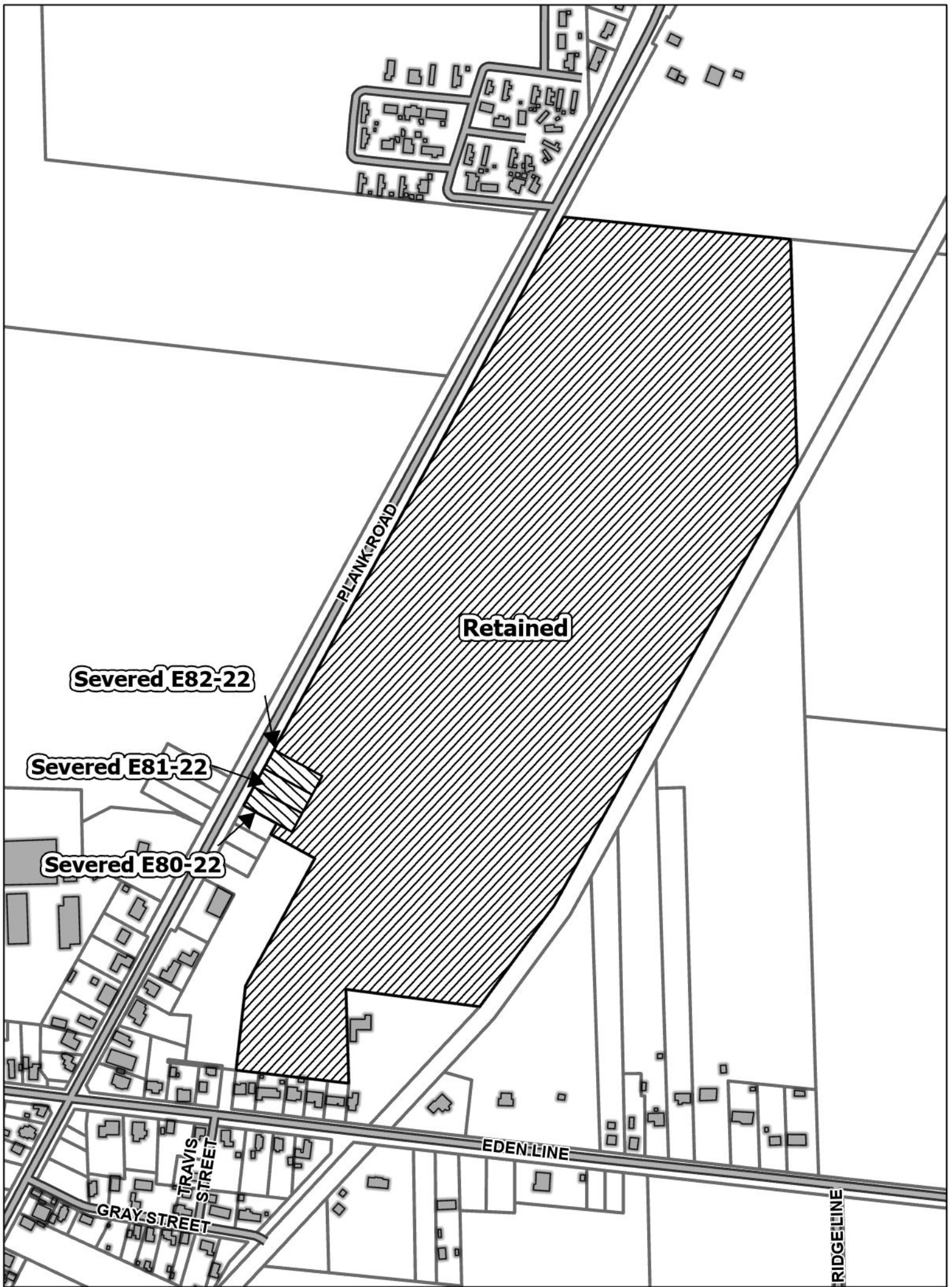
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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





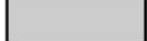


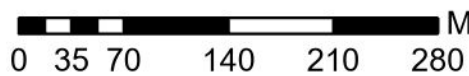
Location Map

Subject Site: Lots 23 and 24, Concession 9
 File Number: E 80-2022, E 81-2022 & E 82-2022
 Owner: 1162991 Ontario Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 09/29/2022
 Municipality of Bayham



Legend

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





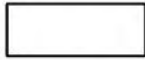

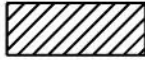

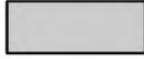
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

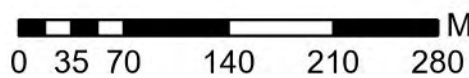
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 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

A: P.O. Box 160, 56169 Heritage Line
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W: www.bayham.on.ca



February 7, 2023

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E80-22, E81-22 and E82-22 1162991 Ontario Inc.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the February 2, 2023 meeting:

THAT Report DS-09/23 regarding Consent Applications E80-22, E81-22 and E82-22, 1162991 Ontario Inc., be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E80-22, E81-22 and E82-22 be granted subject to the following conditions and considerations:

- 1. Installation of an extension of the municipal sanitary sewer system to provide connection to the severed lot at the applicants' cost for all permits and installation requirements**
- 2. Rezoning required to remove the Holding (h2) provision by entering into an Agreement with the Municipality**
- 3. Provide engineered storm water management and grading plans to the satisfaction of the Municipality**
- 4. Petition for municipal drainage to extend the drain to service the severed lots**
- 5. Confirmation of suitability of access to County Road 19 (Plank Road)**
- 6. Purchase of civic addressing signage for each lot and the retained lot**
- 7. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
- 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-09/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill
Planning Coordinator|Deputy Clerk

D09.1162991

Cc: S. VanQuaethem (email)

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 E80-22 E81-22 and E82-22

Applicant 1162991 Ontario Inc.

Location Bayham – Concession 9 Part of Lots 23 and 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: 4.4.2.2 Consent within the Hamlet designation

PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential with Holding zone (HR(h2))

Rezoning required to remove the Holding Provision by entering into an Agreement

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

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?

See Letter attached with listed conditions.

See Staff Report DS-09/23 considered at Council meeting held February 2, 2023



- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- 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;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- 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;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- 4.4.1.5 Development may also be considered in "Hamlets" which have communal or municipal potable water supplies or sanitary sewage works, provided that minor, or no extension of such works is required.
- 4.4.1.6 Non-residential uses shall be consolidated into clusters wherever possible rather than permitting them to spread throughout the hamlet area. The location and site design of these uses shall provide for off-street parking, landscaping, and adequate buffering and utilize the best principles of urban design in order to create a high quality residential neighbourhood.
- 4.4.1.7 In addition, larger scale public and private uses such as religious institutions, clinics, convalescent homes, nursing homes, hospitals and schools will be permitted in "Hamlets" provided that an amendment to the Zoning By-law has been approved to protect the surrounding residential lands from the proposed use.
- 4.4.1.8 Some of the principles to be considered in the development and zoning of non-residential uses in the residential areas in "Hamlets" are as follows:
- a) The permitted hamlet commercial or industrial uses shall be limited to retail stores or service shops which provide for the daily shopping or service needs of the adjacent residential areas and may include a automobile service station in a separate zoning category;
 - b) The location of hamlet commercial or industrial uses shall be encouraged to locate on arterial or collector roads and indiscriminate scattering of these uses shall be discouraged;
 - c) The hamlet commercial or industrial uses shall be sited so as to minimize any adverse impacts upon the adjacent residential uses;
 - d) The buildings containing hamlet commercial or industrial uses shall be designed, and any lighting or signs arranged so as to blend in with the character of the adjacent residential area;
 - e) The floor area of any hamlet commercial use shall not exceed approximately 190 square metres and no more than two such uses shall be situated in one part of a residential neighbourhood;

- 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;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the “Hamlets”. These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the “Hamlets” are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

establishments essentially engaged in the buying and selling of goods and services, automobile service stations and sales garages, places of entertainment and general assembly, offices and studios, service shops, public and institutional uses and residential uses in the form of apartments over and beyond ground floor commercial uses;

- b) The commercial areas in the “Hamlets” should remain as compact as possible in order to be readily accessible to the pedestrian public;
- c) Adequate off-street parking within the commercial lot area shall be provided for the convenience and safety of the people and the businesses served;
- d) Adequate buffering shall be provided between the commercial uses and adjacent uses to prevent adverse effects or impacts. Attention shall be paid to adequate buffering and landscaping of parking lots.

4.4.4 **Open Space Uses**

- 4.4.4.1 The establishment of public and private parks and recreation lands within the “Hamlets” designation is permitted.
- 4.4.4.2 Accessory buildings necessary for open space and recreation use will be permitted under this designation.
- 4.4.4.3 The provision of adequate off-street parking where necessary will be required.
- 4.4.4.4 Where any lands designated for open space are under private ownership, this Plan does not indicate that such land will necessarily remain as open space indefinitely, nor shall it be construed as implying that open space areas are free and open to the general public or will be purchased by the Municipality. If proposals to develop any such lands that are in private ownership are made and the municipality does not wish to purchase such lands in order to maintain the open space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Municipality.
- 4.4.4.5 The Municipality shall endeavour to maintain the existing parkland in the municipality and should attempt, where possible, to acquire additional lands for neighbourhood parks within the “Hamlets” as warranted by the level of residential development in these areas.
- 4.4.4.6 It is the policy of this Plan that within all “Hamlets”, adequate open space shall be provided. To achieve this policy Council shall ensure that the land dedication required

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

- a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.
- b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.
- c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.
- d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.
- e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.
- f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

Z655-2016

Z701-2020

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone

SECTION 3 ZONES AND ZONING MAP

3.1 Establishment of Zones

For the purposes of this By-law, the maps hereto attached as Schedule "A", Maps 1 to 15 inclusive, Schedule "B", Schedule "C", Schedule "D" Schedule "E", Schedule "F", Schedule "G", Schedule "H", and Schedule "I", shall be referred to as the "Zoning Maps" for the Municipality of Bayham and the zoning maps shall be divided into one or more of the following zones:

| ZONE | SYMBOL |
|---------------------------|---------|
| Agricultural | A1/A1-A |
| Special Agricultural | A2 |
| Hamlet Residential | HR |
| Rural Residential | RR |
| Estate Residential | ER |
| Village Residential 1 | R1 |
| Village Residential 2 | R2 |
| Mobile Home Park | MH |
| Farm Commercial | FC |
| Rural Commercial | RC |
| Highway Commercial | HWC |
| Hamlet Commercial | HC |
| Central Business District | C1 |
| Local Commercial | C2 |
| Tourist Commercial | C3 |
| Farm Industrial | M1 |
| Rural Industrial | M2 |
| Extractive Industrial | M3 |
| Urban Industrial | M4 |
| Institutional | I |
| Open Space | OS1/OS2 |

3.2 Use of Zone Symbols

The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality of Bayham delineated on the zoning maps and designated thereon by the said symbol.



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: February 2, 2023
REPORT: DS-09/23 **FILE NO. C-07 / D09.22 1162991 Ont**
Roll # 3401-000-006-11800

SUBJECT: Consent Applications E80-22, E81-22 and E82-22, 1162991 Ontario Ltd.
Concession 9 Part Lots 23 & 24, Hamlet of Eden

BACKGROUND:

Consent applications E80-22, E81-22 and E82-22 were received from the Elgin County Land Division Committee, as submitted by 1162991 Ontario Ltd., proposing to sever three (3) 4,140 square meters (1 ac) parcels of land for the purpose of residential development in the form of single detached dwellings and to retain 30 hectares (75 ac) of land designated for residential uses to continue as vacant farmland.

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

Elgin County Land Division Committee will consider the application on February 22, 2023.

DISCUSSION:

The planner's memorandum dated January 26, 2023 analyzes the applications subject to the Municipality of Bayham Official Plan and Zoning By-law.

The lots will require an Ministry of the Environment (MOE)-approved extension of the sanitary sewer system to connect all three lots, as well as installation of private wells for each to provide a water supply meeting provincial standards for residential use. These lots will require a petition for drainage as the assessed area does not extend past the current developed three lots on the east side. The drain may be able to be extended past the three lots; however, this will be determined by the Municipal drainage engineer. Additional listed conditions are included in the recommendation.

Staff and planner recommend Council's support of the applications with the listed conditions to permit the creation of three building lots within the hamlet of Eden.

ATTACHMENTS

1. Consent Applications E80-22, E81-22 and E82-22 1162991 Ontario Inc.
2. IBI Memorandum dated January 26, 2023

RECOMMENDATION

THAT Report DS-09/23 regarding Consent Applications E80-22, E81-22 and E82-22, 1162991 Ontario Inc., be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E80-22, E81-22 and E82-22 be granted subject to the following conditions and considerations:

1. Installation of an extension of the municipal sanitary sewer system to provide connection to the severed lot at the applicants' cost for all permits and installation requirements
2. Rezoning required to remove the Holding (h2) provision by entering into an Agreement with the Municipality
3. Provide engineered storm water management and grading plans to the satisfaction of the Municipality
4. Petition for municipal drainage to extend the drain to service the severed lots
5. Confirmation of suitability of access to County Road 19 (Plank Road)
6. Purchase of civic addressing signage for each lot and the retained lot
7. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO

CAO|Clerk

Memorandum

| | | | |
|---------------------|--|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | January 26, 2023 |
| From | Paul Riley, BA, CPT | Project No | 3404-885 |
| cc | William Pol, MCIP, RPP | | |
| Subject | 1162991 ONT LTD - Concession 9, part of Lots 23 and 24, Plank Road, Eden - Application for Consent E80/22, E81/22 and E82/22 | | |

1. We have completed our review of Consent Applications E80/22-E82/22 submitted by Sherry VanQuaethem on behalf of 1162991 ONT LTD, for lands legally known as Part of Lot 23 and 24, Concession 9, east side of Plank Road, north of Eden Line, in the hamlet of Eden. The applicant is requesting to sever three (3) 4,140 square metre (1 ac) parcels of land for the purpose of residential development in the form of single detached dwellings and to retain 30 hectares (75 ac) of land designated for residential uses to continue as vacant farmland. The severed 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 with a Holding Zone (HR(h2)) on Schedule 'D' Eden in Zoning By-law Z456-2003.
2. The proposed lots have lot area of 4,140 m², lot frontage of 23 m () and lot depth of 60 m (). These lands are currently vacant. Surrounding uses are agricultural to the north and east and residential to the west and south. There are three vacant residential lots adjacent to the south and three vacant residential lots across Plank Road. It is assumed that municipal sanitary servicing extension is the primary reason for the undeveloped nature of these neighbouring lands.
3. The subject lands are designated Hamlets by the Municipality of Bayham Official Plan. The principal land use function within this designation is intended to be clusters of non-farm residential development in the form of single detached dwellings and other low/medium density development. The proposed Consent applications are in keeping with this policy direction.
4. The proposed Consents are consistent to the Provincial Policy Statement, 2020 and is in conformity to the Elgin County Official Plan, considering the below review of Bayham OP Consent policies being consistent to both and generally considering the development is within an underutilized area in a settlement area for residential purposes with access to partial services.

Municipality of Bayham – January 26, 2023

5. Section 4.4.2.2 of the Official Plan states that Consents will generally be discouraged and only granted when a Plan of Subdivision is clearly not required to protect the public interest. The severance of 3 parcels by way of Consent is appropriate.
6. Section 4.4.2.2 of the Official Plan sets out criteria for Consents within the Hamlet designation, including
 - a) Municipal Service Extension: the location would require minor extension to the municipal sanitary servicing system south on Plank Road and would be serviced by private water services (well) due to municipal water services being unavailable in Eden.
 - b) Frontage: the lands front on an Elgin County road, Plank Road/Highway 19. Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction.
 - c) Settlement Area Boundary: the lands are within the hamlet of Eden settlement area boundary and have the effect of infilling in existing developed area.
 - d) Size: the lots are adequately sized in relation to the minimum lot area in the R1 zone, considering the need for private water services and the rural nature of the neighbourhood.
 - e) Direct access from major roads: the proposed lots would have access by way of a major road, however, this location on Plank Road within the hamlet boundary is suitable for direct access.
 - f) Traffic Hazard: the proposed lots and access are located on a straight and flat stretch of Plank Road and within the hamlet boundary where traffic speeds are low and other driveways exist, therefore, no traffic hazard is anticipated.
 - g) Retained Access Potential: The existing lot has approximately 729 m lot frontage on Plank Road, including approximately 170 m within the hamlet (settlement area) boundary. The resultant lot frontage for the severed and retained lands is adequate and there would be approximately 101 metres of lot frontage remaining within the hamlet boundary to accommodate future development and future roadway connection for future subdivision access.
 - h) N/A

The proposed Consents are in conformity to the Bayham Official Plan.

7. The subject lands are zoned the HR(h2) zone in Zoning By-law Z456-2003, where a single-detached dwelling is a listed permitted use. The proposed retained parcel will have adequate lot area for continued agricultural use and has adequate lot frontage retained. The severed lots have adequate lot area and configuration for residential uses. The h2 holding symbol requires the applicant to enter into an agreement with the Municipality to address financial and/or servicing impacts prior to

Municipality of Bayham – January 26, 2023

the removal of the holding symbol. The applicants will be required to obtain zoning by-law amendment approval for the removal by entering into a development agreement with the Municipality. The proposed development is in conformity to the Zoning By-law.

8. Based on the above review of Consent Applications E80/22, E81/22 and E82/22 we have no objection to the proposed Consent to create three residential dwelling lots within the settlement area of Eden subject to the following recommended conditions:
 - a) That the applicant connect the new lots/dwellings to the municipal sanitary sewer system.
 - b) That the applicant obtain a Zoning By-law Amendment to remove the Holding (h2) Zoning by entering into an Agreement with the Municipality.
 - c) That the applicant provide preliminary lot grading plans to demonstrate that the proposed residential lots have adequate drainage and access.
 - d) That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lots.
 - e) That the applicant provide a Planning Report Fee payable to the Municipality of Bayham.
 - f) That the applicant provide parkland dedication fee to the Municipality of Bayham for each new lot in accordance with By-Law 2020-053.
 - g) That the owner provides a digital copy of a survey of the subject lands.
 - h) That the applicant initiates and assumes, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.

Paul Riley

IBI Group
Paul Riley, BA, CPT

Consulting Planner to the
Municipality of Bayham



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 80-22, E 81-22 & E 82-22

Owner: 1162991 Ontario Ltd.
353 Plank Road, Tillsonburg, ON N4G 4G9
Location: Lots 23 and 24, Concession 9, Municipality of Bayham.

Agent: Sherry VanQuaethem
56616 Eden Line, Ontario, N0J 1H0

PROPOSAL

The applicant proposes to sever three parcels, each with a frontage of 23 metres (75.46 feet) and a depth of 60 metres (196.85 feet) and an area of 1,380m² (0.34 acres) to create new residential lots. The applicant is retaining a lot with a frontage of 665 metres (2,181.76 feet) and a depth of 332 metres (1,089.24 feet) and an area of 29.95ha (74 acres), proposed to remain in agricultural use.

County of Elgin Official Plan
Tier 2 Settlement Area

Local Municipality Official Plan
Hamlet

Local Municipality Zoning By-law
Hamlet Residential Holding 2 (HR[h2])

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No objections, 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 three lots for future residential development within a settlement area. The PPS directs that settlement areas should be the focus of growth and

development (Section 1.1.3.1). Furthermore, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

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

This application is to create three new residential lots within an existing 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 subject lands are located within the village of Eden, a Tier 2 Settlement Area in the CEOP. Section B2 of the CEOP identifies that the majority of growth is expected to occur within Settlement Areas. Tier 2 Settlement Areas are identified as those which are smaller in population than Tier 1 Settlement Areas and have access to partial municipal services. The applicant has identified that the proposed parcels will have access to municipal sanitary sewage and will require a private well. Similar to the PPS, the CEOP permits lot creation in settlement areas as well as a variety of land uses.

When considering consents, the CEOP provides a list of general criteria to be considered. Staff have reviewed these applications against the criteria found in Section E1.2.3.1 and have found no deficiencies.

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. Bayham's staff have noted that a rezoning is required to remove the holding zone from the subject land and have requested that a condition be imposed on the consent to apply for an be given approval of such an amendment.

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.
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 Plank Road County Road 19 to the County of Elgin for the purposes of a 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.
5. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. Installation of an extension of the municipal sanitary sewer system to provide connection to the severed lot at the applicant's cost for all permits and installation requirements.
2. Rezoning required to remove the Holding (h2) provision by entering into an Agreement with the Municipality.
3. Provide engineered storm water management and grading plans to the satisfaction of the Municipality.
4. Petition for municipal drainage to extend the drain to service the severed lots.
5. Confirmation of suitability of access to County Road 19 (Plank Road).
6. Purchase of civic addressing signage for each lot and the retained lot.
7. Cash-in-lieu of Parkland Fee payable to the Municipality as required in Municipal By-law No. 2020-053.
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 83-22**

**LOT 22, CONCESSION 9
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 31846 ERIN LINE**

TAKE NOTICE that an application has been made by VanBrenk's Fruit Farm & Nursery Ltd., 31760 Erin Line, Fingal, ON, N0L 1K0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 31846 Erin Line.

The applicant proposes to sever a parcel with a frontage of 159 metres (521.65 feet) and a depth of 34.92 metres (114.57 feet) and an area of 0.40469ha (1 acre) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with a frontage of 147.849 metres (485 feet) and a depth of 80.443 metres (263.92 feet) and an area of 1.40ha (2.57 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 FEBRUARY 22ND AT 10:50 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

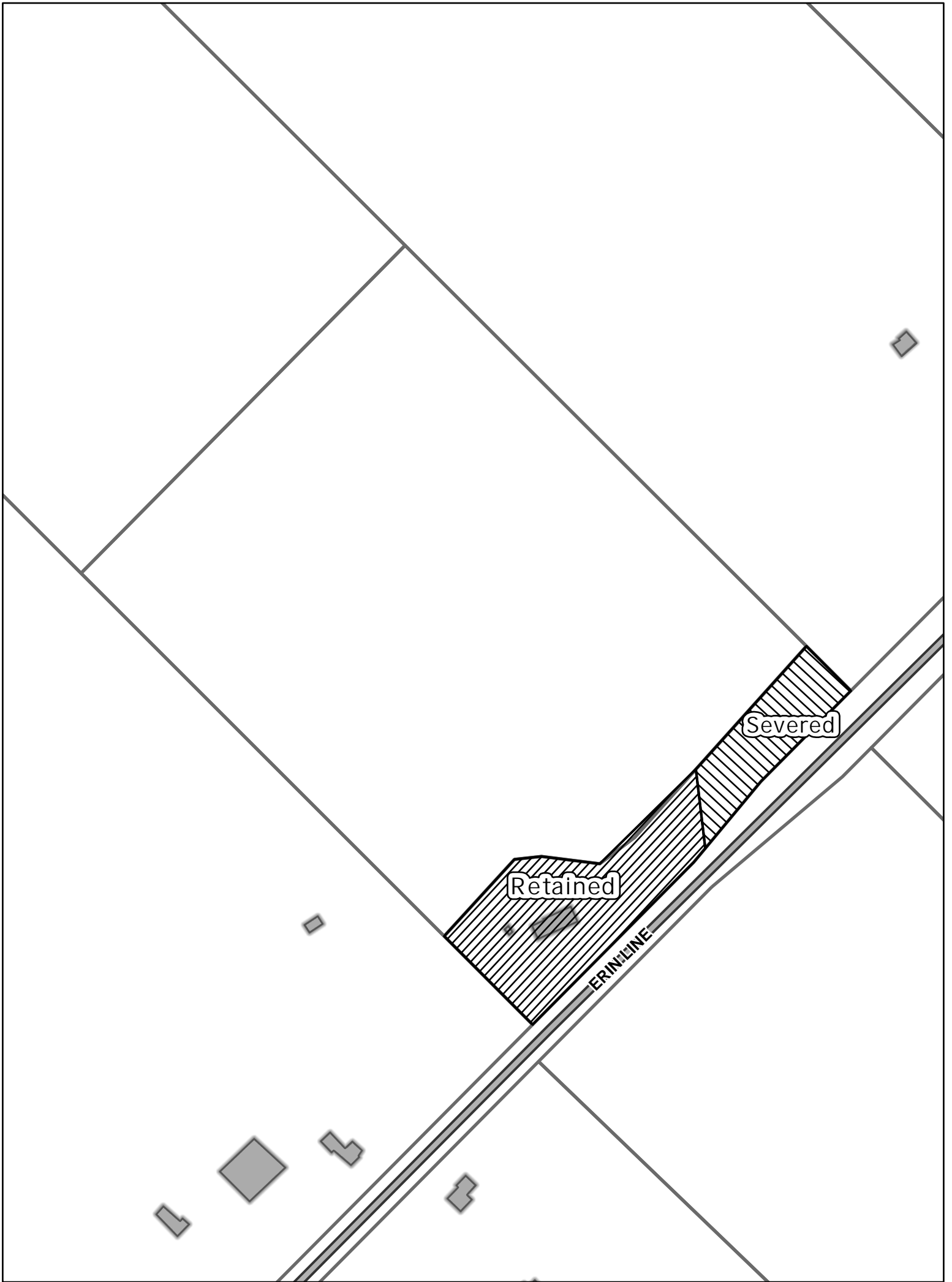
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








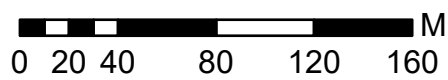
Location Map

Subject Site: 31846 Erin Line
 File Number: E 83-2022
 Owner: Katrinus Van Brenk
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 09/15/2022
 Municipality of Dutton Dunwich



Legend

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










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

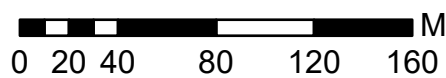
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Subject Site: 31846 Erin Line
 File Number: E 83-2022
 Owner: Katrinus Van Brenk
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 09/15/2022
 Municipality of Dutton Dunwich



Legend

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





Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: January 11, 2023
SUBJECT: Application for Severance (E83/22), 31846 Erin Line, Municipality of Dutton Dunwich – Katrinus and Helen Mary Van Brenk

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E83/22 for 31846 Erin Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed parcel;
- b) That septic system review for the retained parcel has been completed;
- c) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- d) That taxes are to be paid in full;
- e) That a 911 sign be established for the retained parcels;
- f) That all Dutton Dunwich planning application fees, as set out in the Fees By-law, be paid to the Municipality;
- g) 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;
- h) That the lots merge on title, and
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

FOR INFORMATION:

Background

A severance application was submitted to the County of Elgin Land Division Committee (E83/22) by Van Brenk's Fruit Farms & Nursery Ltd, the applicant, on behalf of Katrinus and Helen Mary Van Brenk, the owners of the subject property.

The subject parcel is legally described as DUNWICH CON 9 SW PT LOT 22; RP 11R8933 PARTS 1 TO 3, and locally known as 31846 Erin Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel has access from Erin Line, which is maintained all year.

The entire subject property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA).

There are trees located on the subject property.

There is a hydro easement that impacts the property.

Agricultural and rural residential uses surround the subject lands.

Purpose of Application

The owners are requesting the severance of a lot line adjustment from a parcel of land to merge with the lands to the north.

The proposed severed parcel will have an area of 0.404 ha, a depth of 34.92 m and a frontage of 159.36 m.

The proposed severed parcel is used for farming with no buildings, or structures and is serviced with municipal water.

The severed parcel will merge with the lands to the north. This parcel has no legal frontage and is approximately 11.38 ha in size.

The proposed retained parcel will have an area of approximately 1.01 ha, a depth of 80.443 m and a frontage of approximately 147.84 m.

The proposed retained parcel is used for residential with 1 house, and 1 shed and is serviced by municipal water and private septic (see attached Sketch).

Department Comments

The proposed severance application was circulated to municipal staff.

The following is a summary of the comments received at the time of writing this report:

| Department | Comments received |
|-------------------|---|
| Drainage | No concerns; no municipal drains are affected by this severance and lot addition. Mutual agreement drain is not needed either. |

| Department | Comments received |
|------------|-------------------|
| Building | No comments. |
| Water | No concerns. |
| Sewers | No comments. |
| Roads | No concerns. |

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

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

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

County of Elgin Official Plan

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

Consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected (E1.2.3.2).

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

Comment: The proposed severed parcel and retained parcel are in conformity with the County policies. No new lot is being created, and the lot line adjustment improves the viability of the abutting farmland.

No development is proposed in the woodlands area; therefore, an EIS is not required.

Municipality of Dutton Dunwich Official Plan

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

Section 8.3.5 (a) of the OP states that lot adjustments are permitted in all designations for legal or technical reasons, such as for easements, correction of deeds, quit claims or boundary adjustments, which do not result in the creation of a new lot provided that:

- i. both parcels (newly consolidated lot and retained) comply with the provisions of the Zoning By-law, or such Minor Variances are approved through the approval authority;
- ii. the conveyance does not lead to the creation of an irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used;
- iii. the consent is granted conditional to Section 50(3) or (5) of the Planning Act; and
- iv. the lands being conveyed will be registered in the same name and title as the lands to which they are being added

Section 4.2 sets out the policies for the protection of the hazard lands.

Comments: The above-noted criteria can be complied with. No new lot is being created.

No development is proposed in the hazard area.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Special Rural Residential (RS) Zone on Map 16, Schedule ‘A’ and are subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed parcel. The severed parcel will be rezoned to the Special Agricultural (A2) Zone, which is the zoning of the abutting lands.

The retained parcel will remain in the same RS Zone.

A review of the RS and A2 zone requirements is as follows:

| Zone Provision | A2 Requirement | Proposed (Severed to merge) | RS Requirement | Proposed (Retained) | Compliance |
|-----------------------|-----------------------|------------------------------------|-----------------------|----------------------------|---|
| Min. Lot Area | 20.0 ha | 11.38 ha + 0.404 ha = 11.78 ha | 2,750 m ² | 10,099.99 m ² | Yes The severed lot will merge and bring the parcel to the north closer to compliance. |
| Max. Lot Area | N/A | N/A | 8,093 m ² | 10,099.99 m ² | Yes |

| Zone Provision | A2 Requirement | Proposed (Severed to merge) | RS Requirement | Proposed (Retained) | Compliance |
|-------------------|----------------|-----------------------------|----------------|---------------------|--|
| | | | | | The retained lot will be brought closer to compliance. |
| Min. Lot Frontage | 150.0 m | 159.36 m | 30.0 m | 147.849 m | Yes |

All other zone regulations can be complied with.

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

CONCLUSION:

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division and form part of the final decision if approved.

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

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

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

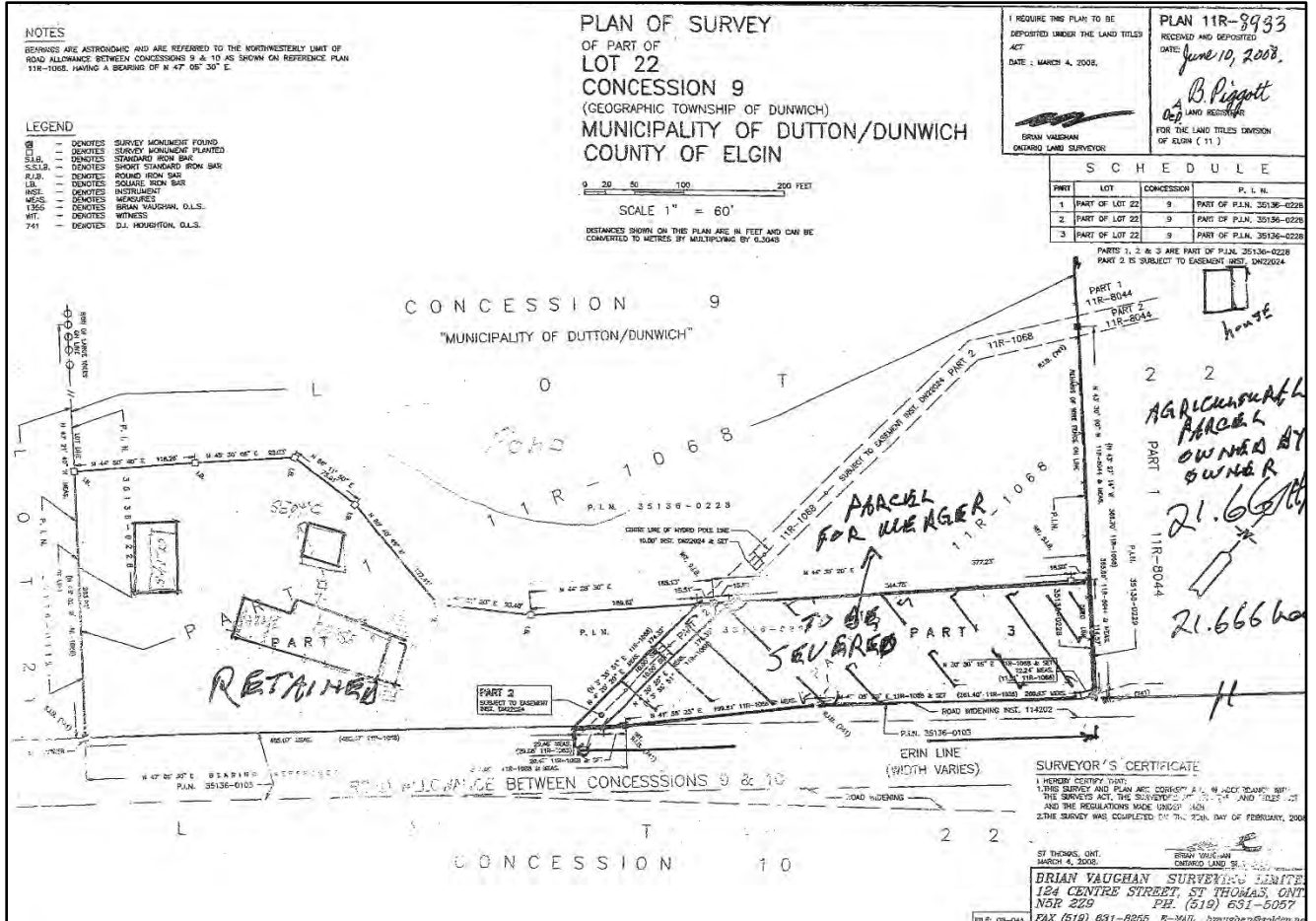
Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



SKETCH



MUNICIPAL APPRAISAL SHEET

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

Submission E 83/22

Applicant Katrinus and Helen Mary Van Brenk

Location 31846 Erin Line

OFFICIAL PLAN

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

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

Policies: Section 8.3.5 (a) of the OP states that lot adjustments are permitted in all designations.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed parcel. The severed parcel will be rezoned to the Special Agricultural (A2) Zone, which is the zoning of the abutting lands. The retained parcel will remain in the same RS Zone.

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

OTHER

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

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

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

Staff Report and Resolution attached.

Revised 30/01/20

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 83-22)**
31846 Erin Line (VanBrenk's Fruit Farm & Nursery)
Lot 22; Concession 9
Municipality of Dutton Dunwich

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

An application from this office is required prior to any works/construction taking place within the regulated area. The upper table 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 waterway and ravine system will be required to any proposed works / structure(s) / site alteration. Due to the setback constraint for the proposed severed parcel, it is highly recommended that the proponent reach out to our Regulations Technician (permits@ltvca.ca) to determine setback limits on the parcel prior to determining where development is proposed to be located on the lot.

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner



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: February 22, 2022
Application: E 83-22

Owner:
Katrinus and Helen Mary VanBrenk
31846 Erin Line, Fingal, ON N0L 1K0

Agent:
VanBrenks Fruit Farm & Nursery Ltd.
31760 Erin Line, Fingal, ON N0L 1K0

Location: Lot 22, Concession 9, Part 2 and 3 on 11R-8933. Municipally known as 31846 Erin Line, Dutton Dunwich.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 159 metres (521.65 feet) and a depth of 34.92 metres (114.57 feet) and an area of 0.40469ha (1 acre) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with a frontage of 147.849 metres (485 feet) and a depth of 80.443 metres (263.92 feet) and an area of 1.40ha (2.57 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Special Rural Residential
(RS)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

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 an existing lot and convey the severed area to an adjacent parcel which is currently used for agricultural purposes. Section 2.3.4.2 of the PPS permits lot adjustments in the prime agricultural area:

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

The PPS defines *legal or technical reasons* as: severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. As this application is for a lot adjustment which will enlarge an agricultural parcel and not result in the creation of a new lot, 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 subject lands are designated Agricultural Area within the CEOP. Section E1.2.3.4 of the CEOP contains policies for lot creation and severances within the Agricultural Area. Similar to the PPS, the CEOP permits severances on prime agricultural land provided no new lot is created. As this application is for a lot addition which will enlarge an existing agricultural parcel and no change in land use is proposed, this application is deemed to be in conformity with the Official Plan.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich 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 parcel is presently zoned Rural Residential (RS) and will be conveyed to a parcel that is zoned Special Agricultural (A2), to address this Dutton Dunwich planning staff have proposed a condition which will rezone the severed land to A2 to match the zoning of the parcel it is being conveyed to.

RECOMMENDATION:

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

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

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



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

1. That a Zoning By-law Amendment is in force and effect for the severed parcel;
2. That septic system review for the retained parcel has been completed;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That a 911 sign be established for the retained parcels;
6. That all Dutton Dunwich planning application fees, as set out in the Fees By-law, be paid to the Municipality;
7. 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;
8. That the lots merge on title, and
9. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 84-22**

**PART OF LOTS 2 & 3 ON REGISTERED PLAN No. 54
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 27 UNION STREET**

TAKE NOTICE that an application has been made by Johan & Sara Janzen, 107 highway 19, Tillsonburg, ON, N4G 4G9 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 27 Union Street, Bayham, ON.

The applicant proposes to sever a parcel with a frontage of 36.058 metres (118.3 feet) and a depth of 94.5 metres (310.04 feet) and an area of 3,407.481M² (0.77 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 18 metres (59.05 feet) and a depth of 94.512 metres (31.08 feet) and an area of 1,525.5 m² (0.38 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 FEBRUARY 22ND AT 11:10 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

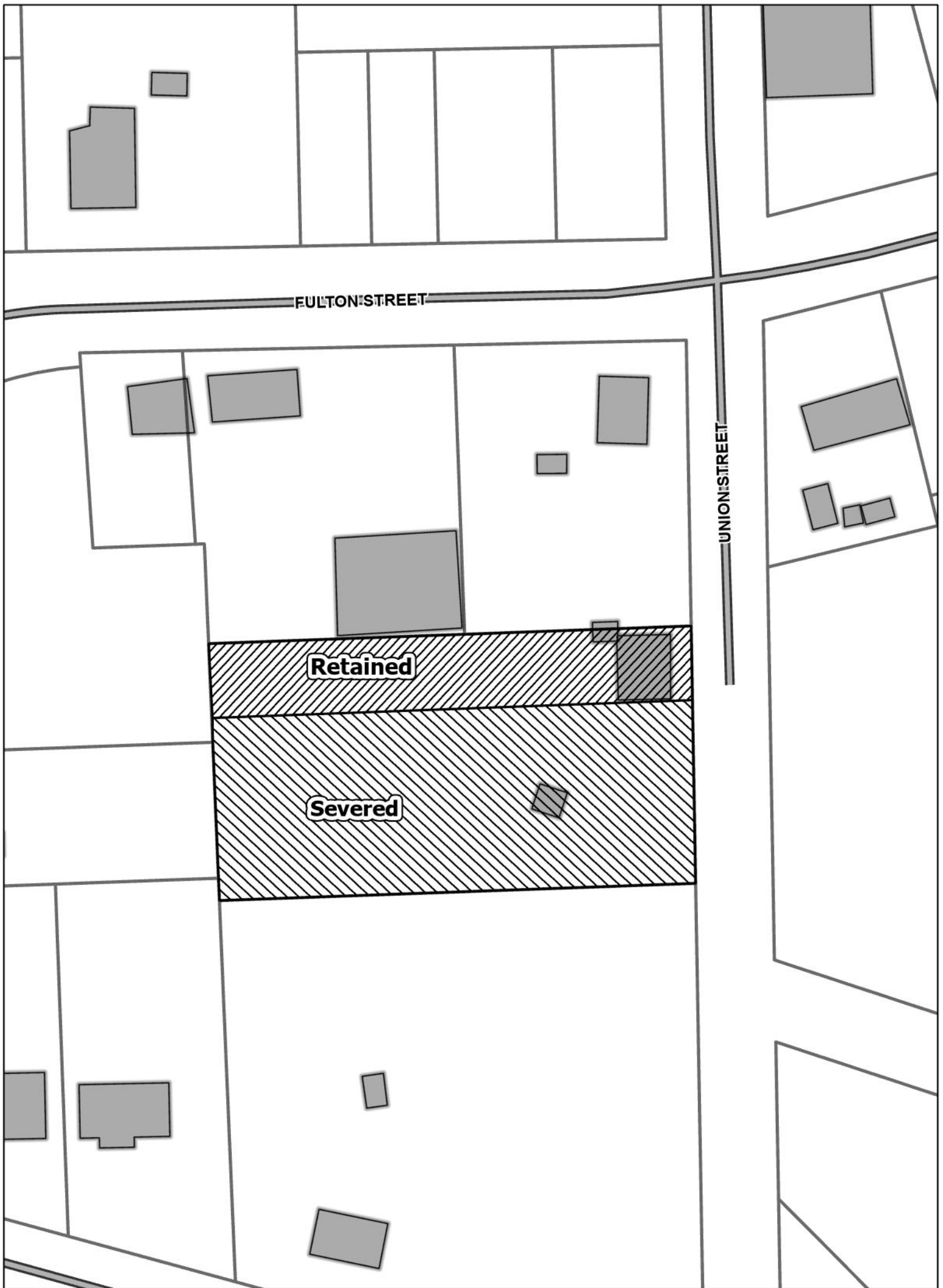
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

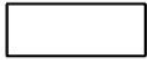

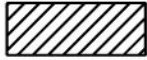




Location Map

Subject Site: 31846 Erin Line
 File Number: E 84-22
 Owner: Katrinus VanBrenk & Helen Mary VanBrenk
 Planner: Unknown
 CA: Lower Thames Conservation
 Created By: PC
 Date: 01/25/2022
 Municipality of Dutton Dunwich



Legend

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





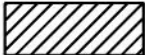




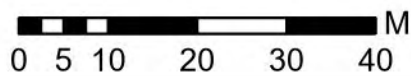
Location Map

Subject Site: Lots 23 and 24, Concession 9
 File Number: E 80-2022, E 81-2022 & E 82-2022
 Owner: 1162991 Ontario Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 09/29/2022
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



January 31, 2023

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. E84-22 Janzen J & S

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the January 19, 2023 meeting:

THAT Report DS-05/23 regarding Consent Application E84-22 Janzen be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E84-22 be granted subject to the following conditions and considerations:

- 1. Installation of a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements**
- 2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for all permits and installation requirements**
- 3. The applicant enter in to a Development Agreement with the Municipality for the development of Union Street to the Municipality of Bayham's Design & Construction Standards to provide legal frontage and access to the severed lot**
- 4. Purchase of any necessary street signage for the development of Union Street**
- 5. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality**
- 6. Provided a site design plan/sketch showing the buildable area of the severed lot**
- 7. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
- 8. Planning Report fee payable to the Municipality
Provide a digital copy of the registered plan of survey**

Municipal Appraisal Sheet and Staff Report DS-05/23 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill
Planning Coordinator|Deputy Clerk

D09.JANZ Cc: Paul Morrison, Agent (email)

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 84-22

Jan 31/23

Applicant Janzen, J & S

Location Bayham – 27 Union Street, Vienna

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Residential
Policies: 8.7.2.1

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: Village Residential

Rezoning not required

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

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

- | | | |
|---|----------------------------------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (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? | By formal Agreement 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? | | |

See Letter attached with listed conditions revised from original.

See Staff Report DS-05/23 considered at Council meeting January 19, 2023



assessment roll of the municipality at the address shown on the roll or as indicated where the Clerk of the Municipality has received written notice of a change of ownership or occupancy, and shall receive additional notification through prepaid first class mail, to be posted not less than 20 days prior to the public meeting.

