

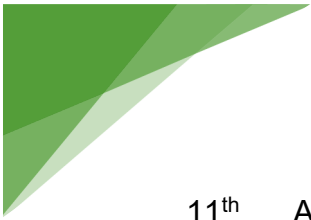


Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, March 22, 2023, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:10 am E 1-23 Timothy Van Lith – 21179 Clachan Road, Municipality of West Elgin
 - 9:20 am E 2-23 Andrzej Szafran and Lina Mateus – 33402 First Line, Township of Southwold
 - 9:30 am E 3-23 Logan Burnett, 52631 Nova Scotia Line, Township of Malahide
 - 9:40 am E 4-23 Logan Burnett, 54190 Vienna Line, Municipality of Bayham
 - 9:50 am E 5-23 Logan Burnett, 55032 Vienna Line, Municipality of Bayham
 - 10:00 am E 6-23 Gregg Battersby, 24365 Crinan Line, Municipality of West Elgin
 - 10:10 am E 91-22 Peter Mohan, 22300 Talbot Line, Municipality of West Elgin
- 10th Date of Next Meeting



11th 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

February 22, 2023

County of Elgin Land Division Committee met this 22nd day of February 2023. 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
Dugald Aldred
Dave Jenkins
Tom Marks
John Seldon
Bill Ungar

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 9:08 a.m.

2. Election of Chair and Vice Chair

Moved by: Dave Jenkins

Seconded by: Bill Ungar

<i>Recorded Vote – Minutes</i>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		

Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: Nominations for the 2023 Chair of the Land Division Committee be opened.

- Motion Carried

Ian Fleck was nominated by John Andrews

Moved by: Bill Ungar

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	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: Nominations for the 2023 Chair of the Land Division Committee be closed.

- Motion Carried

Moved by: Bill Ungar

Seconded by: John Andrews

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: John R. “Ian” Fleck be elected as Chair of the Land Division Committee for 2023.

Moved by: Bill Ungar

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	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: nominations be opened for the Vice Chair of the Land Division Committee for 2023.

- Motion Carried

Ian Fleck nominated Dave Jenkins.

Dave Jenkins declined his nomination.

John Seldon nominated Dugald Aldred

Moved by: Dave Jenkins

Seconded by: John Andrews

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: nominations be closed for the Vice Chair of the Land Division Committee for 2023.

- Motion Carried

Moved by: Bill Ungar

Seconded by: Dave Jenkins

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT: Dugald Aldred be elected as the Vice-Chair of the Land Division Committee for 2023.

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

None.

4. 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	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

RESOLVED THAT the minutes of the meeting held on October 26, 2022 be adopted.

- Motion Carried.

5. BUSINESS ARISING OUT OF MINUTES

None.

6. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

John Andrews declared an interest in E 55-22 and E 56-22.

7. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

8. BUSINESS ARISING FROM CORRESPONDENCE

None.

9. NEW BUSINESS

None.

10. APPLICATIONS FOR CONSENT:

John Andrews recused himself.

Application E 55-22 & E 56-22 – 9:24 a.m.
Jane and John Andrews – 10518 Ford Road

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

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

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

Owner:

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the

		application subject to the conditions provided
2	Kettle Creek	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: Dugald Aldred
Seconded by: Bill Ungar

RESOLVED THAT severance application E 55-22 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owners acknowledge being advised and will advise prospective purchasers that the Ministry of Transport “MTO” will require a 14 m setback from the MTO property limit on the east side of lots 2, 3, & 4 for any structure, building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.

Additionally, 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 (4) 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*.

AND THAT application E 56-22 be approved subject to the following conditions:

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

building, sanitary facilities, etc. Wells require a 30 metre setback from the MTO property limit.

5. 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.
16. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews			
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

John Andrews resumed his seat at the Committee table.

**Application E 89-21 & E 90-21 – 9:35 a.m.
Trevor Benjamins – 54246 Eden Line**

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).

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

Owner:

Agent: Trevor Benjamins attended virtually

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	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 Seldon

Seconded by: Tom Marks

RESOLVED THAT severance applications E 89-21 and E 90-21 be approved subject to the following conditions:

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

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 85-22 – 10:10 a.m.
Trevor Benjamins – 7 Oak Street

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.

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

Owner:
Agent: Trevor Benjamins attended virtually

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	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: John Seldon

RESOLVED THAT severance application E 85-22 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 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.

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

Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 47-22 – 10:15 a.m.
Trevor Benjamins – 7 Oak Street

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.

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: Jeffrey Milcz attended in person
Agent: Trevor Benjamins attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: Bill Ungar

RESOLVED THAT severance application E 47-22 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 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.
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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7		

- Motion Carried.

Application E 38-22 and E 39-22 – 10:24 a.m.
John Beekman & Susan Kyle – 448 Talbot Street

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.

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: John Beekman
Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Town of Aylmer	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	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: Bill Ungar
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 38-22 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, it is recommended that the following conditions from the Town of Aylmer be included as conditions for consent:

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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 73-22 – 10:33 a.m.
Yorkland Farms Ltd. – 45714 Edgeware Line

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.

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

Owner:

Agent: Helen Button attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: Tom Marks

RESOLVED THAT the notice of decision for application E 73-22 be amended by changing the conditions to the following and that Section 53(26) of the Planning Act applies to this decision:

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

Recorded Vote – Minutes	Yes	No	Abstain
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West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 93-22 – 10:37 a.m.
Amy Dale – 42496 Water Tower Line

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.

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

Owner:

Agent: Helen Button attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Tom Marks

RESOLVED THAT severance application E 93-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 105-22 – 10:44 a.m.

Glen Weaver Fisheries Inc. – 236 Colonel Bostwick Street

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.

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

Owner:

Agent: Helen Button attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: Tom Marks
Seconded by: Bill Ungar

RESOLVED THAT severance application E 105-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		

Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 80-22, E 81-22 & E 82-22 – 11:00 a.m.
Sherry VanQuaethem – Lot 23 & 24, Concession 9

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.

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

Owner:

Agent: Sherry VanQuaethem and Curtis VanQuaethem attended virtually

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	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: Tom Marks

RESOLVED THAT severance applications E 80-22, E 81-22 and E 82-22 be approved subject to the following conditions:

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

3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 83-22 – 11:11 a.m.
VanBrenk’s Fruit Farms & Nursery Ltd. – Lot 22, Concession 9

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.

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

Owner:
Agent: VanBrenk’s

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Dugald Aldred
Seconded by: Tom Marks

RESOLVED THAT severance application E 83-22 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, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

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

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 84-22 – 11:17 a.m.
Johan & Sara Janzen. – 27 Union Street

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.

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

Owner:

Agent:

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	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: Dave Jenkins
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 84-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		

Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 86-22 & E 87-22 – 11:24 a.m.
Ted Halwa – 11061 Graham Road

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.

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: Curtis Hay attended virtually
Agent: Ted Halwa was present in person

Written submissions (*) were received from the following:

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

RESOLVED THAT severance application E 86-22 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 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:

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*.

AND THAT application E 87-22 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 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:

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*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 107-22 – 11:34 a.m.
Ted Halwa – 300 Colbourne Street

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.

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

Owner:
Agent: Ted Halwa was present in person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: Tom Marks

Seconded by: John Andrews

RESOLVED THAT severance application E 107-22 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 88-22 and E 92-22 – 11:40 a.m.

Carl McLeod & Sons Ltd. – 28786 & 28800 Aberdeen Line

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.

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: Carl McLeod attended virtually

Agent: Courtney Sinclair attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Dave Jenkins

RESOLVED THAT severance application E 88-22 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, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
2. That septic system review for the severed parcel has been completed.
3. That Municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (Under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot.
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality.
6. That taxes are 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.

AND THAT severance application E 92-22 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, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 89-22 and E 95-22 – 11:48 a.m.
Anthony Heibert – 56284 Heritage Line

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.

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

Owner:

Agent:

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	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: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT severance application E 89-22 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 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 severance application E 95-22 be deferred until Bayham condition #1 is fulfilled to the satisfaction of the Municipality of Bayham.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

RESOLVED THAT the Committee adjourn at 12:00pm, to return at 12:40pm.

Moved by: Dave Jenkins
Seconded by: John Seldon

Recorded Vote – Minutes		Yes	No	Abstain
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West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 91-22 – 12:41 pm
Peter Mohan – 22300 Talbot Line

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.

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

Owner: Peter Mohan attended virtually
Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Bill Ungar
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 91-22 be deferred so the applicant can amend the application to provide a width of 8 feet for the retained land along the severed lot

accessing Furnival Road

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 94-22 – 12:54 p.m.
Simona Rasanu – 8150 Carter Road

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.

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

Owner:

Agent: Simona Rasanu attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Long Point Region	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: Dave Jenkins

RESOLVED THAT severance application E 94-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 96-22 – 1:00 pm
Connie Blyde – 255 Hill Street

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.

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: Connie Blyde attended virtually

Agent: Michael Brightling attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: Tom Marks

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 96-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 97-22 & E 98-22 – 1:08 p.m.
Harry Wismer – 37474 & 37510 Lake Line

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.

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: Chris Wismer was present virtually
Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	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: John Seldon

RESOLVED THAT severance applications E 97-22 and E 98-22 be deferred pending 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, at the owner's expense.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 99-22 – 1:21 pm
Helena Zacharias – 51200 Vienna Line

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.