8.7 CONSENTS AND THE CREATION OF NEW LOTS

8.7.1 Elgin Land Division Committee

- 8.7.1.1 The granting of consents to sever and convey land in the Municipality of Bayham shall continue to be the responsibility of the Elgin County Land Division Committee.
- 8.7.1.2 Municipal Council or their delegated authority shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Municipality of Bayham.

8.7.2 Policies

- 8.7.2.1 A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered. Where a consent contravenes this Plan or the zoning by-law, no consent shall be granted unless the Plan and/or the Zoning By-law is amended and approved accordingly.
- 8.7.2.2 The policies of this Plan and the requirements of the Municipality regarding consents may be implemented through a site plan agreement between the Municipality and the applicant pursuant to the Planning Act.
- 8.7.2.3 A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if a separate lot is created.
- 8.7.2.4 A consent shall only be granted for the purposes of settling an estate where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the estate is settled and a new lot or lots are created.
- 8.7.2.5 Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severance does not result in the creation of a new lot, the severed and retained



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: January 19, 2023

REPORT: DS-05/23

FILE NO. C-07 / D09.22 JANZEN

Roll # 3401-004-001-18600

SUBJECT: Consent Application E84-22 Janzen, J & S
27 Union Street, Vienna

BACKGROUND:

Consent application E84-22 was received from the Elgin County Land Division Committee submitted by Johan and Sara Janzen proposing to sever 3407.5 m² (0.84 acres) of land and retain 1525.5 m² (0.38 acres) of land with the intent to create a new building lot in the village of Vienna at the property municipally addressed as 27 Union Street.

The subject lands are designated "Residential" as per Schedule 'C' - Vienna in the Municipality of Bayham Official Plan and zoned as Village Residential 1 (R1) as per Schedule 'H' – Vienna in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application in February 2023, no date set.

DISCUSSION:

The planner's memorandum dated January 11, 2023 analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The lot will require street construction to provide legal frontage and access, as well as, connection to the municipal water and sanitary sewer system 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 E84-22 Janzen
2. Englobe Geotechnical Assessment of Slope Stability Analyses
3. LPRCA, March 24, 2021 email
4. IBI Memorandum dated January 11, 2023

RECOMMENDATION

THAT Report DS-05/23 regarding Consent Application E84-22 Janzen be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E84-22 be granted subject to the following conditions and considerations:

1. **Installation of a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements**
2. **Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for all permits and installation requirements**
3. **The applicant enter in to a Development Agreement with the Municipality for the development of Union Street to the Municipality of Bayham's Design & Construction Standards to provide legal frontage and access to the severed lot**
4. **Purchase of any necessary street signage for the development of Union Street**
5. **Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality**
6. **Provided a site design plan/sketch showing the buildable area of the severed lot**
7. **Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
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

Memorandum

| | | | |
|---------------------|---|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | January 11, 2023 |
| From | Paul Riley BA, CPT | Project No | 3404-869 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Johan and Sara Janzen – 27 Union Street, Vienna – Application for Consent E84-22 | | |

1. We have completed our review of consent application E84/22, submitted by Johan and Sara Janzen for lands located at 27 Union Street, west side, south of Fulton Street. The applicant is requesting a consent for the severance of 3,707.5 square metres (0.84 acres) of land and to retain 1,525.5 square metres (0.38 acres) of land. The intent is to create a residential lot on the southern portion of the lands. The lands are designated as 'Residential' as per Schedule 'C' – Vienna of the Municipality of Bayham Official Plan and zoned as Village Residential (R1) as per Schedule 'H' – Vienna of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has a frontage of 36.1 metres (118.4 feet) and a depth of 94.5 metres (310.0 feet). The proposed lands to be severed are currently comprise two sheds and include a significant creek/ditch feature. The applicants have provided a Slope Stability Report to be discussed below. The retained lands have a frontage of 18 metres (59.1 feet) and a depth of 94.5 metres. The lands to be retained currently contain a single detached residential dwelling. The surrounding uses to the east, south, and west are residential. There is a parcel zoned Local Commercial (C2) which contain an old barn-type structure.
3. The applicants provided a Slope Stability Report, prepared by Englobe and dated March 2, 2021, which assesses the suitability of the severed lands for residential uses / single-detached dwelling development in relation to the creek/ditch lands and suitable setback distance. The report concludes that a "minimum erosion hazard setback" of 12.0 m is required from the top of bank. In order to ensure that the future dwelling is constructed in a safe location the applicants shall provide a site design plan/sketch showing the buildable area of the severed lot. The pdf of the Slope Stability Report that the undersigned has received does not appear to include the "Drawing 3" of the Appendix as mentioned in the report.
4. Section 8.7.2.1 of the Municipality of Bayham Official Plan states that "*A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered*". The proposed use of the severed lands is residential and therefore in conformity

Municipality of BayhamMunicipality of Bayham – January 11, 2023

with the Official Plan. The proposed lot to be severed conforms to the minimum lot area and minimum frontage stipulated in the provisions of the Zoning By-law. A plan of subdivision will not be required for the proposed severance, as only one new lot is being created, access onto a public road is maintained, and no extension of municipal water or sewer services will be required to accommodate the proposed new lot. Any minor extension of sewer and/or water service pipes are the responsibility of the applicant/owner.

5. The subject lands are located within the Village Residential (R1) zone as per the Bayham Zoning By-law Z456-2003. The existing and proposed single-detached residential dwelling is a listed permitted use for this zone. The severed and retained lot are suitably sized to accommodate residential use and appear to be adequate to accommodate the proposed single-detached dwelling unit in accordance with the regulations of the R1 zone, including minimum lot area and frontage, minimum setbacks, etc. The proposed lot to be retained would continue to conform to the minimum lot area and frontage, and setback requirements. The proposed lots are in conformity to the Zoning By-law.
6. Based on the above review of consent application E84/22, we have no objection to the proposed consent to create an additional residential lot in a settlement area and recommend the following conditions for approval:
 - a. That the applicant connect the new lot/dwelling to the municipal piped water and sanitary sewer systems.
 - b. That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
 - c. That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - d. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - e. That the applicant provide engineered storm water management, drainage and grading plans.
 - f. That the applicant provide a site design plan/sketch showing the buildable area of the severed lot.
 - g. That the owner provides a digital copy of a survey of the subject lands.

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham



Long Point Region Conservation Authority

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

Elgin County
St. Thomas, ON

February 14, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 84-22 and can provide the following comments based on LPRCA's various plan review responsibilities for Elgin County's consideration.

It is staff's understanding that the submitted application for consent will facilitate the creation of a new residential lot.

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

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

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

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

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

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 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))

It is noted that a Geotechnical Assessment was completed for this property. LPRCA has reviewed the assessment completed in 2021 by Englobe Corp. Based on the review of the assessment, a building envelope was determined to facilitate future development. LPRCA staff supports the proposed building envelope and setbacks as put forth in the submitted report.

Any future development on the proposed severed lot will need to be within this previously delineated building envelope and will require a permit from this office.

To form a complete Section 28 Permit application for future development on the proposed severed lot, a site plan and construction plans, demonstrating any future development is within this previously delineated building envelope, must be submitted with a completed application form.

Please feel free to reach out with any further questions related to this matter. Thanks,

Aisling Lavery, Resource Planner
Long Point Region Conservation Authority
519-842-4242 ext. 235 | alavery@lprca.on.ca



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: February 22, 2022
Application: E 84-22

Owner:
Johan & Sara Janzen
107 Highway 19, Tillsonburg, ON N4G 4G9

Agent:
Paul Morrison
139 Talbot Street E., Aylmer, ON N5H
1H3

Location: Part of Lots 2 & 3 on Registered Plan No. 54, Municipality of Bayham. Municipally known as 27 Union Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 36.058 metres (118.3 feet) and a depth of 94.5 metres (310.04 feet) and an area of 3,407.481m² (0.77 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 18 metres (59.05 feet) and a depth of 94.512 metres (31.08 feet) and an area of 1,525.5 m² (0.38 acres), proposed to remain in residential use.

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

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Village Residential

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 create a new residential lot in an existing settlement area. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development. With respect to new development proposals, the PPS outlines the following parameters:

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

The PPS also encourages land use patterns in existing settlement areas which make use of available land and resources through intensification and redevelopment. As this proposal is to create a new residential lot for future development from an existing oversized parcel.

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 designated Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest population centres in the County and should be the focus of development, these settlement areas also have access to full municipal services. In respect of consents within settlement areas; new lot creation is permitted in settlement area subject to the criteria of Section E1.2.3.1. Staff have reviewed the proposal against these criteria and found no deficiencies.

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. Staff have reviewed the proposed severance and lot boundaries against the Zoning By-law and found no deficiencies, this consent is not anticipated to create a need for a zoning amendment.

RECOMMENDATION:

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

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

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

1. Installation of a municipal water connection to the severed lot at the applicant's cost for all permits and installation requirements
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicant's cost for all permits and installation requirements.
3. The applicant enter in to a Development Agreement with the Municipality for the development of Union Street to the Municipality of Bayham's Design & Construction Standards to provide legal frontage and access to the severed lot.
4. Purchase of any necessary street signage for the development of Union Street.
5. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality.
6. Provide a site design plan/sketch showing the buildable area of the severed lot.
7. Cash-in-lieu of Parkland Fee payable to the Municipality as required in Municipal By-law No. 2020-053.
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 86-22**

**PART OF LOTS 16 TO 18, CONCESSION 10
MUNICIPALITY OF WEST ELGIN**

TAKE NOTICE that an application has been made by Ted Halwa, 242 Edward Street, Port Stanley, ON N5L 1A4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Parts of Lots 16 to 18, Concession 10, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 37.17 metres (121.95 feet) and a depth of 42.71 metres (140.12 feet) and an area of 1,711.5m² (0.42 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 35.98 metres (118.04 feet) and a depth of 654 metres (2,145.67 feet) and an area of 91ha (224 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 FEBRUARY 22ND AT 11:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
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**PART OF LOTS 16 TO 18, CONCESSION 10
MUNICIPALITY OF WEST ELGIN**

TAKE NOTICE that an application has been made by Ted Halwa, 242 Edward Street, Port Stanley, ON N5L 1A4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Parts of Lots 16 to 18, Concession 10, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 35.98 metres (118.04 feet) and a depth of 52.43 metres (170 feet) and an area of 1,886.4m² (0.46 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 37.17 metres (121.94 feet) and a depth of 654 metres (2,145.67 feet) and an area of 91ha (224 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 FEBRUARY 22ND AT 11:20 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

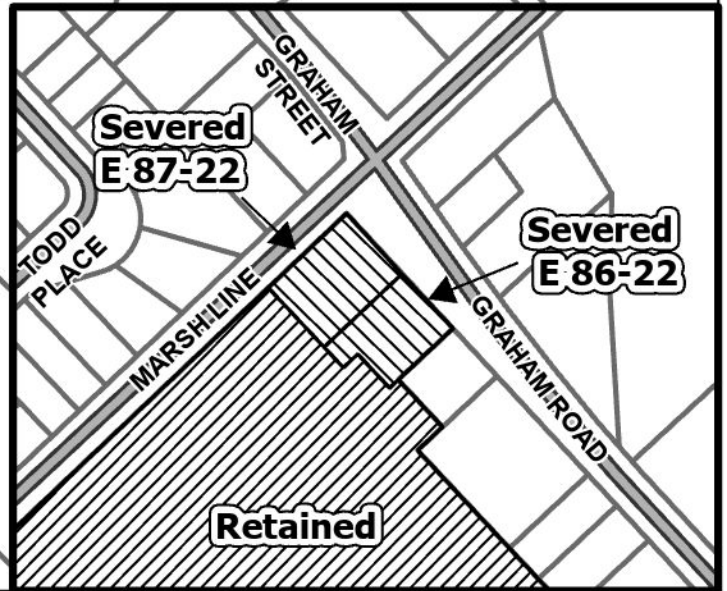
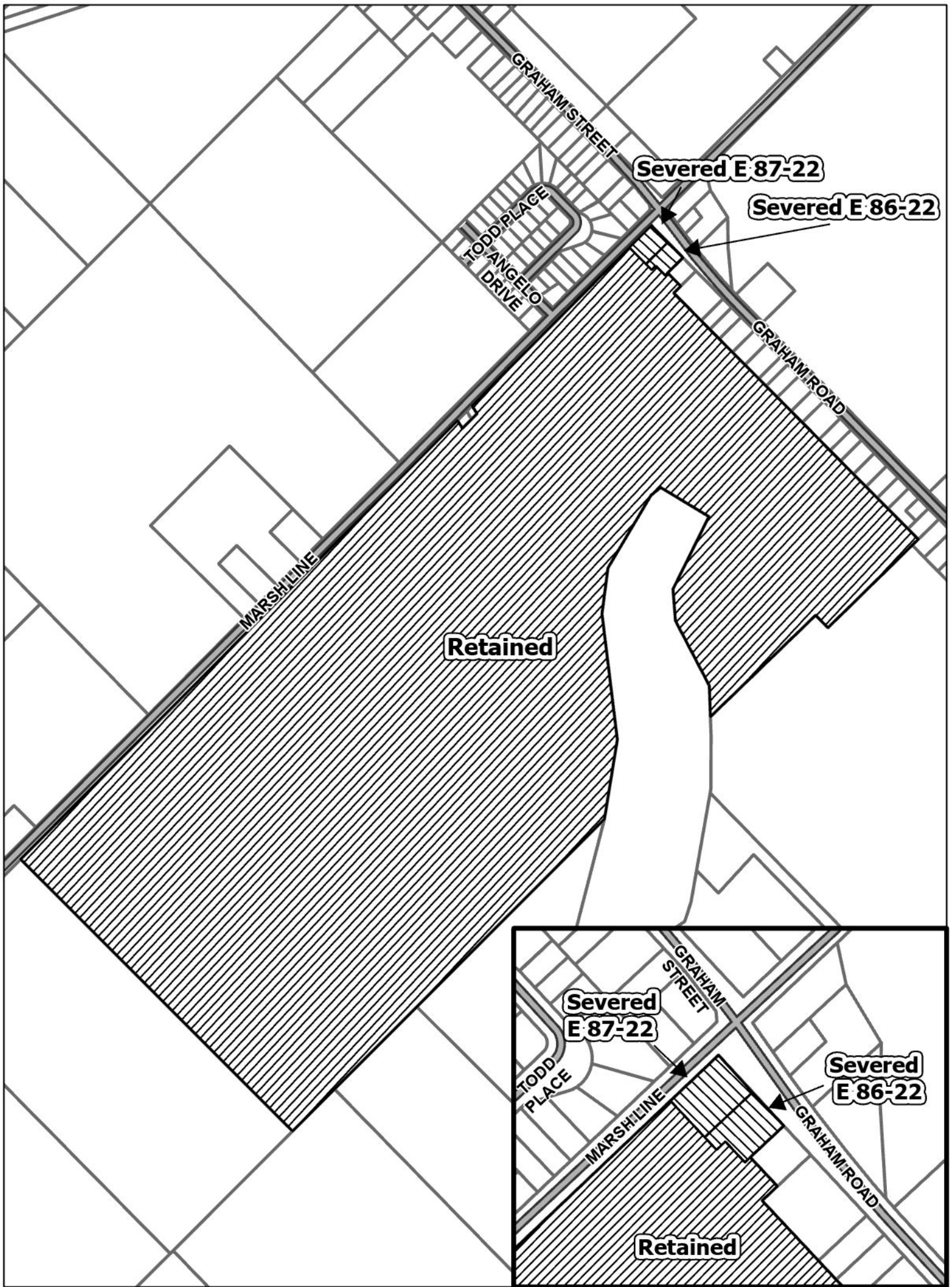
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

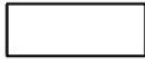

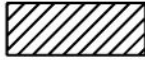




Location Map

Subject Site: Concession 10, West Elgin
 File Number: E 86-22 & E 87-22
 Owner: Curtis John Hay and Christine Monica Hay
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 09/30/2022
 Municipality of West Elgin



Legend

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










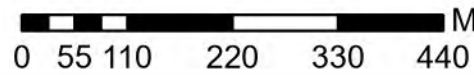
Location Map

Subject Site: Concession 10, West Elgin
 File Number: E 86-22 & E 87-22
 Owner: Curtis John Hay and Christine Monica Hay
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 09/30/2022
 Municipality of West Elgin



Legend

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





MUNICIPALITY OF
West Elgin

Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-01-18

Subject: Severance Applications E86-22 & E87-22 – Comment to Elgin County – Planning Report 2023-06

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent applications File E86-22 and E87-22 – Comments to the County of Elgin (Planning Report 2023-06);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance applications, File E86-22 and E87-22, subject to the Lower-Tier Municipal conditions in Appendix Two A and B 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 Applications E86-22 and E87-22, as Elgin County is the planning approval authority for consents.

The purpose of the consent applications is to facilitate the creation of two lots, one for an existing dwelling at 11061 Graham Road and one vacant parcel in the northeast corner of the property abutting the intersection of Graham Road and Marsh Line.

Background:

Below is background information, in a summary chart:

| | |
|---------------------------|---|
| Application | E86-22 & E87/22 |
| Owner/Applicant | Curtis & Christine Hay |
| Legal Description | Part Lot of 18, Concession 10 |
| Civic Address | 11061 Graham Road |
| Entrance Access | Graham Road & Marsh Line |
| Existing Land Area | 91 ha (224.85 ac.) |
| Existing Buildings | Single detached dwelling, garage & shed |

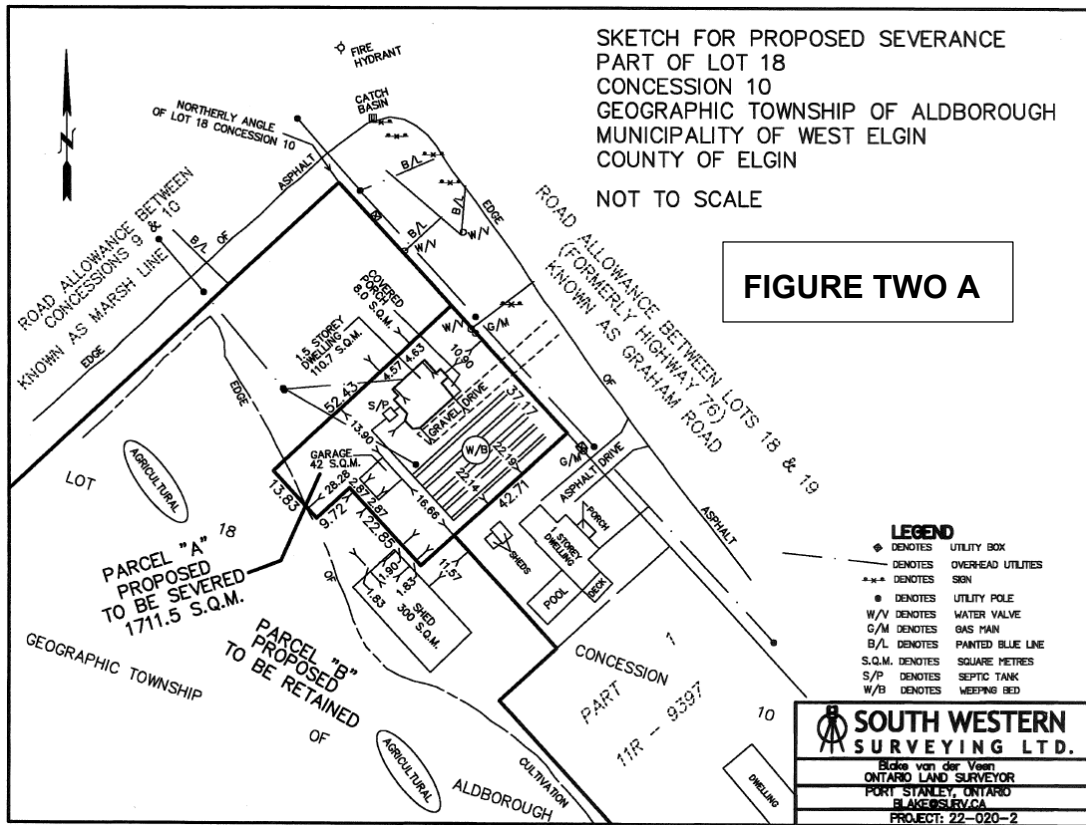
Figure One shows the location of the subject property.



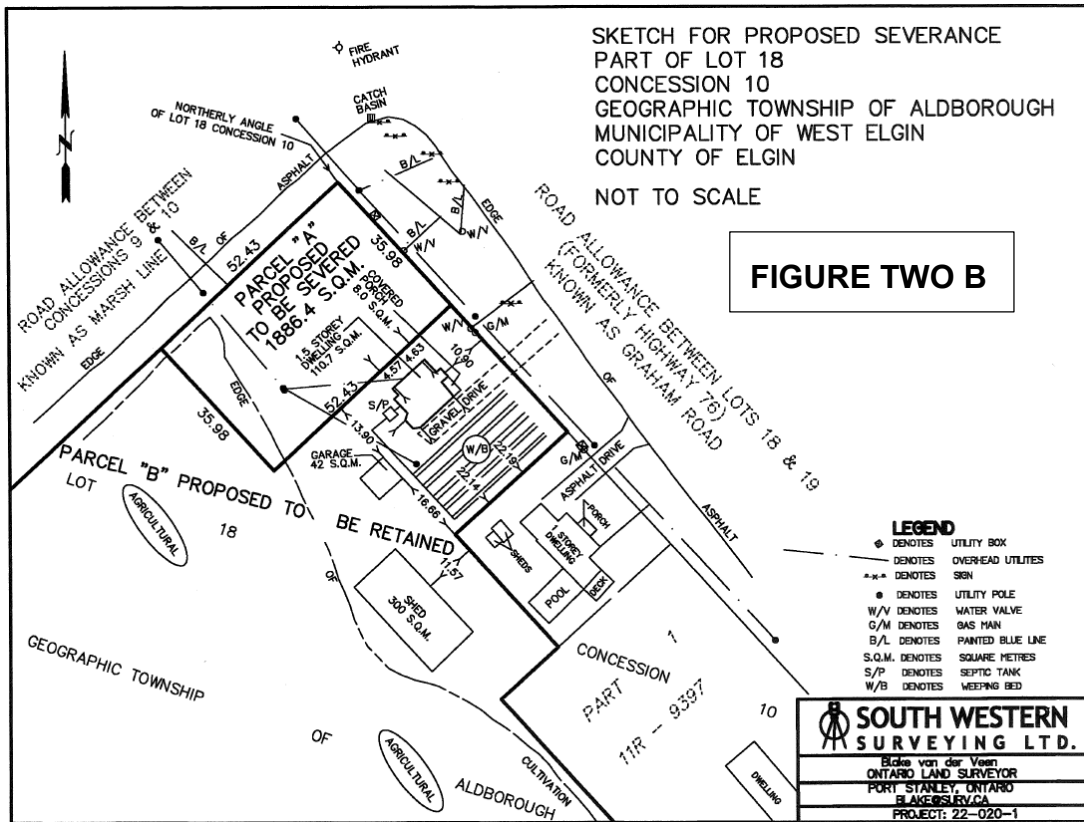
The Public Hearing is scheduled for February 22, 2023, at the Elgin County Land Division Committee Meeting.

Figure Two A & B shows the proposed lots to be created.

| Application | Severed Parcel | | | Retained Parcel |
|----------------------------------|------------------------|-----------|--|-------------------------|
| | Frontage | Depth | Area | Area |
| E86-22 Fig. 2 A | 37.77 m (123.9 ft.) | Irregular | 1711.5 m ² (18,423 ft ²) | 90.8 ha (224.43 ac.) |



| Application | Severed Parcel | | | Retained Parcel |
|--------------------|------------------------|----------------------|---|------------------------|
| | Length | Width | Area | Area |
| E87-22 Fig. 2 B | 35.93 m (117.9 ft.) | 52.43 m (172 ft.) | 1,886.4 m ² (20,305 ft ²) | 90.6 ha (223.9 ac.) |



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 subject property is location on the south edge of West Lorne and is mostly within the Agricultural designation. The frontage of the farm along Graham Road is however designated Rural Residential. Limited lot creation is permitted within this designated area in accordance with Section 1.1 of the PPS.

Servicing for the severance of the existing dwelling will be a combination of municipal water and private septic. The vacant lot at the corner of Graham Road and Marsh Line will be able to connect to both municipal water and the existing sanitary sewer line that is located on Marsh Line. No extension of municipal services is proposed along Graham Road. The proposal is consistent with the PPS.

CEOP:

The rural residential designation is not noted on the County Official Plan mapping however Section C2.2 of the CEOP recognizes, "that certain lands outside of settlement area have been designated for non-agricultural development by the lower tier Official Plans and these lands are deemed to not be within the prime agricultural area and are instead subject to the relevant policies of this Plan and the policies of the lower tier Official Plan." New lot creation is subject to the policies of E1.2.3 and the General Criteria of Section E1.2.3.1. The criteria outlined in items a) through m) have been reviewed and the proposed lot creation complies with or will comply with these policies subject to conditions of approval. As such the proposed lot creation is in conformity with the CEOP.

OP:

The proposed severed parcels are designated as Rural Residential on the Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Three, in yellow. The retained lands are within the Agricultural designation.



FIGURE THREE

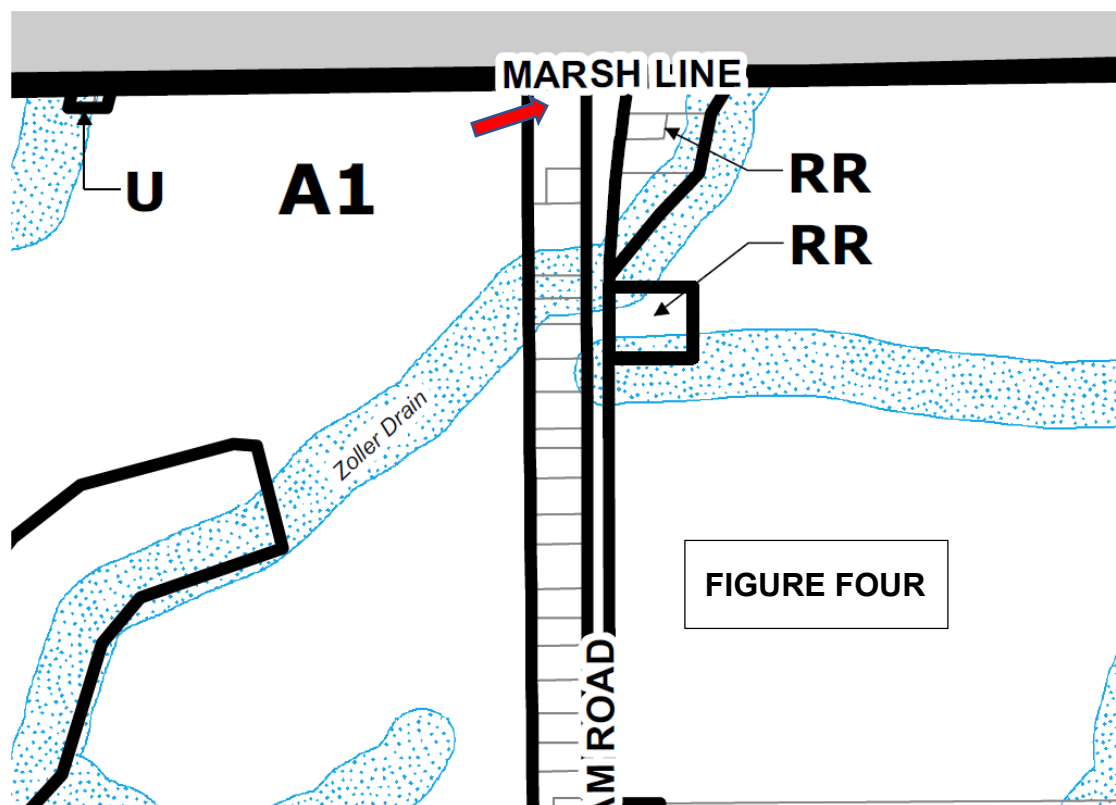
The Rural Residential designation limits use to residential uses or specifically single detached dwellings. Lot creation policies for the Rural Residential designation (Section 6.4.3) permit development with parcels having existing frontage on a public road. Water supply and sanitary service provision will vary within the designation and includes full to no municipal services. Lot creation is also subject to Section 10.4.1 of the OP which allows for severance (consent) applications. The proposed severance application meets the policy of Section 10.4.1.

One additional consideration for lot creation within any of the rural residential areas is compliance with the Minimum Distance Separation guidelines developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). In the case of new lots MDS I is the guideline for consideration. The subject property is located to the southwest of a farm property that does have some limited livestock. The MDS I calculations were completed and indicated that one of the two proposed lots would be considered to be just under the required setback. However, MDS implementation guideline 12 notes that in cases where there are four or more existing non-agricultural uses closer to the livestock operation than the proposed development, MDS I is not applied. Since both the proposed lots and the subject livestock operation are located on the edge of West Lorne there are a large number of existing dwellings closer than the lots proposed as such guideline 12 would apply. Therefore, this proposal conforms to the OP.

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

Similar to the Official Plan the subject lands are located in two zones. The majority of the farm parcel, the retained lands, are zoned General Agricultural (A1) Zone. The proposed severed parcels are fully located within the Rural Residential (RR) Zone. (See Figure Four) The RR zone actually extends to cover all of the lots within the Rural Residential designation on Graham Road. The proposed lots are both just under the minimum required lot area in order to not include any actively farmed lands. This will need to be addressed via submission of a minor variance

application as a condition of approval. The retained farm parcel contains an existing shed to the rear of the existing dwelling at 11061 Graham. This shed will remain with the farmland but is located closer to the new lot line than required by the General Agricultural (A1) Zone. The reduced side yard setback can also be addressed with the required minor variance for the severed parcels lot area. Therefore, subject to approval of the necessary minor variances, the proposal would comply with the ZBL.



Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The creation of the new lots will result in an increase in assessment and opportunity for the construction of a new dwelling on the vacant parcel. The creation of the new lots is also subject to collection of cash-in-lieu of parkland.

Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. Because of the proximity of the proposed lots to full municipal services there was discussion about possible extension of the sanitary service to both lots. After consideration it was recommended that only the vacant lot be required to connect to sanitary servicing from Marsh Line as this would not require any extension of the sewer and was more feasible to the proposed lot creation. Extension of full servicing beyond the current settlement area is also currently discouraged in the West Elgin Official Plan.

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, subject to the recommended minor variance; 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:

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

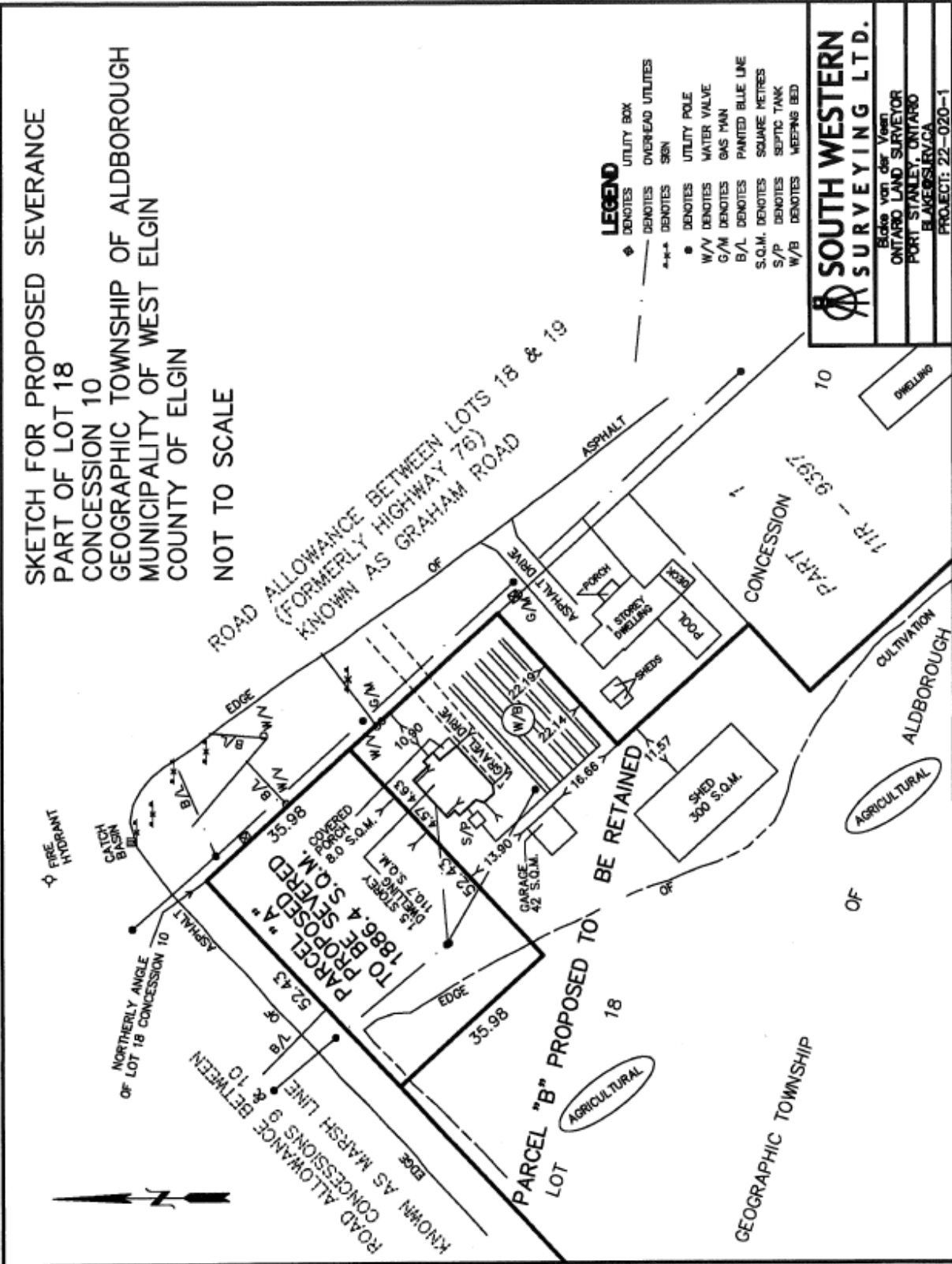
Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Severance Application E86-22 and E87-22 - Comments to Elgin County - 2023-06-Planning.docx |
| Attachments: | <ul style="list-style-type: none">- Planning Report 2023-06- Appendix One - West Elgin R Plan E86-87-22.pdf- Planning Report 2023-06- Appendix Two A - West Elgin Conditions E86-87-22.pdf- Planning Report 2023-06- Appendix Two B - West Elgin Conditions E86-87-22.pdf |
| Final Approval Date: | Feb 1, 2023 |

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

Jana Nethercott



Planning Report 2023-06: Appendix Two A

Consent Application E86-22 – West Elgin Conditions

Consent Application E86-22 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 make application for and receive approval of a minor variance to address the reduced lot area of the severed parcel and recognize the reduced side yard setback of the existing shed on the retained parcel to the satisfaction of the Municipality;
6. 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.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality;
8. That 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*.

Planning Report 2023-06: Appendix Two B

Consent Application E87-22 – West Elgin Conditions

Consent Application E87-22 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 lot area of the severed parcel to the satisfaction of the Municipality;
7. That the applicant install a new municipal water connection to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
8. That the applicant install a new sanitary sewer connection from Marsh Line to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
9. 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;
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*.



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

February 10, 2023

At the Regular Meeting of Council on February 9, 2023 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2023- 54

Moved: Councillor Denning

Seconded: Councillor Tellier

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent applications File E86-22 and E87-22 – Comments to the County of Elgin (Planning Report 2023-06);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance applications, File E86-22 and E87-22, subject to the Lower-Tier Municipal conditions in Appendix Two A and B of this report;

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

Carried

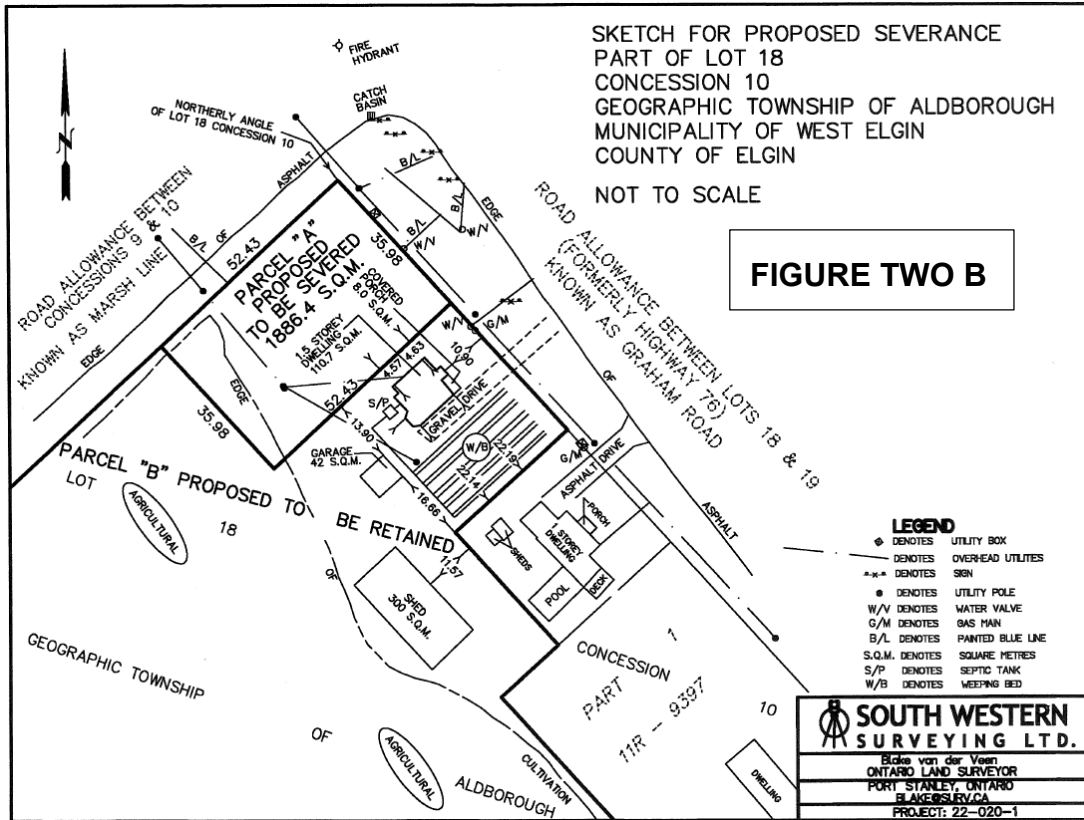
Jana Nethercott
Clerk

Figure One shows the location of the subject property.



The Public Hearing is scheduled for February 22, 2023, at the Elgin County Land Division Committee Meeting.

| Application | Severed Parcel | | | Retained Parcel |
|----------------------------------|------------------------|----------------------|---|------------------------|
| | Length | Width | Area | Area |
| E87-22 Fig. 2 B | 35.93 m (117.9 ft.) | 52.43 m (172 ft.) | 1,886.4 m ² (20,305 ft ²) | 90.6 ha (223.9 ac.) |



February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 86-22)**
Marsh Line and Graham Road
Part Lots 16 – 18; Concession 10 (Halwa)
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 Scheihuif Drain, the Miller Drain, the Brock Creek Drain, the Zoeller Drain, Hay-Okolisan Drain, their associate tributaries and ravine systems, stable slopes and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the drains, tributaries and ravine systems 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
Planner

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 87-22)**
Marsh Line and Graham Road
Part Lots 16 – 18; Concession 10 (Halwa)
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 Scheihuif Drain, the Miller Drain, the Brock Creek Drain, the Zoeller Drain, Hay-Okolisan Drain, their associated tributaries and ravine systems, stable slopes and erosion.

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

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 16, 2023 ELGIN COUNTY ROAD NO.: Graham Road CR76

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 86-22 & E 87-22

APPLICANT: Ted Halwa

PROPERTY: LOT NO. _____ CONCESSION: _____

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 lot/parcel up to 18m from the centreline of construction of Graham Road County Road (76) 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: February 22, 2023
Application: E 86-22 & E 87-22

Owner:
Curtis John Hay and Christine Monica Hay
24599 Thomson Line, West Lorne, ON
Location: Concession 10, West Elgin.

Agent:
Ted L. Halwa
242 Edward Street, Port Stanley, ON

PROPOSAL

E 86-22:

The applicant proposes to sever a parcel with a frontage of 37.17 metres (121.95 feet) and a depth of 42.71 metres (140.12 feet) and an area of 1,711.5m² (0.42 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 35.98 metres (118.04 feet) and a depth of 654 metres (2,145.67 feet) and an area of 91ha (224 acres), proposed to remain in agricultural use.

E 87-22:

The applicant proposes to sever a parcel with a frontage of 35.98 metres (118.04 feet) and a depth of 52.43 metres (170 feet) and an area of 1,886.4m² (0.46 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 37.17 metres (121.94 feet) and a depth of 654 metres (2,145.67 feet) and an area of 91ha (224 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Rural Residential

**Local Municipality Zoning
By-law**
General Agriculture (A1) and
Rural Residential (RR)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No objections, recommends conditions.

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 create two new residential lots adjacent to an existing settlement area. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development. Section 1.1.3.2 outlines the following:

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

The PPS also encourages land use patterns in existing settlement areas which make use of available land and resources through intensification and redevelopment. This application is for the severance of two parcels adjacent to a settlement area as designated in the County of Elgin Official Plan (CEOP). As discussed in the next section, the CEOP allows for the boundaries of settlement areas to be delineated by local official plans where there is a discrepancy. The subject land affected by this application is designated as Rural Residential in the West Elgin Official Plan.

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 adjacent to a Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest population centres in the County and should be the focus of development, these settlement areas also have access to full municipal services. In respect of consents within settlement areas; new lot creation is permitted in settlement area subject to the criteria of Section E1.2.3.1. While the subject land itself is designated Agricultural Area, the Official Plan allows the use of the boundaries of local official plans where there is a discrepancy between them.

Section F10.2

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 official plan designation of the subject land as Rural Residential and the surrounding land uses being a mixture of existing rural residential and agricultural, staff are of the opinion that this severance conforms to the general policies of 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 proposed parcels are designated as Rural Residential while the retained land is designated as Agricultural. Lot creation and severances are permitted within the Rural Residential designation. The proposed severances are fully located within the Rural Residential (RR) zone. There is a shed on the retained land which but will be located too close to the proposed new property lines, West Elgin staff believe this can be addressed through a minor variance and a zoning by-law amendment is not necessary.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing for the severed lots be provided to the County of Elgin by the Municipality of West Elgin.
4. That the owner dedicate lands along the frontage of the severed lot/parcel up to 18m from the centreline of construction of Graham Road County Road (76) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
5. Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
7. Lot Grading Plan is required for the severed lot

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent for application E 86-22:

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 make application for and receive approval of a minor variance to address the reduced lot area of the severed parcel and recognize the reduced side yard setback of the existing shed on the retained parcel to the satisfaction of the Municipality;
6. 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.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality;
8. That 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*.