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: Dave Mennil was present in person

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	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: Bill Ungar

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 99-22 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, it is recommended that the following conditions from the Municipality of Central Elgin 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 100-22 and E 101-22 – 1:30 pm
Peter Littlejohn – Part of Lots 20 & 21, Concession 5

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.

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 Harold Durham was present virtually
 Agent: Harry Froussios and Peter Littlejohn was present virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Tom Marks

RESOLVED THAT severance application E 100-22 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, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

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

AND THAT application E 101-22 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, it is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

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

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred		x	
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck		x	
TOTAL		5	2	

- Motion Carried.

RESOLVED THAT the Land Division Committee adjourn for a 10-minute break, to return at 1:50 pm.

Moved by: Bill Ungar

Seconded by: Tom Marks

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 103-22 – 1:50 p.m.

Raymond Allain – 23092 Pioneer Line

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.

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

Owner:

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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
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(*) A copy of the comment package which includes all correspondence received is available upon request.

Moved by: Dugald Aldred
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 103-22 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, 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*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		

Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 104-22 – 2:00 p.m.
Brian Crevits – 56858 Tunnell Line

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.

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

Owner:

Agent:

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	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: Dave Jenkins

RESOLVED THAT severance application E 104-22 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, 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.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar		x	
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	1	

- Motion Carried.

Application E 90-22 – 2:10 p.m.

Ralph & Anne DeVries Farms Ltd. – 32698 Scotch Line

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.

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: Ralph DeVries was present in person

Agent:

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the

		conditions provided
2	Lower Thames Valley	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: Tom Marks

RESOLVED THAT severance application E 90-22 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, 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*.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

11. ADJOURNMENT

Moved by: Dave Jenkins
Seconded by: Tom Marks

RESOLVED THAT the Committee adjourn at 2:16pm on February 22, 2023 to meet again at 9:00am on March 22, 2023.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	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 1-23**

**LOT 22, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 21179 CLACHAN ROAD**

TAKE NOTICE that an application has been made by Timothy VanLith, 21179 Clachan Road, Muirkirk, ON N0L 1X0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 21179 Clachan Road.

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m² (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 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:

**MARCH 22, 2023 AT 9:10 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.

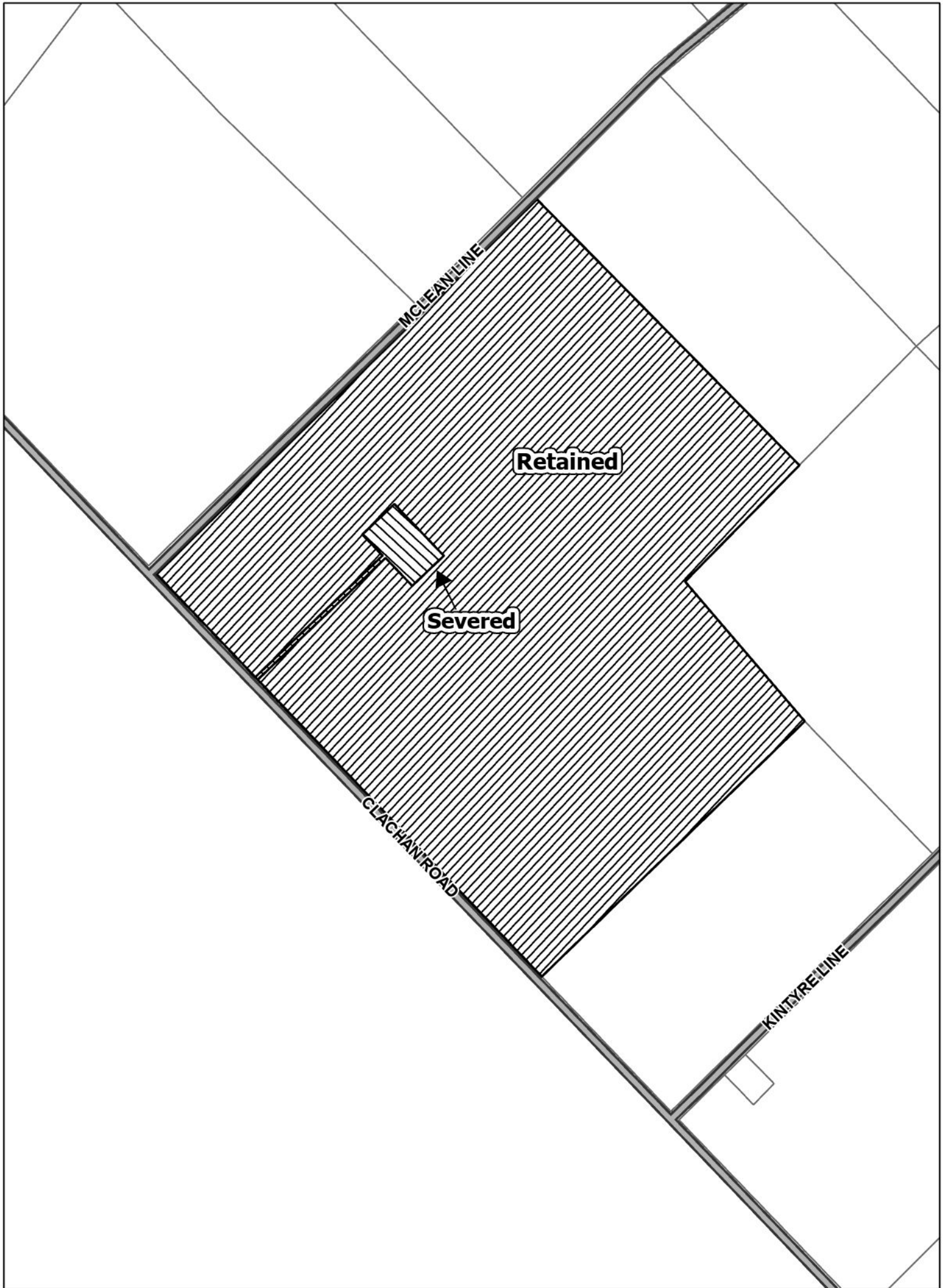
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 15th 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

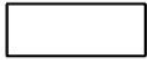

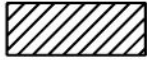




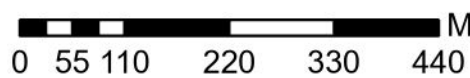
Location Map

Subject Site: 21179 Clachan Road
 File Number: E 1-23
 Owner: J&M Van Lith Farm Ltd. & Lithville Farms Ltd.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/14/2022
 Municipality of West Elgin



Legend

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







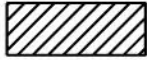

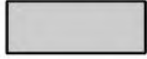
Maxar, Microsoft

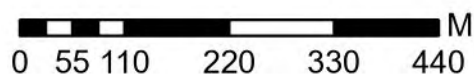
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 Municipality of West Elgin



Legend

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





The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

March 09, 2023

At the Regular Meeting of Council on March 09, 2023 the Council of the Municipality of West Elgin passed the following Resolution :

Resolution No. 2023- 92

Moved: Councillor Tellier

Seconded: Councillor Navackas

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E1-23 – Comments to Elgin County (Planning Report 2023-09);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E1-23, 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

Encl.



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-02-15
Subject: Severance Application E1-23 – Comment to Elgin County – Planning Report 2023-09

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E1-23 – Comments to Elgin County (Planning Report 2023-09);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E1-23, 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 E1-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant, at 21179 Clachan Rd.

Background:

Below is background information, in a summary chart:

Application	E1-23
Owner	J&M VanLith Farms Ltd.
Applicant	Timothy VanLith
Legal Description	Part Lot of A, Concession 4
Civic Address	21179 Clachan Line
Entrance Access	Clachan Line
Water Supply	Private on-site well
Sewage Supply	Private on-site individual septic system
Existing Land Area	80.94 ha (200 ac.)

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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E1-23	6.096 m (20 ft)	Flag- shaped	1.21 ha (3.0 ac)	921.7 m (3,024 ft)	irregular	79.7 ha (197 ac)

The Public Hearing is scheduled for March 22, 2023, at the Elgin County Land Division Committee Meeting.

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



The severance sketch, showing E01-23 is attached to this report as Appendix One for reference purposes.

Financial Implications:

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

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial

Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

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

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is located some distance from Clachan Road but is limited in area to accommodate the existing infrastructure, including the existing driveway, associated with the existing dwelling. There are no livestock facilities within 1,000 m of the proposed lot as such there is no MDS issue related to the surplus dwelling severance.

The property does contain a small wooded area however the proposed surplus dwelling lot is not located within the natural heritage (Section 2.3) portions of the property. The property also falls within an aggregate resource area. Section 2.5.1 outlines that, "Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified." The applicant was required to provide information on the presence and feasibility of aggregate extraction on the site. Based on the results of the test holes and review by three aggregate industry experts it was concluded that there is no economically viable quantities located around the proposed dwelling lot. As such removal of the dwelling will not impact on the remaining lands should gravel extraction be considered in the future.

This proposal is consistent with the PPS.

CEOP:

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

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

No development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. A portion of the proposed retained parcel contains a wooded area as indicated on Schedule 'B' on Map 2. This area is not impacted by the requested severance.