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent for application E 87-22:

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 lot area of the severed parcel to the satisfaction of the Municipality;
7. That the applicant install a new municipal water connection to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
8. That the applicant install a new sanitary sewer connection from Marsh Line to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
9. 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;
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 107-22**

**LOT 44, 45 AND PART OF 46, WEST SIDE OF COLBORNE ON REGISTERED PLAN
No. 117
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPALLY KNOWN AS 300 COLBORNE STREET**

TAKE NOTICE that an application has been made by Ted Halwa, 242 Edward Street, Port Stanley, ON N5L 1A4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 300 Colborne Street, Municipality of Central Elgin

The applicant proposes to sever a parcel with a frontage of 21.6 metres (71 feet) and a depth of 26 metres (85.3 feet) and an area of 0.05ha (0.12 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 26 metres (85.3 feet) and a depth of 42 metres (137.8 feet) and an area of 0.1ha (0.25 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 FEBRUARY 22ND AT 11:30 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

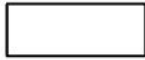

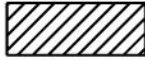




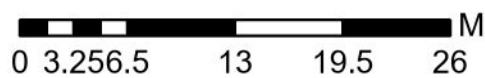
Location Map

Subject Site: 300 Colborne Street
 File Number: E 107-22
 Owner: Killins Marina Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Municipality of Central Elgin



Legend

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







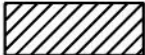


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

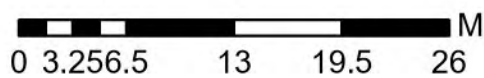
Location Map

Subject Site: 300 Colborne Street
 File Number: E 107-22
 Owner: Killins Marina Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Municipality of Central Elgin



Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN
REPORT TO COUNCIL

REPORT NO. CEP.64.22
CEPO FILE NO. E107/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 300 Colborne Street
Applicant – Killins Marina Inc.
DATE January 25, 2023

RECOMMENDATION

THAT Report CEP.64.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E107/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a minor variance to permit a minimum lot depth of 25.33m for the severed lot;
2. the applicant demonstrates that the existing development on the retained lot conforms with the R1 zone or the approval of a minor variance to recognize any zoning deficiencies;
3. 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;
4. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

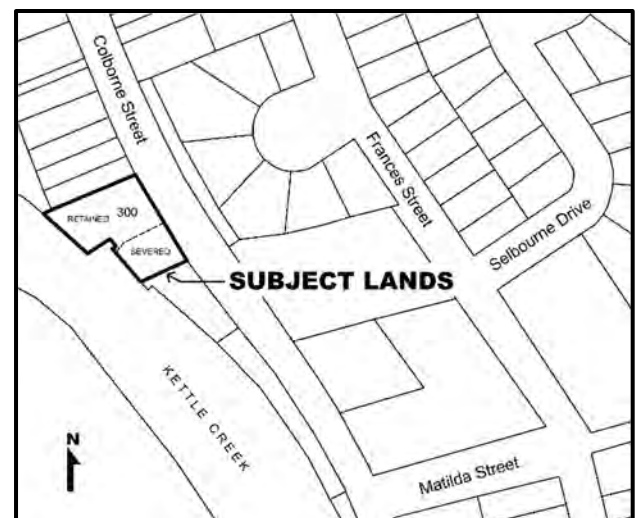
Background:

Consent application E107/22 has been filed for the purpose of creating one new vacant building lot fronting on Colborne Street.

Location:

The subject lands are located on the west side of Colborne Street, between Stanley Street and Matilda Street. The lands are legally described as, Plan 117, Lots 44, 45 and Part Lot 46, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicant is proposing to sever one vacant lot with frontage of 21.61m on Colborne Street, a depth of 25.33m and an area of 542.27sqm. The severed lot will be used for a new residential building lot. The applicant is proposing to retain one lot with frontage of 26.23m on Colborne Street, a depth of 64.37m and an area of 1'088.60m², containing one residential dwelling and three accessory buildings. The retained lot will continue to be used for residential purposes.

Staff Report

1. Official Plan

- The subject lands are in the “Urban Settlement Area” designation in accordance with Schedule “A” – Land Use Plan, and further designated “Residential, in accordance with Schedule “G” – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The “Residential” designation permits a range of residential dwelling types and densities, including single detached dwellings (4.2.1(a)).
- The subject lands are also partially within the Kettle Creek Flood Fringe, the flood fringe shall be defined as the area beyond the floodway and includes the remaining lands in the Kettle Creek floodplain that are susceptible to flooding by the Regional Storm Event. The following policies shall apply (3.2.3(2)):
 - a) Notwithstanding the other land use designations on the lands in the Kettle Creek Flood Fringe as shown on Schedule G2, the uses permitted shall include all the permitted uses within those designations.
 - b) Prior to the issuance of building permits for permanent structures or buildings, applicants shall submit to Central Elgin and the Kettle Creek Conservation Authority for review and approval, building plans for floodproofing measures prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies. Floodproofing measures shall include adequate means of access/ingress during times of a flooding emergency.
- Lots created by consent will comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, Central Elgin may amend the standards in the By-law, or a Minor Variance may be granted as a condition of approval where it is considered appropriate (5.3.9.1(c)(6)).

2. Zoning By-Law

- The subject lands are in the Residential Zone 1 (R1), as shown on Zoning Map 3, Village of Port Stanley Zoning By-law No. 1507.
- Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), permitted buildings and other structures include single detached dwellings and accessory buildings on residential lots. (9.2.1.2(a)(c)).
- The minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:


- The subject lands are designated as a "Settlement Area" within the County of Elgin Official Plan, Port Stanley is categorized as a Tier 1 Settlement Area and is intended to be the focus of growth (B1). In residential areas it is the objective of the Plan to promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate (C1.1.1 c)).

4. Comments

- The depth of the severed lot is 25.33m and does not conform with the R1 zone minimum lot depth requirement of 30.48m, approval of the application will need to be conditional on the approval of a minor variance to permit a minimum lot depth of 25.33m.
- There is insufficient information to confirm if the existing development on the retained lot conforms with the R1 zone, specifically the lot coverage for the dwelling, lot coverage for accessory buildings and floor area ratio for the existing dwelling, which will be impacted by the approval of the severance. Approval of the application should be conditional on the applicant demonstrating that the existing development on the retained lot conforms with the R1 zone or have any zoning deficiencies recognized through the minor variance process.

Respectfully submitted:

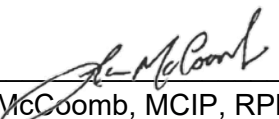
Approved for submission:




Steve Craig
Sr. Planning Technician



Paul Shipway
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services



Lloyd Perrin
Director of Asset Management and Development



January 26, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: Consent Application E107/22
300 Colborne Street, Killins Marina Inc.

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Wednesday, January 25, 2023 and the following resolution was passed:

THAT Report CEP.64.22 re Consent Application - 300 Colborne Street, Killins Marina Inc, be received for information;

AND THAT Council has no objections to consent application E107/22 subject to the following recommended conditions:

- approval of a minor variance to permit a minimum lot depth of 25.33m for the severed lot;
- the applicant demonstrates that the existing development on the retained lot conforms with the R1 zone or the approval of a minor variance to recognize any zoning deficiencies;
- 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;
- the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
- a copy of the reference plan be provided to the Municipality of Central Elgin; and
- a drainage reassessment be done, if necessary, at the owner's expense.

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

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

Kind Regards,

Dianna Wilson

Dianne Wilson
Deputy Clerk/Records Management Coordinator
dwilson@centralelgin.org
519-631-4860 ext. 286

Attach.

c.c. J. Killins, Owner
T. Halwa, Agent for the Applicant
S. Craig, CEPO, Sr. Planning Technician

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 16, 2023 ELGIN COUNTY ROAD NO.: Colbourne Street CR4

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 107-22

APPLICANT: Ted Halwa

PROPERTY: LOT NO. _____ CONCESSION: _____

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 18m from the centreline of construction of Road 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: February 22, 2023
Application: E 107-22

Owner:
Killins Marina Inc.

300 Colborne Street, Port Stanley, ON N5L 1A9

Agent:
Ted Halwa

242 Edward Street, Port Stanley, ON
N5L 1A4

Location: Lots 44, 45 and Part of 46, West Side of Colborne on Registered Plan No. 117.
Municipally known as 300 Colborne Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 21.6 metres (71 feet) and a depth of 26 metres (85.3 feet) and an area of 0.05ha (0.12 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 26 metres (85.3 feet) and a depth of 42 metres (137.8 feet) and an area of 0.1ha (0.25 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 1 Settlement Area

**Local Municipality Official
Plan**

Urban Settlement Area

**Local Municipality Zoning
By-law**

Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No objections, recommends conditions.

Kettle Creek Conservation Authority – No concerns. Permit is required prior to any development on the vacant severed parcel.

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 an existing residential lot to create a new residential parcel. The subject land is located within the Settlement Area of Port Stanley. Section 1.1.3 of the PPS permits lot creation for a variety of land uses in settlement areas and encourages development which efficiently uses land and resources. The PPS also encourages infill and intensification through the development of vacant or underutilized land. The Kettle Creek is located in the rear of the property. Planning staff at the Kettle Creek Conservation Authority have reviewed this application and are satisfied that the grade elevations are above the updated regulatory floodplains and development on the severed parcel will not be susceptible to flooding. Therefore, this application is deemed to be consistent with the PPS.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 1 Settlement Area in the CEOP. Section E1.2.3.1 contains the general criteria for severances, which are permitted in all settlement areas. Staff have reviewed this application and found that it does conform to the OPs consent criteria. As mentioned previously, this application has been reviewed by Conservation Authority staff who do not believe the severance presents a hazard to the water system not a flooding risk.

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 as Residential in the Central Elgin Official Plan. The residential designation permits a variety of residential dwelling types and densities, including single detached dwellings. The subject lands are also partially within the Kettle Creek Flood Fringe, the flood fringe shall be defined as the area beyond the floodway and includes the remaining lands in the Kettle Creek floodplain that are susceptible to flooding by the Regional Storm Event. The following policies shall apply (3.2.3(2)):

- a) Notwithstanding the other land use designations on the lands in the Kettle Creek Flood Fringe as shown on Schedule G2, the uses permitted shall include all the permitted uses within those designations.
- b) Prior to the issuance of building permits for permanent structures or buildings, applicants shall submit to Central Elgin and the Kettle Creek Conservation Authority for review and approval, building plans for floodproofing measures prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies.
Floodproofing measures

Central Elgin's staff have reviewed the application for compliance with the Zoning By-law and noted that a minor variance is required to address deficiencies related to lot depth of the severed lands. This can be addressed as a condition of consent.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Central Elgin Official Plan policies. As such,

planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. approval of a minor variance to permit a minimum lot depth of 25.33m for the severed lot;
2. the applicant demonstrates that the existing development on the retained lot conforms with the R1 zone or the approval of a minor variance to recognize any zoning deficiencies;
3. 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;
4. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. 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 88-22**

**LOTS 7, 8, AND 9, CONCESSION 4
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPALLY KNOWN AS 28800 ABERDEEN**

TAKE NOTICE that an application has been made by Joseph Hentz, 53 Front Street West, Strathroy, ON N7G 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 28800 Aberdeen Street, Municipality of Dutton Dunwich.

The applicant proposes to sever a parcel with a frontage of 37 metres (121.4 feet) and a depth of 82.5 metres (270.67 feet) and an area of 3,131.356m² (0.77 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 1722.45 metres (5651.08 feet) and a depth of 1372.51 metres (4503 feet) and an area of 158.3ha (390.4 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 FEBRUARY 22ND AT 11:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 92-22**

**LOTS 7, 8, AND 9, CONCESSION 4
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPALLY KNOWN AS 28786 ABERDEEN**

TAKE NOTICE that an application has been made by Joseph Hentz, 53 Front Street West, Strathroy, ON N7G 1X6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 28786 Aberdeen Street, Municipality of Dutton Dunwich.

The applicant proposes to sever a parcel with a frontage of 39 metres (127.95 feet) and a depth of 82.5 metres (270.67 feet) and an area of 3,138.611m² (0.77 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 1722.45 metres (5651.08 feet) and a depth of 1372.51 metres (4503 feet) and an area of 158.3ha (390.4 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 FEBRUARY 22ND AT 11:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

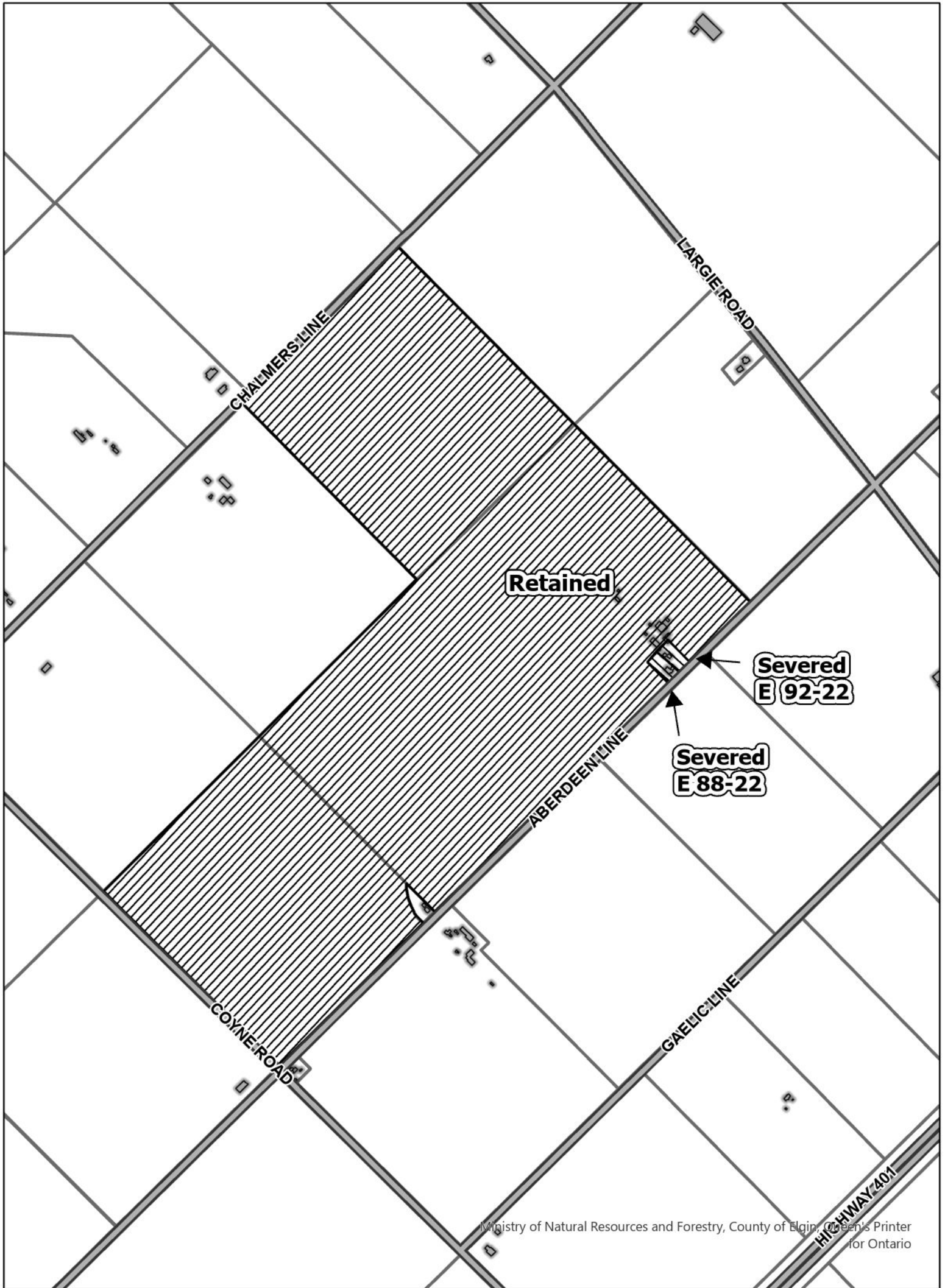
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

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

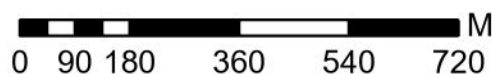
Location Map

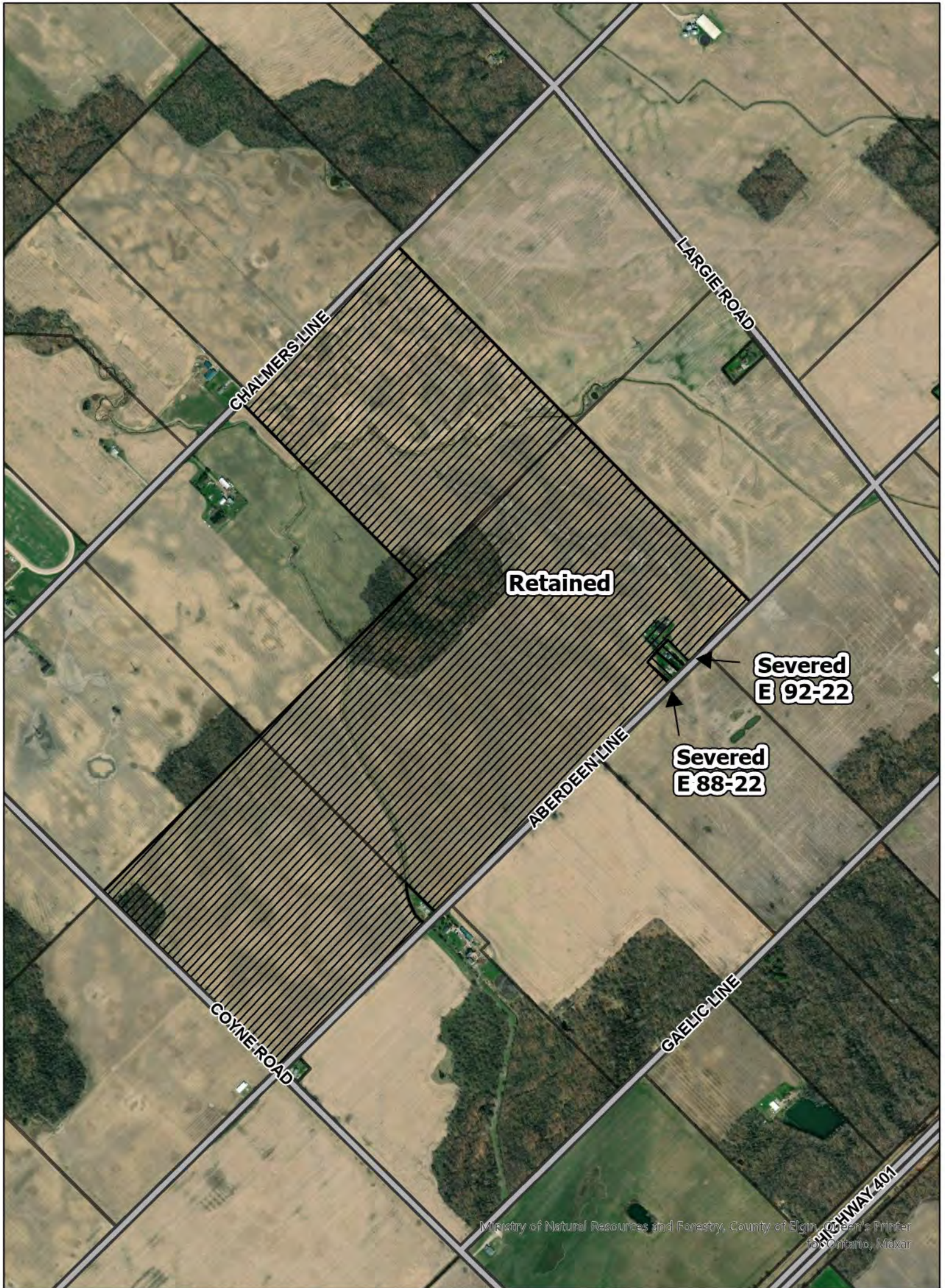
Subject Site: 28786 and 28800 Aberdeen Line
 File Number: E 89-22 & E 95-22
 Owner: Carl McLeod & Sons Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/07/2022
 Municipality of Dutton Dunwich



Legend

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









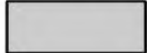
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, M2022-01-01

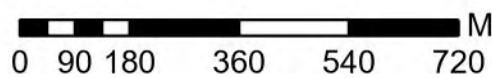
Location Map

Subject Site: 28786 and 28800 Aberdeen Line
 File Number: E 89-22 & E 95-22
 Owner: Carl McLeod & Sons Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/07/2022
 Municipality of Dutton Dunwich



Legend

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





Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: January 11, 2023
SUBJECT: Application for Severance (E88/22), 28800 Aberdeen Line, Municipality of Dutton Dunwich – Carl McLeod & Sons Ltd.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E88/22 for 28800 Aberdeen Line, Municipality of Dutton Dunwich, provided the following conditions are included:

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

FOR INFORMATION:

Background

A severance application was submitted to the County of Elgin Land Division Committee (E88/22) by Carl McLeod & Sons Ltd., the owner of the subject property.

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

The subject parcel is legally described as Concession 4, Part Lots 8 and 9, and locally known as 28800 Aberdeen Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel is located on the north side of Aberdeen Line, which is a maintained all year roadway.

Several drains cross the subject lands, including the David Bennet Drain and the McCarthy Drain.

A portion of the property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA) along the drains.

There is a small woodlot on the north portion of the subject parcel.

Agricultural and rural residential uses surround the subject lands.

Purpose of Application

The proposed severed parcel will have an area of 3,131.356 m², a depth of 82.5 m and a frontage of 37.0 m.

The proposed severed parcel is used for residential use and has 1 house with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of approximately 150 ha, a depth of 1,372.51 m and a frontage of approximately 1,722.45 m.

The proposed retained parcel is used for agricultural uses and has accessory structures with municipal water services (see attached Sketch).

LDC Application B92/22 has also been applied for at the same time as this application.

Department Comments

The proposed severance application was circulated to municipal staff.

The following is a summary of the comments received at the time of writing this report:

| Departments | Comments received |
|--------------------|--|
| Drainage | Drainage reapportionment for McCaffrey Drain, David Bennet Drain and Government Drain #3. A mutual agreement drain is required. |
| Building | I have no concerns with the application. A new septic system was installed under permit No. 2022-112. The rough-in completion of the septic system was inspected and passed on August 19, 2022. |
| Water | This property, at the present time, has 1 water service feeding the 2 houses. The owner is in the process of installing another service, so there are no concerns from the water dept. |
| Sewer | No comments. |
| Road | No concerns. |

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

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

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

County of Elgin Official Plan

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

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

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

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

Comment: The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned. The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No development is proposed in the woodlands.

The proposed severance conforms to the COP.

Municipality of Dutton Dunwich Official Plan

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

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

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*

The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.

- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel meets all A2 Zone provisions.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*
Farm consolidation will occur.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The applicant has confirmed the base of a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

Comments: The above-noted criteria can be complied with.

No development is proposed in the woodlands area.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to the Agricultural (A2) Zone to prohibit new residential uses.

A review of the RS and A2 zone requirements is as follows:

| Zone Provision | | A2 Requirement (Farm) | Proposed (Retained) | RS Requirement (Lot) | Proposed (Severed) | Compliance |
|----------------|-----|-----------------------|---------------------|----------------------|--------------------------|------------|
| Min. Area | Lot | 20.0 ha | 150 ha | 2,750 m ² | 3,131.356 m ² | Yes |
| Max. Area | Lot | N/A | N/A | 8,093 m ² | 3,131.356 m ² | Yes |
| Min. Frontage | Lot | 150.0 m | 1,722.45 m | 30.0 m | 37.0 m | Yes |

All other zone regulations can be complied with.

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

CONCLUSION:

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division and form part of the final decision if approved.

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

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

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



MUNICIPAL APPRAISAL SHEET

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

Submission E 88/22

Applicant Carl McLeod & Sons Ltd.

Location 28800 Aberdeen Line

OFFICIAL PLAN

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

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

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

ZONING

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

Comments:

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

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

OTHER

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

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

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

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

Staff Report and Resolution attached.

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: January 11, 2023
SUBJECT: Application for Severance (E92/22), 28786 Aberdeen Line, Municipality of Dutton Dunwich – Carl McLeod & Sons Ltd.

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E92/22 for 28786 Aberdeen Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a new water service be installed to the satisfaction of the Municipality;
- b) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- c) That septic system review for the severed parcel has been completed;
- d) That Municipal drain re-apportionments have been completed;
- e) 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;
- f) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- g) That taxes are to be paid in full;
- h) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- i) That a 911 sign be established for the severed and retained parcels;
- j) 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;
- k) That the applicant confirms with the Municipality that they are a bona fide farmer; and
- l) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

FOR INFORMATION:

Background

A severance application was submitted to the County of Elgin Land Division Committee (E92/22) by Carl McLeod & Sons Ltd., the owner of the subject property.

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

The subject parcel is legally described as Concession 4, Part Lots 8 and 9, and locally known as 28786 Aberdeen Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel is located on the north side of Aberdeen Line, which is a maintained all year roadway.

Several drains cross the subject lands, including the David Bennet Drain and the McCarthy Drain.

A portion of the property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA), along the drains.

There is a small woodlot on the north portion of the subject parcel.

Agricultural and rural residential uses surround the subject lands.

Purpose of Application

The proposed severed parcel will have an area of 3,138.611 m², a depth of 82.5 m and a frontage of 39.0 m.

The proposed severed parcel is used for residential use and has 1 house with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of approximately 150 ha, a depth of 1,372.51 m and a frontage of approximately 1,722.45 m.

The proposed retained parcel is used for agricultural uses and has accessory structures with municipal water services (see attached Sketch).

LDC Application B88/22 has also been applied for at the same time as this application.

Department Comments

The proposed severance application was circulated to municipal staff.

The following is a summary of the comments received at the time of writing this report:

| Departments | Comments received |
|--------------------|--|
| Drainage | Drainage reapportionment for McCaffrey Drain, David Bennet Drain and Government Drain #3. A mutual agreement drain is required. |
| Building | The septic system information provided for this application is for the neighbouring dwelling at 28800 Aberdeen. The applicant will need to provide the signed review report from Mr. Drummelsmith. I will have to check my files at the office to see if the documents have already been submitted and the fee paid. |
| Water | As of right now, this property's water service is fed from 28800 Aberdeen property. The owner is in the process of installing a new service to this property, 28786 Aberdeen line. No concerns from the water dept. |
| Sewer | No comments. |
| Road | No concerns. |

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

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

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

County of Elgin Official Plan

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

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

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

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

Comment: The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned. The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No development is proposed in the woodlands.

The proposed severance conforms to the COP.

Municipality of Dutton Dunwich Official Plan

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

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

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*

The proposed lot has access to services.

- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel meets all A2 Zone provisions.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*
Farm consolidation will occur.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The applicant has confirmed the base of a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

Comments: The above-noted criteria can be complied with.

No development is proposed in the woodlands area.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to the Agricultural (A2) Zone to prohibit new residential uses.

A review of the RS and A2 zone requirements is as follows:

| Zone Provision | A2 Requirement (Farm) | Proposed (Retained) | RS Requirement (Lot) | Proposed (Severed) | Compliance |
|-----------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------|
| Min. Lot Area | 20.0 ha | 150 ha | 2,750 m ² | 3,138.611 m ² | Yes |
| Max. Lot Area | N/A | N/A | 8,093 m ² | 3,138.611 m ² | Yes |
| Min. Lot Frontage | 150.0 m | 1,722.45 m | 30.0 m | 39.0 m | Yes |

All other zone regulations can be complied with.

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

CONCLUSION:

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division and form part of the final decision if approved.

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

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

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

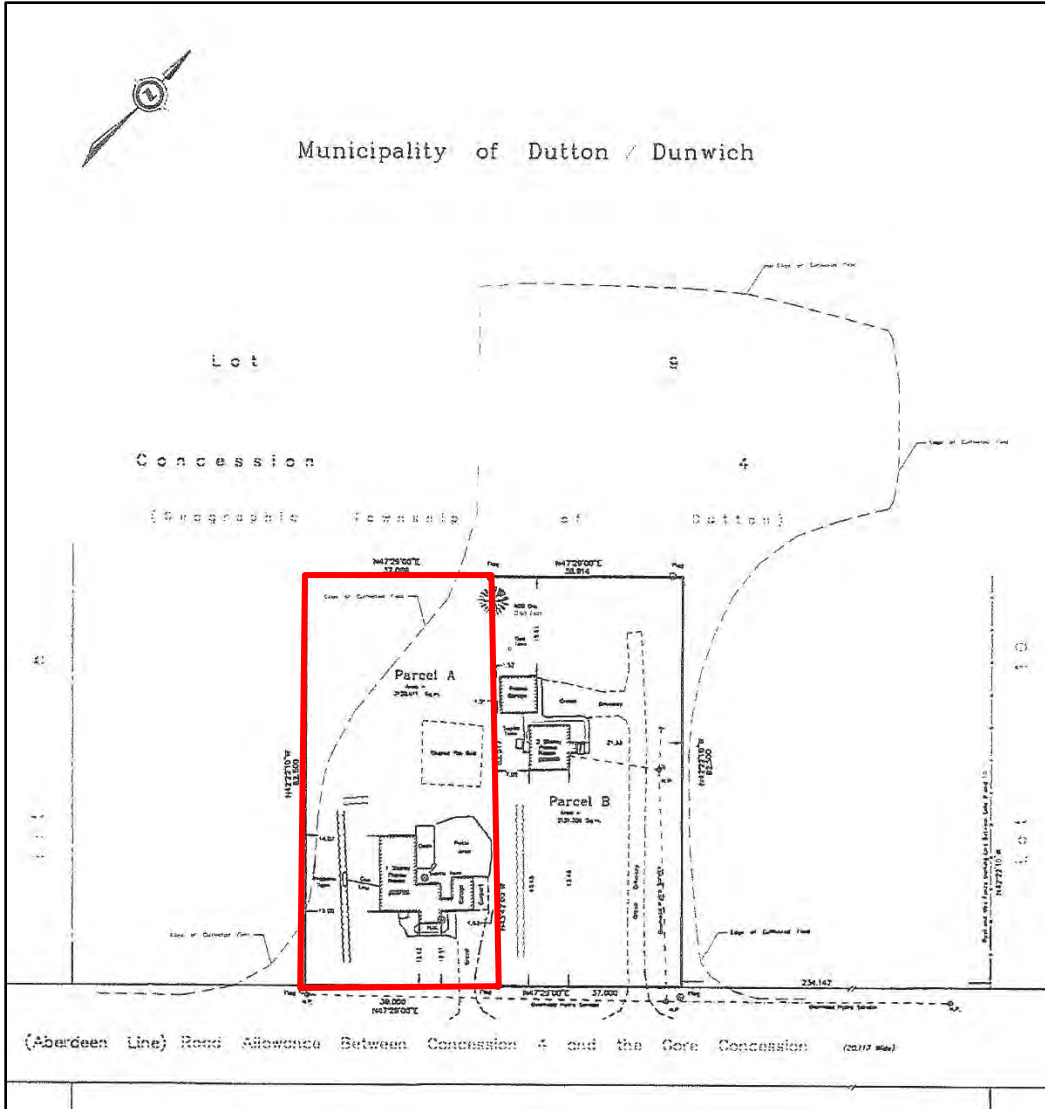
Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



SKETCH



MUNICIPAL APPRAISAL SHEET

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

Submission E 92/22

Applicant Carl McLeod & Sons Ltd.

Location 28786 Aberdeen Line

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan
Policies: Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the agricultural designation subject to several criteria.

ZONING

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

Comments:

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

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

OTHER

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

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

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

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

Staff Report and Resolution attached.

Revised 30/01/20

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 88-22)**
28800 Aberdeen Line (Hentz)
Lots 7, 8, & 9; Concession 4
Municipality of Dutton Dunwich

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

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

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

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 92-22)**
28786 Aberdeen Line (Hentz)
Lots 7, 8, & 9; Concession 4
Municipality of Dutton Dunwich

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area are the David Bennet Drain, the McCaffrey 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 drains / regulated areas will be required to any proposed works / structure(s) / site alteration.

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

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner



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: February 22, 2023
Application: **E 88-22 and E 92-22**

Owner:
Carl McLeod & Sons Ltd.
29281 Aberdeen Line, RR1, Dutton, ON N0L
1J0

Agent:
Joseph Hentz
53 Front Street West, Strathroy, ON
N7G 1X6

Location: Lot 7, 8 & 9, Concession 4, Municipality of Dutton Dunwich. Municipally known as 28786 & 28800 Aberdeen Street, respectively.

PROPOSAL

The applicant proposes to sever two (2) parcels simultaneously and has submitted two (2) applications, E 88-22 (28800 Aberdeen) and E 92-22 (28786 Aberdeen), both of which are to sever dwelling surplus to a farming operation.

E 88-22:

The applicant proposes to sever a parcel with a frontage of 37 metres (121.4 feet) and a depth of 82.5 metres (270.67 feet) and an area of 3,131.356m² (0.77 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 1722.45 metres (5651.08 feet) and a depth of 1372.51 metres (4503 feet) and an area of 158.3ha (390.4 acres), proposed to remain in agricultural use.

E 92-22:

The applicant proposes to sever a parcel with a frontage of 39 metres (127.95 feet) and a depth of 82.5 metres (270.67 feet) and an area of 3,138.611m² (0.77 acres) for a dwelling surplus to a farming operation. The applicant is retaining a lot with a frontage of 1722.45 metres (5651.08 feet) and a depth of 1372.51 metres (4503 feet) and an area of 158.3ha (390.4 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Agricultural (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to create two residential lots, one for each existing dwelling on the farmland parcel. Both of these dwellings have been identified to the needs of the farmer and are proposed to be severed. Section 2.3.4 of the PPS speaks to lot creation in the prime agricultural area. Generally lot creation is not permitted except in the following circumstances:

- a) 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;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- 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; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way

The proposed severances are for two existing dwellings that are surplus to the needs of a farming operation. The proposed severed residential parcels will be of a limited size, approximately 3,100m², respectively. The existing barns are to be demolished and no other barns exist within 750m of the severed parcels meaning no conflicts are anticipated to arise from Minimum Distance Separation (MDS) issues.

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 designated Agricultural Area in the CEOP. Similar to the PPS, the CEOP discourages lot creation in the prime agricultural areas but does permit severances for surplus farm dwellings as per Section E1.2.3.4 which states that lot creation is permitted if:

the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, 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; or

Staff have reviewed the applications and found that they comply with the CEOP policies on surplus farm dwelling creations as the lots are a limited size and do not comprise agricultural farmland.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich 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 Dutton Dunwich OP permits severances in the Agricultural designation for surplus dwellings and the proposed severances meet the criteria in the OP. Dutton Dunwich staff have identified that the severed lands will need to be rezoned to Special Rural Residential (RS) to permit non-farm residential uses, while the retained lands will be rezoned to Agricultural (A2) which does not permit residential development. Municipal planning staff are recommending conditions be included to require the successful completion of two zoning by-law amendments.

RECOMMENDATION:

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

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

Additionally, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent for application E 88-22:

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 paid in full.
7. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the municipality.
8. That a 911 sign be established for the severed and retained parcels.
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.
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.

Additionally, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent for application E 92-22:

1. That a new water service be installed to the satisfaction of the Municipality.
2. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
3. That septic system review for the severed parcel has been completed.
4. That Municipal drain re-apportionments have been completed.
5. 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.
6. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality.
7. That taxes are to be paid in full.
8. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality.
9. That a 911 sign be established for the severed and retained parcels.
10. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.
11. That the applicant confirms with the Municipality that they are a bona fide farmer.
12. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 89-22**

**LOT 3 ON REGISTERED PLAN No. 205
MUNICIPALITY OF BAYHAM
MUNICIPALLY KNOWN AS 56284 HERITAGE LINE**

TAKE NOTICE that an application has been made by Anthony Hiebert, 11712 Plank Road, Eden ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56284 Heritage Line, Municipality of Bayham.

The applicant proposes to sever a parcel with a frontage of 11.709 metres (38.42 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m² (0.11 acres) for the creation of a new residential lot for a semi-detached dwelling. The applicant is retaining a lot with a frontage of 8.408 metres (27.56 feet) and a depth of 41.465 metres (136.04 feet) and an area of 348.66m² (0.086 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 FEBRUARY 22ND AT 11:50 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 95-22**

**LOT 3 ON REGISTERED PLAN No. 205
MUNICIPALITY OF BAYHAM
MUNICIPALLY KNOWN AS 56284 HERITAGE LINE**

TAKE NOTICE that an application has been made by Anthony Hiebert, 11712 Plank Road, Eden ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56284 Heritage Line, Municipality of Bayham.

The applicant proposes to sever a parcel with a frontage of 3.048 metres (10 feet) and a depth of 11.709 metres (38.41 feet) and an area of 435.689m² (0.008 acres) for the purposes of establishing a utility easement. The applicant is retaining a lot with a frontage of 11.709 metres (38.41 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m² (0.12 acres), proposed to remain in residential use.

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

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

**WEDNESDAY FEBRUARY 22ND AT 11:40 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








Location Map

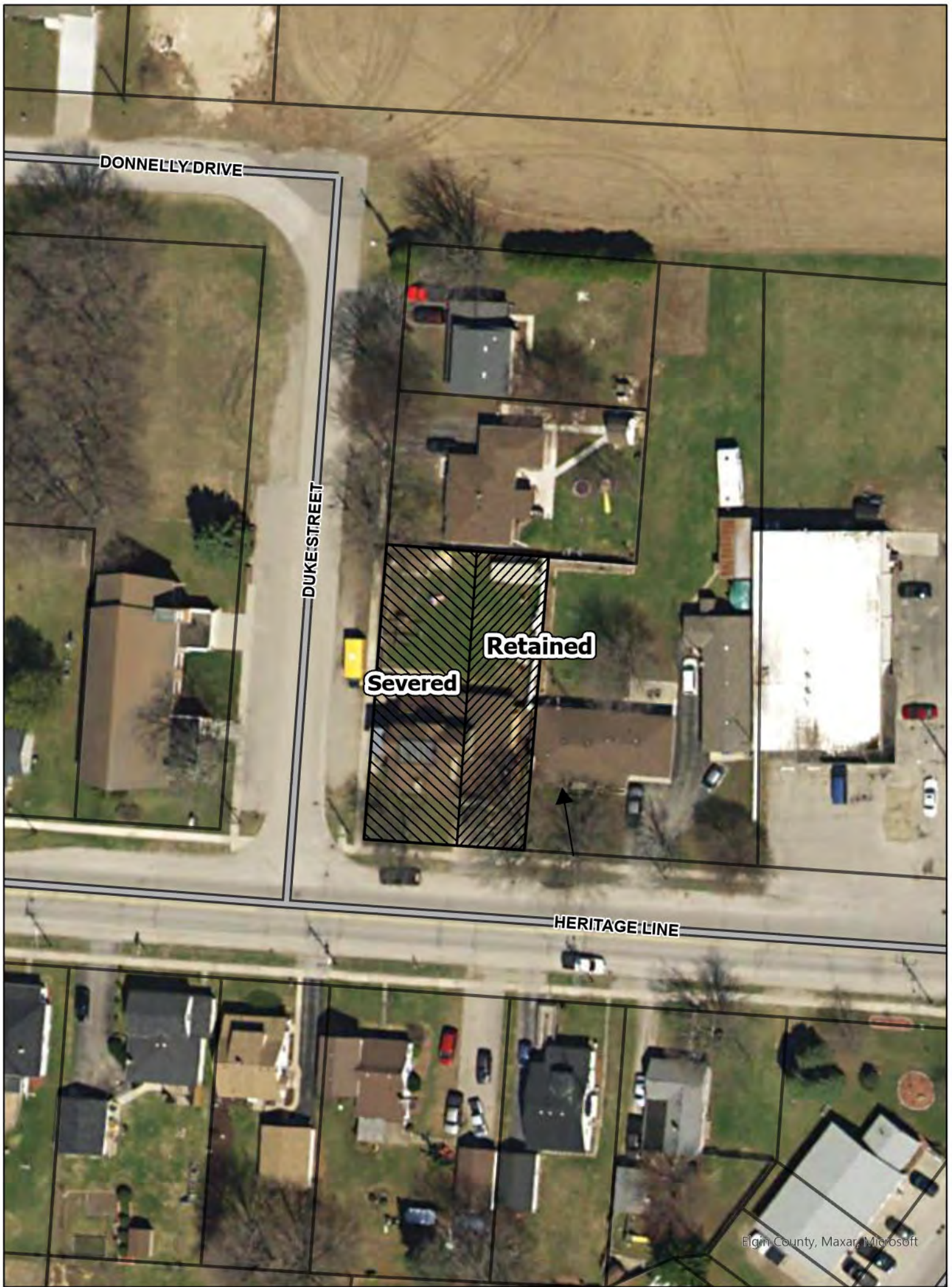
Subject Site: 56284 Heritage Line
 File Number: E 89-22 & E 95-22
 Owner: Anthony Hiebert
 Planner: Unknown
 CA: Long Point Conservation
 Created By: PC
 Date: 01/25/2022
 Municipality of Bayham



Legend

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










Elgin County, Maxar, Microsoft

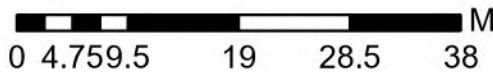
Location Map

Subject Site: 56284 Heritage Line
 File Number: E 89-22
 Owner: Anthony Hiebert
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 10/18/2022
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



February 7, 2023

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. E89-22 and E95-22 Hiebert

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the February 2, 2023 meeting:

THAT Report DS-10/23 regarding Consent Applications E89-22 and E95-22 Hiebert, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-22 be granted subject to the following conditions and considerations:

- 1. Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future OR the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality**
- 2. Rezoning of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage**
- 3. Rezoning of the severed lands to a site-specific R1 zone to permit a reduced lot frontage**
- 4. Provide engineered storm water management and grading plans to the satisfaction of the Municipality**
- 5. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
- 6. Planning Report fee payable to the Municipality**
- 7. Provide a digital copy of the registered plan of survey**

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E95-22 be deferred until such time as municipal Condition 1 of application E89-22 is satisfied.

Municipal Appraisal Sheet and Staff Report DS-09/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill
Planning Coordinator|Deputy Clerk

D09.HIEBERT

Cc: A. Hiebert and C. Rizzuto (emails)

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 E89-22 and E95-22

Applicant Hiebert, Anthony

Location Bayham – 56282 and 56284 Heritage Line, Straffordville

PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL
Policies: 4.2 General residential policies in settlement areas

PART 2 - ZONING

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

Comments: Zoning: Village Residential 1 (R1)

Rezoning required of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage

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

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?

See Letter attached with listed conditions.
See Staff Report DS-10/23 considered at Council meeting held February 2, 2023



SECTION 4 SETTLEMENT AREA POLICIES

4.1 OBJECTIVE

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS

4.2.1 All Development Forms

4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.

4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

the Official Plan;

- b) Completion of an Environmental Impact Study (EIS) in accordance with Section 2.2.3.3 of the Official Plan;
- c) Cultural and An archaeological assessments to be completed to the satisfaction of the Ministry of Tourism, Culture and Sport as per Section 2.6.3 of the Official Plan;
- d) An agricultural impact assessment, to be completed to the satisfaction of the approval authority;
- e) Adequate and appropriate access to a public road;
- f) A development agreement entered into between the developer and the Municipality, which shall address, but is not limited to, vehicular access to the lands; and
- g) Pedestrian access to Port Burwell Provincial Park, from the subject property, to be reviewed by the Ministry of Natural Resources and Forestry.

3.3.4 **Specific Policy Area No. 4 – New England**

Notwithstanding the “Agriculture” policies of this Plan to the contrary, the lands comprising Part Lot 24 & 25, Concession 9 of the Municipality of Bayham and designated as Specific Policy Area on Schedule “A1” to this plan may be used for the purposes of non-farm residential development on an infilling basis to a maximum of five (5) new lots. The exact boundary of Specific Policy Area No. 4 will be outlined in the Zoning By-law. The proponent must demonstrate that MDS I has been satisfied.

4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

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

SECTION 10 VILLAGE RESIDENTIAL 1 (R1) ZONE REGULATIONS

10.1 **Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Residential 1 (R1) Zone except for the following purposes:

Single-detached dwelling or single-detached seasonal dwelling;

Converted dwelling to a maximum of two (2) units;

Semi-detached dwelling;

Duplex dwelling;

Group home;

Home occupation;

Bed and Breakfast Lodging or Tourist Home;

Accessory uses.

10.2 **Permitted Buildings and Structures**

Z751-2022

One dwelling on one lot or one or two units of a semi-detached dwelling on one lot;

Accessory buildings and structures to the permitted uses.

10.3 **Minimum Lot Area**

Vienna, Port Burwell: 800 m², or 1390 m² where no public water supply or sanitary sewage disposal service are available

Z698-2020

Straffordville: 900 m², or 1390 m² where no sanitary sewage disposal service are available

Z751-2022

Semi-detached dwelling unit:

400 m², or 695 m² where no public water supply or sanitary sewage disposal service are available

10.4 **Minimum Lot Frontage**

Z698-2020

Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres
for an internal lot and 18.0 metres for a corner lot.