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

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

Administration advises that:

- The applicant has demonstrated that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is no livestock operation within 1,000 m of the proposed lot;
- The proposed severed parcel does not include any productive farmland; and

- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

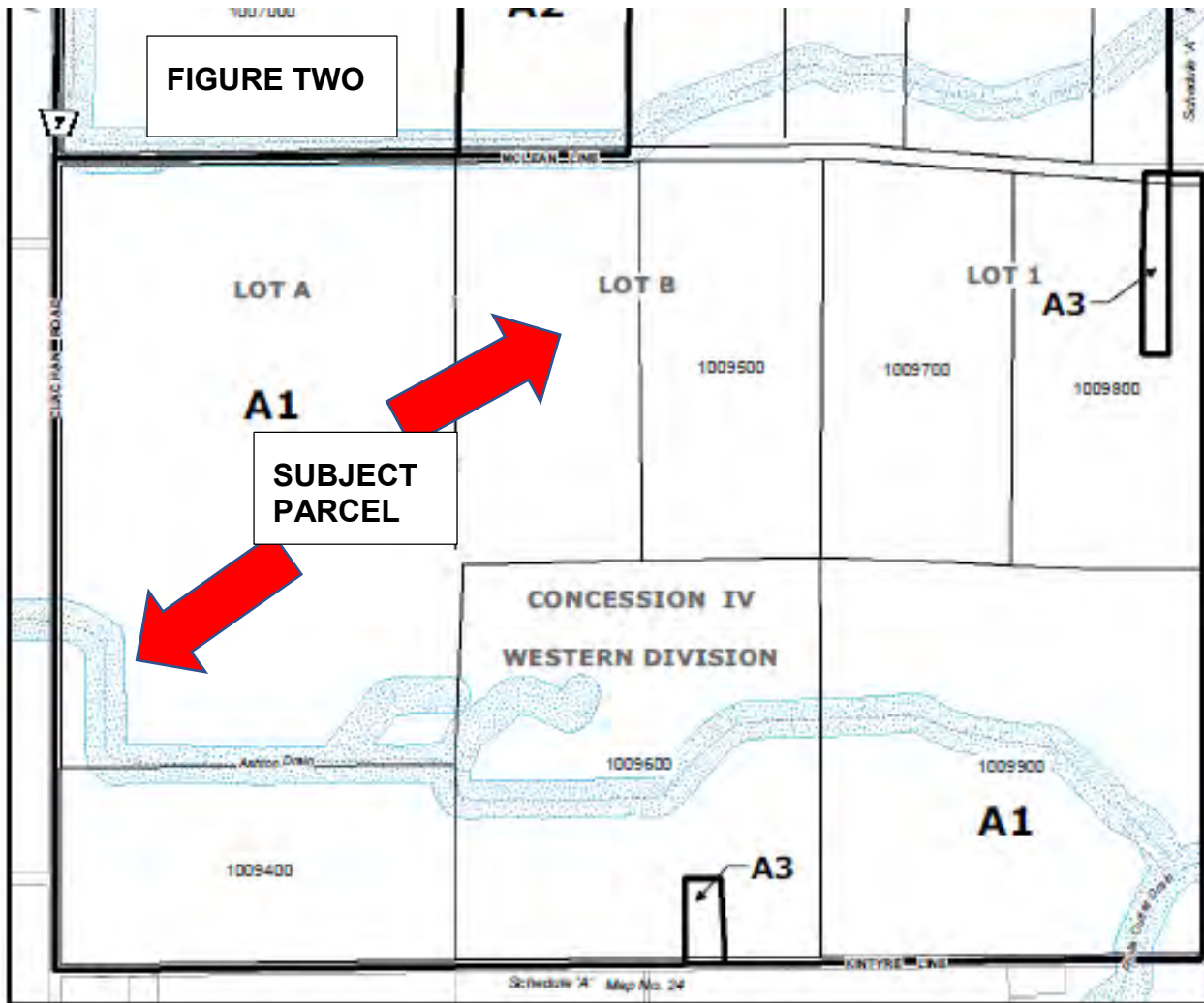
No development is proposed within the natural heritage feature on the property.

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

Therefore, this proposal conforms to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 14 of the ZBL, as depicted in Figure Two below:



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000

0 50 100 200 300 400 500 Metres

Municipality of West Elgin Zoning By-Law



April 28, 2014

Map No. 14

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

The proposed severed parcel area is 1.1346 ha (2.8 ac.), with a lot frontage of 6.096 m (20 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The reduced frontage resulting from the lot configuration to minimize inclusion of farm land will need to be addressed as part of the amending by-law. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

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

Interdepartmental Comments:

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

Drainage:

- The subject lands will require drainage reapportionment.

This will be addressed as a condition of approval.

Utilities:

- No issues of concern.

Public Works:

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

Building Dept:

- A septic system inspection has been completed and reviewed by the Chief Building Official which addresses one of the standard conditions of approval. The existing well was also tested for condition and quality. No issues were noted by the inspector and no quality issues were noted by Public Health.

No other comments or concerns were received from Administration.

Summary:

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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 E1-23 - Comments to Elgin County - 2023-09-Planning.docx
Attachments:	- Appendix One - Draft R Plan.pdf - Planning Report 2032-09 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Feb 28, 2023

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

Jana Nethercott

PLAN OF SURVEY OF
PART OF LOT A
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF ALDBOROUGH
MUNICIPALITY OF WEST ELGIN
COUNTY OF ELGIN

SCALE 1 : 750 METRES
0 2.4 4.8 9.6 15 20 30 40 50 60 70
SURVEYORS ON SITE INC.
THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 914mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750.

LEGEND

□	MONUMENT PLANTED
■	MONUMENT FOUND
▬	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
CM	CONCRETE MONUMENT
M	MEASURED
S	SET
O1	INSTRUMENT E275743
1355	BRIAN VAUGHAN SURVEYING LIMITED
OU	ORIGIN UNKNOWN

NOTES

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

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999622230.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) ON MONUMENTS (O) AND (S) AS SHOWN HEREON, HAVING A GRID BEARING OF N41°33'10"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2022.

NOVEMBER 25, 2022

CHRISTOPHER JOHN OYLER
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA (Ha)
1	PART OF A	4	PART OF PIN 35101-0105 (LT)	1.1346

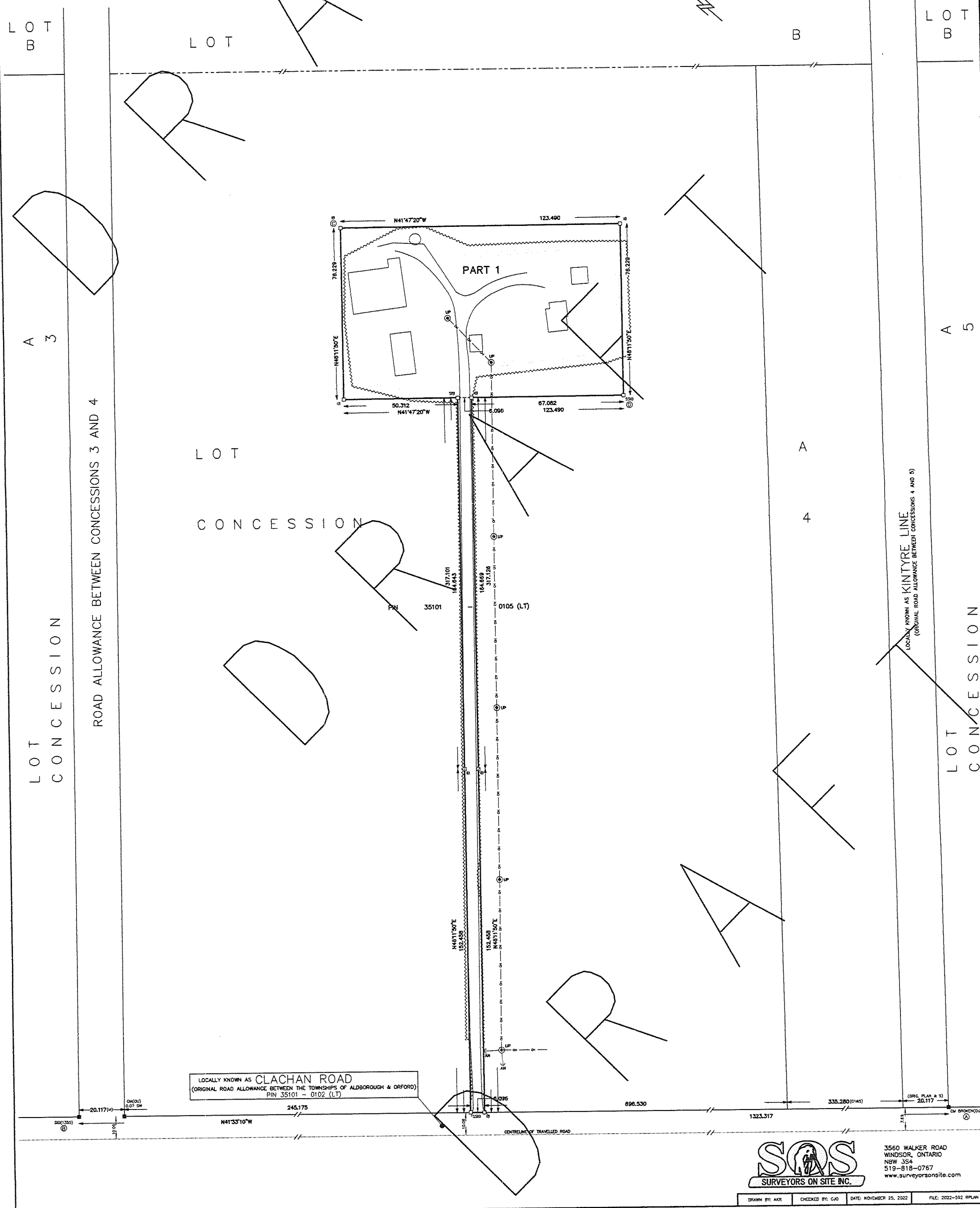
GEOGRAPHIC TOWNSHIP OF ALDBOROUGH
PART 1 COMPRISES PART OF PIN 35101-0105(LT).