Partially Serviced: 20 metres

Z751-2022

Semi-detached Dwellings:

10 metres for an internal lot and 13.0 metres for a corner lot

10.5 **Maximum Building Height** Z751-2022
7.0 metres

10.6 **Maximum Building Coverage**
30%

10.7 **Minimum Floor Area** Z698-2020

10.8 **Minimum Front Yard Depth**
7.0m

10.9 **Minimum Side Yard Width**

10.9.1 Where a garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on each side of the combined building.

10.9.2 Where no garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on one side of the main building and a minimum of 3 metres on the other side of the main building.

10.9.3 On a corner lot, the side yard abutting a public street shall be a minimum of 4.5 metres and the side yard on the other side of the main building shall be a minimum of 1.2 metres.

10.9.4 On a lot with a semi-detached dwelling, the interior lot line width that forms the party wall shall be 0.0 metres.

10.10 **Minimum Rear Yard Depth**
7.0 metres

10.11 **Regulations for Accessory Buildings**

Notwithstanding the provisions of Section 4.2, the following shall apply:

Z556-2008

a) No accessory building shall be located within 6.0 metres of a public street;

b) Maximum Height: 4.5 metres;

Z751-2022

c) Maximum Floor Area: 75 m² or 8% lot coverage, whichever is less.

10.12 **Exceptions - Village Residential (R1) Zone**

10.12.1

10.12.1.1 Defined Area

R1-1 as shown on Schedule "H" to this By-law.

10.12.1.2 Minimum Lot Area

2.5 hectares.

10.12.1.3 Minimum Lot Frontage

Notwithstanding any other provisions of this By-law, as now or hereafter amended,



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: February 2, 2023
REPORT: DS-10/23 **FILE NO. C-07 / D09.22 HIEB**
Roll # 3401-000-004-33800

SUBJECT: Consent Applications E89-22 and E95-22
A. Hiebert, 56284 Heritage Line, Straffordville

BACKGROUND:

Consent applications E89-22 and E95-22 were received from the Elgin County Land Division Committee, as submitted by Anthony Hiebert, proposing to sever 485.9 sq. m. (0.12 ac) parcel of land and retain 348.66 sq. m. (0.09 ac) of land with the intent to divide a semi-detached residential dwelling lot.

The subject lands are designated "Residential" as per Schedule 'B' of the Municipality of Bayham Official Plan and zoned as Village Residential 1 (R1) as per Schedule 'F' – Straffordville in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on February 22, 2023.

DISCUSSION:

The lands are serviced with municipal sewers and private on-site water services. The Consent for Easement (E95-22) proposes to provide for a municipal sewer connection from Duke Street across the proposed severed lot by easement connecting to the retained lands dwelling unit. There is a concern that the sewer connection crosses the severed lands and will impact the land area for private water well services.

The planner's memorandum, dated January 26, 2023, analyzes the applications subject to the Municipality of Bayham Official Plan and Zoning By-law.

Rezoning is recommended as a requirement to recognize the reduced lot area and lot frontage along with other standard conditions included in the recommendation.

Staff and planner recommend Council's support of the application E89-22 with the recommended conditions to permit the severance of a semi-detached dwelling on a residential

lot in Straffordville.

Due to the fact that E95-22 is an easement proposal to accommodate E89-22, staff would recommend deferring the easement application E95-22 until such time as the Condition 1 for application E89-22 is satisfied.

ATTACHMENTS

1. Consent Applications E89-22 and E95-22
2. IBI Memorandum dated January 26, 2023

RECOMMENDATION

THAT Report DS-10/23 regarding Consent Applications E89-22 and E95-22 Hiebert, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-22 be granted subject to the following conditions and considerations:

1. **Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future OR the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality**
2. **Rezoning of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage**
3. **Rezoning of the severed lands to a site-specific R1 zone to permit a reduced lot frontage**
4. **Provide engineered storm water management and grading plans to the satisfaction of the Municipality**
5. **Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053**
6. **Planning Report fee payable to the Municipality**
7. **Provide a digital copy of the registered plan of survey**

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E95-22 be deferred until such time as municipal Condition 1 of application E89-22 is satisfied.

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO

CAO|Clerk

Memorandum

| | | | |
|---------------------|--|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | January 26, 2023 |
| From | Paul Riley, CPT | Project No | 3404-884 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Anthony Hiebert - 56284 Heritage Line, Straffordville - Application for Consent E89/22 and E95/22 | | |

1. We have completed our review of Consent Applications E89/22 and E95/22 submitted by Anthony Hiebert for lands located at 56284 Heritage Line, north side, and east side of Duke Street in the village of Straffordville. The applicant is requesting a Consent to sever 485.49 m² (0.12 ac) of land and to retain 348.66 m² (0.09 ac) of land with the intent to create a semi-detached residential dwelling lot. The subject lands are designated 'Residential' on Schedule 'B' of the Municipality of Bayham Official Plan and are zoned Village Residential (R1) on Schedule 'F' of Zoning By-law Z456-2003.
2. The proposed severed parcel will have lot frontage of 11.709 m (38.4 ft) and lot depth of 41.465 m (136 ft) and is currently occupied by one-half of a semi-detached dwelling. The proposed retained parcel will have lot frontage of 8.408 m (27.6 ft) and lot depth of 41.465 m and is currently occupied by one-half of a semi-detached dwelling. The lands are serviced by municipal sewer services and private onsite water services. Surrounding land uses are residential.
3. The proposed Consent for Easement (E95/22) is proposed to provide for municipal sanitary sewer connection from Duke Street across the severed lot by easement connecting to the retained lands dwelling unit. The installed sewer connection crosses the severed lands across the middle of the back yard which has an impact to providing land area for private water services (well).
4. The subject lands were previously occupied by a duplex dwelling which burned down and was demolished in 2021. The proposed development is considered the replacement of two previously existing dwelling units as a non-conforming use. The Zoning By-law Section 4.52 Loss By Natural Causes indicates that where a building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the building or structure to the same basic dimensions and on the same basic site may be permitted. Bayham Official Plan Section 8.4.2.1 policies indicate where the existing development is non-conforming to the regulations of the Zoning By-law the lands can be zoned in the Zoning By-law in accordance to the present use provided that it meets the following criteria:

Municipality of Bayham – January 26, 2023

- a) The zoning will not allow any change of use which will be detrimental to adjacent complying uses since the use will be continued residential use in the form of 2 dwelling units, except on two separate lots.
- b) the use does not constitute a danger or a nuisance to surrounding uses by the traffic, noise, odours, dust or visual impacts.
- c) the use is not discontinued and is compatible.

The proposed consent represents a situation where redevelopment is due to loss by natural causes and the residential use of the lands with two dwelling units in a duplex configuration is replaced with a semi-detached building with two units, subject to rezoning to address reduced lot area and setbacks, is in conformity to the above Sections of the Official Plan and Zoning By-law.

5. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas, indicate that development in settlement areas for residential uses are permitted on the basis of infilling in an existing built up area; that residential uses other than single-detached dwellings are encouraged in settlement areas where there is no land use conflict when new or converted dwellings are feasible; and affordable housing is encouraged. The creation of a new lot in the form of a semi-detached building is encouraged and would increase supply of more affordable units in the Municipality, which is consistent to the Official Plan.
6. The subject lands are located in the Village Residential (R1) zone and semi-detached dwelling is a listed permitted use. The severed and retained lots do not meet the minimum lot frontage for semi-detached dwelling use. The corner unit has lot frontage of 11.7 m whereas 13.0 m (42.7 ft) is the required minimum, and the interior semi-detached unit has frontage of 8.4 m whereas 10.0 m (32.8 ft) is the required minimum. The retained lot has lot area of 348.66 m² whereas 400 m² is the permitted minimum. The dwellings have adequate yard setbacks.

The proposed development in the form of two semi-detached dwelling units lots with reduced frontage and reduced lot area on lands previously used for a two-unit duplex is in conformity to the Zoning By-law.

7. The reduced lot area and lot frontage would be adequate for a lot with access to full municipal services, however, the proposed lots are serviced by private water services. The lands should have adequate land area for a water well with the possibility to drill another well should the other fail. The proposed sanitary sewer connection and associated easement proposal are potentially problematic from a private water servicing perspective in the long-term.

There is a municipal sewer pipe along Heritage Line that could service the retained lands, however, the applicant has already constructed the Duke Street connection.

Municipality of Bayham – January 26, 2023

The Municipality does not have any responsibility or planning requirement to support an easement for undesirable sanitary sewer connection in relation to necessary land area for the long-term provision of private water services. The application indicates that wells were to be installed in the fall, however, no confirmation has been received that private water services are adequate.

8. Based on the above review of Consent Application E89/22 and E95/22, we have no objection to the proposed severance and site-specific zoning and recommend the following conditions:
- a) That the owner remove the existing sanitary sewer connection and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way, or provide professional assessment that a primary well and a secondary location for a future replacement well can be adequately accommodated.
 - b) That the owner rezone the retained lands to a site-specific R1 zone to permit minimum lot area of 366 m² and minimum lot frontage of 8.41 m.
 - c) That the owner rezone the severed lands to a site-specific R1 zone to permit minimum lot frontage of 11.71 m.
 - d) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - e) That the owner provides a survey of the subject lands.
 - f) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
 - g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group
Paul Riley

Consulting Planner to the
Municipality of Bayham



County of Elgin
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: February 22, 2022
Application: E 89-22 and 95-22

Owner:
Anthony Heibert

11712 Plank Road, Eden, ON, N0J 1H0

Location: Lot 3 on Registered Plan No. 205. Municipally known as 56284 Heritage Line, Bayham.

Agent:
Michael G. Szorenyi

36 Broadway, Tillsonburg, ON N4H 3P1

PROPOSAL

E 89-22:

The applicant proposes to sever a parcel with a frontage of 11.709 metres (38.42 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m² (0.11 acres) for the creation of a new residential lot for one-half of a semi-detached dwelling. The applicant is retaining a lot with a frontage of 8.408 metres (27.56 feet) and a depth of 41.465 metres (136.04 feet) and an area of 348.66m² (0.086 acres), proposed to remain in residential use.

E 95-22:

The applicant proposes to sever a parcel with a frontage of 3.048 metres (10 feet) and a depth of 11.709 metres (38.41 feet) and an area of 435.689m² (0.008 acres) for the purposes of establishing a utility easement. The applicant is retaining a lot with a frontage of 11.709 metres (38.41 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m² (0.12 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 2 Settlement Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Village Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to create a new residential lot to split a newly constructed semi-detached dwelling. The subject land is located within the Settlement Area of Strathfordville. Section 1.1.3 of the PPS encourages a variety of land uses in settlement areas which efficiently use land and resources. The PPS also encourages intensification and redevelopment. The development of this lot into semi-detached dwellings represented a form of intensification as per the definition contained within the PPS. It should also be noted that the semi-detached dwellings have already been constructed and this consent application is being brought forth to divide the property and allow for the sale of each unit. The applicant has also applied to establish an easement in the rear of the property to allow for a sanitary sewer to cross through the severed lot.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP. The subject lands are designated as a Tier 2 Settlement Area. Tier 2 Settlement Areas are those settlements which are smaller than Tier 1 and have access to partial municipal services only. A variety of residential uses are encouraged in these settlements and lot creation for new residential uses is permitted. Staff have reviewed the application against the criteria in Section E1.2.3.1 and found no issues.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich 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 Residential in the Bayham OP and is zoned Village Residential (R1). Bayham staff have noted the retained land is deficient in lot area and frontage and have requested a condition be imposed to rezone the retained land to a site-specific R1 exception zone to address this.

Bayham's staff have expressed concern regarding the proposed easement for the municipal sanitary sewer connection across the severed lands. Specifically, staff are concerned that the sanitary connection will impact the land area for private well services. Bayham council has recommended approval of application E 89-22 (new lot) and recommends deferral of E 95-22 until such time as Bayham Condition 1 on E 89-22 is complete.

RECOMMENDATION:

That application E 89-22 is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan

policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future or the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality.
2. Rezoning of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage.
3. Rezoning of the severed lands to a site-specific R1 zone to permit reduced lot frontage.
4. Provide engineered storm water management and grading plans to the satisfaction of the municipality.
5. Cash-in-lieu of Parkland Fee payable to the Municipality as required in Municipal By-law No. 2020-053.
6. Planning Report Fee payable to the Municipality.
7. Provide a digital copy of the registered plan of survey.

AND THAT application E 95-22 be deferred until Bayham Condition No. 1 on E 89-22 is fulfilled to the satisfaction of the municipality of Bayham.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 91-22**

**LOT 6, CONCESSION 12
MUNICIPALITY OF WEST ELGIN
MUNICIPALLY KNOWN AS 22300 TALBOT LINE**

TAKE NOTICE that an application has been made by Peter Mohan., 22300 Talbot 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 22300 Talbot Line, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 37.575 metres (123.28 feet) and a depth of 43.647 metres (143.20 feet) and an area of 1,500.647m² (0.37 acres) to create a new residential dwelling. The applicant is retaining a lot with a frontage of 43.955 metres (144.21 feet) and a depth of 45.184 metres (148.24 feet) and an area of 2020.845m² (0.50 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 FEBRUARY 22ND AT 12:40 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

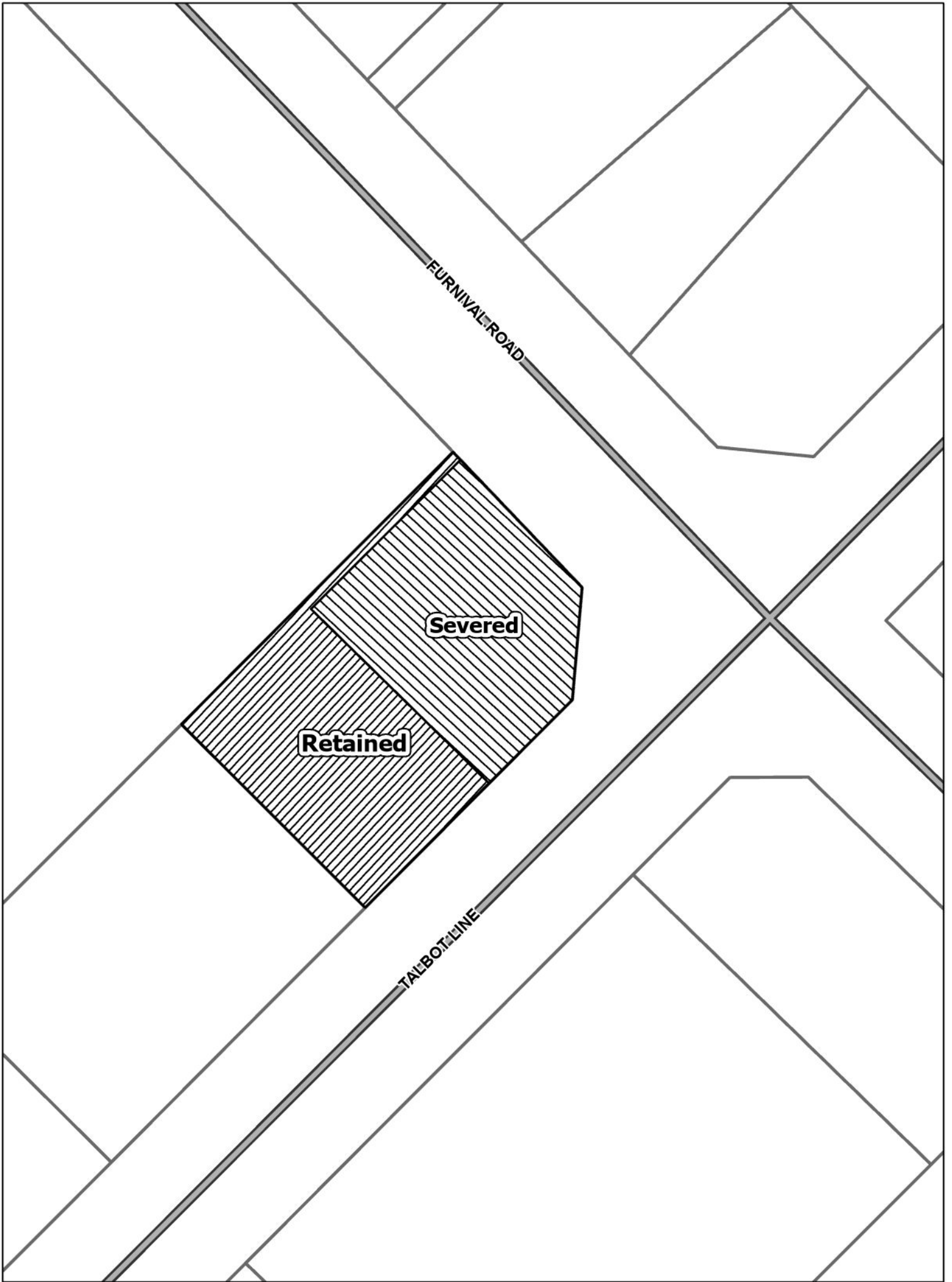
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








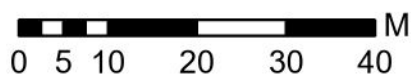
Location Map

Subject Site: 22300 Talbot Line
 File Number: E 91-22
 Owner: Peter Mohan
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 10/28/2022
 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

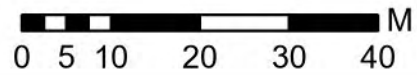
Location Map

Subject Site: 22300 Talbot Line
 File Number: E 91-22
 Owner: Peter Mohan
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 10/28/2022
 Municipality of West Elgin



Legend

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





MUNICIPALITY OF
West Elgin

Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-01-24
Subject: Severance Application E91-22 – Comments to Elgin County – 2023-07 Planning Report

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E91-22 – comments to the County of Elgin (Planning Report 2023-07);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E91-22, 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 E91-22, as Elgin County is the planning approval authority for consents.

The purpose of the consent application is to facilitate the creation of one new vacant residential lot, located along the east side of the property, abutting the northwest corner of the intersection of Furnival Rd and Talbot Line, in the hamlet of New Glasgow. To better access the location of the existing services the applicant is retaining a small strip along the rear lot line which connects with Furnival Road.

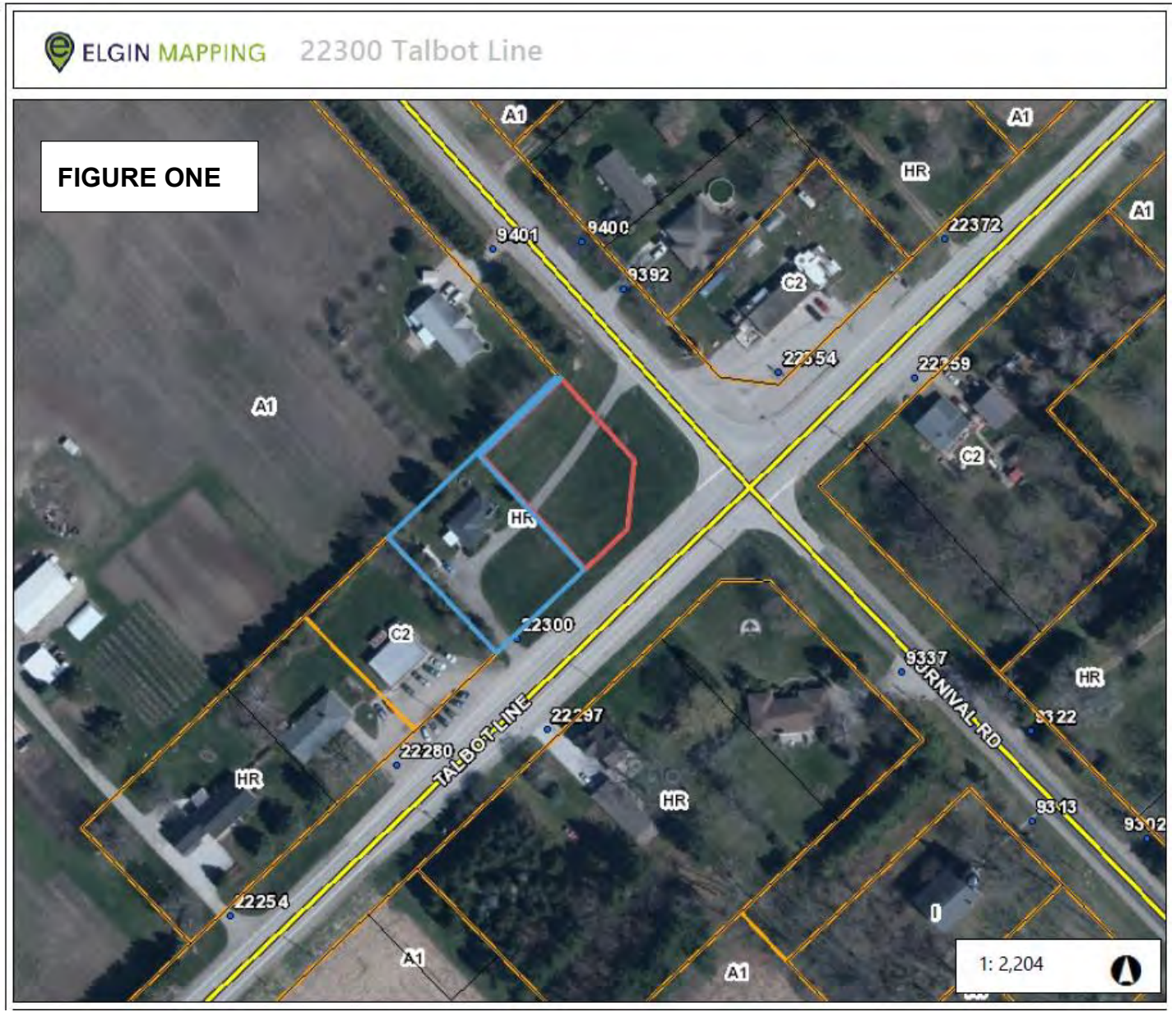
Background:

Below is background information, in a summary chart:

| | |
|---------------------------|--|
| Application | E91-22 |
| Owner/Applicant | Peter Mohan |
| Legal Description | Part Lot 6, Concession 12 |
| Civic Address | 22300 Talbot Line |
| Entrance Access | Existing from Talbot Line & Furnival Rd. |
| Existing Land Area | 3,521.5 sq. m (37,906.2 sq. ft.) |

| | |
|---------------------------|---|
| Existing Buildings | Single detached dwelling, detached garage & garden shed |
|---------------------------|---|

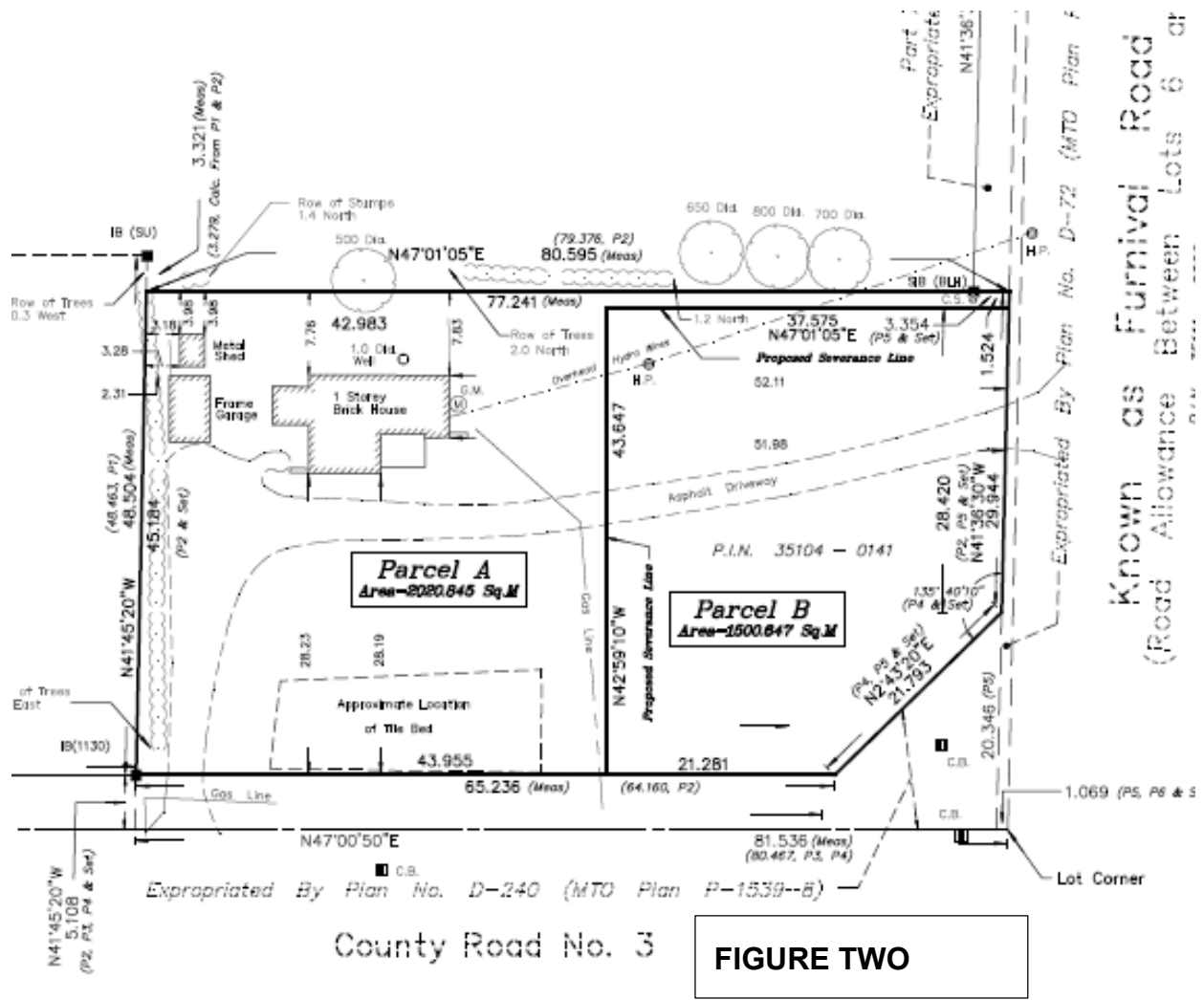
Figure One shows the location of the subject property.



The Public Hearing is scheduled for February 22, 2023, at the Elgin County Land Division Committee Meeting.

Figure Two shows the proposed lot to be created.

| Application | Retained Parcel A | | | Severed Parcel B | | |
|---------------|-------------------|-------------|--------------------------|------------------|-----------|--------------------------|
| | Frontage | Depth | Area | Frontage | Depth | Area |
| E91-22 | 43.955 m | 45.184 m | 2,020.9 m ² | 37.58 m | 43.647 m | 1,500.6 m ² |
| Fig. 2 | (144.2 ft.) | (148.2 ft.) | 21,752.9 ft ² | 123.3 ft, | 143.2 ft. | 16,153.4 ft ² |



Varies P.I.N. 35104 - 0142
-34)

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 subject property is location within the hamlet of New Glasgow which is classified as a Tier Two Settlement Area under the County of Elgin Official Plan. "Settlement areas shall be the focus of growth and development" in accordance with Section 1.1.3.1 of the PPS. The proposed creation of the lot with access to partial servicing is consistent with PPS.

CEOP:

The County Official Plan mapping (Figure Three) shows the subject parcel in the hamlet of New Glasgow which is classified as a Tier Two settlement area due to its size and access to partial municipal servicing. Lot creation is permitted under Section E1.2.3 New Lots By Consent and subject to the criteria of subsection E1.2.3.1. items a) through m). Each of the criteria have been considered in the context of the requested lot creation and will be in conformity with the CEOP.

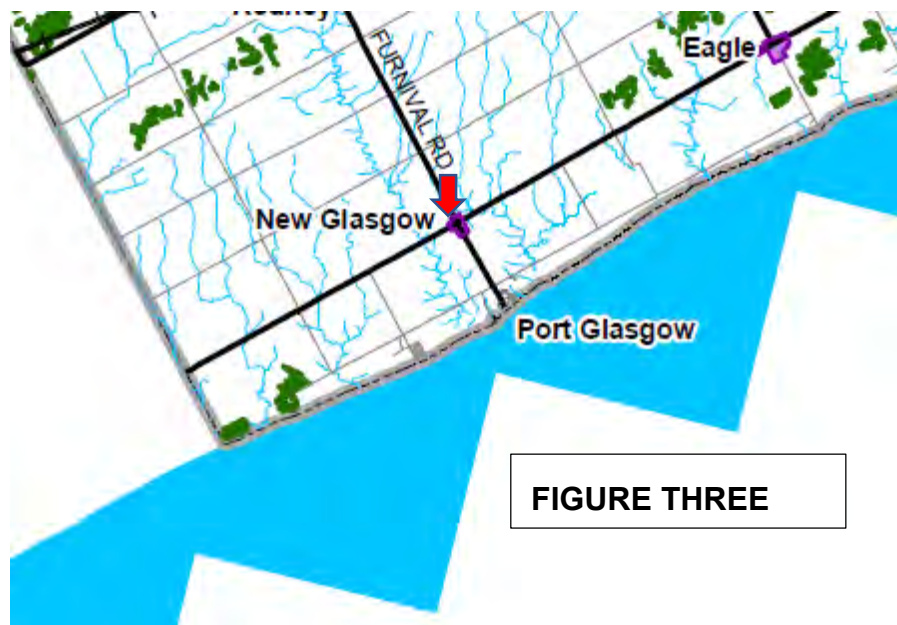


FIGURE THREE

OP:

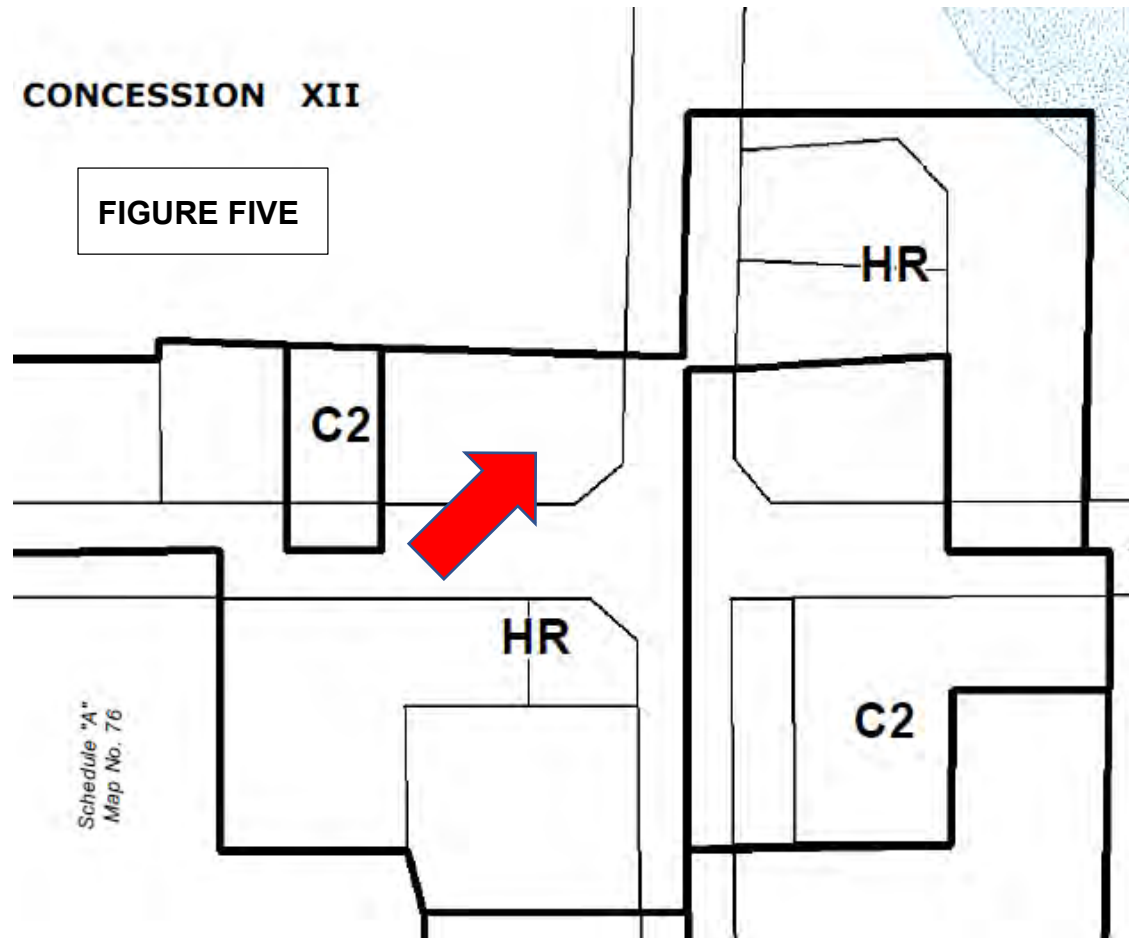
The subject property is designated as Hamlet on the Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Four, in orange.



The Hamlet designation primary use is residential. The subject property has access to municipal water supply. Sanitary services are via private on-site septic systems consistent with the balance of the New Glasgow area. Lot creation is subject to Section 10.4.1 of the OP which allows for severance (consent) applications. The proposed severance application meets the policy of Section 10.4.1.

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

The subject lands are zoned Hamlet Residential (HR) Zone. (See Figure Five) The proposed severed parcel and retained lands will continue to meet the minimum lot area and lot frontage requirements. Therefore, the proposal complies with the ZBL.



Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The creation of the new lot will result in an increase in assessment and opportunity for the construction of a new dwelling on the vacant parcel. With The creation of a new lot will also be subject to the collection of the cash-in-lieu of parkland fee.

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 parcel (Parcel B). An access permit will also be required from the County of Elgin to formally establish separate access to Parcel B from Furnival or Talbot Line.

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, subject to the recommended minor variance; 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,

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

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

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Severance Application E91-22 - Comments to Elgin County - 2023-07-Planning - 2023-07-Planning.docx |
| Attachments: | - Planning Report 2023-07- Appendix One - R Plan E91-22.pdf - Planning Report 2023-07- Appendix Two - West Elgin Conditions E91-22.pdf |
| Final Approval Date: | Feb 1, 2023 |

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

Jana Nethercott

NOTES & LEGEND

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CB DENOTES CATCH BASIN
- WIT DENOTES WITNESS
- AGM DENOTES ARCHIBALD, GRAY & McKAY LTD., O.L.S.'s
- BLH DENOTES BELL, LEMON AND HOUGHTON O.L.S.'s
- 1130 DENOTES J. G. RUPERT O.L.S.
- P1 DENOTES PLAN BY J. G. RUPERT DATED NOV. 10, 1989 (FILE: 89-1382-D-3-A)
- P2 DENOTES PLAN BY J. G. RUPERT DATED MARCH 5, 1970
- P3 DENOTES PLAN 11R-7589
- P4 DENOTES EXPROPRIATION PLAN D-240 (MTO PLAN P-1539-8)
- P5 DENOTES EXPROPRIATION PLAN D-1241
- P6 DENOTES EXPROPRIATION PLAN D-72
- MTO DENOTES MINISTRY OF TRANSPORTATION (ONTARIO)
- HP DENOTES HYDRO POLE
- GM DENOTES GAS METER
- WIT DENOTES WITNESS

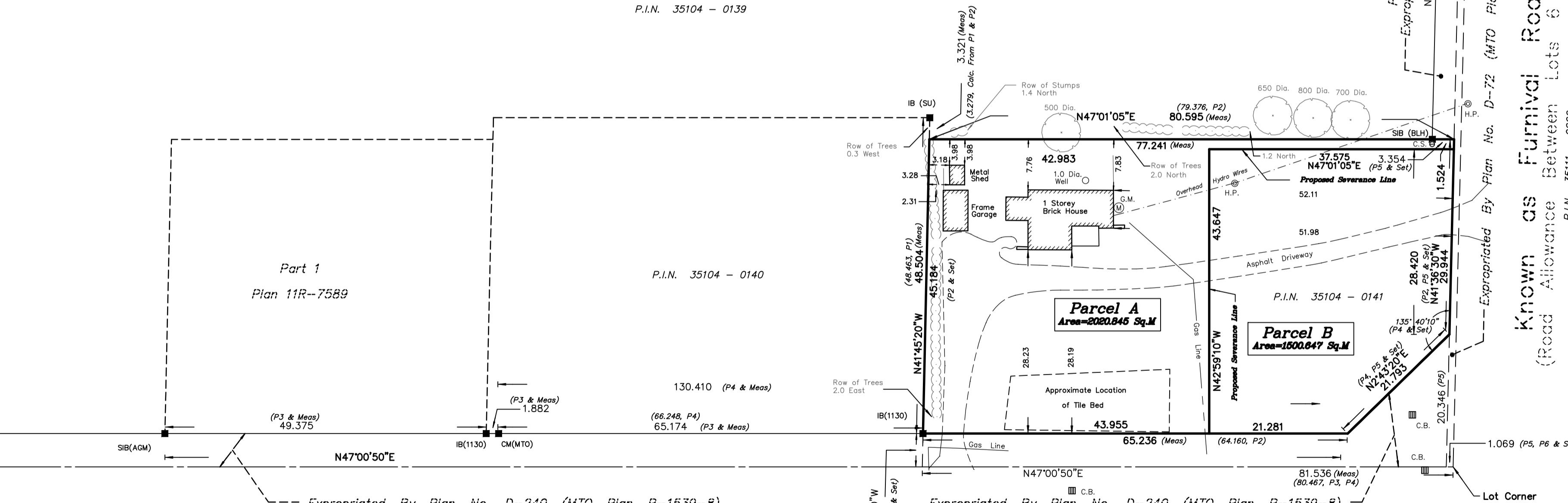
Municipality of West Elgin

Lot

Concession

(Geographic Township of Aldborough)

P.I.N. 35104 - 0139



Known as Taibot Line

County Road No. 3

Transferred to The County of Elgin By Order in Council OC-1975/99, Dated November 17, 1999, Instrument No. 399061 (MTO Plan P-1539-34)

| PART SCHEDULE | | | |
|---------------|-----------|------------|--------------------|
| PART | LOT | CONCESSION | P.I.N. |
| 1 | PART OF 6 | 12 | PART OF 35104-0141 |
| 2 | | | PART OF 35104-0141 |

PARTS 1 & 2 COMPRISE ALL OF PIN 35104-0141

PLAN OF SURVEY
OF PART OF
LOT 6
CONCESSION 12
(GEOGRAPHIC TOWNSHIP ALDBOROUGH)
IN THE
MUNICIPALITY OF WEST ELGIN

COUNTY OF ELGIN
SCALE 1:500
10 8 6 4 2 0 10 20 30
SCALE IN METRES
2022
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

THE INTENDED PLOT SIZE OF THIS PLAN IS 762mm IN WIDTH BY 355mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE REGISTRY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON THE 28th DAY OF JUNE, 2022.

DATE _____ THOMAS J. STIRLING
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER XXXX
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

AGM ARCHIBALD, GRAY & McKAY LTD.
3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PHONE 519-685-5300 FAX 519-685-5303
EMAIL info@agm.on.ca WEB www.agm.on.ca
PLAN • SURVEY • ENGINEER

| | | |
|--------------------------|-------------------------------|------------|
| DRAWN BY: JGH | DIGITAL FILE: AL2203RP2MS.DWG | PLAN No: |
| CHECKED BY: TJS | | 3-Z-8542-A |
| Plot date: July 19, 2022 | FILE No: AL-12-06-1 | |

Planning Report 2023-07: Appendix Two

Consent Application E91-22 – West Elgin Conditions

Consent Application E91-22 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 install a new municipal water connection to the severed parcel at the applicant's expense and 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*.



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

February 10, 2023

At the Regular Meeting of Council on February 9, 2023 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2023- 55

Moved: Deputy Mayor Leatham

Seconded: Councillor Denning

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E91-22 – comments to the County of Elgin (Planning Report 2023-07);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E91-22, 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.

Carried

A handwritten signature in blue ink, appearing to read "Jana Nethercott".

Jana Nethercott
Clerk

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 91-22)**
22300 Talbot Line (Mohan)
Lot 6; 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 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

A handwritten signature in blue ink, appearing to read "C. Wilson".

Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 16, 2023 ELGIN COUNTY ROAD NO.: 22300 Talbot Line CR3

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 91-22

APPLICANT: Peter Mohan

PROPERTY: LOT NO. _____ CONCESSION: _____

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 18m from the centreline of construction of Road 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) No additional or expansion of existing property entrance apron will be permitted within the County road allowance.

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: February 22, 2023
Application: E 91-22

Owner:

Peter Mohan

22300 Talbot Line, Rodney, ON N0L 2C0

Location: Part of Lot 6, Concession 12. Municipally known as 22300 Talbot Line, Municipality of West Elgin.

Agent:

None.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 37.575 metres (123.28 feet) and a depth of 43.647 metres (143.20 feet) and an area of 1,500.647m² (0.37 acres) to create a new residential dwelling. The applicant is retaining a lot with a frontage of 43.955 metres (144.21 feet) and a depth of 45.184 metres (148.24 feet) and an area of 2020.845m² (0.50 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Hamlet

**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 objections, recommends conditions.

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 an existing residential parcel to create a new residential lot for future development. The subject land is located within a settlement area, lot creation in settlement areas is permitted by the PPS, including Section 1.1.3.2:

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

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

Furthermore, the PPS encourages intensification within existing built-up areas where services exist. The PPS defines intensification as: the development of a property, site or area at a higher density than currently exists through...infill development. The existing property has access to municipal water services and the applicant is proposing to install a new septic system.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 2 Settlement Area in the CEOP. Tier 2 Settlement Areas are those which are smaller in population than Tier 1 and have access to partial municipal services. New development and lot creation as well as a variety of land uses, including residential, are permitted in Tier 2 Settlement Areas. The CEOP contains a series of general criteria for reviewing consent applications in Section E1.2.3.1, staff have reviewed this application against those criteria and found no deficiencies.

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 as Hamlet within the West Official Plan, a designation which is primarily residential and does permit lot creation. West Elgin's staff have reviewed the application for zoning compliance and found the proposed severed parcel meets the minimum lot frontage and area requirements of 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 West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
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. No additional or expansion of existing property entrance apron will be permitted within the County road allowance.

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 install a new municipal water connection to the severed parcel at the applicant's expense and 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 94-22**

**LOT 31, CONCESSION 5
TOWNSHIP OF MALAHIDE
MUNICIPALLY KNOWN AS 8150 CARTER ROAD**

TAKE NOTICE that an application has been made by Simona Rasanu (SBM Ltd.) 301-1599 Adelaide Street North, London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8150 Carter Road, Township of Malahide.