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES COMPLY WITH THE RURAL ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
(A)	4712443.808	436146.772
(B)	4713433.741	435269.344
(C)	4713554.872	435704.818
(D)	4713392.041	435730.278

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



SOS
SURVEYORS ON SITE INC.

3560 WALKER ROAD
WINDSOR, ONTARIO
N8W 3S4
519-818-0767
www.surveyorsonsite.com

Planning Report 2023-09: Severance Report E1-23 –
Comments to the County of Elgin

Appendix Two: Severance Application E1-23 Conditions

Severance Application E1-23 Conditions:

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

February 16, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 1-23)**
21179 Clachan Road (VanLith)
Lot 22; Concession 9
Municipality of West Elgin

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

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



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: March 22, 2023
Application: E 1-23

Owner:
**J+M VanLith Farm Ltd. And Lithville Farms
Ltd.**

22131 Clachan Road, Bothwell, ON N0P 1C0

Agent:
Timothy VanLith

21179 Clachan Road, Muirkirk, ON N0L
1X0

Location: Part of Lots A and B, Concession 4, Municipality of West Elgin. Municipally known as 21179 Clachan Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m² (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 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

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 an existing dwelling that is surplus to the needs of a farming operation. The applicant is proposing to sever a parcel of approximately 12,000m² containing the existing residential dwelling is proposing to retain the 80ha 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 will result in a parcel with a long driveway leading to the residence and accessory dwellings, this parcel layout will minimize the amount of land being severed.

The lot is located within an aggregate resource area, however, test holes conducted on the subject land indicate that there is no economically viable quantities of aggregate located around the proposed surplus dwelling lot. Creation of the new lot is not anticipated to affect the viability of future aggregate extraction on the retained 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. The OP supports consents in the agricultural area for the purposes of severing an existing residential dwelling that is surplus to a farming operation. County staff have reviewed the application against the general criteria of the OP 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 proposed severance meets the policies of the West Elgin Official Plan. West Elgin staff have reviewed the proposed severance against the OP policies governing surplus dwelling severances and found the application to be in conformity with those policies. The severed lot has a proposed frontage of ~6m while the Restricted Agricultural (A3) zone requires a minimum frontage of 30m. West Elgin is requesting, as a condition of consent, that the applicant apply for an be granted approval of a zoning by-law amendment which would see

the retained lands re-zoned to a zone that prohibits residential development. This zoning amendment can also address the deficient lot frontage and area of the proposed severed lot.

RECOMMENDATION:

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

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

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

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 2-23**

**PART 1 & 2, PART OF LOT 1 ON REGISTERED PLAN No. 41
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 33402 FIRST LINE**

TAKE NOTICE that an application has been made by Andrzej Szafran and Lina Mateus, 33294 First Line, Iona Station, ON N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 33402 First Line.

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m² (0.14 acres) to be conveyed as an addition to an adjoining lot. The applicant is retaining a lot with an area of 15.67ha (38.7 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:

**MARCH 22, 2023 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.

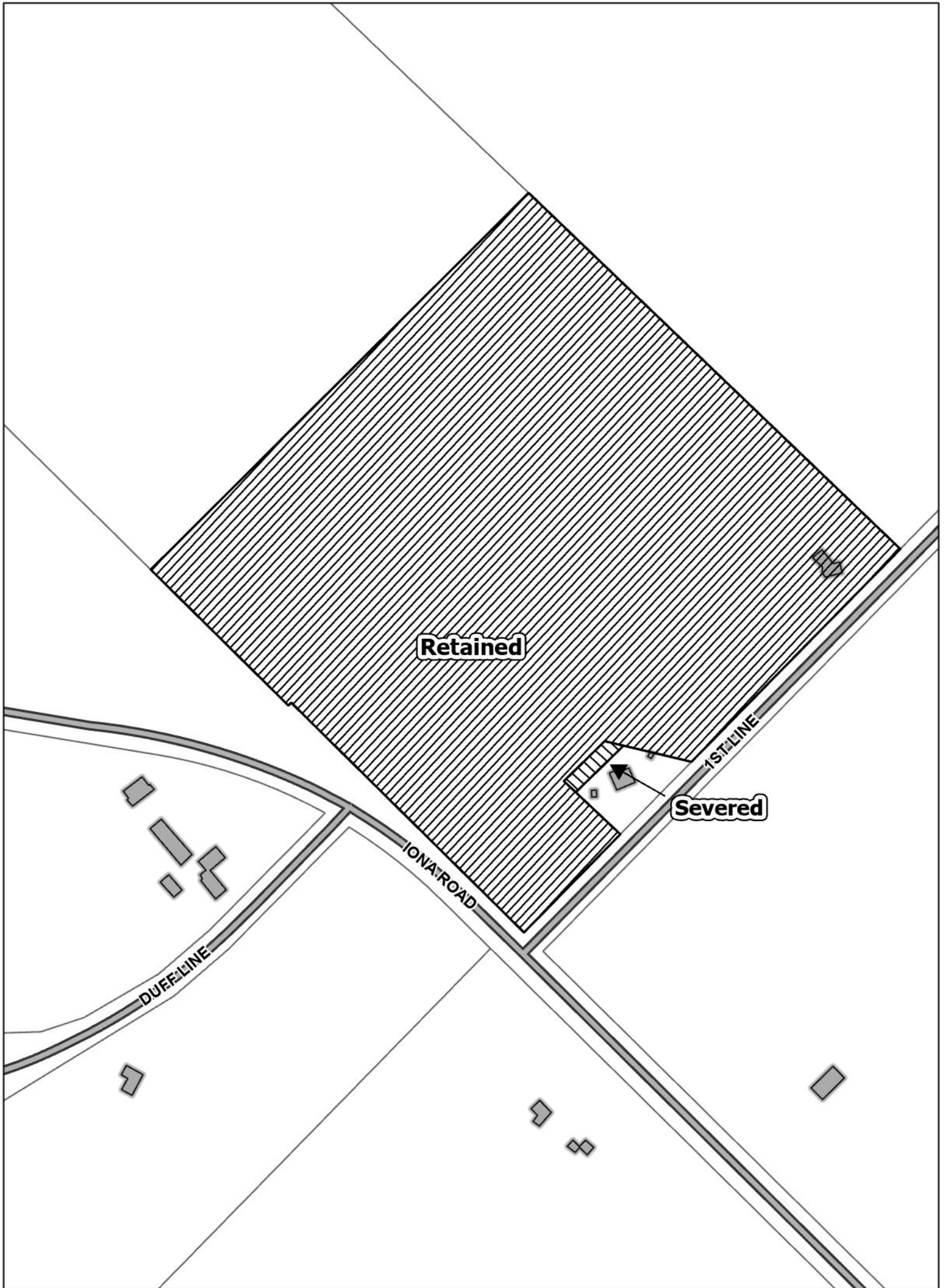
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 23rd 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

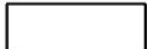






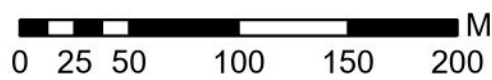
Location Map

Subject Site: 33402 First Line
 File Number: E 2-23
 Owner: Reinfried Strasser & Mary O'Hagan
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/14/2023
 Township of Southwold



Legend

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







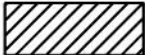


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

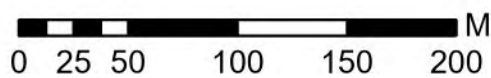
Location Map

Subject Site: 33402 First Line
 File Number: E 2-23
 Owner: Reinfried Strasser & Mary O'Hagan
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/14/2023
 Township of Southwold



Legend

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



VIA EMAIL ONLY

February 28, 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: E2-23

Please be advised that the Township of Southwold has reviewed the above-noted application, at the February 27, 2023 Council Meeting and passed the following resolution:

PLA 2023-06 Consent Application E2-23, 33294 First Line

2023-79 **THAT** Council recommend approval to the Land Division Committee of the County of Elgin for consent application, E2-23, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-06.