The applicant proposes to sever a parcel with a frontage of 544.3 metres (1,785.76 feet) and a depth of 413 metres (1,355 feet) and an area of 22.4 hectares (55.35 acres) to create a new agricultural lot. The applicant is retaining a lot with a frontage of 580.8 metres (1,905.51 feet) and a depth of 413 metres (1,355 feet) and an area 22.4 hectares (55.35 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 FEBRUARY 22ND AT 12:50 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

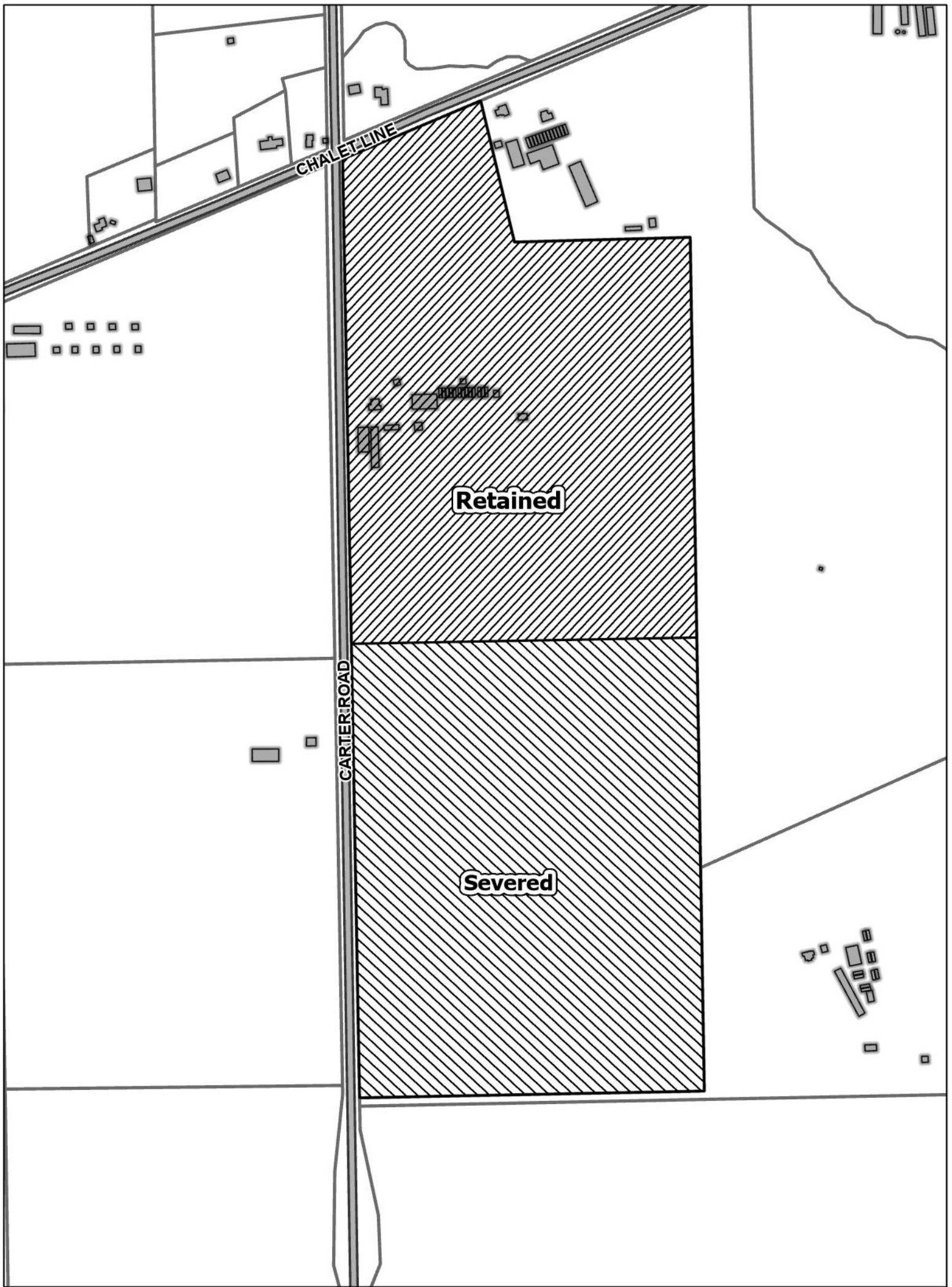
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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





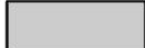


Location Map

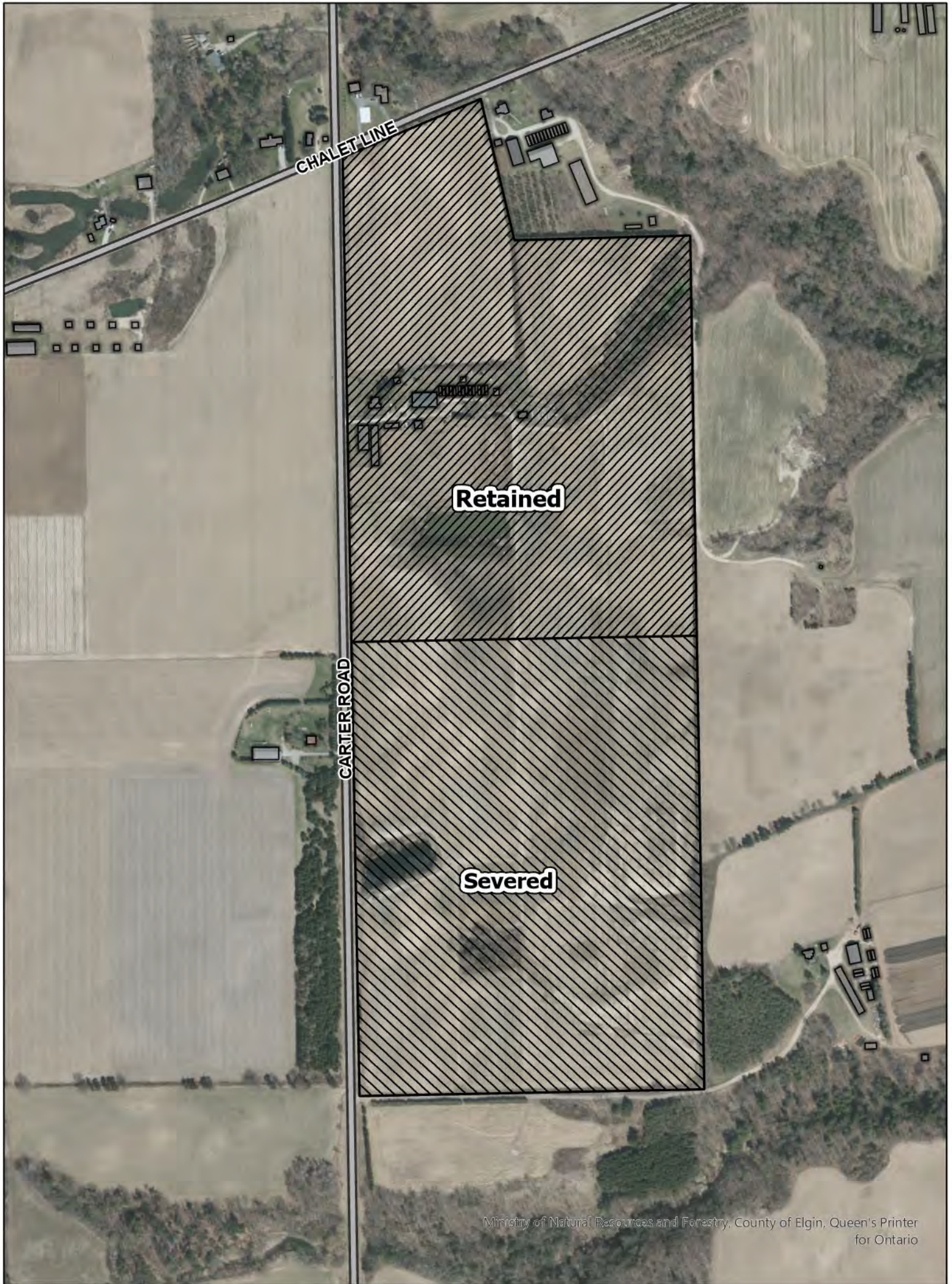
Subject Site: 8150 Carter Road
 File Number: E 94-22
 Owner: Nathan Miller, Elmer Miller & David Gascho
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 10/28/2022
 Township of Malahide



Legend

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







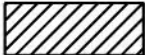

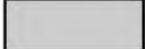
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

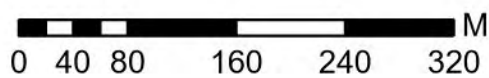
Location Map

Subject Site: 8150 Carter Road
 File Number: E 94-22
 Owner: Nathan Miller, Elmer Miller & David Gascho
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 10/28/2022
 Township of Malahide



Legend

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





December 2, 2022

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

Dear Committee Members:

RE: Land Severance Application E94-22 - Nathan Miller (Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)) - 8150 Carter Road, Concession 5 North, Part Lot 31

The Malahide Township Council passed the following Resolutions on :

THAT the Malahide Township Council has no objection to the Land Severance No. E94-22 in the name of Nathan Miller, relating to the property located Concession 5 North, Part Lot 31, Township of Malahide, subject to the following conditions:

1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance 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 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. 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-22-56 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

ALLISON ADAMS, – H.BA Political Science, AMP

Manager of Legislative Services/Clerk

Copy - Rosemary Kennedy

Nathan Miller

Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)



Report to Council

REPORT NO.: DS-22-56

DATE: December 1, 2022 (Report submitted November 24, 2022)

ATTACHMENT: Application, Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER OF NATHAN MILLER (AUTHORIZED AGENT: SIMONA RASANU (C/O STRIK, BALDINELLI, MONIZ LTD.) APPLICATION E-94-22**

LOCATION: Concession 5 North, Part Lot 31, (8150 Carter Road)

Recommendation:

THAT Report No. DS-22-56 entitled “Application for Consent to Sever of Nathan Miller” be received;

AND THAT the Application for Consent to Sever of Nathan Miller (E-94-22), relating to the property located in CON 5 N PT LOT 31 (Geographic Township of Malahide) be supported for the reasons set out in this Report;

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

Background:

The subject Consent Application has been submitted by SBM Limited on behalf of Nathan Miller, to sever an agricultural property into two separate farm parcels. A concurrent Zoning By-law Amendment has been submitted to rezone the property to address the lot area of the proposed severed and retained parcels.

The Application relates to the property located at CON 5 N PT LOT 31 and known municipally as 8150 Carter Road.

Comments/Analysis:

The subject property is approximately 44.8 hectares in area, has approximately 1,125 metres of frontage on Carter Road, has approximately 179 metres of frontage on Chalet Line, and has a depth of approximately 413 metres. The subject lands currently contain

a single detached dwelling, seasonal farm dwelling, barn, greenhouses, and several accessory structures. The subject lands are bounded by Carter Road to the west, Chalet Line and agricultural land to the north, and agricultural land to the east and south.

The proposed severed parcel comprises an area of approximately 22.4 hectare, with a depth of approximately 413 metres, and approximately 544 metres of frontage on Carter Road. The severed parcel would not contain any buildings and no new buildings are currently proposed.

The proposed retained parcel comprises an area of approximately 22.4 hectares, with a depth of approximately 580 metres, and approximately 179 metres of frontage on Chalet Line. The retained parcel would contain the existing buildings and structures on the property.

Based on the information provided, the subject property is owned by three separate individuals. The owners are proposing to sever the property into two separate parcels for the purposes of succession planning so that two of the existing co-owners would own one parcel, and the third co-owner would be the sole owner of the second parcel. Both properties are proposed to continue to be used for agricultural purposes.

Provincial Policy Statement

The PPS permits the creation of new lots for agricultural uses, provided the lots are of a size that is appropriate for the type of agricultural uses common in the area and are of a suitable size to ensure flexibility of agricultural operations. The proposed lots would be of a size that is consistent with several other farm parcels in the area and would meet the minimum lot and frontage requirements of the A1 zone. Both the severed and retained lot would continue to be used for agricultural purposes, specifically the growing of vegetables.

County of Elgin Official Plan

The subject lands are designated as 'Agriculture' under the County of Elgin Official Plan. This designation permits a range of agricultural and agricultural related uses. The proposed severed and retained parcels are proposed to continue to be used for the production of agricultural products, primarily fruits and vegetables.

The County Official Plan permits the creation of new agricultural lots provided the proposed severed and retained lots each have a lot area of generally 40 hectares or meet the lot area requirements of the local Official Plan (Section E1.2.3.4). The Malahide Official Plan contains separate requirements for agricultural lot sizes and is discussed further in this report, below.

Consents must also meet other criteria, including the severed and retained lots have frontage on a public road, will not create a traffic hazard, has adequate size and frontage for the proposed use, can be serviced appropriately, and will not have an impact on drainage (Section E1.2.3). The severed and retained lots would have frontage on a public road and are not anticipated to cause a traffic hazard. The proposed severed and retained parcels would meet the minimum lot area and frontage

requirements of the A1 zone, subject to the concurrent Zoning By-law Amendment being approved.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses, including the growing of crops, vegetables, and fruit. The Official Plan does not contain minimum lot area requirements for agricultural lots, but directs that these requirements will be stipulated in the Zoning By-law (Section 2.1.6). The Official Plan allows for agricultural lots to be created that deviate from the minimum lot size prescribed in the Zoning By-law provided both the severed and retained lots shall be for agricultural uses; the lots are of a size appropriate for the type of agricultural uses common in the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units (Section 2.1.6).

The size of the proposed severed and retained lots would be consistent with other parcels zoned A1 in the surrounding area and would be of a size that would be able to accommodate the proposed agricultural uses including the growing of vegetables and fruit. There are no livestock facilities that have been identified in close proximity to the subject property and the application would comply with Minimum Distance Separation requirements.

Malahide Zoning By-law No. 18-22

The subject property is zoned 'Large Lot Agricultural (A3)' on Schedule 'A', Map No. 61 to the Township of Malahide Zoning By-law No. 18-22. A concurrent Zoning By-law Amendment has been submitted and proposes to rezone the severed and retained parcel to 'General Agriculture (A1)' to allow for parcels to be created that have a minimum lot area of 20 hectares, where the A3 zone requires a minimum lot area of 40 hectares but otherwise the A1 and A3 zone have identical zoning standards. The severed and retained parcels would comply with the other requirements of the A1 zone.

General Comments

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

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

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our 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, Consulting Planner for the Township | Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants |

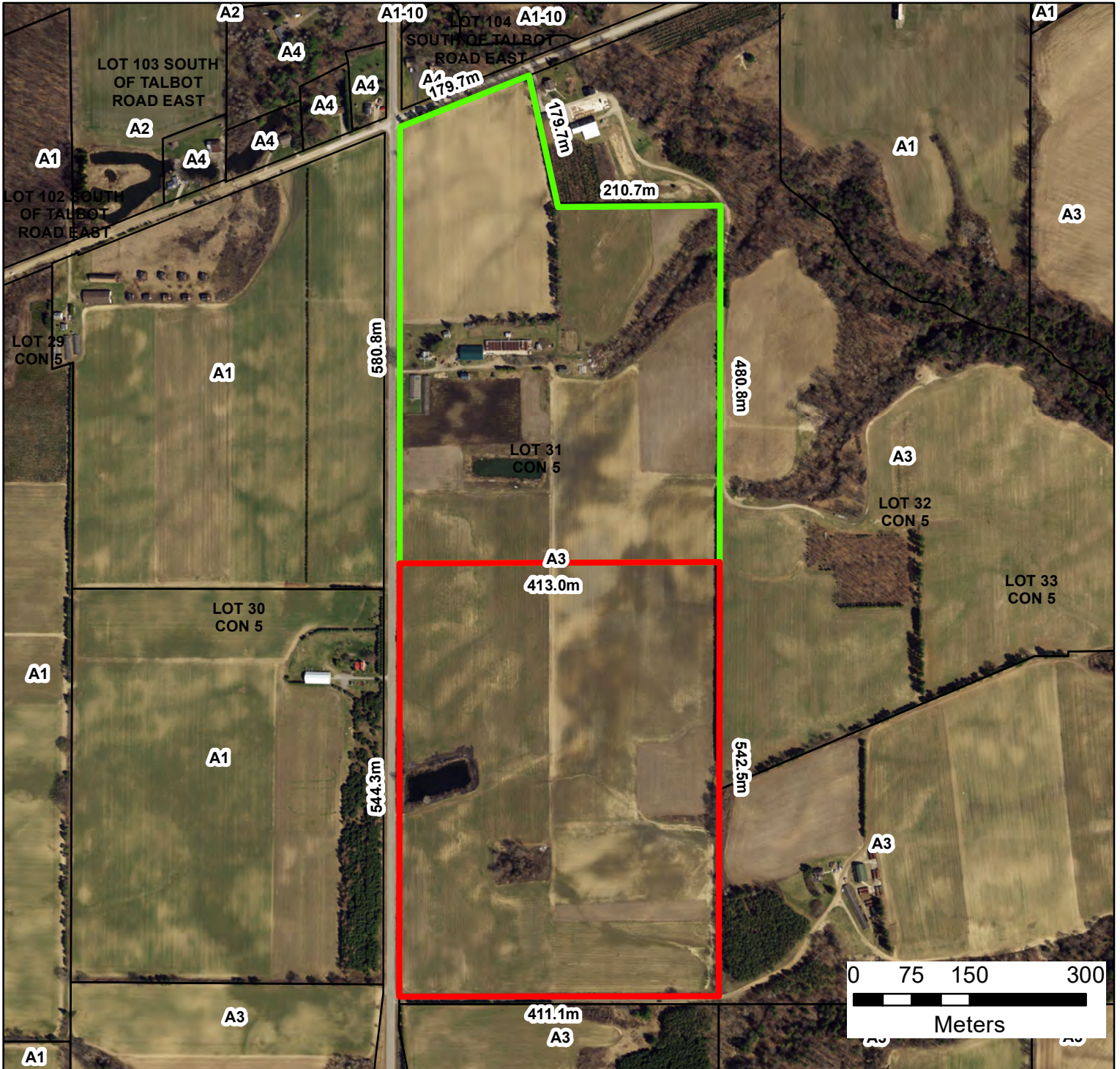
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| Approved by: |
| Adam Betteridge, Chief Administrative Officer |

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

Owners: Nathan Miller, Elmer Miller, David Gascho
Agent: Simona Rasanu, c/o Strik Baldinelli Moniz Ltd.
Applicant: Nathan Miller

8150 Carter Road
 Concession 5, Part Lot 31, 11R-6643
 Township of Malahide

**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agricultural

ZONING
 Large Lot Agricultural (A3) Zone



Lands to be severed and rezoned General Agricultural (A1)



Lands to be retained and rezoned General Agricultural (A1)



MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission

Applicant Nathan Miller (Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.))

Location 8150 Carter Road (Concession 5 North, Part Lot 31)

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) and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

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

PART 2 - ZONING

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

Comments: The severed and retained parcels will be placed into the 'General Agriculture (A1)' Zone to allow for parcels to be created that have a minimum lot area of 20 hectares, where the A3 zone requires a minimum lot area of 40 hectares but otherwise the A1 and A3 zone have identical zoning standards. The severed and retained parcels would comply with the other requirements of the A1 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?
-
-



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: February 22, 2023
Application: E 94-22

Owner:
Nathan Miller, Elmer Miller & David Gascho
8150 Carter Road, Malahide, ON N5H 2E1

Agent:
Simona Rasanu (SBM Ltd.)
301-1599 Adelaide Ave. N., London, ON
N5X 4E8

Location: Lot 31, Concession 5. Municipally known as 8150 Carter Road, Township of Malahide.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 544.3 metres (1,785.76 feet) and a depth of 413 metres (1,355 feet) and an area of 22.4 hectares (55.35 acres) to create a new agricultural lot. The applicant is retaining a lot with a frontage of 580.8 metres (1,905.51 feet) and a depth of 413 metres (1,355 feet) and an area 22.4 hectares (55.35 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Large Lot Agriculture (A3)

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). 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 agricultural lot to create a total of two (2) agricultural parcels. Section 2.3.4 of the PPS generally discourages lot creation in the agricultural area except in a few circumstances, one of those being for agricultural lot creation.

2.3.4.1 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 of size of agricultural operations.

The PPS does not prescribe a minimum lot size for agricultural lot creation, instead Official Plan policies and consideration of the types of agricultural uses common in the area should be considered.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area. Section E1.2.3.4 of the CEOP prescribes policies on lot creation within the agricultural area and states the following with respect of the creation of new Agricultural parcels:

New lots may be permitted if the local Official Plan supports their creation and 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.

Generally, the CEOP requires a minimum of 40 hectares, however, smaller lot sizes are permissible where supported by the local Official Plan.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Township of Malahide's staff have reviewed this application and feel that the proposed lot sizes are consistent with those that exist in the area presently and conforms to the local OP. The applicants have applied for a concurrent zoning by-law amendment as the Large Lot Agricultural (A3) zone requires a minimum lot size of 40 hectares.

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 all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance 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 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. 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 96-22**

**LOT 1, CONCESSION 2
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPALLY KNOWN AS 255 HILL STREET**

TAKE NOTICE that an application has been made by Connie Blyde, 255 Hill Street, Port Stanley ON N5L 1H5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 255 Hill Street, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 15.24 metres (50 feet) and a depth of 32.31 metres (106 feet) and an area of 492.4m² (0.12 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 32.31 metres (50 feet) and a depth of 47.55 metres (156 feet) and an area of 1,536.34m² (0.38 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 FEBRUARY 22ND AT 1:00 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








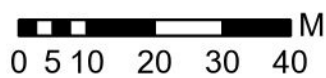
Location Map

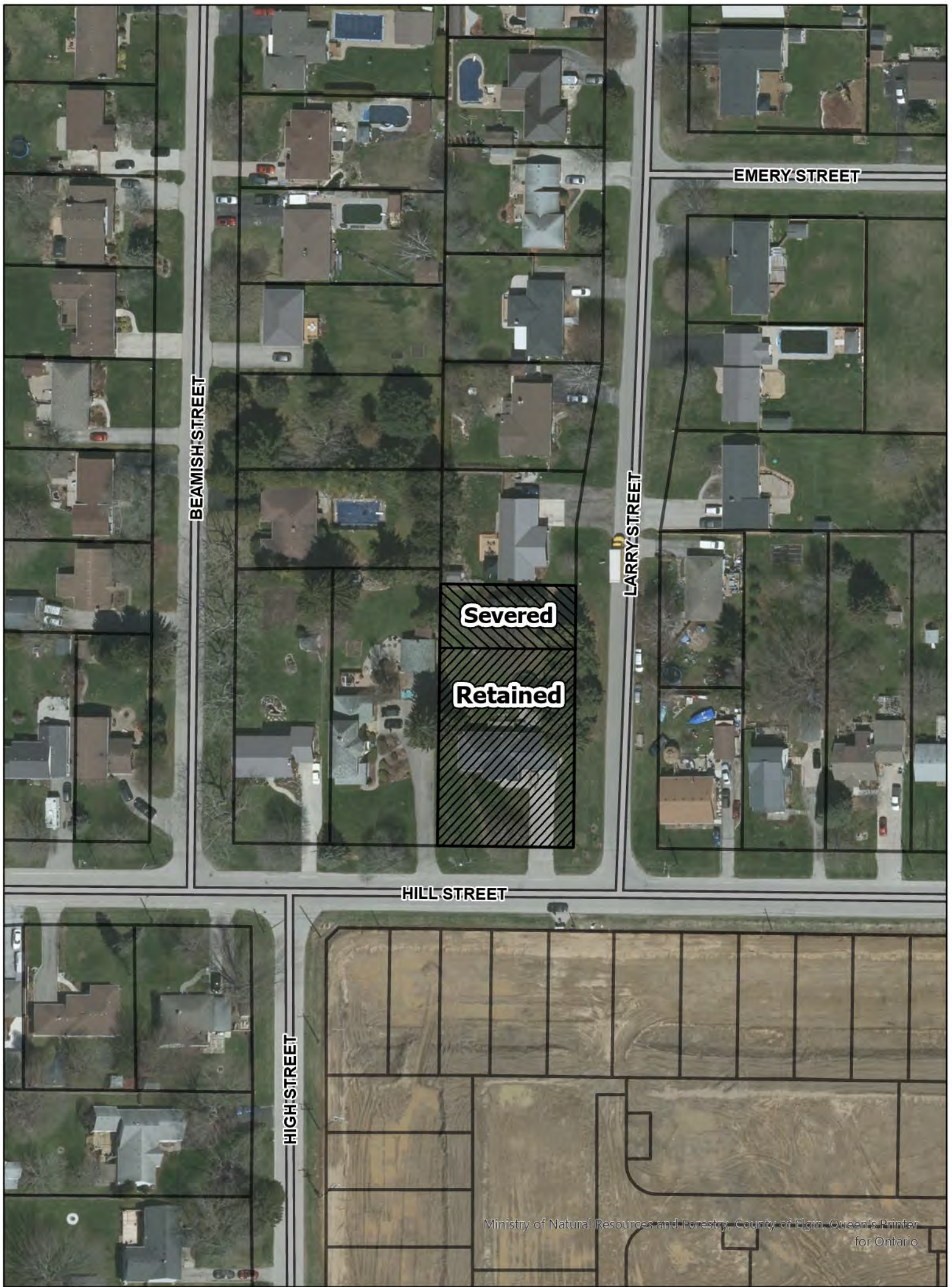
Subject Site: 255 Hill Street
 File Number: E 96-22
 Owner: Connie Anne Blyde
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/23/2022
 Municipality of Central Elgin



Legend

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









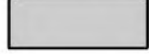
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

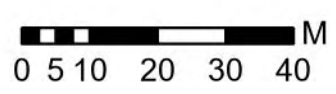
Location Map

Subject Site: 255 Hill Street
 File Number: E 96-22
 Owner: Connie Anne Blyde
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/23/2022
 Municipality of Central Elgin



Legend

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





December 16, 2022

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: Consent Application E96/22
Connie Anne Blyde, 255 Hill Street

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, December 12, 2022 and the following resolution was passed:

THAT Report CEP 55.22 re Consent Application, 255 Hill Street, Connie Anne Blyde be received as information;

AND THAT Council has no objections to Consent Application E96/22 subject to the following recommended conditions:

1. Confirmation that municipal services for both the severed and retained lots have been completed to the satisfaction of the Director of Asset Management / Development Services;
2. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official;
3. 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;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
5. A drainage reassessment be done, if necessary, at the owner's expense and
6. 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

519-631-4860 ext. 286

Attach.

c.c. Connie Anne Blyde, Owner
M. Brightling, Agent for the Applicant
S. Craig, CEPO, Sr. Planning Technician



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.55.22
CEPO FILE NO. E96/22
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application -
Applicant - Connie Anne Blyde
DATE December 12, 2022

RECOMMENDATION

THAT Report CEP.55.22 be received for information;

AND THAT Should Council pass a resolution in support of consent application E96/22 to the Land Division Committee, staff recommends the following conditions

1. Confirmation that municipal services for both the severed and retained lots have been completed to the satisfaction of the Director of Asset Management / Development Services;
2. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official;
3. 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;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. a copy of the reference plan be provided to the Municipality of Central Elgin.

REPORT

Background: Consent application E96/22 has been filed for the purpose of creating one residential building lot, the application is a resubmission from 2021, which was approved by the Elgin County Land Division Committee, however the conditions were not completed, and the provisional consent lapsed.

Location:

The subject lands are located on the northwest corner of Hill Street and Larry Street, the lands are described as, Concession 2, Part Lot 1, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever one lot with frontage of 15.24m on Larry Street, a depth of 32.31m and an area of 492.4m², containing one shed. The severed lot will be used for one new residential building lot. The applicant is proposing to retain a lot with frontage of 32.31m on Hill Street, a depth of 47.55m and an area of 1,536.34m², containing one house. The retained lot will continue to be used for residential purposes.

Location Plan:**1. Official Plan**

- The subject lands are located within the “Urban Settlement Area” designation in accordance with Schedule “A” - Land Use Plan, and further designated “Residential” in accordance with Schedule “G” - Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The “Residential” designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure” (4.2).
- Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached dwellings (4.2.1(a)).

2. Zoning By-Law

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

3. County of Elgin Official Plan:

- The subject lands are designated as “Settlement Area” within the County of Elgin Official Plan. The Village of Port Stanley is categorized as a Tier 1 Settlement Area and is intended to be one of the settlements where new growth is to occur.

- Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space (B1).
- In residential area it is the objective of the Plan to promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate (C1.1.1 c)).

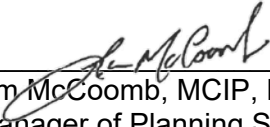
3. Comments:

- The existing shed on the severed lot will need to be removed or relocated in accordance with Subsection 7.2.4.6, which provides that no accessory building (shed) shall be erected on a lot prior to the erection of a main building on the lot.
- The Director of Asset Management / Development Services for the Municipality of Central Elgin confirmed that the severed and retained lots will be required to connect to full municipal services (sanitary and water), all costs shall be at the expense of the proponent.

Respectfully submitted:




Steve Craig
Sr. Planning Technician



Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Paul Shipway
CAO/Clerk



Lloyd Perrin
Director of Asset Management and Development

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: February 3, 2023 3:00 PM
To: Paul Clarke
Subject: RE: KCCA Consent Application Notice - Feb 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.

Hi Paul

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

We offer the following comments:

- **E47-22_37437 Lake Line** – Based on prior pre-consultation and review of technical submissions, KCCA staff are satisfied that the vacant retained parcel can support development in consideration of the Geotechnical Slope Assessment Report prepared by MTE, dated July 3, 2020. A KCCA permit will be required prior to any development upon the retained vacant parcel.
- **E53 to E56-22_10518 Ford Road** – the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E93-22_42496 Water Tower Line** – the severed parcel is not affected by regulations under the Conservation Authorities Act.
- **E96-22_255 Hill Street** - the subject lands are not affected by regulations under the Conservation Authorities Act.
- **E105-22_236 Colonel Bostwick Street** – Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the subject lands including the tablelands of the retained vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant retained parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the retained vacant parcel.
- **E107-22_300 Colborne St** - Based on pre-consultation and review of technical submissions, KCCA staff are satisfied that the existing grade elevations of the tablelands of the severed vacant parcel are above the updated regulatory flood elevation for Kettle Creek. Therefore, any development proposed upon the vacant severed parcel will not be susceptible to flooding hazards. A KCCA permit is required prior to any development upon the severed vacant parcel.

Thank you for the opportunity to comment. Please contact the undersigned if you have any questions.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority



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: February 22, 2023
Application: **E 96-22**

Owner:
Connie Anne Blyde
255 Hill Street, Port Stanley, ON N5L 1H5

Agent:
Michael Brightling
4 Elgin Street, St. Thomas, ON N5R
3L6

Location: Lot 1, Concession 2. Municipally known as 255 Hill Street, Municipality of Central Elgin.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 15.24 metres (50 feet) and a depth of 32.31 metres (106 feet) and an area of 492.4m² (0.12 acres) for the creation of a new residential lot. The applicant is retaining a lot with a frontage of 32.31 metres (50 feet) and a depth of 47.55 metres (156 feet) and an area of 1,536.34m² (0.38 acres), proposed to remain in residential use.

This application is a resubmission of a previously approved severance which lapsed in 2022.

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

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

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 an existing residential parcel to create a new residential lot. This application is a resubmission of a previous application that lapsed. The subject land is located within the Port Stanley settlement area. Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development, furthermore, land use patterns within these areas shall be based on densities and a mix of land uses which:

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

Land use patterns within settlement areas shall also make use of existing land for new development through the use of intensification and redevelopment, where possible. The PPS defines intensification as the development of a property, site or area at a higher density than currently exists through the development of vacant and/or underutilized areas and infill development. The proposed severance constitutes a form of intensification 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 (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the highest tier settlement areas in the County and have access to full municipal services. As a result of their population density and potential variety in land uses, the CEOP directs that the majority of new growth be in Tier 1 settlement areas. Lot creation for new residential development is permitted in Tier 1 Settlement areas, subject to the general criteria contained within Section E1.2.3.1. Staff have reviewed this application against those criteria and have found no deficiencies. This application is deemed to conform to 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 as Residential in the Central Elgin OP, which permits a variety of housing types and densities. The land is currently zoned Residential Zone 1 (R1) and local staff have reviewed the application for zoning compliance and found no deficiencies.

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. Confirmation that municipal services for both the severed and retained lots have been completed to the satisfaction of the Director of Asset Management / Development Services;
2. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official;
3. 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;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. 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 97-22**

**LOT 14 ON REGISTERED PLAN No. 20
TOWNSHIP OF SOUTHWOLD
MUNICIPALLY KNOWN AS 37474 LAKE LINE**

TAKE NOTICE that an application has been made by Harry Wismer, 37538 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37474 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 51.099 metres (167.65 feet) and a depth of 77.712 metres (254.96 feet) and an area of 2,345.6m² (0.58 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 81.458 metres (267.25 feet) and an area of 11 hectares (27.18 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 FEBRUARY 22ND AT 1:10 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 26th day of January, 2023.

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 98-22**

**LOT 14 ON REGISTERED PLAN No. 20
TOWNSHIP OF SOUTHWOLD
MUNICIPALLY KNOWN AS 37510 LAKE LINE**

TAKE NOTICE that an application has been made by Harry Wismer, 37538 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37510 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 25.050 metres (82.18 feet) and a depth of 98.328 metres (322.6 feet) and an area of 1,221.2m² (0.30 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 81.458 metres (267.25 feet) and an area of 11 hectares (27.18 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 FEBRUARY 22ND AT 1:10 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

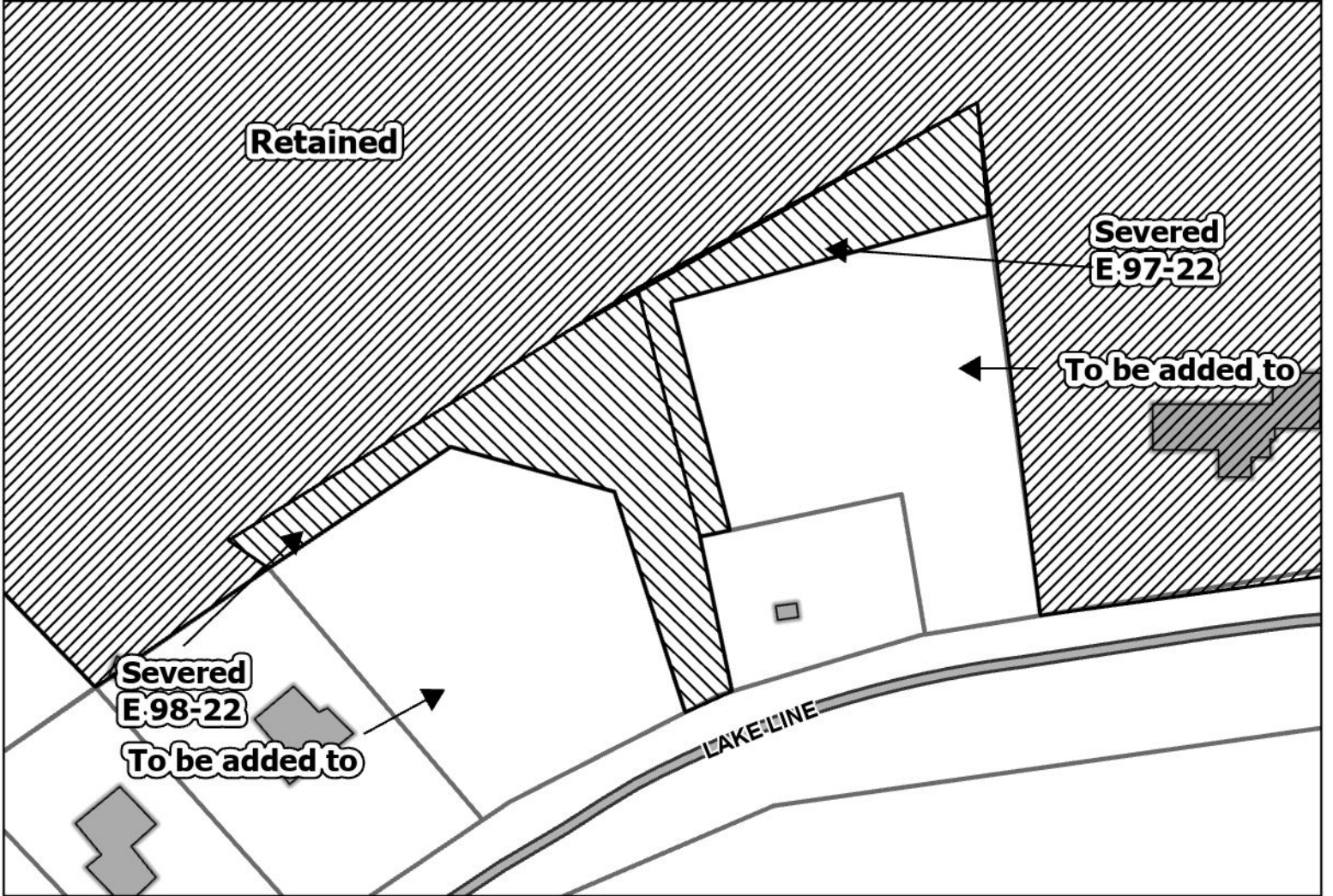
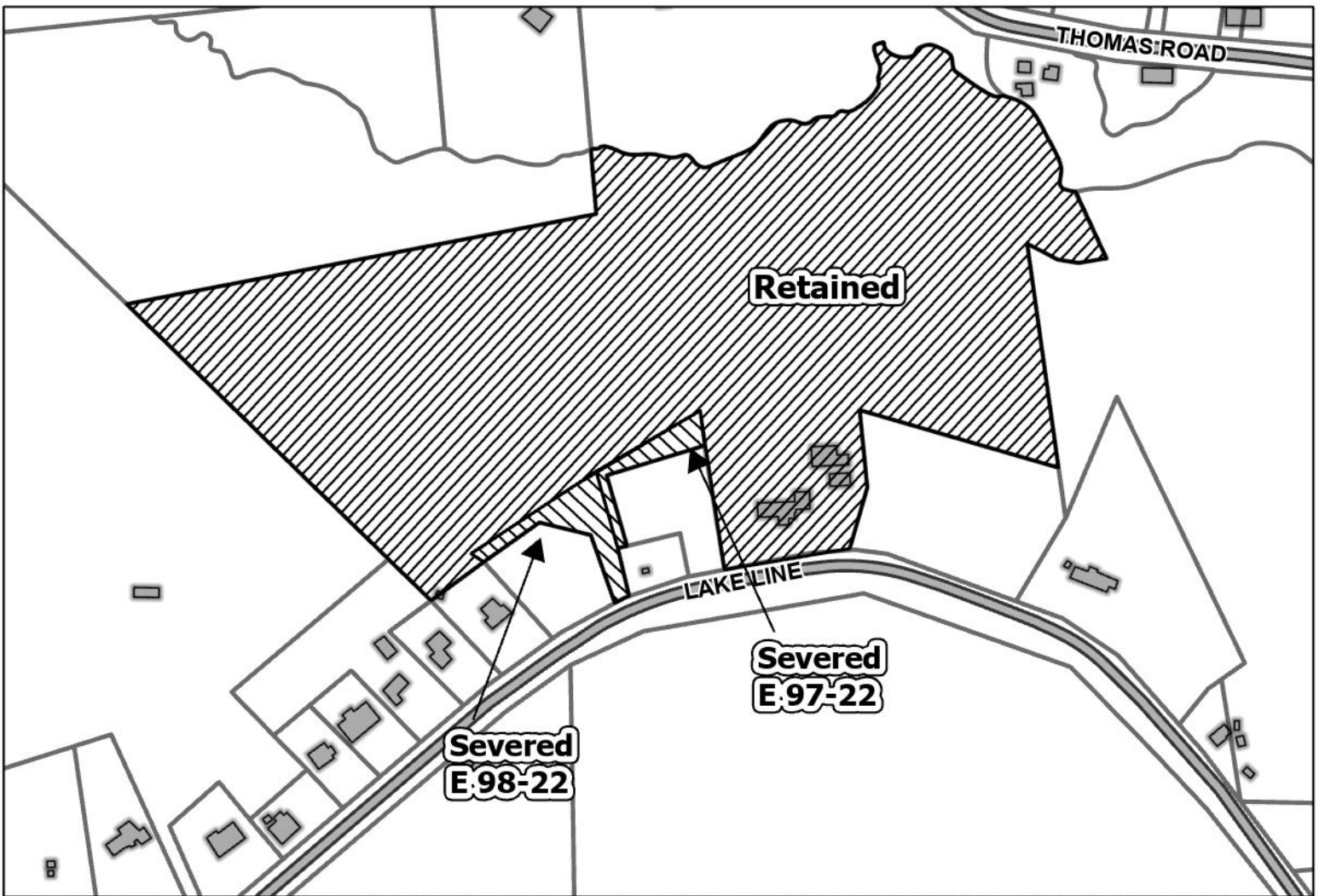
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Dated at the Municipality of Central Elgin this 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

**County of Elgin
Planning Department**
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St. Thomas, Ontario
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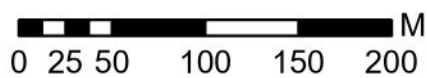
Location Map

Subject Site: 37538 Lake Line
 File Number: E 97-22 & E 98-22
 Owner: Harry Wismer
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/30/2022
 Township of Southwold



Legend

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





Location Map

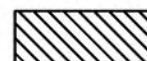
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 File Number: E 97-22 & E 98-22
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 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/30/2022
 Township of Southwold



Legend



Subject Site



Severed



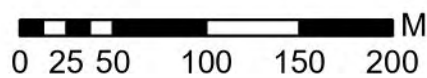
Retained



Elgin Road Network



Buildings





TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: December 12, 2022

PREPARED BY: Josh Mueller, MCIP, Planner

REPORT NO: PLA 2022-39

SUBJECT MATTER: Consent Applications E97-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent applications, E97-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-39;

Purpose:

The proposal is to sever a portion of land from a parcel and add it to the neighbouring lands, thus necessitating a lot line adjustment.

Background:

Below is background information in a summary chart:

| | |
|---|--|
| Application | E97-22 |
| Owners/Applicants | Harry Wismer/Jason Murray |
| Agent | N/A |
| Legal Description | RANGE 2 NLR PT LOT 14;RP11R6323 PART 2 |
| Civic Address | 37474 Lake Line |
| Entrance Access | Lake Line |
| Water Supply | Municipal Water (served/retained) |
| Sewage Supply | Privately owned and operated septic system |
| Existing Land Area (severed and retained combined) | 11.2345 Hectares (27.76 Acres) |
| Buildings and/or Structures | Severed Parcel – dwellings, shed |
| | Retained Parcel – 3 houses, barn, shed |

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

| Severed Parcel | | | Retained Parcel | | |
|-----------------------|-----------------------|-------------------------|------------------------|--------------|---------------------------|
| Frontage | Depth | Area | Frontage | Depth | Area |
| 51.09 m (176.6 ft) | 77.71m (254.95 ft) | 0.235Ha (0.58 acres) | 81.46 m (267.2 ft) | Irregular | 11.00 Ha (27.18 acres) |

The Public Meeting is scheduled for January, 2023 with the Elgin County Land Division Committee with the exact date not known at this time, because the Committee Meeting calendar isn't posted for 2023.

Figure One: Areas to be Severed and Added to

The consent sketch, showing E97-22 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

The subject lands are located in the North Port Stanley Settlement Area. Section 1.1.3 details the policies concerning development in Settlement Areas.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

This application is for a lot line adjustment. No new residential lot will be created, and the existing residential lot will undergo a boundary expansion. Lot line adjustments are permitted in Settlement Areas

Therefore, this proposal complies with the requirements with the PPS.

County of Elgin Official Plan (CEOP)

The parcel is designated Tier 2 Settlement Area on Schedule 'A' Land Use.

Section B1 defines Settlement Areas, and states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted.

Section B 2.5 explains the Hierarchy of Settlement Areas in Elgin County.

Section B 2.5 d. illustrates the policies for Tier 2 Settlement Areas:

Tier 2

The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual on-site sewage services or individual on-site water/municipal sewage services). The boundaries of these settlement areas are shown on Schedule A to this Plan and are listed in Table 3. Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

The proposed lot line adjustment will occur on lands in the Tier 2 Settlement area, and no new lot will be created.

Therefore, this proposal conforms to the CEOP.

Township of Southwold Official Plan (OP)

The parcel is designated Residential on Schedule '4D' of the OP. The lands are located in the North Port Stanley Settlement Area, and therefore the Settlement Area Policies apply to this proposal.

Section 5.2 contains the Settlement Area Policies. Residential uses are permitted in Settlement Areas. The proposal is a boundary adjustment to a residential lot in the Settlement Area. No new lot will be created.

Therefore, the proposed severance conforms to the OP.

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

Both the proposed retained and severed lands are zoned Residential 1 (R1) Zone on Map 10 of Zoning By-law #2011-14. The consent application is for a proposed lot line adjustment. Residential lot line adjustments are permitted in the R1 Zone. No new lot will be created.

Therefore, the proposal would comply with the Zoning By-law.

Circulation of the Application:

Township Department Comments

Comments received from the Township Departments are summarized below:

Infrastructure and Development Department

- Reapportionment of the Marr Drain

All other departments had no concerns.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval. The recommended Township conditions for consent applications E97-22 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.

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 E97-22
2. Appendix Two: Consent Application E97-22 Conditions

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: E97-22

Owner/Applicant: Harry Wismer.

Location: 37474 Lake Line.

OFFICIAL PLAN

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

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

Land Use Designation: Settlement Area

Policies: Section 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 (X) No ()

Comments: No Comments

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 2022-39

VIA EMAIL ONLY

December 13, 2022

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin County File Number: E97-22

Please be advised that the Township of Southwold has reviewed the above-noted application at the December 12, 2022, Council Meeting and passed the following resolution: 2022-344

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent application, E97-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-39.

CARRIED

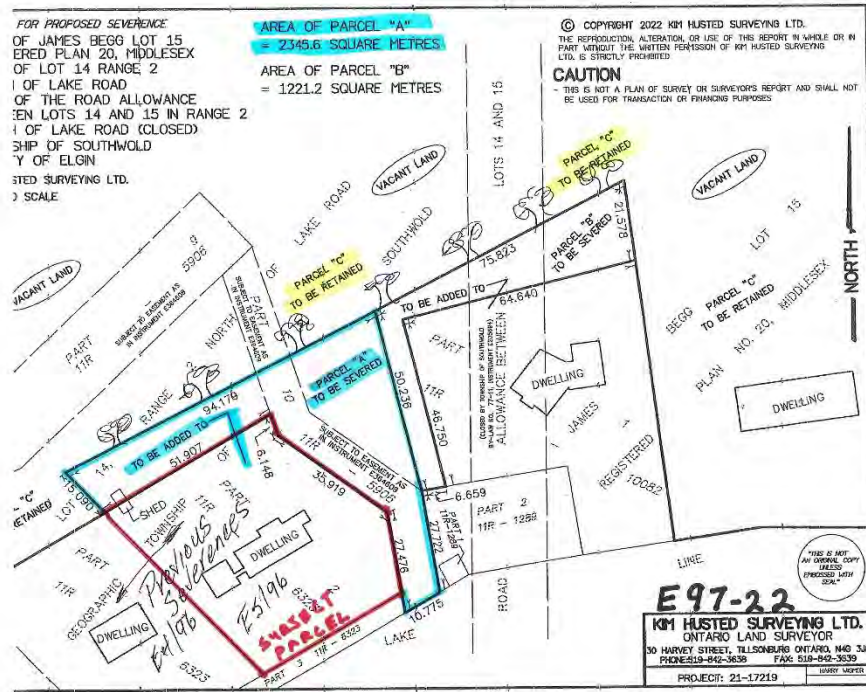
Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

Josh Mueller

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

PLA 2022-39 Report Appendix One: Severance Sketch



Appendix Two: Severance Application E97-22

Consent Applications E97-22 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 have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
6. 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.
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*.
9. That the severed parcels be merged on title to create one parcel.

MUNICIPAL APPRAISAL SHEET

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

Submission: E98-22

Owner/Applicant: Harry Wismer & Chris Wismer

Location: 37510 Lake Line,

OFFICIAL PLAN

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

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

Land Use Designation: Settlement Area

Policies: Section 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 (X) No ()

Comments: No Comments

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 2022-40

VIA EMAIL ONLY

December 13, 2022

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin County File Number: E98-22

Please be advised that the Township of Southwold has reviewed the above-noted application at the December 12, 2022, Council Meeting and passed the following resolution: 2022-345.

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent application, E98-22, subject to the Lower-Tier Municipal the conditions in Appendix Two of Report PLA 2022-40.

CARRIED

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, NOL 1K0
Office: 519-769-2010
Email: planning@southwold.ca

Appendix Two: Severance Application E98-22

Consent Applications E98-22 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 have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
6. 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.
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*.
9. That the severed parcels be merged on title to create one parcel.



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: December 12, 2022

PREPARED BY: Josh Mueller, MCIP, Planner

REPORT NO: PLA 2022-40

SUBJECT MATTER: Consent Applications E98-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent applications, E98-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-40;

Purpose:

The proposal is to sever a portion of land from a parcel and add it to the neighbouring lands, thus necessitating a lot line adjustment.

Background:

Below is background information in a summary chart:

| | |
|---|---|
| Application | E98-22 |
| Owners/Applicants | Harry Wismer/Chris Wismer |
| Agent | N/A |
| Legal Description | SOUTHWOLD RANGE 2 NLR PT LOT;14 PLAN 20 PT JAMES BEGG LOT;15 PT RD ALLOW RP 11R10082;PART 1 |
| Civic Address | 37510 Lake Line |
| Entrance Access | Lake Line |
| Water Supply | Municipal Water (served) and (retained) |
| Sewage Supply | Privately owned and operated septic system |
| Existing Land Area (severed and retained combined) | 11.2345 Hectares (27.76 Acres) |
| Buildings and/or Structures | Severed Parcel – none |
| | Retained Parcel – 3 houses, barn, shed |

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

| Severed Parcel | | | Retained Parcel | | |
|-----------------------|-----------------------|--------------------------|------------------------|--------------|---------------------------|
| Frontage | Depth | Area | Frontage | Depth | Area |
| 25.00 m (82.02 ft) | 98.32m (322.57 ft) | 0.122Ha (0.301 acres) | 81.46 m (267.2 ft) | Irregular | 11.00 Ha (27.18 acres) |

The Public Meeting is scheduled for January, 2023 with the Elgin County Land Division Committee with the exact date not known at this time, because the Committee Meeting calendar isn't posted for 2023.

Figure One: Areas to be Severed and Added to



The consent sketch, showing E98-22 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

The subject lands are located in the North Port Stanley Settlement Area. Section 1.1.3 details the policies concerning development in Settlement Areas.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

This application is for a lot line adjustment. No new residential lot will be created, and existing residential lot will undergo a boundary expansion. Lot line adjustments are permitted in Settlement Areas

Therefore, this proposal complies with the requirements with the PPS.

County of Elgin Official Plan (CEOP)

The parcel is designated Tier 2 Settlement Area on Schedule 'A' Land Use.

Section B1 defines Settlement Areas, and states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted.

Section B 2.5 explains the Hierarchy of Settlement Areas in Elgin County.

Section B 2.5 d. illustrates the policies for Tier 2 Settlement Areas:

Tier 2

The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual on-site sewage services or individual on-site water/municipal sewage services). The boundaries of these settlement areas are shown on Schedule A to this Plan and are listed in Table 3. Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

The proposed lot line adjustment will occur on lands in the Tier 2 Settlement area, and no new lot will be created.

Therefore, this proposal conforms to the CEOP.

Township of Southwold Official Plan (OP)

The parcel is designated Residential on Schedule '4D' of the OP. The lands are located in the North Port Stanley Settlement Area, and therefore the Settlement Area Policies apply to this proposal.

Section 5.2 contains the Settlement Area Policies. Residential uses are permitted in Settlement Areas. The proposal is a boundary adjustment to a residential lot in the Settlement Area. No new lot will be created.

Therefore, the proposed severance conforms to the OP.

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

Both the proposed retained and severed lands are zoned Residential 1 (R1) Zone on Map 10 of Zoning By-law #2011-14. The consent application is for a proposed lot line adjustment. Residential lot line adjustments are permitted in the R1 Zone. No new lot will be created.

Therefore, the proposal would comply with the Zoning By-law.

Circulation of the Application:

Township Department Comments

Comments received from the Township Departments are summarized below:

Infrastructure and Development Department

- Reapportionment of the Marr Drain

All other departments had no concerns.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval. The recommended Township conditions for consent applications E97-22 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.

**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 E98-22
2. Appendix Two: Consent Application E98-22 Conditions

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: January 31, 2023 3:39 PM
To: Paul Clarke
Subject: FW: Wismer Consent Application - Southwold

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

further to our telephone conversation, below is correspondence I provided to the agent that was developing the original consent application for the creation of 37510 Lake Line now affected by application E97/22.

I'll see if I can find the original consent application and KCCA comments as further background before submitting KCCA comments on consent application E97-22 and E98/22.

But as discussed on the phone, KCCA may not be able to support the current applications as proposed as they may be inconsistent with natural hazard policies of the PPS and local natural hazard policies.

Thank you,

Joe Gordon

Manager of Planning and Development
Kettle Creek Conservation Authority

From: Joe Gordon <Joe Gordon>
Sent: April 21, 2016 4:07 PM
To: phunter@eastlink.ca
Subject: Wismer Consent Application - Southwold

Pud,

Further to our onsite meeting of April 30, 2016, this email will confirm the comments of KCCA regarding proposed development at 37538 Lake Line, Township of Southwold.

It is our understanding that you have been retained by the owner to undertake a scoped environmental impact study to support a proposed consent application for a new building lot to the west of the main dwelling located upon the property.

Further, I understand that the northern limits of the proposed building lot is located approximately 20 yards from the top of bank of the abutting valley land slope to the north.

Please be advised that the entire subject property is affected by regulations of KCCA. Pursuant to Section 28 of the Conservation Authorities Act, written permission is required of the Authority prior to any development and/or site alterations upon the property. The current regulation for the Kettle Creek watershed is 'Ontario Regulation 181/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.'

The proposed building lot is located adjacent to a wooded valley land. As a result, the proposed development may be impacted by erosion hazards. Therefore, the proposed application for consent must consider Section 3.1.1 of the Provincial Policy Statement (PPS) which states:

“Development shall generally be directed to areas outside of:

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flood hazards and/or erosion hazards.”

The “Technical Guide – River & Stream Systems: Erosion Hazard Limit (MNR, 2002)”, provides the technical basis for determining an Erosion Hazard Limit for consideration of provincial policies affecting planning and development applications.

KCCA staff have undertaken a preliminary assessment of the abutting valley slope in consideration of an Erosion Hazard Limit in absence of geotechnical engineering. The results of such preliminary assessment suggests that there is more than sufficient tablelands for proposed development in absence of geotechnical engineering.

Therefore, KCCA is satisfied that any further consideration of the geotechnical assessment can be addressed at the time of application for permits and subject to final proposed building/structural locations.

Thank you for the opportunity to comment.

Thank you,
Joe Gordon

Director of Operations
Kettle Creek Conservation Authority
Tel: (519) 631-1270 ext.226
Fax: (519) 631-5026
www.kettlecreekconservation.on.ca



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44015 Ferguson Line
St. Thomas, ON
N5P 3T3

Tel: 519-631-1270
Fax: 519-631-5026

Member
Municipalities:

Central Elgin
City of London
City of St. Thomas
Middlesex Centre
Thames Centre
Malahide Township
Southwold Township



June 1, 2016

Attn: Susan D. Galloway
Secretary-Treasurer
Land Division Committee
450 Sunset Drive
St. Thomas, Ontario N5R 5V1

RE: Application for Consent E28/16
Part Lot 14, Range 2 North Lake Road
37538 Lake Line, Township of Southwold

Dear Ms. Galloway,

Staff of Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to delegated responsibilities for Natural Hazard policies of the Provincial Policy Statement (PPS), and KCCA regulations enacted under Section 28 of the Conservation Authorities Act (O.Reg.181/06).

Please be advised that KCCA does not object to the approval of Application for Consent E28/16.

We offer the following additional comments:

1. The subject property is entirely affected by KCCA regulations. Pursuant to Section 28 of the Conservation Authorities Act, written permission is required of the Authority prior to any development and/or site alteration upon the property.

The current regulation for the Kettle Creek watershed is 'Ontario Regulation 181/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.'

2. The subject property occurs adjacent to a wooded valleyland. As a result, the proposed development may be impacted by erosion hazards.

Therefore, the proposed application for consent must consider Section 3.1.1 of the PPS which states:

*"Development shall generally be directed to areas outside of:
b) Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flood hazards and/or erosion hazards;"*

The "Technical Guide – River & Stream Systems: Erosion Hazard Limit" (MNR, 2002), provides the technical basis for determining an Erosion Hazard Limit for consideration of provincial policies affecting planning and development applications.

A suitable building envelope must be obtainable for any proposed buildings and accessory structures, including a proposed septic system, all of which must be located outside of an established Erosion Hazard Limit.

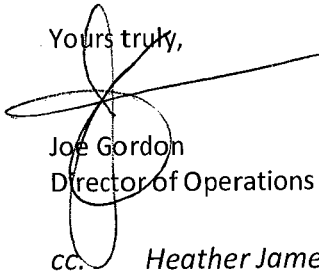
An Erosion Hazard Limit must be established by a qualified professional with expertise in geotechnical engineering and must be consistent with the aforementioned Technical Guide.

KCCA staff have undertaken a preliminary assessment of the abutting valley slopes in consideration of an Erosion Hazard Limit in absence of geotechnical engineering. The results of the preliminary assessment suggests that there is more than sufficient tablelands for proposed development in absence of geotechnical engineering.

Therefore, KCCA is satisfied that any further consideration of geotechnical assessment can be addressed at the time of application for permits and subject to final proposed building/structure locations.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to be 'Joe Gordon', written over a circular stamp or seal. The signature is stylized and overlaps the text below it.

Joe Gordon
Director of Operations

cc. *Heather James, Planner Township of Southwold*

February 3, 2023

Attn: Paul Clarke
Secretary-Treasurer
Land Division Committee
450 Sunset Drive
St. Thomas, ON N5R 5V1
pclarke@elgin.ca

DELIVERED BY EMAIL

**RE: Notice for Applications for Consent E97-22 and E98-22
37474 Lake Line, Township of Southwold**

Dear Paul Clarke,

Staff of Kettle Creek Conservation Authority (KCCA) has reviewed the subject applications and associated lands with regard to its mandatory programs and services related to the risk of natural hazards and Source Water Protection. Specifically, KCCA has relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS), its regulatory authority under section 28 of the *Conservation Authorities Act*, and its duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.

We understand that both of the subject consent applications propose to sever parcels of land to be conveyed as a lot addition to adjacent parcels.

Recommendation(s):

Please be advised that KCCA staff cannot support the current consent applications as proposed in absence of a slope stability assessment prepared by a qualified geotechnical engineer to define the erosion hazard limit of the abutting valleyland slopes to the north. The delineation of an erosion hazard limit is required for consideration of impacts of the proposed consent with regard to natural hazard policies of the PPS.

This requirement was foregone as part of the original lot creation of affected parcels associated with application E97/22. At the time of original creation the lot was limited to avoid the necessity of a geotechnical evaluation. Approval of an adjustment at this time - in absence of a geotechnical review could limit future development on the property.

Staff of KCCA would recommend consideration of a deferral on the decision of consent applications E97-22 and E98-22 until completion of a geotechnical assessment and the delineation of an erosion hazard limit is prepared to the satisfaction of the KCCA.

We offer the following comments in support of the above recommendation(s):

KCCA Comment(s):

Background:

It is a typical requirement of local natural hazard policies to require an applicant to undertake a geotechnical evaluation and slope stability assessment to define an erosion hazard limit consistent with definitions of the PPS to assist with new lot creation abutting a valleyland slope and/or lands designated as hazard lands.

This step in the process is important to understand the limits of hazardous lands for consideration of natural hazard policies of the PPS - which is to generally direct new development, including lot creation away from hazardous lands that are subject to flooding and erosion hazards.

The existing parcel known municipally as 37510 Lake Line and affected by application E97-22 was a new lot created in 2016 as a result of consent application E28/16. It is the understanding of KCCA staff, based on their involvement in pre-consultation for application E28/16, that the limits of the existing parcel were proposed to avoid the necessity of a geotechnical evaluation (ie. setback 20m from the valleyland slope). Within the attached KCCA letter of June 1, 2016, KCCA advised the Land Division Committee that they were satisfied with application E28/16 in absence of a geotechnical evaluation.

The current consent application for lot addition appears to result in a change to the original application for lot creation which was supported by KCCA in absence of geotechnical evaluation. If the results of the lot addition were proposed as part of the original E28/16 application, a slope stability assessment by a qualified geotechnical engineer would have been required to assist with determining the final lot configuration to ensure consistency with natural hazard policies of the PPS.

Natural Hazards:

The following are known natural hazard features or functions associated with the subject lands:

1. The subject lands contain a valleyland system with watercourse and valleyland slopes that may be subject to erosion hazards.

Provincial Policy Statement (PPS):

2. The following natural hazard policies of the PPS are applicable to the applications:

3.1.1 b) – Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Definitions: *Development* means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act...

Conservation Authorities Act:

3. Please be advised that the subject lands are affected by regulations of KCCA enacted under section 28 of the *Conservation Authorities Act* whereby development is prohibited unless written permission is granted from the Conservation Authority. The current regulation for the

Kettle Creek watershed is “Ontario Regulation 181/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.”

KCCA may grant permission for development within its area of jurisdiction if in its opinion, the control of flooding, erosion, dynamic beach, pollution or the conservation land will not be affected by the development.

KCCA also regulates the straightening, changing or interfering in any way with the existing channel of a river, creek, stream or wetland.

KCCA staff are willing to meet and consult with the applicant and/or their representatives, and staff of the Township of Southwold to discuss the comments noted above and to assist with developing an application that may be supported by KCCA.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,
KETTLE CREEK CONSERVATION AUTHORITY



(Digitally signed)
Joseph (Joe) Gordon
Manager of Planning and Development

cc. Josh Mueller, Southwold

Attachments:
i. KCCA Letter of June 1, 2016



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: February 22, 2023
Application: E 97-22 and E 98-22

Owner:
Harry Wismer
37238 Lake Line, Port Stanley, ON N5L1J1
Location: 37538 Lake Line, Port Stanley.

Agent:
None.

PROPOSAL

E 97-22:

The applicant proposes to sever a parcel with a frontage of 51.099 metres (167.65 feet) and a depth of 77.712 metres (254.96 feet) and an area of 2,345.6m² (0.58 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 81.458 metres (267.25 feet) and an area of 11 hectares (27.18 acres), proposed to remain in residential use.

E 98-22:

The applicant proposes to sever a parcel with a frontage of 25.050 metres (82.18 feet) and a depth of 98.328 metres (322.6 feet) and an area of 1,221.2m² (0.30 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 81.458 metres (267.25 feet) and an area of 11 hectares (27.18 acres), proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 2 Settlement Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – Recommends deferral of application pending slope stability analysis.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying for two simultaneous lot additions which will see a 0.58 acre and 0.30 acre portion of the existing property be severed and conveyed to adjacent parcels located at 37474 and 37510 Lake Line. The subject land is located within the Port Stanley settlement area. Consents for the purposes of legal or technical adjustments are permitted in settlement areas, subject to the policies of Section 1.1.3.

The PPS directs that development should occur outside of hazard lands, including those lands adjacent to streams which are at risk for erosion. Kettle Creek Conservation Authority has noted the proposed lot addition may not be consistent with the PPS.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 2 Settlement Area. Tier 2 Settlement Areas are those with a small population than Tier 1 and generally have access to partial municipal services. Development, including lot creation is permitted in Tier 2 settlement areas provided site conditions are suitable for the long-term provision of such services. As this application is for minor lot boundary adjustments (lot additions), there is not anticipated to be any effect or increased demand placed on existing services. Staff have reviewed the application against the general criteria for consents contained within Section E1.2.3.1 and have found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject lands are designated as Residential in the Southwold OP, as this application is for a lot addition, no change in land use is anticipated. The subject land is currently zoned Residential (R1). Township staff have reviewed the application against the requirements of the R1 zone and found no issues.

Kettle Creek Conservation Authority (KCCA)

KCCA staff have reviewed this application with respect to matters of provincial interest as contained within the PPS and under its regulatory authority under Section 28 of the *Conservation Authorities Act*. These applications are to enlarge parcels which were created in 2016 through the consent process (applications E 28-16) which KCCA provided comments on through pre-consultation. The limits of the parcel proposed at that time were chosen to avoid the need for a geotechnical evaluation; however, had the current proposed lot lines been proposed at that time, KCCA would have required a geotechnical evaluation. KCCA is



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

recommending the application be deferred until a geotechnical evaluation can be prepared to the satisfaction of KCCA.

RECOMMENDATION:

Applications E 97-22 and E 98-22 be deferred until the completion of a geotechnical assessment and the delineation of an erosion hazard limit is prepared to the satisfaction of the Kettle Creek Conservation Authority.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 99-22**

**LOT 22, CONCESSION 3
TOWNSHIP OF MALAHIDE
MUNICIPALLY KNOWN AS 51200 VIENNA LINE**

TAKE NOTICE that an application has been made by Helena Zacharias, 57048 Vienna Line, Aylmer, ON N5H 2R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51200 Vienna Line, Aylmer, ON.

The applicant proposes to sever a parcel with a frontage of 39.62 metres (130 feet) and a depth of 51.82 metres (170 feet) and an area of 2,023.43m² (0.5 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 212 metres (695.54 feet) and an area of 25.5 hectares (63 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 FEBRUARY 22ND AT 1:20 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

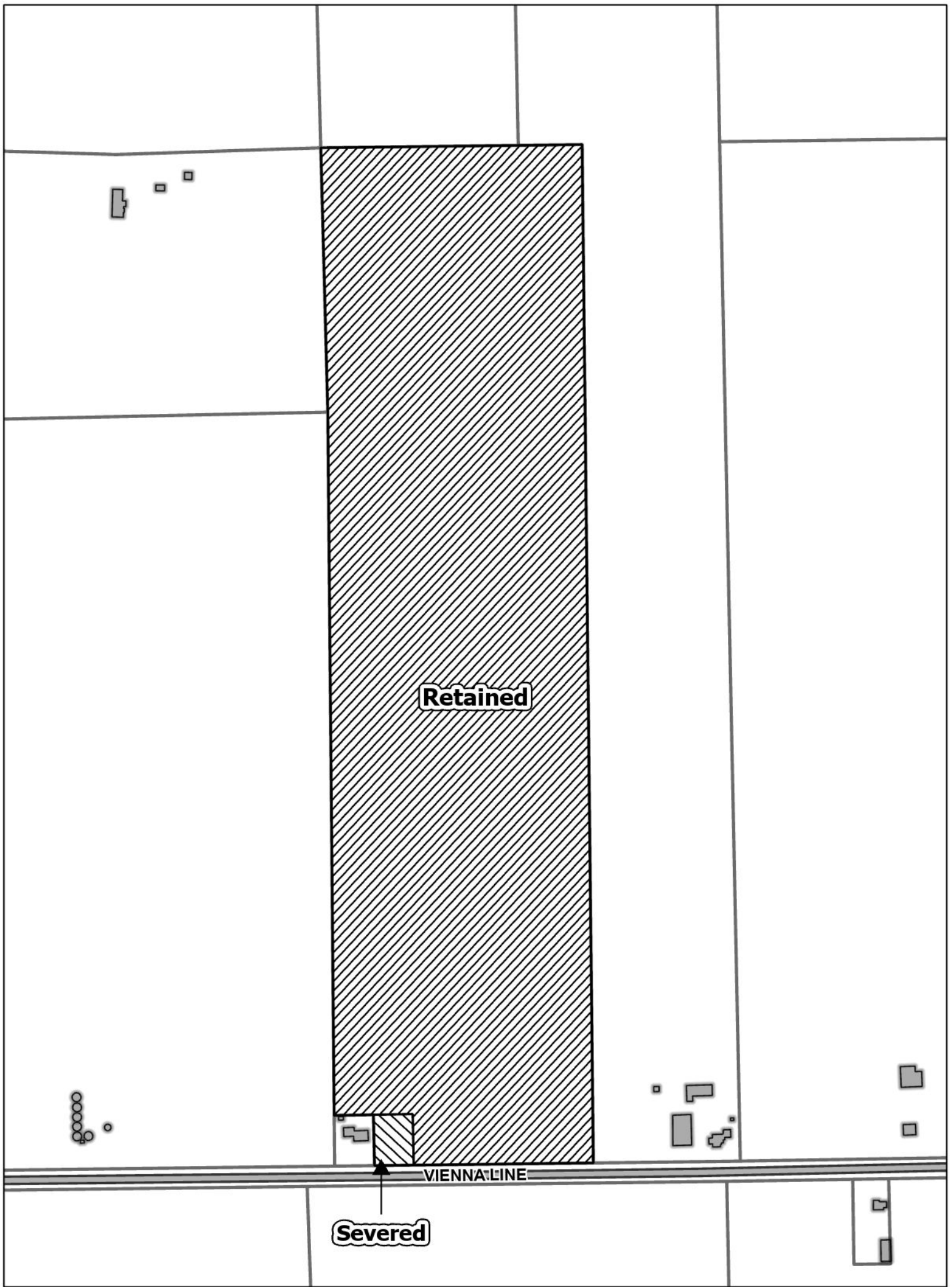
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

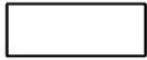

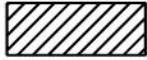




Location Map

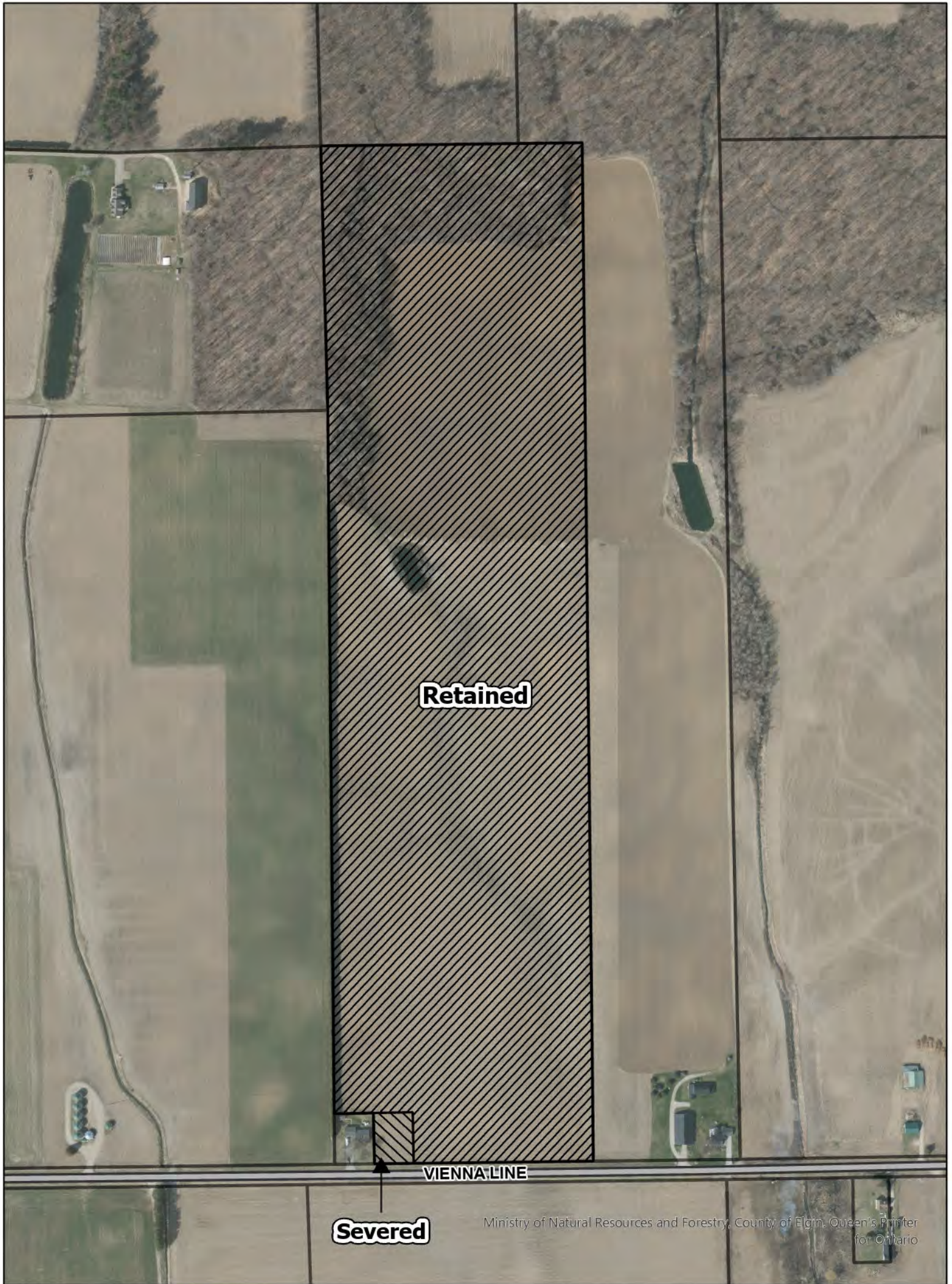
Subject Site: 51200 Vienna Line
 File Number: E 99-22
 Owner: Judy Mennil, Dave Mennill & Rita Cochrane
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 11/23/2022
 Township of Malahide



Legend

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









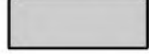
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

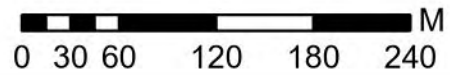
Location Map

Subject Site: 51200 Vienna Line
 File Number: E 99-22
 Owner: Judy Mennil, Dave Mennill & Rita Cochrane
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 11/23/2022
 Township of Malahide



Legend

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





January 20, 2023

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

Dear Committee Members:

**RE: Land Severance Application E99-22 - Dave & Judy Mennill (Helena Zacharias) -
51200 Vienna Line, Concession 3, Part Lot 22**

The Malahide Township Council passed the following Resolutions on January 19, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E99-22 in the name of Dave & Judy Mennill, relating to the property located Concession 3, Part Lot 22, 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 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.
5. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-01 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
Dave & Judy Mennill
Helena Zacharias



Report to Council

REPORT NO.: DS-23-01
DATE: January 19, 2023
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Dave & Judy Mennill
(Authorized Agent: Helena Zacharias)**
LOCATION: Concession 3, Part Lot 22 (Geographic Township of Malahide)
(51200 Vienna Line)

Recommendation:

THAT Report No. DS-23-01 entitled “Application for Consent to Sever of Helena Zacharias on behalf of Dave & Judy Mennill” be received;

AND THAT the Application for Consent to Sever of Helena Zacharias on behalf of Dave & Judy Mennill, relating to the property located at Concession 3, Part Lot 22, (Geographic Township of Malahide), and known municipally as 51200 Vienna Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent (“the application”) has been received to permit the conveyance of land to facilitate a lot boundary adjustment of approximately 0.2 hectares to facilitate the future construction of an accessory shop and secondary dwelling unit on the subject lands, as well as accommodate private services.

The Application relates to the property located at CON 3 PT LOT 22 AND RP;11R2344 PART 1, and known municipally as 51200 Vienna Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on **DATE**.

Comments/Analysis:

The subject property is approximately 25.4 ha hectares (63 acres) in area, and has approximately 212 metres of frontage along Vienna Line. The subject property is vacant and used for agricultural purposes, specifically the growing of field crops. The applicant is looking to purchase a portion of the subject property to permit the construction of a new accessory building and a future secondary dwelling unit. Due to the location of existing buildings, septic system, and well, there is insufficient area on the abutting property to permit the proposed development.

The lands proposed to be severed and conveyed are approximately 0.2 hectares (0.5 acres) in size and have approximately 39.6 metres of frontage on Vienna Line. These lands are currently vacant and are proposed to contain the future shop and second dwelling.

The retained agricultural parcel is proposed to comprise an area of approximately 25.3 hectares (62.5 acres) in area, and would have approximately 172.3 metres in frontage. The retained parcel would continue to be used for agricultural purposes.

The lands proposed to be enlarged are approximately 0.2 hectares (0.5 acres) in size and have approximately 39.6 meters. The parcel is zoned 'Rural Residential' and is used for residential purposes. The parcel contains an existing dwelling, attached garage, and small accessory building. If the consent is approved, the lot would have a total area of 0.4 ha.

Provincial Policy Statement

The PPS 2020 permits lot adjustments in prime agricultural areas for legal or technical reasons. Under the PPS, this may include severances for the purposes of easements and minor boundary adjustments, which do not result in the creation of a new lot.

The subject property is zoned 'General Agriculture (A1)' which requires a minimum lot area of 20 ha. The subject property has an area of approximately 25.4 acres (63 ac) and exceeds the minimum lot area requirements. The proposed retained parcel would continue to remain a viable farm parcel and is proposed to have an area of 25.3 ha, which would continue to exceed the minimum lot area requirements of the Zoning By-law. It is noted that the size of the proposed retained parcel would be greater than other parcels zoned A1 in the surrounding area, which are primarily 20 ha in size. The proposed addition of 0.2 ha to the adjacent parcel would represent approximately 0.8% of the subject lands and it is not anticipated that there would be any measurable impact on the ability of the subject lands to continue to be used for agricultural purposes.

It is the intent of provincial and municipal planning policies that the minimum amount of land needed for a lot boundary adjustment. The 0.2 ha of land proposed to be conveyed has been reduced to the minimum amount of land needed to accommodate the proposed development and private services. The proposed lot boundary adjust would result in a parcel that would be consistent with other residential lots in the area. The applicant has considered expanding the existing dwelling to accommodate the proposed second dwelling unit, but the property is constrained due to its size and the location of the existing dwelling and well, as well as the size of the septic system. The proposed lot

addition would be minor, as its technical purpose is to provide additional land to accommodate private water and septic servicing for an accessory dwelling unit.

The proposed addition of 0.2 ha of land would be a minor addition to the applicant's property and would not result in the creation of a new lot.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and "Woodlands" on Appendix 1, Environmental Resource Areas. 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 the removal of 0.2 ha of land would not impact the viability of surrounding agricultural lands to continue to be used for agricultural purposes. No development is proposed within 120 metres of any significant woodland.

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Provincially Significant (20+ ha), Hazard Lands" on Schedule 'A2' (Constraints 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 to facilitate the future construction of an accessory shop and secondary dwelling unit on the subject lands, as well as accommodate private services. Official Plan Amendment 20 was approved by the County of Elgin earlier this year, which permitted second dwelling units outside of agricultural areas. A second dwelling unit is a dwelling unit that is accessory to the primary dwelling. The secondary dwelling unit may be located within the primary dwelling unit or in an accessory structure and is to be of a size that renders it accessory to the main dwelling. The severance of a second dwelling unit from the balance of a lot is not permitted.

The Official Plan requires an Environmental Impact Study be completed for development proposed within 120 metres of a designated natural heritage feature. No development within 120 metres of the Provincially Significant Woodland or within any Hazard Lands is proposed as part of this application.

Malahide Zoning By-law No. 18-22

The subject property is zoned "General Agricultural (A1) Zone" on Key Map 83 of Schedule "A" to the Township's Zoning By-law No. 22-18. The subject property is zoned 'General Agriculture (A1)' 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, a Zoning By-law Amendment would be required to rezone the lands from the 'A1' zone to the 'RR' zone and it is recommended that this requirement be included as a

condition of the proposed consent. Zoning compliance of the proposed development would be confirmed at the time of the future Zoning Amendment application.

The lands proposed to be retained would exceed the minimum lot area and lot frontage requirements of the A1 zone.

General Comments

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

The Development Services Staff has also considered comments provided (if any) by other internal departments.

- Public Works – The current entrance policy only allows one road entrance per lot. A second entrance would not be permitted.

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

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

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

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

Approved by:

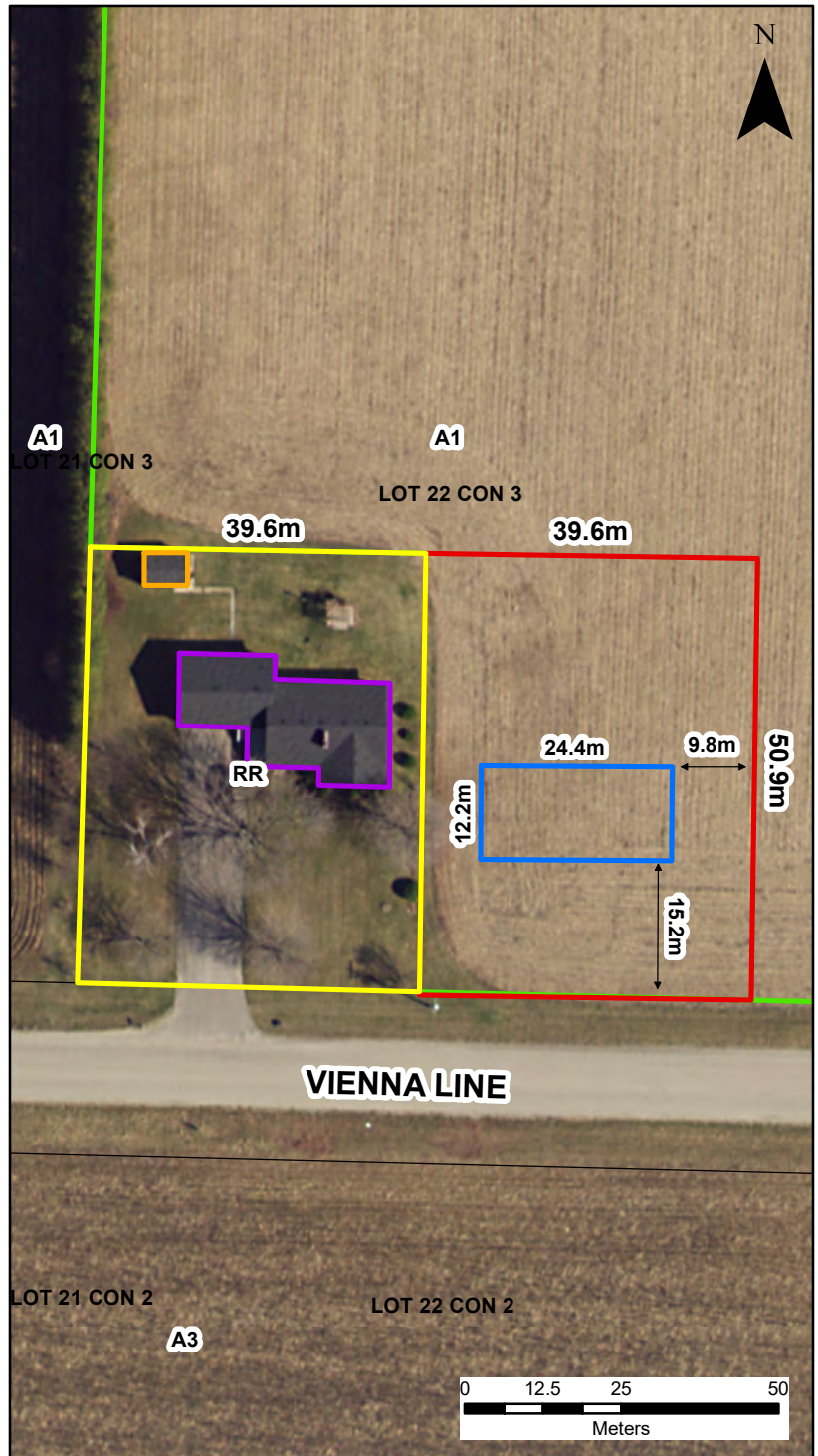
Adam Betteridge, MCIP, RPP
Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Owners: Judy Mennill, Dave Mennill & Rita Cochrane
Applicant: Helena Zacharias

Township
of Malahide
Figure 1



Concession 3, Part of Lot 22, Part 1 of 11R-6019
Township of Malahide



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural

- Severed
- Retained
- Lands to which the severed lot will be conveyed as lot addition
- Existing Dwelling
- Existing Shed
- Proposed Shop/Residence



January 20, 2023

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

Dear Committee Members:

**RE: Land Severance Application E99-22 - Dave & Judy Mennill (Helena Zacharias) -
51200 Vienna Line, Concession 3, Part Lot 22**

The Malahide Township Council passed the following Resolutions on January 19, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E99-22 in the name of Dave & Judy Mennill, relating to the property located Concession 3, Part Lot 22, 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 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.
5. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-01 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy - Rosemary Kennedy
Dave & Judy Mennill
Helena Zacharias

Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: January 31, 2023 3:30 PM
To: Paul Clarke; Land Division
Subject: RE: CCCA Consent Application Notice - Feb 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.

Hello,

CCCA has no comments or concerns with consent applications E 38-22, E39-22, E99-22 at this time.

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: January-31-23 10:06 AM
To: Gerrit Kremers <planning@catfishcreek.ca>
Subject: CCCA Consent Application Notice - Feb 22

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the February 22nd meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, February 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

Paul Clarke, CPT



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: February 22, 2022
Application: **E 99-22**

Owner:
Judy Mennil, Dave Mennil & Rita Cochrane
51200 Vienna Line, Aylmer, ON N5H 2R2

Agent:
Helena Zacharias
57048 Vienna Line, Aylmer, ON N5H
2R2

Location: Lot 22, Concession 3. Municipally known as 51200 Vienna Line, Township of Malahide.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 39.62 metres (130 feet) and a depth of 51.82 metres (170 feet) and an area of 2,023.43m² (0.5 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with a frontage of 212 metres (695.54 feet) and an area of 25.5 hectares (63 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No 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 an existing farm parcel and convey it as a lot addition to an adjacent residential parcel. The PPS discourages lot creation in the prime agricultural area; however, severances for that do not result in the creation of a new lot are permitted.

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 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 application is to sever a 0.5-acre portion of the existing parcel and convey it to the existing adjacent residential parcel and will not result in the creation of a new lot or a change in the use of the retained land. 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 (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. The Agricultural Area permits a variety of predominately agricultural and agricultural-related uses, including the continued use of single detached dwellings. Similar to the PPS, the CEOP discourages lot creation in the agricultural area except in particular circumstances. Section E1.2.3.2 – Boundary Adjustments permits minor boundary adjustments in any land designation:

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

The applicants propose to sever a 0.5-acre parcel and convey it to the existing residential property. As the residential parcel already exists and no change of land use or intensification of the current use is proposed is not anticipated that this lot addition will have any effect on the viability of the surrounding agricultural parcels.

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. Lot additions are permitted by the Malahide Official Plan in any land use designation. Should the consent be approved, the receiving parcel will have multiple zones within its boundaries, to address this, Malahide staff have requested that a zoning amendment be made a condition of consent.

RECOMMENDATION:

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

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

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 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.
5. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION Nos. E 100-22 & E 101-22**

**PART OF LOT 20 & 21, CONCESSION 5
MUNICIPALITY OF DUTTON DUNWICH**

TAKE NOTICE that an application has been made by Peter Littlejohn, 29751 Lakeview Line, Wallacetown, ON N0L 2M0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as part of lots 20 & 21, concession 5, Municipality of Dutton Dunwich.