CARRIED

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

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

Yours truly,

Josh Mueller

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

Submission: E2-23

Owner/Applicant: Strasser/Szafran

Location: 33294 First Line,

OFFICIAL PLAN

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

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

Land Use Designation: Agricultural

Policies: Section 3.2.4

ZONING

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

4. Does the proposal conform with all requirements of the By-Law? Yes (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 2023-06

Appendix Two: Severance Application E2-23

Consent Applications E2-23 Township 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's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality.
5. 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.
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*.

February 24, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 2-23)**
33402 First Line (Szafran & Mateus)
Part Lot 1; Plan 41
Township 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 would be the Neil Turner Drain, a natural watercourse tributary to the drain, stable slopes, the associated ravine systems and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the drain, natural watercourse and the associated 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 Highly Vulnerable Aquifer [HVA] and 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



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: March 22, 2023
Application: E 2-23

Owner:
Reinfried Strasser and Mary O'Hagan
33402 First Line, Iona Station, ON N0L 1P0

Agent:
Andrzej Szafran and Lina Mateus
33294 First Line, Iona Station, ON N0L
1P0

Location: Parts 1 & 2, Part of Lot 1 on Registered Plan No. 41. Municipally known as 33294 First Line.

PROPOSAL

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m² (0.14 acres) to be conveyed as an addition to an adjoining lot. The applicant is retaining a lot with an area of 15.67ha (38.7 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 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). With regards to legislative compliance, staff have become aware that no sign was posted on the property in accordance with the Planning Act, and as such the statutory requirements of the Planning Act have not been met.

RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application should be deferred pending compliance with the Planning Act's notification requirements.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 3-23**

**PART OF LOT 29, CONCESSION 1
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 52361 NOVA SCOTIA LINE**

TAKE NOTICE that an application has been made by Logan Burnett 130 Dufferin Avenue Suite 1101, London, ON N6A 5R2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 52361 Nova Scotia Line.

The applicant proposes to sever a parcel with a frontage of 26.3m (77.43 feet) and a depth of 154 metres (505.25 feet) and an area of 0.5002 ha (1.236 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 104ha (257 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:

**MARCH 22, 2023 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.

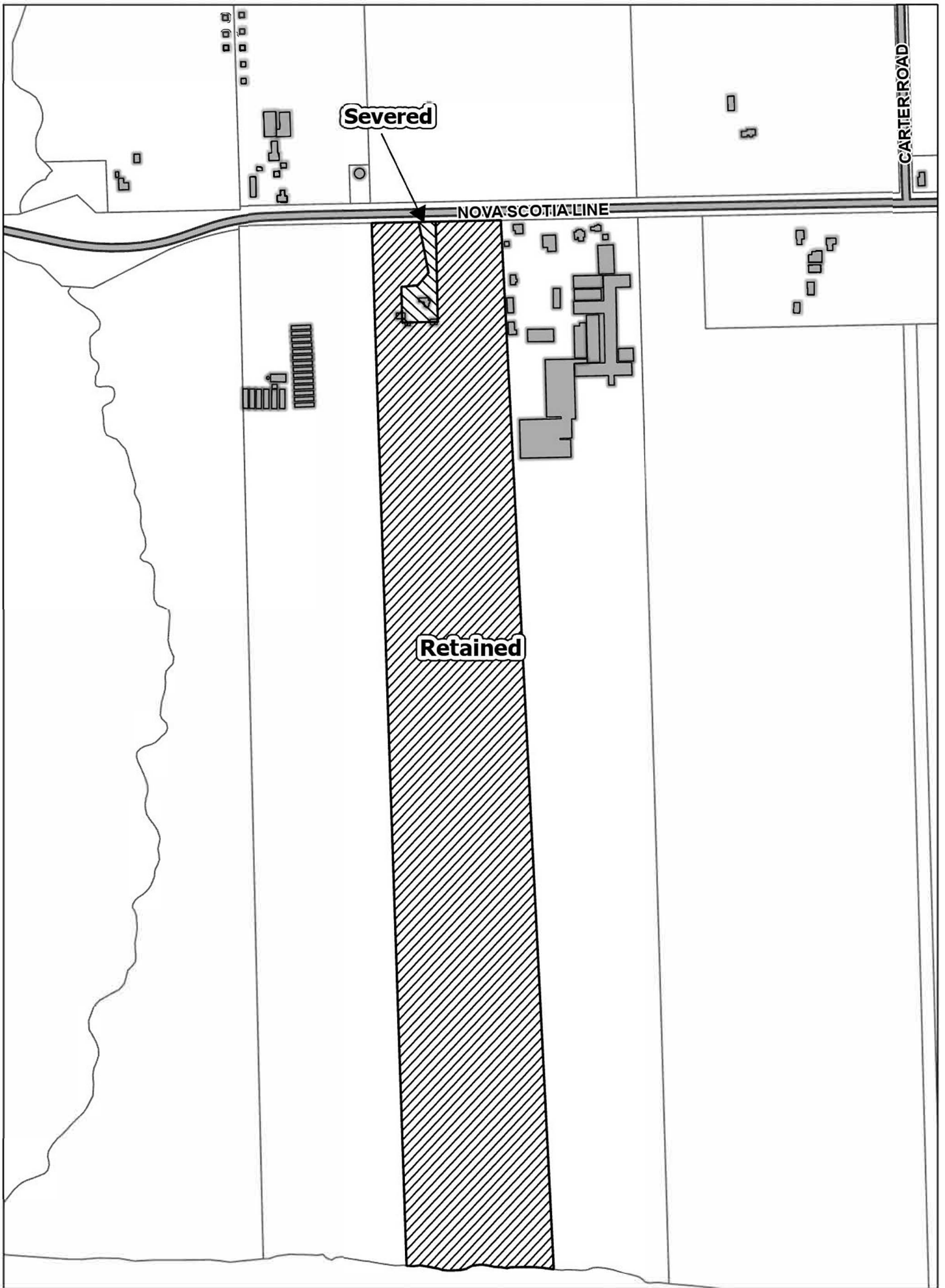
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 15th day of February, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

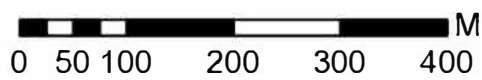
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com





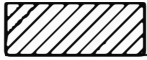

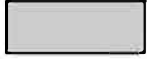
Location Map

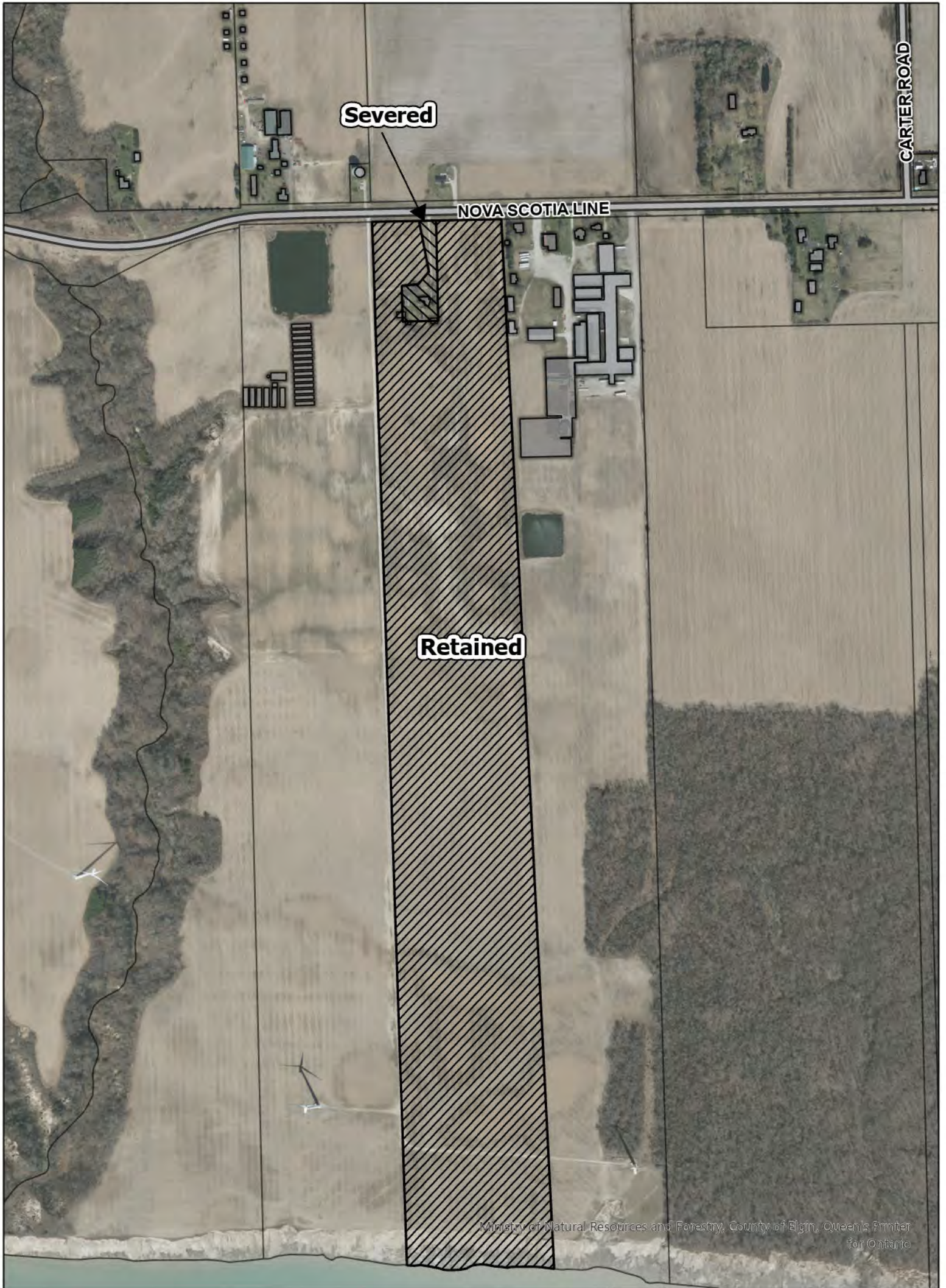
Subject Site: 52361 Nova Scotia Line
 File Number: E 3-23
 Owner: Chad Underhill Farms Ltd.
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 02/14/2023
 Township of Malahide

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



Legend

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



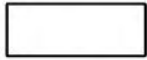

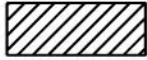

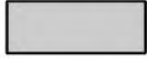
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

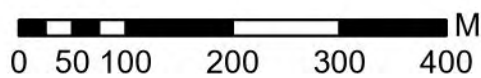
Location Map

Subject Site: 52361 Nova Scotia Line
 File Number: E 3-23
 Owner: Chad Underhill Farms Ltd.
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 02/14/2022
 Township of Malahide



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: February 16, 2023 1:38 PM
To: Paul Clarke; Land Division
Subject: RE: Notices of Application - March 22 LDC

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

Hello,

CCCA has no comments or concerns with the above note application 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: February-16-23 12:12 PM
To: Gerrit Kremers <planning@catfishcreek.ca>
Subject: Notices of Application - March 22 LDC

Good morning,

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

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, March 14, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

-

Paul Clarke, CPT



Report to Council

REPORT NO.: DS-23-06
DATE: March 16, 2023
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E2-23 OF CHAD UNDERHILL FARMS LTD.**
LOCATION: Concession 1 W, Part of Lot 29 (52361 Nova Scotia Line)

Recommendation:

THAT Report No. DS-23-06 entitled "Application for Consent to Sever No. E3-23 of Chad Underhill Farms Ltd." be received;

AND THAT the Application for Consent to Sever of Chad Underhill Farms Ltd., relating to the property located at Concession 1 W, Part of Lot 29, and known municipally as 52361 Nova Scotia Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the "Application") has been submitted by Logan Burnett, on behalf of Chad Underhill Farms Ltd. in order to sever an existing dwelling that has become surplus as a result of a farm consolidation from an agricultural parcel.

The Application relates to the property located at Concession 1 W, Part of Lot 29, and known municipally as 52361 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on March 22, 2023.

Comments/Analysis:

The subject farm property is approximately 34.5 hectares (85.49 acres) in area, and has approximately 199.1 metres (653.3 feet) of frontage along Nova Scotia Line and contains an existing single detached dwelling and three trailers previously used to house farm workers. The subject lands are bounded by agricultural lands to the east and west, Nova Scotia Line to the north, and Lake Erie to the south.

Based on the information provided by the applicant, the owners reside on the agricultural parcel to the east of the subject lands, and also own the vacant farmland to the west of the subject lands. The existing dwelling on the subject lands has become surplus to their needs and they are proposing to sever the dwelling from the surrounding farmland.

Provincial Policy Statement (PPS)

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

The proposed severed parcel is of a minimum size (0.5 ha) to accommodate the existing dwelling and private services. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses. The Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

County of Elgin Official Plan

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

As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling. As noted above, the Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

Malahide Official Plan

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

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

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

The proposed severed lot currently contains several existing accessory trailers that are currently used to house farm workers. Based on the information provided, it is the intent of the owner to remove these trailers and sell the surplus dwelling. It is recommended that this be included as a condition of severance to ensure that there are no impacts on adjacent agricultural uses.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses, meet the provisions of the 'Special Agriculture (A2) Zone', and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4a, 2.1.7.4b, 2.1.7.4c). Provided the approval of a Zoning By-law Amendment is granted to rezone the proposed severed and retained lots, the application meets these criteria of the Official Plan.

Malahide Zoning By-law No. 18-22

The subject property is within the "General Agricultural (A1) Zone", on Key Map 103 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is anticipated that the proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone.

It is also anticipated that the proposed severed parcel be rezoned to 'Small Lot Agriculture Special (A4-XX)'. This zone is intended to be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to permit a reduced lot frontage of 26.3 m where the By-law requires a frontage of 30 m. The proposed severed parcel meets all other requirements of the A4 zone.

General Comments

The Consulting Planner for the Township 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, with conditions that a Zoning

By-law Amendment be obtained to rezone the subject lands, as well as require the removal of the three trailers used for farm workers.

The Development Services Staff has also considered comments provided (if any) by other internal departments; no comments were received at the time of writing this report.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

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

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER

Owners: Chad Underhill Farms

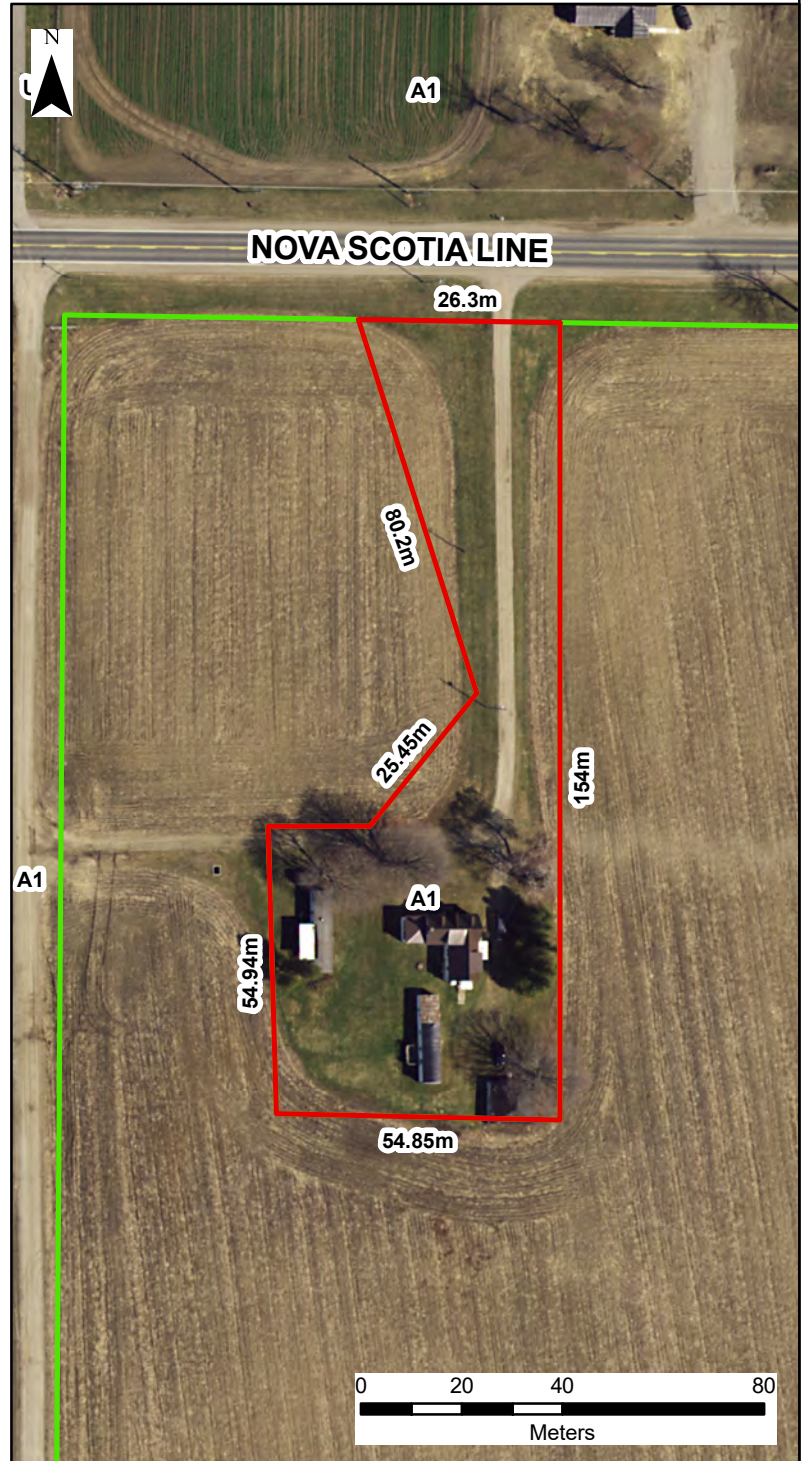
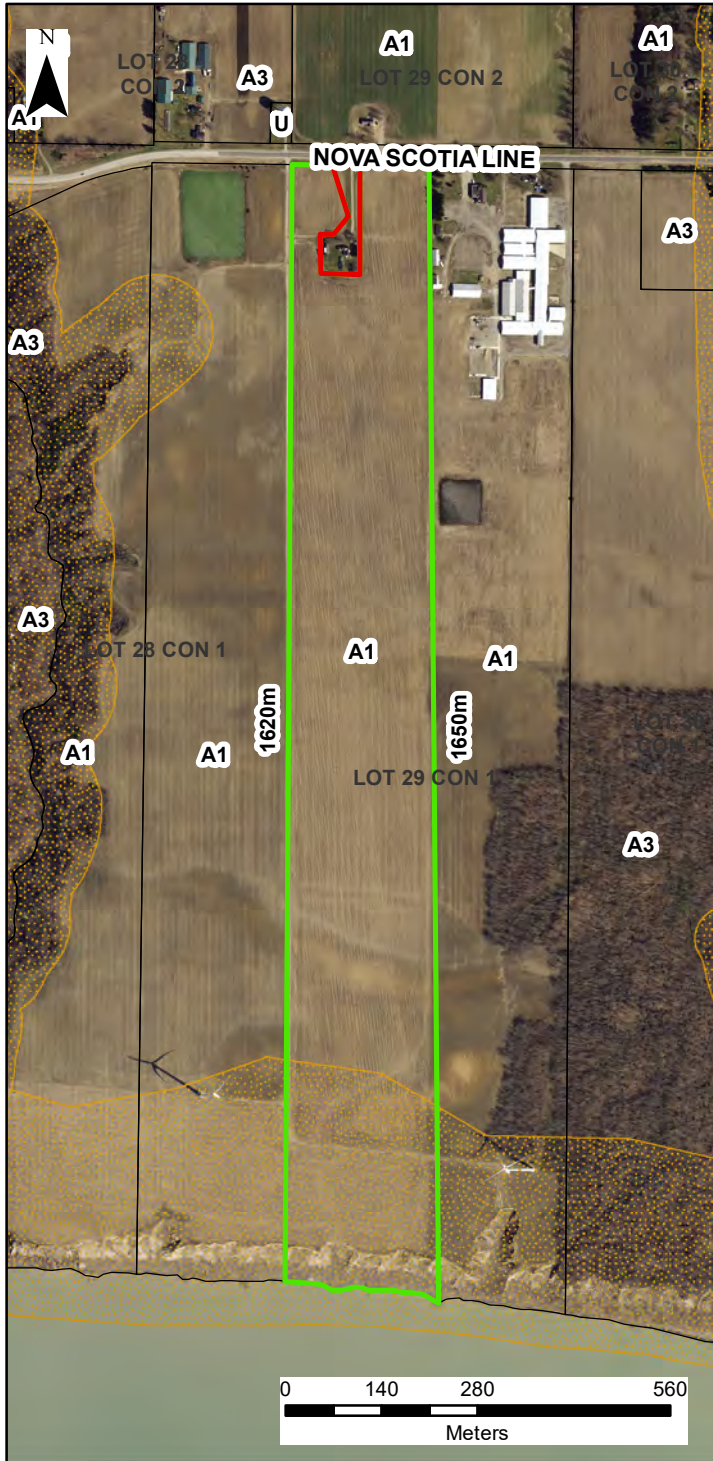
Authorized Agent: Logan Burnett