The applicant proposes to sever two parcels. The first with a frontage of 594.26 metres (1,950 feet) and a depth of 625.403 metres (2,051 feet) and an area of 41.214ha (101.8 acres) to create a new agricultural parcel. The second parcel is proposed to have a frontage of 75.879 metres (249 feet) and a depth of 160 metres (524 feet) and an area of 1.214ha (3 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 1068.05 metres (3,504 feet) and a depth of 625.403 metres (2,052 feet) and an area of 68.489 hectares (169 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 FEBRUARY 22ND AT 1:30 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

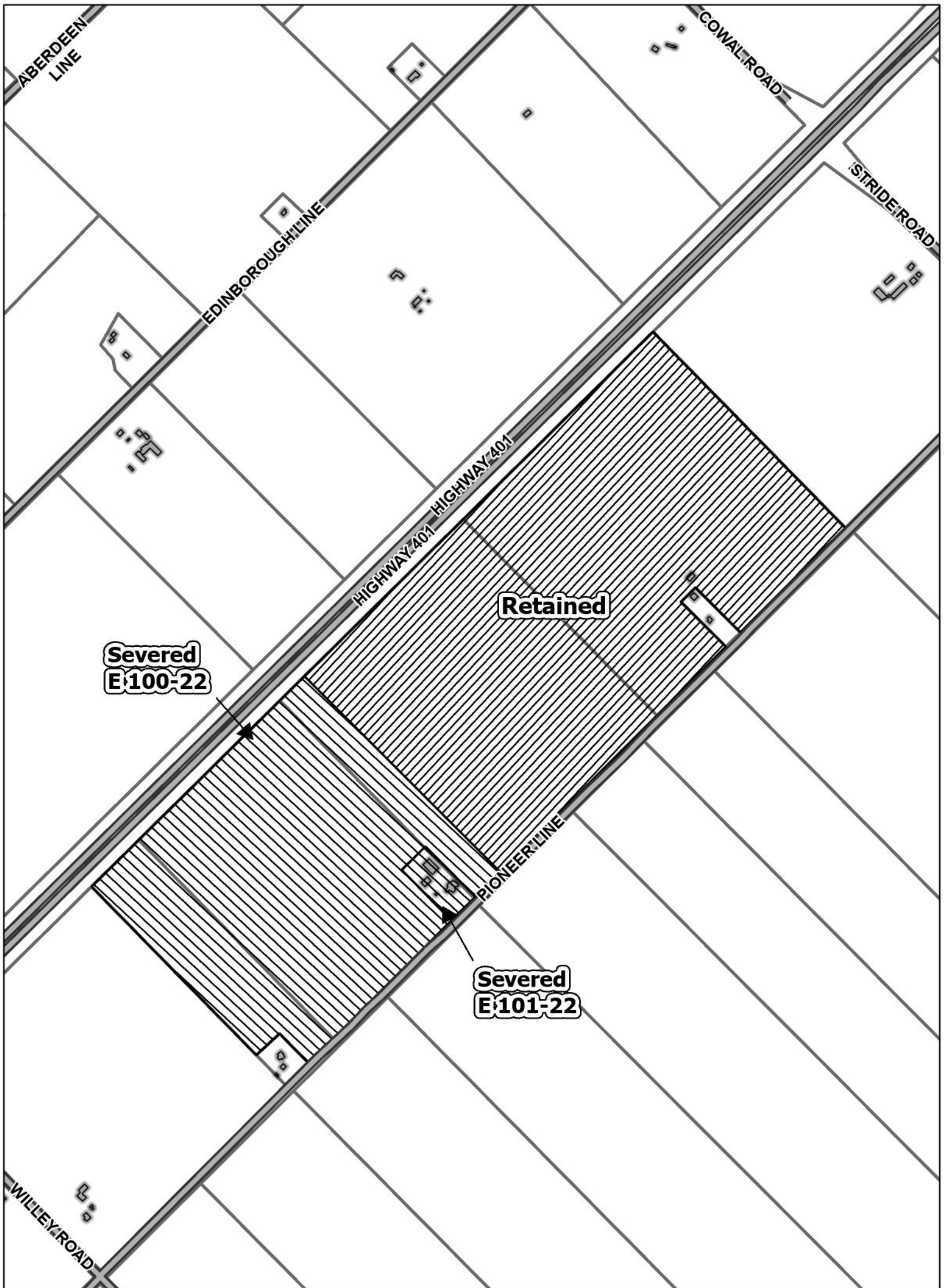
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



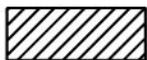




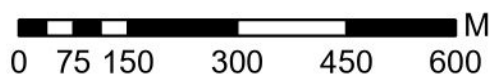
Location Map

Subject Site: Part of Lots 20 & 21, Concession 5
 File Number: E 100-22 & E 101-22
 Owner: David Harold Durham and Mary Helen Durham
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 12/02/2022
 Municipality of Dutton Dunwich



Legend

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









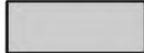
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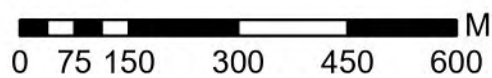
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 Municipality of Dutton Dunwich



Legend

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





Municipality of
Dutton Dunwich

TO: Mayor and Members of Council

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

DATE: January 11, 2023

SUBJECT: Application for Severance (E100/22), 31492 Pioneer Line, 31556 Pioneer Line and Vacant Land located on the north side of Pioneer Line, Municipality of Dutton Dunwich – David Harold and Mary Helen Durham

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E100/22 for 31492 Pioneer Line, 31556 Pioneer and Vacant Land located on the north side of Pioneer Line, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) That Municipal drain re-apportionments have been completed;
- c) 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;
- d) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- e) That taxes are to be paid in full;
- f) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- g) That a 911 sign be established for the severed and retained parcels; and
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

FOR INFORMATION:

Background

A severance application was submitted to the County of Elgin Land Division Committee (E100/22) by Peter Littlejohn Family Farms Inc, the applicant, on behalf of David Harold and Mary Helen Durham, the owners of the subject property.

The following support studies have been provided:

- Planning Justification Report (PJR), Zelinka Priamo Ltd., dated October 2022, and
- Cover Letter, dated November 4. 2022.

The subject parcel is legally described as Concession 5, Part Lots 20 and 21, and locally known as 31492 Pioneer Line, 31556 Pioneer and Vacant Land (VL) on the north side of Pioneer Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel is located on the north side of Pioneer Line, which is a maintained all year roadway.

Several drains cross the subject lands.

A portion of the property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA), along the drains.

There are small woodlots located on portions of the subject parcel.

Agricultural and rural residential uses surround the subject lands.

Purpose of Application

The owners are requesting severance to create a new agricultural lot (farm split).

The proposed severed parcel will have an area of 41.214 ha, a depth of 625.403 m and a frontage of 594.26 m.

The proposed severed parcel is used for agriculture and residential uses and has 1 house and accessory structures with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 68.489 ha, a depth of 625.403 m and a frontage of 1,068.05 m.

The proposed retained parcel is used for agricultural uses with no structures and no municipal services (see attached Sketch).

The applicant proposes to consolidate the holding into its farm operation.

LDC Application B101/22 has also been applied for at the same time as this application.

Department Comments

The proposed severance application was circulated to municipal staff.

The following is a summary of the comments received at the time of writing this report:

| Departments | Comments received |
|--------------------|--|
| Drainage | Reapportionment of Rapleje Tolman Drain, Humphrey Drain, Beecroft Drain, McCallum Robson Drain, McFarlane Salmon Drain Eustice Drain, and Eustice Drain – McAllister Branch. Mutual agreement drain may be required. |
| Building | No comments. |
| Water | No concerns. |
| Sewer | No comments. |
| Road | When reading through the document, they call Pioneer Line “Pioneer Drive”. Also, they reference that the subject lands are on the south side when in fact, they are on the north side between Pioneer Line and the 401. |

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

The subject property is within a rural area.

Section 2.3.1 sets out that prime agricultural areas shall be protected for long-term use for agriculture.

Section 2.3.4.1 permits lot creation in prime agricultural areas 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.

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

County of Elgin Official Plan

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

Section C2.1 b) sets out that it is the objective of this land use designation to protect the County's prime agricultural area from fragmentation, development and land uses unrelated to agriculture.

Section E1.2.3.4 set out that lot creation is permitted if the local Official Plan supports their creation and if a) 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.

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

Comment: The proposed severed parcel and retained parcel are in conformity with the County policies.

No development is proposed in the woodlands.

The proposed severance conforms to the COP.

Municipality of Dutton Dunwich Official Plan

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

Section 7.1.2 sets out the goal to preserve prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource and to support a viable agricultural community.

Section 8.3.4 states that the assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted.

In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

- i. the need to discourage the unwarranted fragmentation of farmland;
- ii. the agricultural capability of the land;
- iii. the type of agricultural activity engaged in and proposed to be engaged in;
- iv. both the severed and retained parcels must be sufficiently large enough to permit flexibility in the type or size of farming operation, in order to meet changing economic conditions;
- v. the severed and retained parcels are both suitable for the type of agriculture in the area and the farm size is appropriate to the type of agriculture proposed;
- vi. the Minimum Distance Separation Formula I;
- vii. the requirements of the Planning Act;

- viii. the minimum farm parcel size is of 40 hectares;
- ix. and the Municipality shall discourage severances that contravene or undermine existing, approved Nutrient Management Plans, or agreements thereto, as may be in effect pursuant to a Nutrient Management By-law.

Section 4.2.3 b) sets out that development within areas which will initiate or increase existing flooding hazards, or erosion rates, along valley walls and the Lake Erie shoreline will not be permitted.

Comments: The above-noted criteria can be complied with. The proposed severed and retained parcels are sufficiently large enough.

No development is proposed in the hazard area

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Exception Special Agricultural (A2-12) Zone and Agricultural (A1) Zone on Map 7 and 8, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

The A2-12 permitted a minimum lot area of 40 ha.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

A portion of the retained lands will be rezoned to the Agricultural (A2-12) Zone to prohibit new residential uses and maintained the required minimum 40 ha farm size.

A review of the RS and A2 zone requirements is as follows:

| Zone Provision | A2-12 Requirement (Farm Parcel B) | Proposed (Retained) | A2-12 Requirement (Farm Parcel A) | Proposed (Severed) | Compliance |
|-----------------------|--|----------------------------|--|---------------------------|-------------------|
| Min. Lot Area | 40.0 ha | 68.489 ha | 40.0 ha | 41.214 ha | Yes |
| Min. Lot Frontage | 150.0 m | 1,068.05 m | 150.0 m | 594.26 m | Yes |

All other zone regulations can be complied with.

Comments: The proposed severance application shall comply with the intent of the ZBL.

Administration agrees with the justification set out in the PJR.

CONCLUSION:

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division and form part of the final decision if approved.

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

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

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



MUNICIPAL APPRAISAL SHEET

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

Submission E 100/22

Applicant David Harold Durham

Location VL Pioneer Line

OFFICIAL PLAN

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

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

Policies: Section 8.3.4 states that the assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted.

ZONING

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

Comments:

As a condition of severance, a Zoning By-law Amendment is required to rezone a portion of the retained lands will be rezoned to the Agricultural (A2-12) Zone to prohibit new residential uses and maintained the required minimum 40 ha farm size.

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

OTHER

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

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

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

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

Staff Report and Resolution attached.

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: January 11, 2023
SUBJECT: Application for Severance (E101/22), 31556 Pioneer Line, Municipality of Dutton Dunwich – David Harold Durham

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E101/22 for 31556 Pioneer Line, Municipality of Dutton Dunwich, provided the following conditions are included:

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

FOR INFORMATION:

Background

A severance application was submitted to the County of Elgin Land Division Committee (E101/22) by Peter Littlejohn Family Farms Inc, the applicant, on behalf of David Harold Durham, the owner of the subject property.

The following support studies have been provided:

- Planning Justification Report (PJR), Zelinka Priamo Ltd., dated October 2022, and
- Cover Letter dated November 4, 2022.

The subject parcel is legally described as Concession 5, Part Lots 20, 21 and 22, and locally known as 31556 Pioneer Line, Municipality of Dutton Dunwich (see attached Key Map).

The subject parcel is located on the north side of Pioneer Line, which is a maintained all year roadway.

Several drains cross the subject lands.

A portion of the property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA) along the drains.

There are small woodlots located on portions of the subject parcel.

Agricultural and rural residential uses surround the subject lands.

Purpose of Application

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

The proposed severed parcel will have an area of 1.214 ha, a depth of 160 m and a frontage of 75.879 m.

The proposed severed parcel is used for residential use and has 1 house and accessory structures with municipal water and private septic services (see attached Sketch). There is also a pond located on the severed parcel.

The proposed retained parcel will have an area of 40 ha, a depth of 625.403 m and a frontage of 518.381 m.

The proposed retained parcel is used for agricultural uses and has accessory structures (grain bins) with no municipal services (see attached Sketch).

The applicant proposes to consolidate the holding into its farm operation.

LDC Application B100/22 has also been applied for at the same time as this application.

Department Comments

The proposed severance application was circulated to municipal staff.

The following is a summary of the comments received at the time of writing this report:

| Departments | Comments received |
|--------------------|---|
| Drainage | Reapportionment of Rapleje Tolman Drain, Humphrey Drain, Beecroft Drain, McCallum Robson Drain, McFarlane Salmon Drain Eustice Drain, and Eustice Drain – McAllister Branch. Mutual agreement drain may be required. |
| Building | No comments. |
| Water | No concerns. |
| Sewer | No comments. |
| Road | No concerns. |

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

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

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

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

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

County of Elgin Official Plan

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

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

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

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

Comment: The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned. The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No development is proposed in the woodlands.

The proposed severance conforms to the COP.

Municipality of Dutton Dunwich Official Plan

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

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

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*

The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.

- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel meets all A2 Zone provisions.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*
Farm consolidation will occur.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The applicant has confirmed the base of a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

Comments: The above-noted criteria can be complied with.

No development is proposed in the woodlands area.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Exception Special Agricultural (A2-12) Zone and Agricultural (A1) Zone on Map 7 and 8, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

The A2-12 permitted a minimum lot area of 40 ha.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Exception Special Rural Residential (RS-27) Zone to permit non-farm residential uses. Relief for the maximum lot area of the proposed severed lot is required, as a condition of ZBA.

The retained parcel will be rezoned to the Agricultural (A2-12) Zone to prohibit new residential uses and maintained the required minimum 40 ha farm size.

A review of the RS and A2-12 zone requirements is as follows:

| Zone Provision | | A2-12 Requirement (Farm) | Proposed (Retained) | RS Requirement (Lot) | Proposed (Severed) | Compliance |
|-------------------|--|--------------------------|---------------------|----------------------|--------------------------|---|
| Min. Lot Area | | 40.0 ha | 40.0 ha | 2,750 m ² | 12,139.99 m ² | Yes |
| Max. Lot Area | | N/A | N/A | 8,093 m ² | 12,139.99 m ² | Relief is required to increase the maximum lot area for the proposed severed lot. This is a new requirement in the zoning by-law. Relief will allow the pond to be included on the proposed severed parcel. |
| Min. Lot Frontage | | 150.0 m | 518.381 m | 30.0 m | 75.879 m | Yes |

All other zone regulations can be complied with.

Comments: The proposed severance application shall comply with the intent of the ZBL.

Administration agrees with the justification set out in the PJR.

CONCLUSION:

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

The conditions will then be forwarded to the Land Division and form part of the final decision if approved.

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

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

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

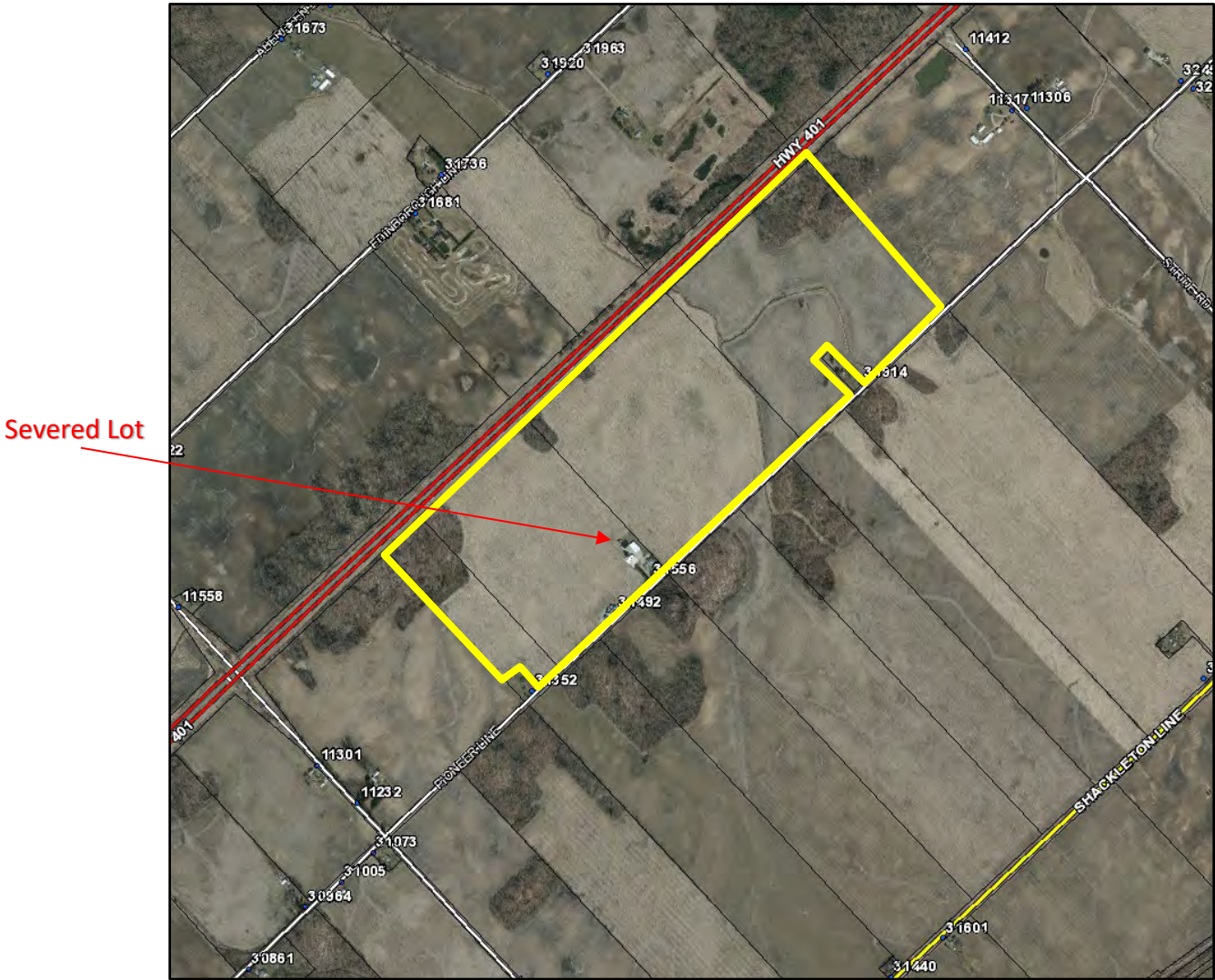
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP
Planner

Approved for Submission

Tracy Johnson
Acting CAO/Treasurer

KEY MAP



MUNICIPAL APPRAISAL SHEET

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

Submission E 101/22

Applicant David Harold Durham

Location 31556 Pioneer Line

OFFICIAL PLAN

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

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

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

ZONING

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

Comments:

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

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
- (b) the dedication of highways ()
- (c) the dedication of land for highway widening ()
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

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

Staff Report and Resolution attached.

Revised 30/01/20

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 100-22) (Littlejohn)**
Consent Application (E 101-22)
31556 – 31914 Pioneer Line
Lot 20 & 21; Concession 5
Municipality of Dutton Dunwich

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development, Interference with Wetlands and Alteration to Watercourses portion of the regulations. The issues of concern for this area is the Locally Significant Wetland and its associated 30 m Adjacent Lands, the Humphrey Drain, the Humphrey Drain Outlet, the Rapelije-Tolman 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 wetland and the drains will be required to any proposed works / structure(s) / site alteration.

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner



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: February 22, 2022
Application: **E 100-22 and E 101-22**

Owner:

David Harold Durham

2634 Sandra Post Crescent, London, ON
N6K 5R4

Agent:

Harry Froussios

318 Wellington Road, London, ON
N6C 4P4

Location: Part of Lots 20 & 21, Concession 5, municipally known as 31556 Pioneer Line.
Municipality of Dutton Dunwich.

PROPOSAL

The applicant proposes to sever two parcels. The first with a frontage of 594.26 metres (1,950 feet) and a depth of 625.403 metres (2,051 feet) and an area of 41.214ha (101.8 acres) to create a new agricultural parcel. The second parcel is proposed to have a frontage of 75.879 metres (249 feet) and a depth of 160 metres (524 feet) and an area of 1.214ha (3 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 1068.05 metres (3,504 feet) and a depth of 625.403 metres (2,052 feet) and an area of 68.489 hectares (169 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

Exception Special
Agricultural (A2-12) and
Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the

analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a dwelling that is surplus to a farming operation and to create a new 100-acre farm parcel. The PPS discourages lot creation in prime agricultural areas, except in the following circumstances:

Section 2.3.4.1:

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

The first severance (E 100-22) is proposed to create a new agricultural parcel of 100-acres (~41ha) and will continue to be used for agricultural purposes. Farm split severances, such as those proposed by E 100-22 are permitted by the PPS, as this severance will create a new agricultural parcel which is sufficiently large enough to maintain flexibility for future changes in agricultural operations and is of an appropriate size for the area.

Severance application E 101-22 is proposing to create a new residential dwelling to sever an existing dwelling that is surplus to the farming operation. The proposed lot to be created is 1.2ha in area and contains the existing dwelling and two drive barns, the retained lands (40ha) will continue to be used for agricultural purposes.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. Section E1.2.3.4 of the CEOP contains policies on lot creation in the agricultural area. Lot creation is generally discouraged, however, severances for surplus farm dwellings and farm splits are permitted.

For farm-split severances, both the severed and retained lots should be approximately 40 hectares in area, or the size established in local planning documents. The lots proposed to be created by E 100-22 meet this criterion. For surplus farm dwellings, the severed residential parcel should be the minimum size needed to accommodate the habitable residence and no new development should be permitted on the retained farmland parcel. The severed lot in application E 101-22 is 1.2ha in area and contains the home and ancillary structures and does not comprise any actively farmed land. The Municipality of Dutton Dunwich has proposed, as a condition of consent, that the retained farmland be rezoned to a zone which does not permit residential development. This proposed rezoning will satisfy both the PPS and CEOP requirements to prohibit residential development.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich 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. Both severances are permitted by the Municipality of Dutton Dunwich Official Plan. The proposed retained land will be rezoned through a zoning amendment as a condition of consent to prohibit any new residential uses on the retained agricultural land.

RECOMMENDATION:

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

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

Additionally, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent for application E 100-22:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
2. That Municipal drain re-apportionments have been completed.
3. 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.
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 application fees, set out in the Fees By-law, be paid to the Municipality.
7. That a 911 sign be established for the severed and retained parcels.

8. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

Additionally, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent for application E 101-22:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
2. That a septic system review for the severed parcel has been completed.
3. That Municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (under Section 2 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 all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality.
8. That a 911 sign be established for the severed and retained parcels.
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.
11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 103-22**

**LOT 10, CONCESSION 8
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 23092 PIONEER LINE**

TAKE NOTICE that an application has been made by Raymond Allain, 35 West Pearce Street Unit 32, Richmond Hill, ON L4B 3A9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 23092 Pioneer Line, West Elgin.

The applicant proposes to sever a parcels with a frontage of 32.73 metres (107.37 feet) and a depth of 27.97 metres (91.77 feet) and an area of 915.4m² (9,853.34 ft²) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 32.11 metres (105.35 feet) and a depth of 65.13 metres (213.67 feet) and an area of 2,091.26m² (22,510.13 ft²), 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 FEBRUARY 22ND AT 1:50 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

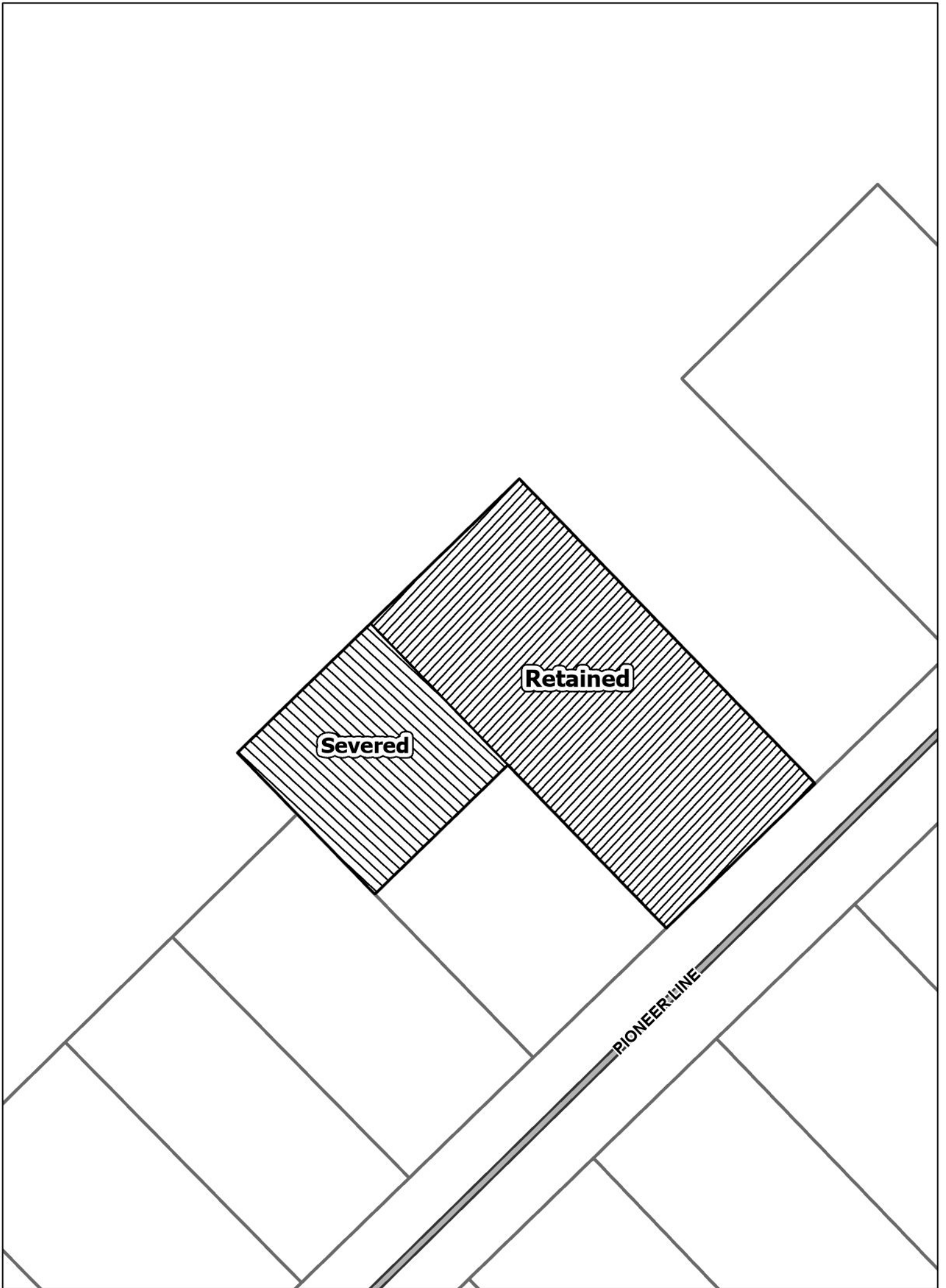
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

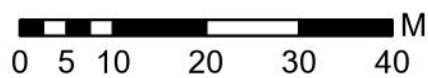
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com





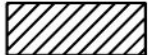


Location Map

Subject Site: 23092 Pioneer Line
 File Number: E 103-22
 Owner: Clairlea Homes Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 12/02/2022
 Municipality of West Elgin

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



Legend

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

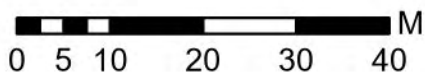


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario



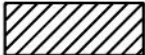


Location Map

Subject Site: 23092 Pioneer Line
 File Number: E 103-22
 Owner: Clairlea Homes Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 12/02/2022
 Municipality of West Elgin

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



Legend

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



MUNICIPALITY OF
West Elgin

Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-01-25

Subject: Severance Application E103-22 – Comments to Elgin County – 2023-08 Planning

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application E103-22 – Comments to Elgin County (Planning Report 2023-08);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E103-22, 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 E103-22, as Elgin County is the planning approval authority for consents.

The purpose of the consent application is to facilitate the severance and conveyance of excess lands as a lot addition from an existing rural residential parcel to an existing abutting vacant lot.

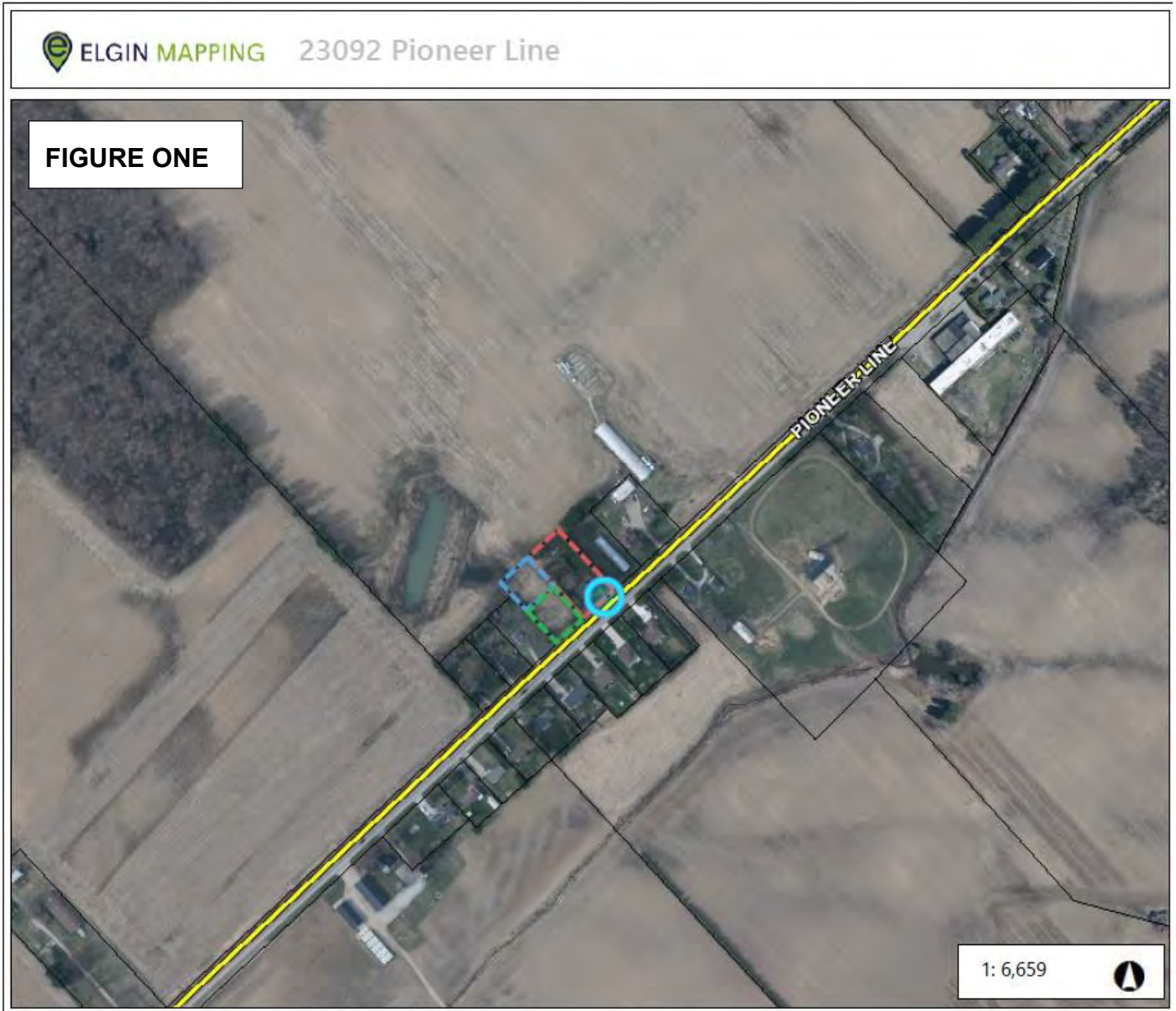
Background:

Below is background information, in a summary chart:

| | |
|------------------------------|--------------------------------|
| Application | E103-22 |
| Owner | Clairlea Homes Ltd. |
| Applicant | Raymond Allain |
| Legal Description | Part Lot of 10, Concession 8 |
| Civic Address | 23092 Pioneer Line |
| Entrance Access | Pioneer Line |
| Existing Land Area | 3,006.5 sq. m (32,363 sq. ft.) |
| Proposed Lot Addition | 915.37 sq. m (9,853.3 sq. ft.) |

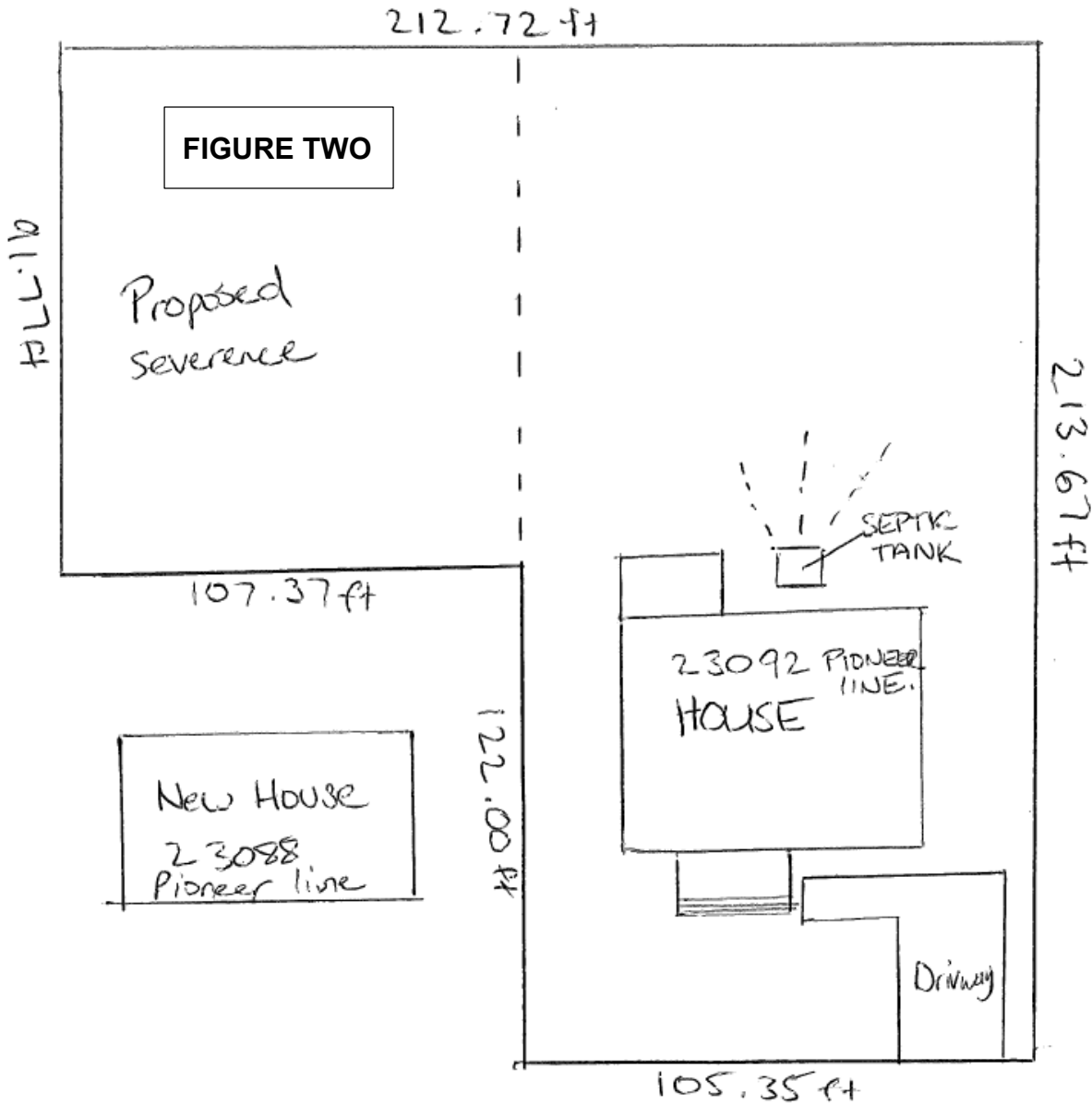
| | |
|-----------------------|--------------------------------|
| Retained Lands | 2,091.2 sq. m (22,510 sq. ft.) |
|-----------------------|--------------------------------|

Figure One shows the location of the subject property, the retained parcel is outlined in red, the proposed lot addition lands are outlined in blue and the location of the rural residential receiving lot to the south of the lot addition is highlighted in green).



The Public Hearing is scheduled for February 22, 2023, at the Elgin County Land Division Committee Meeting.

| Application | Severed Parcel | | | Retained Parcel | | |
|-------------|------------------------|------------------------|--|------------------------|-----------------------------|---|
| | Width | Depth | Area | Frontage | Depth | Area |
| E103-22 | 32.73 m (107.4 ft.) | 27.97 m (91.77 ft.) | 915.3 m ² (9,853 ft ²) | 32.12 m (105.4 ft.) | 65.12 m +/- (213.67 ft.) | 2091.2 m ² 22,510 ft ² |



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

Comment: The subject lands are part of an existing L-shaped rural residential lot. The proposed lot addition and the receiving lot have been cropped in the past but only for the purpose of maintenance and to control weeds on the lot. The lot addition portion is excess land to the existing lot and is simply being conveyed from the subject parcel to the existing undersized vacant rural residential lot to the west in order to facility its eventual development. Although the receiving lot would be considered an existing lot of record and could be developed as it is, the addition will bring the lot into conformity with the minimum lot area and lead to a lot more consistent with the surrounding ones in the area. Since the subject lands are within an existing rural residential cluster the lot addition, nor development of the combined lot addition and receiving lot will create any new impacts on the surrounding agricultural operations. 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 not part of an active farming operation and as noted above has only been cropped as controlled maintenance of the vacant lands. The lands are also part of an existing rural residential lot and simply being conveyed to provide a more regular lot fabric consistent to the area. 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: The conveyance of the lot addition lands will result in two rural residential parcels in full compliance with the lot area and lot frontage requirements of the applicable zoning.

- 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;

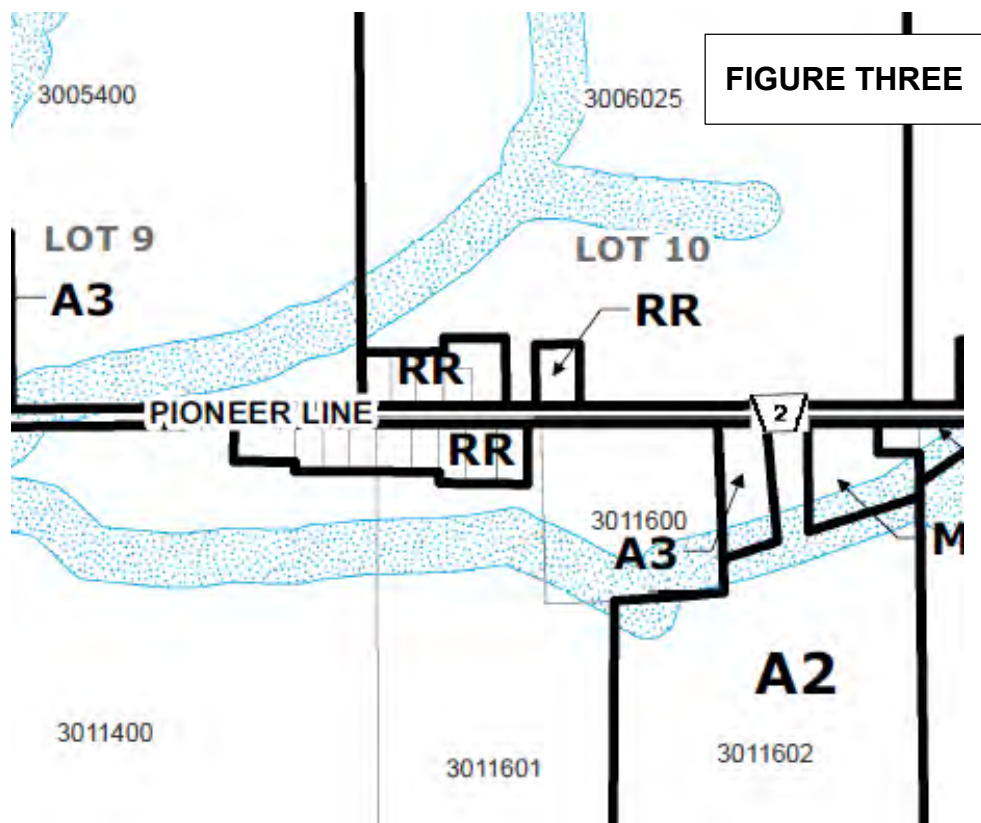
- c) It is stipulated in the granting of the severance that any subsequent conveyance or transaction will require a future severance.

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 lands, receiving lot and retained parcel are zoned Rural Residential (RR) Zone. (See Figure Three) There is no change required as a result of the lot addition and both resulting parcels will now be in full compliance with the applicable lot area and lot frontage requirements of the RR zone. Therefore, the lot addition will conform with the West Elgin Zoning By-law.



Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The conveyance of lands will result in a change in assessment to both parcels given the respective increase or decrease in lot area.

Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. Administration had no concerns or comments related to the proposed lot addition.

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.

Respectfully submitted by,



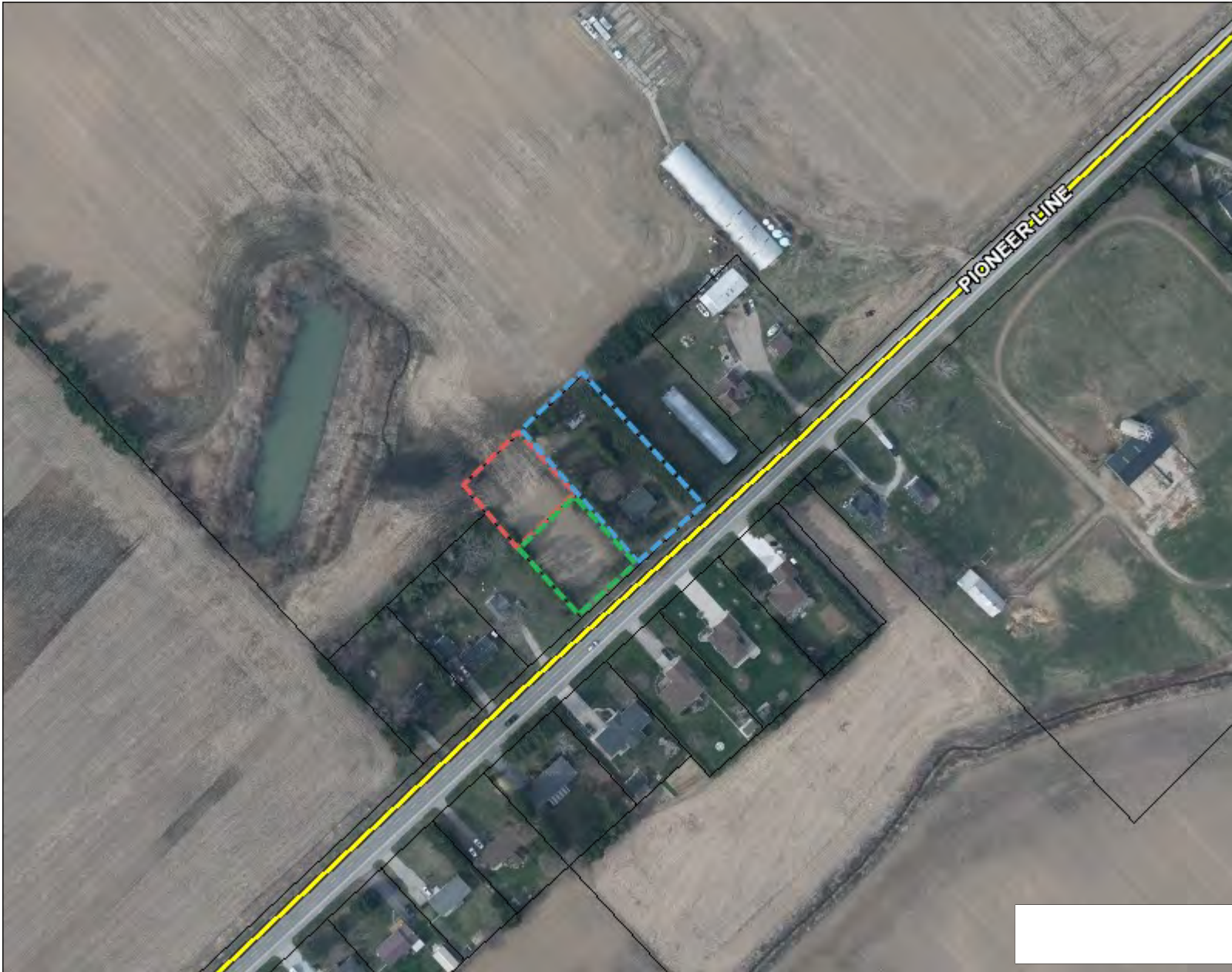
Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details








| | |
|----------------------|---|
| Document Title: | Severance Application E103-22 - Comments to Elgin County - 2023-08-Planning - 2023-08-Planning.docx |
| Attachments: | - Planning Report 2023-08 - Appendix One - West Elgin Sketch 103-22.pdf - Planning Report 2023-08 - Appendix Two - West Elgin Conditions E103-22.pdf |
| Final Approval Date: | Feb 1, 2023 |

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

Jana Nethercott



Legend

-  Elgin County Parcels
-  Boundary
-  Elgin Road Network
-  Elgin Road Network
-  Elgin Road Network
-  Lagoons
-  World Imagery

Notes

Lot Addition

0.2 0 0.08 0.2 Kilometers

Planning Report 2023-08: Appendix Two

Consent Application E103-22 – West Elgin Conditions

Consent Application E103-22 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 south Roll No. 3434 000 030 06050 (no address Pioneer Line) 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 prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

February 10, 2023

At the Regular Meeting of Council on February 9, 2023 the Council of the Municipality of West Elgin passed the following Resolution:

Resolution No. 2023- 56

Moved: Councillor Tellier

Seconded: Councillor Navackas

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application E103-22 – Comments to Elgin County (Planning Report 2023-08);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E103-22, 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.