52361 Nova Scotia Line

Concession 1, Part of Lot 29

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION

Agriculture

ZONING

A1 General Agricultural

 Retained Lands

 Severed Lands



March 17, 2023

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

Dear Committee Members:

RE: Land Severance Application E3-23 - Chad Underhill Farms Ltd. (Authorized Agent: Logan Burnett) - 52361 Nova Scotia Line, Concession 1 W, Part of Lot 29

The Malahide Township Council passed the following Resolutions on March 16, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. in the name of Chad Underhill Farms Ltd., relating to the property located Concession 1 W, Part of Lot 29, 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 Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
8. Confirmation that the three mobile home trailers existing on the subject lands, as shown on the submitted site plan, have been removed to the satisfaction of the Municipality prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-23-06 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 – Dave Jenkins
Chad Underhill Farms Ltd.
Logan Burnett

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 D10-E3-23

Applicant Chad Underhill Farms Ltd. (Authorized Agent: Logan Burnett)

Location 52361 Nova Scotia Line (Concession 1 W, Part of Lot 29)

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 2.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: It is anticipated that the proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone.

It is also anticipated that the proposed severed parcel to 'Small Lot Agriculture Special (A4-XX)'. This zone is intended to be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to permit a reduced lot frontage of 26.3 m where the By-law requires a frontage of 30 m. The proposed severed parcel meets all other requirements of the A4 zone.

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

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

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)
8. Does the Municipality wish the Committee to impose conditions? Yes (X) No ()
9. Does Council recommend the application? Yes (X) No ()

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 24, 2023 ELGIN COUNTY ROAD NO.: 52361 Nova Scotia Line CR42

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 3-23

APPLICANT: Logan Burnett

PROPERTY: LOT NO. 29 CONCESSION: 1

REG'D PLAN: _____ MUNICIPALITY: Malahide

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Nova Scotia Line County Road (42) 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: March 22, 2023
Application: E 3-23

Owner:
Chad Underhill Farms Limited
7135 Dennis Road, Vienna, ON N0J 1Z0

Agent:
Logan Burnett
1101-130 Dufferin Avenue, London, ON
N6A 5R2

Location: Part of Lot 29, Concession 1, Township of Malahide. Municipally known as 52361 Nova Scotia Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 26.3m (77.43 feet) and a depth of 154 metres (505.25 feet) and an area of 0.5002 ha (1.236 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 104ha (257 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – Recommends approval, subject to conditions.

Lower Thames Valley Conservation Authority – No concerns.

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

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 has submitted a request to sever a surplus residential dwelling from a farming operation. The proposed plan involves severing a parcel of approximately 0.5 hectares that

contains the existing dwelling, while retaining a 104-hectare farm parcel. In prime agricultural areas, the PPS allows for severances of surplus dwellings under certain conditions, which include:

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 include the existing dwelling, driveway and ancillary structures and roughly follow the existing cultivation line.

County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as an Agricultural Area in the CEOP. The Official Plan allows consents in the agricultural area to sever an existing residential dwelling that is deemed surplus to the farming operation. Furthermore, the application has been reviewed by County Staff to ensure that it satisfies the general criteria of the Official Plan, and no deficiencies have been identified.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severance meets the policies of the Malahide Official Plan. Township staff are proposing a condition which would rezone the retained farmland to Special Agricultural (A2) to prohibit residential development and a further rezoning of the severed lands to a Small Lot Agriculture Special Exception zone to reflect the primary use of the severed lot as a residence. This zoning amendment would satisfy the requirements of the PPS, CEOP and Malahide OP.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Nova Scotia Line County Road (42) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. That 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 Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
8. Confirmation that the three mobile home trailers existing on the subject lands, as shown on the submitted site plan, have been removed to the satisfaction of the Municipality prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 4-23**

**LOT 5, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 54190 VIENNA LINE**

TAKE NOTICE that an application has been made by Logan Burnett 130 Dufferin Avenue Suite 1101, London, ON N6A 5R2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 54190 Vienna Line.

The applicant proposes to sever a parcel with a frontage of 60.766m (200 feet) and an area of 0.4717 ha (1.17 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.7ha (51.15 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:

**MARCH 22, 2023 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 OR TELEPHONE INFORMATION.

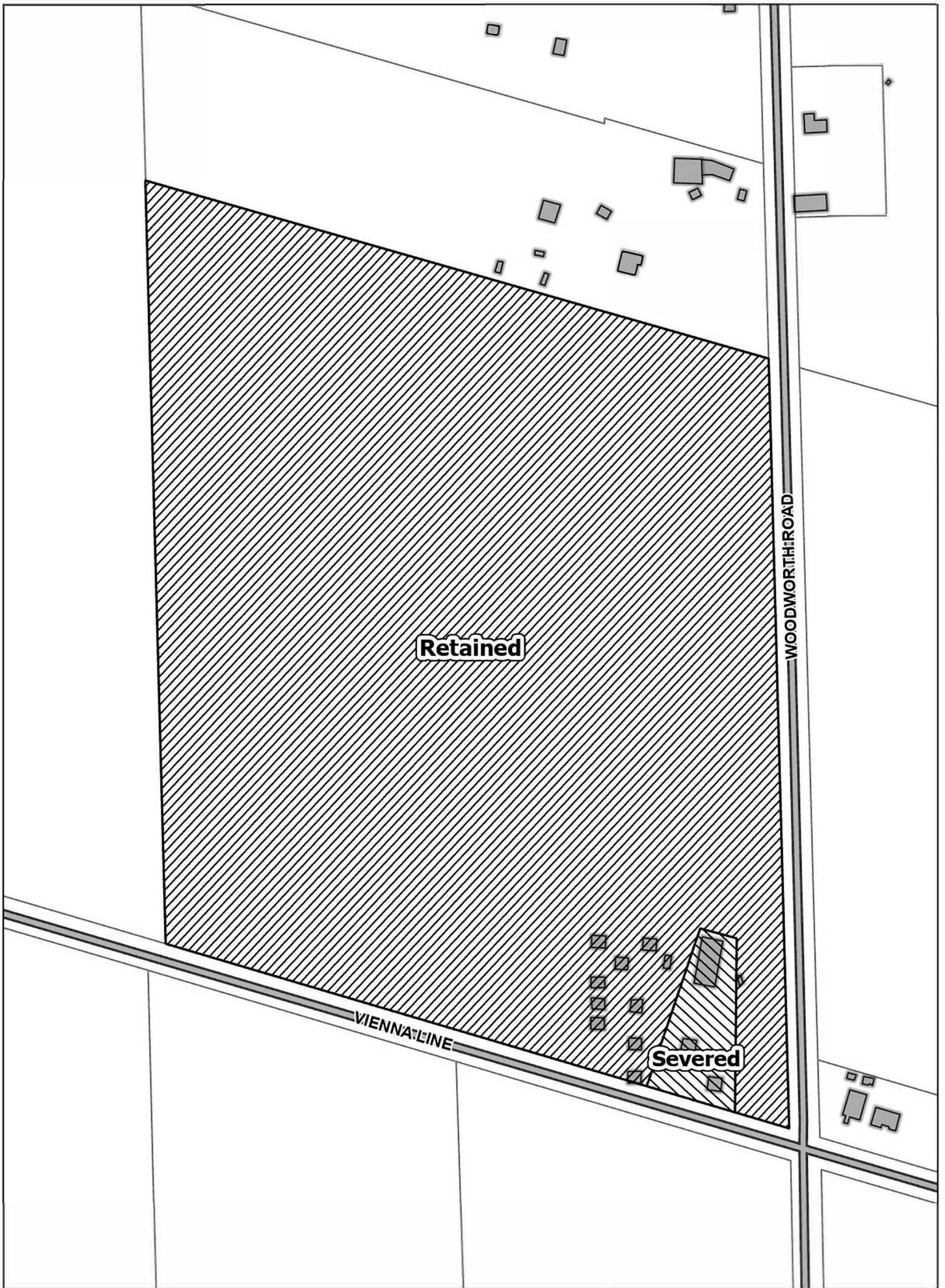
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 15th 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