Carried

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

Jana Nethercott
Clerk

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 103-22)**
23092 Pioneer Line (Allain)
Lot 10; Concession 8
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

A handwritten signature in blue ink, appearing to read "C. Wilson".

Connor Wilson
Planner



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: February 22, 2023
Application: E 103-22

Owner:
Clairlea Homes Ltd.

32-35 West Pearce Street, Richmond Hill, ON
L4B 3A9

Location: Lot 10, Concession 8. 23092 Pioneer Line, Municipality of West Elgin.

Agent:
Raymond Allain

32-35 West Pearce Street, Richmond
Hill, ON L4B 3A9

PROPOSAL

The applicant proposes to sever a parcels with a frontage of 32.73 metres (107.37 feet) and a depth of 27.97 metres (91.77 feet) and an area of 915.4m² (9,853.34 ft²) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with a frontage of 32.11 metres (105.35 feet) and a depth of 65.13 metres (213.67 feet) and an area of 2,091.26m² (22,510.13 ft²), proposed to remain in residential use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

Rural Residential (RR)

REVIEW & ANALYSIS:

Public and Agency Comments

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 ~9,800sq. ft. from the exiting parcel and convey it as a lot addition to an adjacent lot. The PPS discourages lot creation in the agricultural area; however, lot adjustments are permitted under 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 being 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 application is for a minor boundary adjustment which will see a portion of the subject land added to the adjacent parcel which currently is located behind the backyard of the receiving lot.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. Section E1.2.3.4 of the CEOP contains policies on severances in the agricultural area. The CEOP does permit lot adjustments and lot additions in the agricultural area, provided no new lots are created. This severance does not propose the creation of a new lot nor is any change in existing land use proposed. Therefore, 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 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 where a modest amount of land is to be conveyed and will not lead to a contravention of the zoning by-law. Both the retained and receiving parcels are zoned Rural Residential (RR) and West Elgin staff have reviewed the application and determined that the retained and receiving parcel will meet the zone provisions.

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 severed parcel be conveyed to and consolidated with the abutting parcel to the south Roll No. 3434 000 030 06050 (no address Pioneer Line) 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 prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 104-22**

**LOT 23, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 56858 TUNNEL LINE**

TAKE NOTICE that an application has been made by Brian Crevits, 57575 Light Line, Vienna, ON N0J 1Z0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56858 Tunnel Line, Municipality of Bayham.

The applicant proposes to sever a parcel with a frontage of 67.595 metres (221.77 feet) and a depth of 59.176 metres (194.15 feet) and an area of 0.4ha (0.99 acres) containing a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 291.341 metres (955.85 feet) and an area of 38.4ha (94.89 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 FEBRUARY 22ND AT 2:00 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

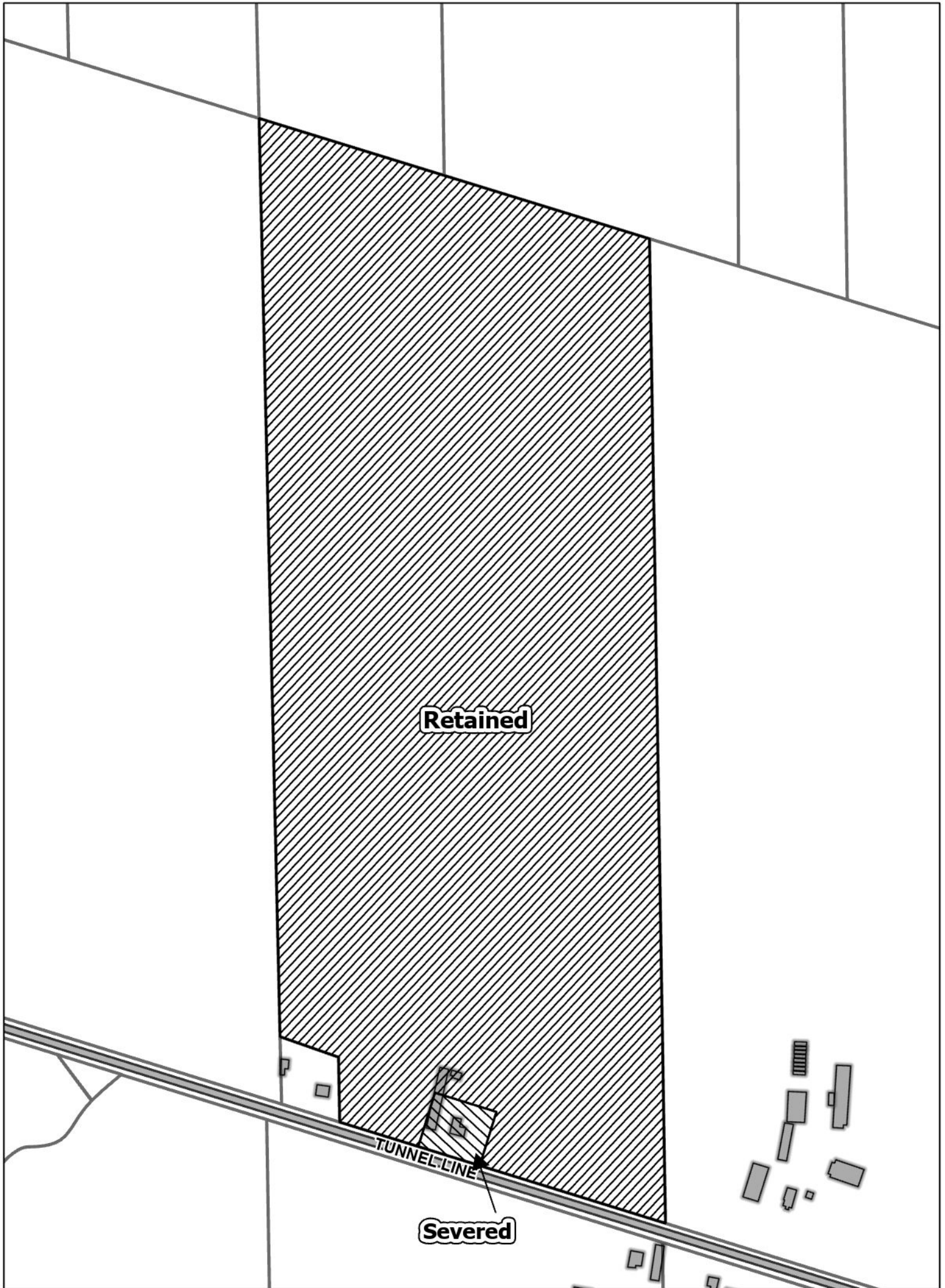
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

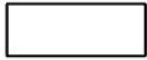

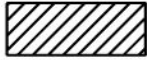




Location Map

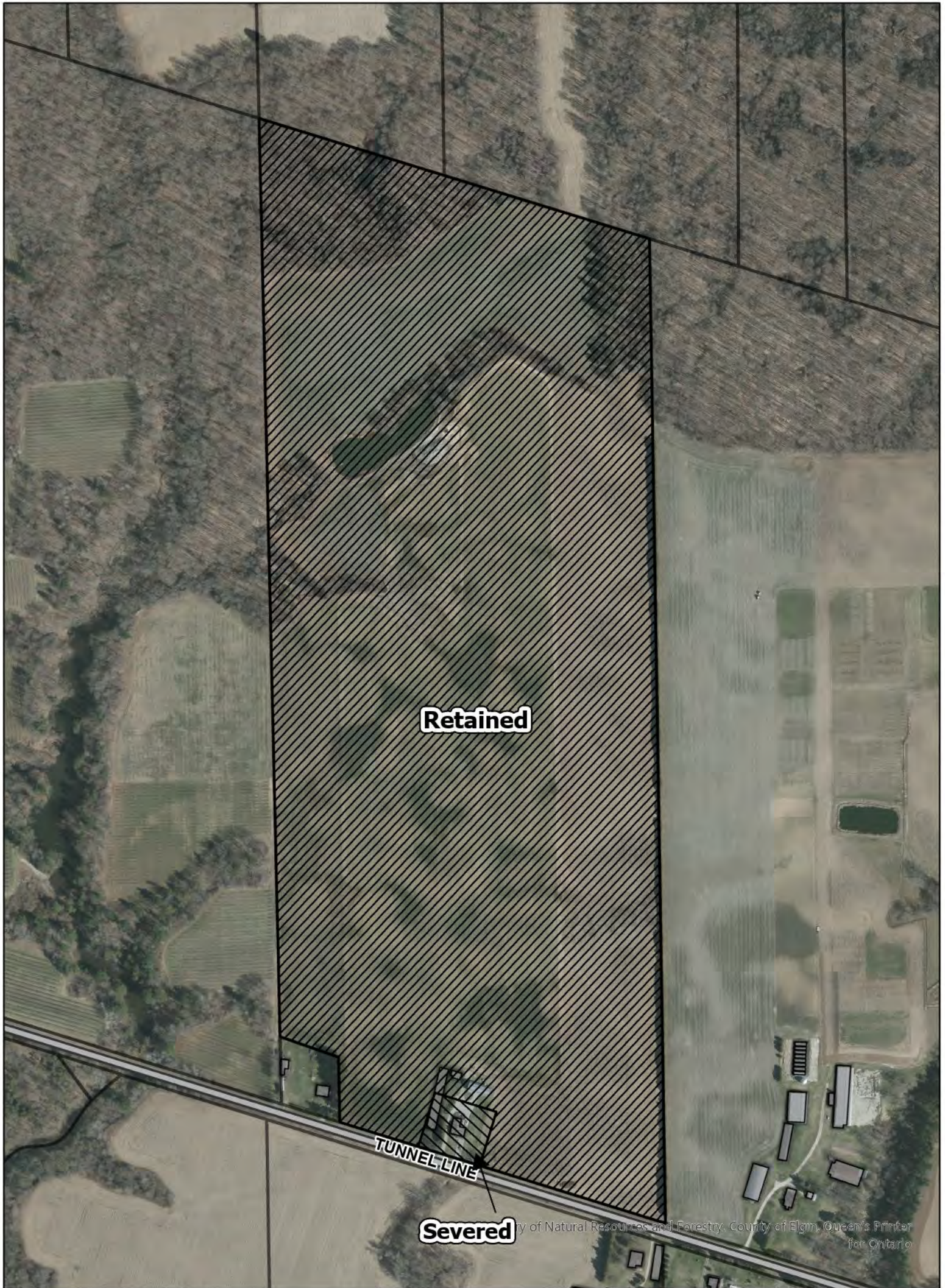
Subject Site: 56858 Tunnel Line
 File Number: E 104-22
 Owner: Brian Crevits and Maria Crevits
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 12/02/2022
 Municipality of Bayham



Legend

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



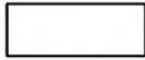

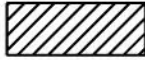

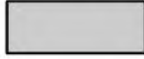


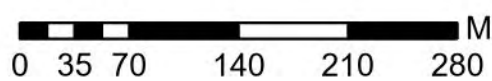
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 Created By: PC
 Date: 12/02/2022
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



February 7, 2023

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. E104-22 Crevits

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the February 2, 2023 meeting:

THAT Report DS-08/23 regarding Consent Application E104-22 Crevits be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E104-22 be granted subject to the following conditions and considerations:

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

Municipal Appraisal Sheet and Staff Report DS-08/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read "Margaret Underhill", is written over a light blue circular stamp.

Margaret Underhill
Planning Coordinator|Deputy Clerk

D09.CREVITS

Cc: B. Crevits (email)

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 104-22 _____

Applicant Crevits, B & M _____

Location Bayham – 56858 tunnel Line Concession 3 Part Lot 23 _____

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

Policies: 2.1.7.1 Farm Consolidation and Surplus Farm Dwellings

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1-A) and LPRCA Regulation Limit

Rezoning required as per policy to rezone the severed and retained lands

- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? By application | 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 () |
| 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? | | |

See Letter attached with listed conditions.

See Staff Report DS-08/23 considered at Council meeting held February 2, 2023

agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;

- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

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

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,

- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

2.1.7.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.8 Existing Lots

2.1.8.1 One non-farm residential unit may be considered on existing lots of record in areas designated "Agriculture", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation I formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: February 2, 2023
REPORT: DS-08/23 **FILE NO. C-07 / D09.22 CREV**
Roll # 3401-000-002-09600

SUBJECT: Consent Application E104-22
B and M Crevits – 56858 Tunnel Line

BACKGROUND:

Consent application E104-22 was received from the Elgin County Land Division Committee submitted by Brian and Maria Crevits proposing to sever a surplus farm dwelling parcel 4,000 sq. m. (0.99 acres) and retain 38.4 ha (94.9 acres) in Concession 3 Part Lot 23, municipally known as 56858 Tunnel Line.

The subject lands are designated "Agriculture" and portions of "Natural Gas Reservoir" on Schedule 'A1' Land Use; and a portion of the lands are located within "Hazard Lands" and "Significant Woodlands" overlay and include one existing petroleum well as per Schedule 'A2' Constraints of the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1-A) and Long Point Region Conservation Authority (LPRCA) Regulation Limit as per Schedule 'A1' Map No. 12 of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on February 22, 2023.

DISCUSSION:

The planner's memorandum dated January 26, 2023 analyzes the application subject to the Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

No conditions are included pertaining to municipal drains as there are no drains affecting this agricultural property. Listed recommended conditions include the requirement to rezone both the severed and retained and other standard conditions for a surplus dwelling proposal. Staff and planner recommend Council's support of the applications with the listed conditions for the creation of a surplus farm dwelling parcel.

ATTACHMENTS

1. Consent Application E104-22
2. IBI Memorandum dated January 26, 2023

RECOMMENDATION

THAT Report DS-08/23 regarding Consent Application E104-22 Crevits be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E104-22 be granted subject to the following conditions and considerations:

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

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO

CAO/Clerk

Memorandum

| | | | |
|---------------------|---|-------------------|------------------|
| To/Attention | Municipality of Bayham | Date | January 26, 2023 |
| From | Paul Riley BA, CPT | Project No | 3404-883 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Brian and Maria Crevits – 56858 Tunnel Line – Application for Consent E104-22 | | |

1. We have completed our review of Consent application E104/22, submitted by Brian and Maria Crevits for lands located at 56858 Tunnel Line, north side, east of Toll Gate Road. The applicant is requesting a consent for the severance of 4,000 square metres (0.99 acres) of land and to retain 38.4 hectares (94.9 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation. The lands are designated as 'Agriculture' and portions of 'Natural Gas Reservoir' as per Schedule 'A1' Land Use and a portion of the lands are located within 'Hazard Lands' and 'Significant Woodlands' overlay and include one existing petroleum well as per Schedule 'A2' Constraints of the Municipality of Bayham Official Plan and are zoned Agricultural (A1-A) and LPRCA Regulation Limit as per Schedule 'A1' Map No. 12 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 67.6 metres (221.8 feet) and lot depth of 59.2 metres (194.2 feet). The proposed lands to be severed comprise a single-detached dwelling. The retained lands have a frontage of 291.3 metres (955.7 feet) and a depth of approximately 1,000 metres (3,280.8 feet). The lands to be retained contain a shed and barn, which are accessed by way of the existing driveway to be severed. The surrounding uses to the north, south, and east are agricultural and there is a single-detached dwelling lot abutting the retained lands to the west.
3. Elgin County Official Plan (hereafter, 'Elgin OP') policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 New Lots by Consent. Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

Elgin County OP Section E1.2.3.1 indicates that provisional consent may be granted subject to appropriate conditions of approval for the severed and/or

Municipality of BayhamMunicipality of Bayham – January 26, 2023

retained lot and that prior to issuing provisional consent the approval authority shall be satisfied that the lot to be retained and severed lot shall:

- a. Frontage: the proposed severed and retained lots have adequate frontage on Tunnel Line.
- b. Provincial/County Road Access: Tunnel Line is a local road.
- c. Traffic hazard: based on a desktop review, Tunnel Line is flat and straight at the frontage and existing driveway and traffic for one existing residential unit would not create significant additional traffic, therefore, no traffic hazard is anticipated with the proposed consent.
- d. Size and Frontage: the severed lot provides adequate frontage and lot area in accordance with the Municipality of Bayham Zoning By-law, as well as adequate yard setbacks. The retained lands are zoned A1-A and the existing and proposed retained lot area is below the minimum 40 hectares (98.8 acres) in the A1-A zone. To be discussed below, retained surplus farm dwelling lands are to be rezoned by the applicant/owner to a Special Agricultural (A2) zone which includes a minimum lot area regulation of 20 hectares (49.4 acres), therefore, subject to rezoning the proposed retained lot area would be in conformity to the Zoning By-law.
- e. Zoning amendment or variance: the owners will be required to rezoning the severed lands from an Agricultural (A1-A) zone to a Rural Residential (RR) zone and to rezone the retained lands from A1-A to Special Agricultural (A2) zone to prohibit new dwellings in accordance with the Bayham OP policies reviewed below.
- f. Water and Sewer Services: the owners have provided supporting private water servicing information as part of the complete application. The existing water well was inspected by David S. Ross Pump Service Ltd. and their report, dated September 21, 2022, provided confirmation of adequate water quantity. Also submitted was a water quality test result dated July 4, 2022 indicating adequate water quality for the existing well. The applicant has indicated that a new septic system will be installed, which will be a condition of an approved conditional Consent.
- g. Drainage Patterns: there are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.
- h. Potential restriction of future development and/or access: the proposed severed lot includes the current farm building access driveway. The owners will be required to establish a new access by municipal permit if none exists.

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There appears to be adequate frontage on this flat and straight section of Tunnel Line for a farm access.

- i. Natural Heritage Features: the retained lands include natural features identified as hazard lands, significant woodlands and LPRCA regulation limit which are located to the rear of the subject lands, located at least 550 metres (1,804 ft) from the proposed severed dwelling lands. The existing petroleum well is located approximately 350 metres (1,148 ft) from the proposed severed dwelling lands. The severed dwelling lands are not considered in proximity to these constraint features, therefore, the natural heritage features are conserved on one larger lot and will not have an impact on the proposed residential lands.
- j. Quality and Quantity of Ground Water: the proposed consent will not have a negative impact on local groundwater due to the existence of the dwelling and well and the retained lands will be prohibited from adding additional dwellings which might impact water quantity.
- k. Natural Hazard: the proposed consent does not propose any physical changes to the subject lands and the proposed residential lot is not within proximity to any potential natural hazards, therefore, no adverse impacts are created.
- l. Local Official Plan: the Bayham OP is reviewed below.
- m. Planning Act Section 51(24) Criteria: in reviewing the criteria it is evident that the considerations of the criteria are addressed within the Elgin OP and Bayham OP review portions of this memorandum and that the proposed consent is in conformity to the Planning Act.

The proposed Consent is in conformity to the Elgin County Official Plan.

4. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. The following policy considerations apply:

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

Based on the existing nature of the dwelling it is not anticipated that the proposed Consent will produce land use conflicts with any nearby land uses, however, the retained barn and shed and access to them could create a nuisance for the dwelling. At the time of writing, it is not clear what the condition of the barn and shed is and they should be removed if in a state of disrepair, however, accessory uses to agricultural uses are permitted within the A2 Zone. If the accessory

Municipality of BayhamMunicipality of Bayham – January 26, 2023

buildings are adequate to remain it is recommended that a new driveway/access to the barn and shed be established in some form.

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership

The lot configuration suggests that there may have been a previous severance from the subject lands, however, the assessment roll number and the age of the garage (approximately 1930) suggest that these lands were not previously severed as a surplus farm dwelling.

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

The applicant indicates the farm operation has a dwelling located at 57575 Light Line, as well as farm operation parcels located at 7027 Elgin Road 55 in Bayham and Lot 8 CWNR in Norfolk County.

There may have been a previous severance from the original farm parcel, therefore, our recommendation would be refusal and the dwelling could be retained for worker housing or future owners/farmers. However, the proposed consent is otherwise in conformity to the Official Plan.

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

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

Section 2.1.7.3 Severed Lot: there are two proposed retained agricultural accessory buildings which are currently accessed by way of the proposed severed driveway. Creating a new access/driveway to the retained barn and shed area to the rear of the dwelling lands could avoid future land use conflict.

Section 2.1.7.4 Retained Lot: the retained lands have lot area of 38.4 ha and the owner will be required to rezone the retained lands to a Special Agricultural (A2) zone to prohibit new dwellings.

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

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

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

7. Based on the above review of consent application E104/22, we would recommend avoiding fragmentation of farmlands where surplus farm dwellings have been previously severed from an original farm parcel, however, we have no objection to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:
 - a) That the owner obtains approval of a zoning by-law amendment for the severed parcel from an Agricultural (A1-A) zone to a Rural Residential (RR) Zone.
 - b) That the owner obtains approval of a zoning by-law amendment for the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
 - c) That the owner receive approval from the Municipality of Bayham for road entrance permit for any new access to the retained lands.
 - d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - e) That the owner provides a digital copy of a survey of the subject lands.
 - f) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham



Long Point Region Conservation Authority

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

Elgin County
St. Thomas, ON

February 14, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 104-22 and can provide the following comments based on LPRCA's various plan review responsibilities for Elgin County's consideration.

It is staff's understanding that the submitted application for consent will facilitate the creation of a new residential lot containing a dwelling that is surplus to a farming operation.

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

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

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

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

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

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 contain flood and erosion hazards associated with an existing watercourse and 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))

The proposed severed lot is not regulated under Ontario Regulation 178/06. The proposed retained lot contains the existing watercourse and is partially regulated.

Please feel free to reach out with any further questions related to this matter. Thanks,

Aisling Lavery, Resource Planner
Long Point Region Conservation Authority
519-842-4242 ext. 235 | alavery@lprca.on.ca



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: February 22, 2023
Application: E 104-22

Owner: **Brian and Maria Crevits** **Agent:** **None.**

57575 Light Line, Vienna, ON N0J 1Z0

Location: Lot 23, Concession 3. Municipally known as 56858 Tunnel Line, Bayham.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 67.595 metres (221.77 feet) and a depth of 59.176 metres (194.15 feet) and an area of 0.4ha (0.99 acres) containing a dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 291.341 metres (955.85 feet) and an area of 38.4ha (94.89 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agriculture

**Local Municipality Zoning
By-law**

Agriculture (A1-A)

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 a 0.40ha residential lot from an existing agricultural parcel for a dwelling that is surplus to a farming operation. The applicant intends to retain a 38.4ha parcel which will be transferred to B + S Crevits Farms Ltd. The surplus dwelling is currently

occupied by Maria Crevits, the applicant's mother. Generally, the PPS does not permit the creation of new residential lots in prime agricultural areas; however, Section 2.3.4.1(c) allows lot creation for dwellings that are surplus to a farming operation.

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

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

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

This application is to create a separate residential parcel which is limited in size and will adequately accommodate the existing dwelling. Staff have reviewed the application and aerial photography for the area and do not believe the proposed severed lot will comprise any actively cultivated lands.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. Section E1.2.3.4 of the CEOP contains policies on severances in the agricultural area. The CEOP does permit lot creation for the purposes of severing a residence that is surplus to a farming operation. Similar to the PPS, such a lot must be limited in size and the retained parcel shall not be permitted to have any residential development in the future. This requirement can be addressed through a zoning amendment by the Municipality of Bayham.

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. The Bayham Official Plan permits lot creation the Agricultural designation provided the lot is for a dwelling surplus to a farming operation. The severed lot will need to be rezoned to Rural Residential (RR) to be consistent with its residential use and size, while the retained lands will be rezoned to Special Agricultural (A2) to prohibit future residential development. The proposed rezoning, which Bayham has requested as a condition of consent, will satisfy the CEOP and PPS requirements for surplus dwellings.



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

RECOMMENDATION:

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

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

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

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 90-22**

**PART OF LOTS 1, 2, AND 3, CONCESSION SNBTR
TOWNSHIP OF SOUTHWOLD
MUNICIPALLY KNOWN AS 32698 SCOTCH LINE**

TAKE NOTICE that an application has been made by Ralph and Anne DeVries Farms Ltd., 8266 Iona Road, Iona Station ON N0L 1P0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 32698 Scotch Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 40.996 metres (135 feet) and an area of 2,947m² (0.72 acres) to sever a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 28.7317 hectares (71 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 FEBRUARY 22ND AT 2:10 PM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

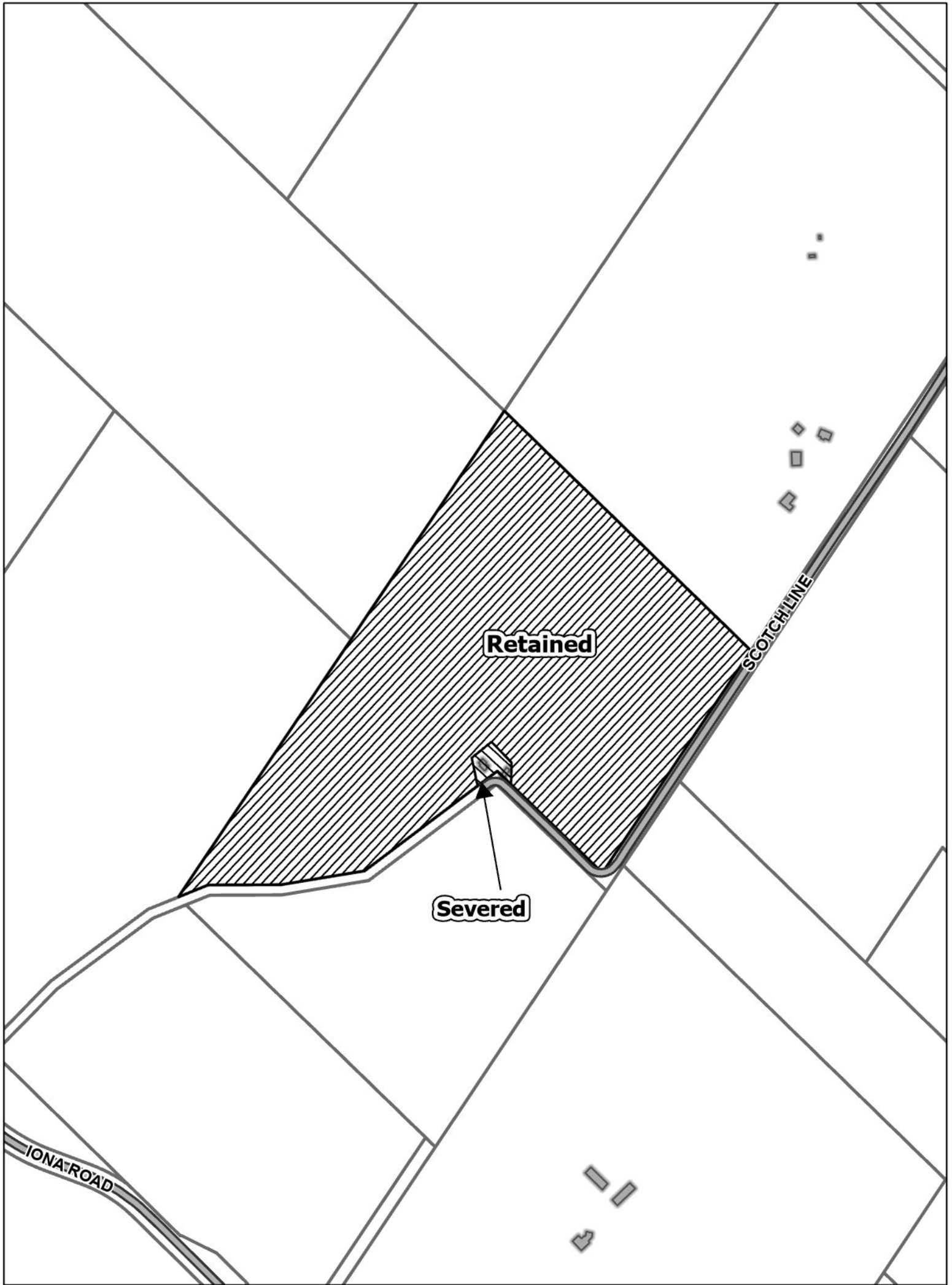
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 26th day of January, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








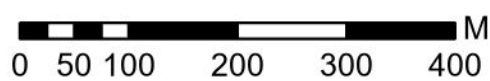
Location Map

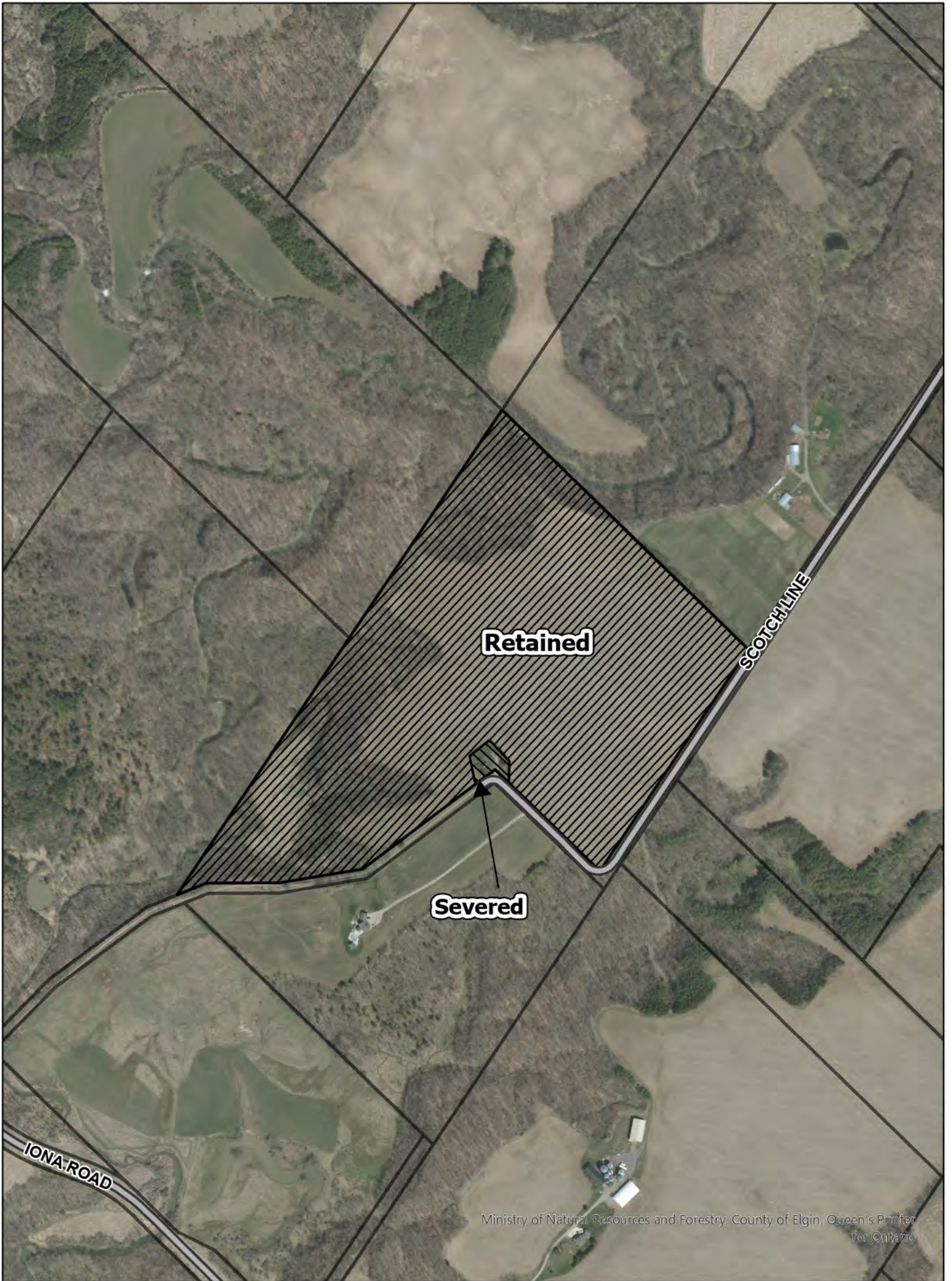
Subject Site: 32698 Scotch Line
 File Number: E 90-22
 Owner: Ralph and Anne DeVries Farms Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 10/28/2022
 Township of Southwold



Legend

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







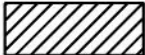


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

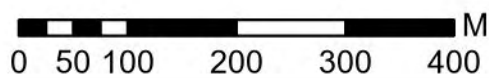
Location Map

Subject Site: 32698 Scotch Line
 File Number: E 90-22
 Owner: Ralph and Anne DeVries Farms Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 10/28/2022
 Township of Southwold



Legend

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



VIA EMAIL ONLY

December 13, 2022

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin County File Number: E90-22

Please be advised that the Township of Southwold has reviewed the above-noted application at the December 12, 2022, Council Meeting and passed the following resolution: 2022-343

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent application, E90-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-38.

CARRIED

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

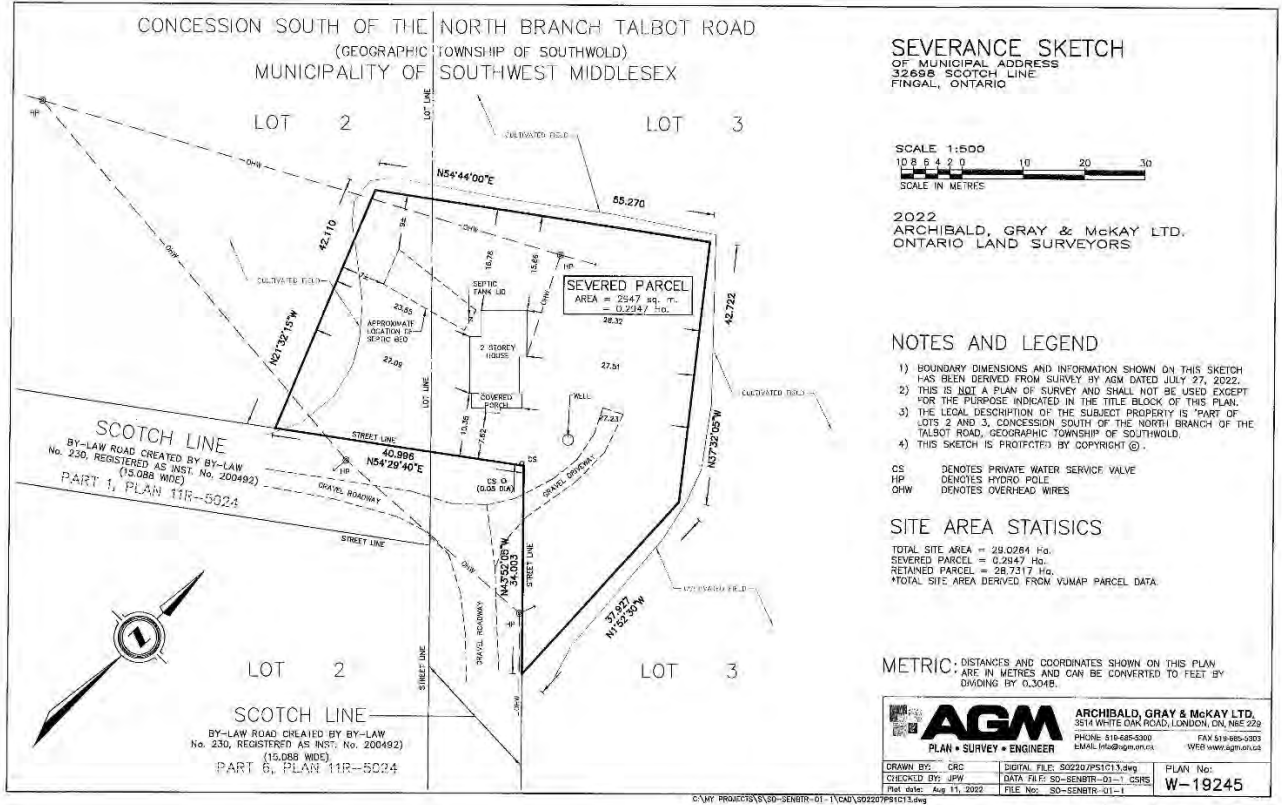
Yours truly,

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

PLA 2022-38 Report Appendix One: Severance Sketch



SEVERANCE SKETCH OF MUNICIPAL ADDRESS 3268B SCOTCH LINE FINGALL, ONTARIO

SCALE 1:500
0 5 10 20 30
SCALE IN METRES

2022
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

NOTES AND LEGEND

- 1) BOUNDARY DIMENSIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN DERIVED FROM SURVEY BY AGM DATED JULY 27, 2022.
- 2) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK OF THIS PLAN.
- 3) THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS "PART OF LOTS 2 AND 3, CONCESSION SOUTH OF THE NORTH BRANCH OF THE TALBOT ROAD, GEOGRAPHIC TOWNSHIP OF SOUTHWOLD.
- 4) THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

CS DENOTES PRIVATE WATER SERVICE VALVE
HP DENOTES HYDRO POLE
ORW DENOTES OVERHEAD WIRES

SITE AREA STATISTICS

TOTAL SITE AREA = 29.0264 Ha.
SEVERED PARCEL = 0.2947 Ha.
RETAINED PARCEL = 28.7317 Ha.
*TOTAL SITE AREA DERIVED FROM VUMAP PARCEL DATA.

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

| | | |
|--|---|----------------------------|
| ARCHIBALD, GRAY & MCKAY LTD. 3514 WHITE OAK ROAD, LONDON, ON, N5E 2Z9 PHONE: 519-685-5300 FAX: 519-885-5303 EMAIL: info@agm.on.ca WEB: www.agm.on.ca | | |
| DRAWN BY: CRC CHECKED BY: JPW Plot date: Aug 11, 2022 | DIGITAL FILE: 202207P51C13.dwg DATA FILE: SO-SENBTR-01-1_CORS FILE NO: SO-SENBTR-01-1 | PLAN No: W-19245 |

C:\MY PROJECTS\1930-SENBTR-01-1\CAD\202207P51C13.dwg

Appendix Two: Severance Application E90-22

Consent Applications E90-22 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*.



TOWNSHIP OF SOUTHWOLD
Report to Council

MEETING DATE: December 12, 2022

PREPARED BY: Josh Mueller, MCIP, Planner

REPORT NO: PLA 2022-38

SUBJECT MATTER: Consent Applications E90-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent applications, E90-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-38;

Purpose:

The proposal is to sever a dwelling excess to a farming operation and retain an agricultural lot.

Background:

Below is background information in a summary chart:

| | |
|---|--|
| Application | E90-22 |
| Owners/Applicants | Ralph and Anne DeVries Farms Limited |
| Agent | Ralph and Anne DeVries Farms Limited |
| Legal Description | CON SNBTR S PT LOTS 12 AND;3 |
| Civic Address | 32698 Scotch Line |
| Entrance Access | Scotch Line |
| Water Supply | Municipal Water (served/retained) |
| Sewage Supply | Privately owned and operated septic system |
| Existing Land Area (severed and retained combined) | 29.03 Ha (71.74 Ac) |
| Buildings and/or Structures | Severed Parcel – one single detached dwelling |
| | Retained Parcel – vacant, to be used for agricultural purposes |

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

| Severed Parcel | | | Retained Parcel | | |
|-----------------------|------------------------|--------------------------|--------------------------|-------------------------|---------------------------|
| Frontage | Depth | Area | Frontage | Depth | Area |
| 75.00 m (246.0 ft) | 122.76m (402.75 ft) | 0.295 Ha (0.73 acres) | 400.00 m (1312.33 ft) | 512.59m (1681.73 ft) | 28.73 Ha (70.99 acres) |

The Public Meeting is scheduled for January, 2023 with the Elgin County Land Division Committee with the exact date not known at this time, because the Committee Meeting calendar isn't posted for 2023.

Figure One: Areas to be Severed and Retained



The consent sketch, showing E90-22 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 Agricultural Areas for dwellings excess to a farming operation . Section 2.4.3.1 : Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

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

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The 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 severed lot is approximately 0.295 Hectares, (0.73 Acres) and is serviced by Township water, and private septic system. The retained parcel will be used for agricultural purposes and will be required to be rezoned to prohibit any further residential development from occurring on the retained agricultural parcel. The applicant will be required to submit a Zoning Bylaw Amendment application to the Township as a condition of consent.

Therefore, this proposal complies with the requirements with the PPS.

County of Elgin Official Plan (CEOP)

The parcel is designated Agricultural Area on Schedule 'A' Land Use.

Section E 1.2.3.4 details policies for lot creation on lands in the Agricultural Area. The policies for creation of a residential lot as a result of a farm consolidation are outlined below:

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 retained parcel will continue to be used for agricultural purposes, and will be rezoned to prohibit any further residential development on the retained parcel.

Therefore, this proposal conforms to the CEOP.

Township of Southwold Official Plan (OP)

The parcel is designated Agricultural Area on Schedule '4' of the OP.

Section 7.23.4 outlines the Agricultural Consent Policies

Land severances in the Agricultural Area may be permitted for:

A habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

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

The applicant will be required to submit a Zoning Bylaw Amendment Application as condition of severance. Therefore, the proposed severance conforms to the OP.

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

Both the proposed retained and severed lands are zoned Agricultural 1 (A1) Zone on Map 5 of ZBL #2011-14. The severed portion of the land would require a rezoning to prohibit any additional dwellings to be constructed on the parcel. The retained parcel would also have to be rezoned to prevent any further residential development thus maintaining the agricultural nature of the retained parcel.

Therefore, 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:

Infrastructure and Development Department

- No mutual drains in the area so there is no reapportionment needed
- Mutual agreement drain to provide for a legal drainage outlet for the residential lot that is to be created

All other departments had no concerns.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval. The recommended Township conditions for consent application 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.

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

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: E90-22

Owner/Applicant: Ralph and Diane DeVries Farms Inc.

Location: 32698 Scotch Line,

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: Agricultural and Residential

Policies: Sections 5.1, 5.2

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:

Condition of consent to rezone the retained parcel, as contained within Planning Report PLA 2022-38.

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

OTHER

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. 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 () No ()

9. Does Council recommend the application? Yes () 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 2022-38

February 7, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 90-22)**
32698 Scotch Line (Ralph and Anne DeVries Farms Ltd.)
Part Lots 1, 2, & 3; Concession SNBTR
Municipality of Southwold

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 Talbot Creek Casey Drains, their associate ravine systems, stable slopes and erosion.

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

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner



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: February 22, 2023
Application: E 90-22

Owner:
Ralph and Anne DeVries Farms Ltd.

8266 Iona Road, Iona Station, ON N0L 1P0

Location: Part of Lots 1, 2 and 3, Concession SNBTR 5 on 11R-5024. Municipally known as 32698 Scotch Line, Township of Southwold.

Agent:
None.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 40.996 metres (135 feet) and an area of 2,947m² (0.72 acres) to sever a residential dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 28.7317 hectares (71 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

Township of Southwold – 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 an existing dwelling that is surplus to the needs of a farming operation. The applicant is proposing to sever a parcel of approximately 2,950m² containing the existing residential dwelling and is proposing to retain the 28ha farm parcel.

The PPS permits severances in prime agricultural areas for the purposes of surplus dwelling severances, provided the following conditions are met:

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 this application against the policies of the PPS and found that it is consistent. The application is to sever a dwelling that is surplus to the needs of the farmer and the severed lot is of a minimum size needed to accommodate the septic system, well and existing driveway. The proposed property lines for the severed parcel roughly follow that of the existing cultivation line indicating that no actively farmed land will be included with the severed residential parcel.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated Agricultural Area in the CEOP. Like the PPS, the CEOP generally discourages new lot creation in the agricultural area; however, lot creation is permitted for surplus dwellings provided the requirements of Section E1.2.3.4 are satisfied:

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 applicant has completed Appendix B – Surplus Dwelling Information Form as part of their application which indicates that the requirements of the CEOP with regards to surplus dwelling requirements have been met. As there is no proposed land use change as a result of this severance, staff are of the opinion that this application conforms to the CEOP.

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. Consents for the purposes of severing a dwelling that is surplus to a farming operation are permitted in the Agricultural land use designation in the Southwold OP, provided the retained farmland parcel will be rezoned to prohibit residential development. As such, the Township of Southwold is requesting a condition to rezone the retained farmland to prohibit residential development.

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.

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*.