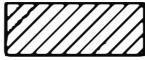

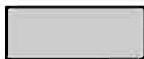


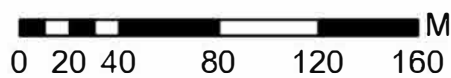
Location Map

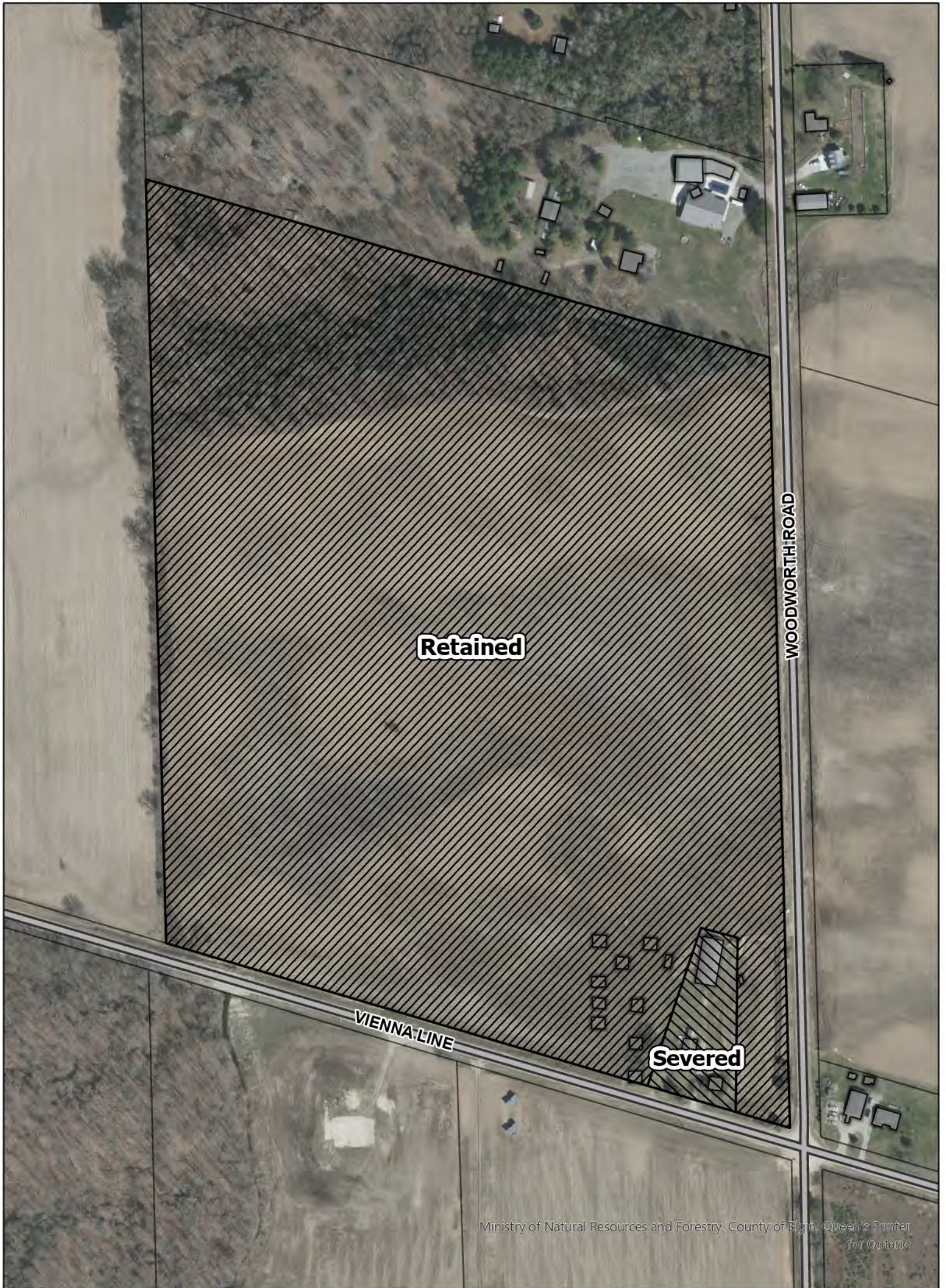
Subject Site: 54190 Vienna Line
 File Number: E 4-23
 Owner: Randy Wayne Underhill and Linda Dianne Underhill
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 02/14/2023
 Municipality of Bayham



Legend

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



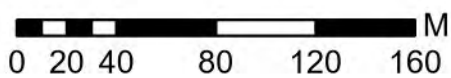


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario



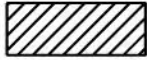


Location Map

Subject Site: 54190 Vienna Line
 File Number: E 4-23
 Owner: Randy Wayne Underhill and Linda Dianne Underhill
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 02/14/2022
 Municipality of Bayham

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



Legend

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

Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



March 17, 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. E4-23 Underhill R & L

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the March 16, 2023 meeting:

THAT Report DS-13/23 regarding Consent Application E4-23 Underhill be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E4-23 be granted subject to the following conditions and considerations:

1. That the mobile home be removed from the severed parcel and the site condition restored to the satisfaction of the municipality
2. That the proposed severed lands configuration be revised to maximum lot area of approximately 0.4 hectares in conformity to the Municipality of Bayham Official Plan policies for surplus farm dwellings where the lot is not to be larger than necessary to accommodate private water and sewer services
3. That the oversized accessory Quonset building/barn be removed completely and all debris removed and the site restored to the satisfaction of the municipality
4. Rezoning of the severed lot from Agricultural (A1) to Site-specific Rural Residential (RR-XX) Zone, including permission for reduced minimum front yard setback for the existing dwelling
5. Rezoning of the retained lands from Agricultural (A1) to Special Agricultural (A2) to prohibit new dwellings
6. That the owner purchase a civic number for the retained land
7. Planning Report fee payable to the municipality
8. Digital copy of the final survey provided to the municipality

Municipal Appraisal Sheet and Staff Report DS-13/23 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 horizontal line.

Margaret Underhill, Planning Coordinator|Deputy Clerk
D09.UNDE

Cc: L. Burnett, Solitor (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 4-23

Applicant Underhill, R & L

Location Bayham – 54190 Vienna Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: AGRICULTURE

Policies: 2.1.7.1 Farm Consolidation and Surplus Farm Dwellings
2.1.7.2 to 2.1.7.4 considerations for surplus farm dwellings

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1)

Rezoning required of both the retained and severed parcels – RR-XX (severed) and A2 (retained)

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

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

6. Does the Municipality foresee demand for new municipal services? Yes () No ()
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Does the Municipality wish the Committee to impose conditions? Yes () No ()
9. Does Council recommend the application? With conditions Yes () 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-013/23 considered at Council meeting held March 16/23

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.

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

7.11.1 The establishment of new livestock uses, livestock-related buildings and structures, and mushroom farms shall not be permitted.

7.11.2 No accessory buildings or structures shall be located within 3 metres of a side or

rear lot line.

7.11.3 Maximum Floor Area: 95 m² or 8% lot coverage, whichever is less.

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 **Exceptions - Rural Residential (RR) Zone**

7.13.1

7.13.1.1 Defined Area

RR-1 as shown on Schedule "A", Map 11 to this By-law.

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

RR-2 as shown on Schedule "A", Map 5 to this By-law.

7.13.2.2 Permitted Uses

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

RR-3 as shown on Schedule "A", Map 2 to this By-law.

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

The Agricultural (A2) Zone is intended to apply to parcels designated "Agriculture" in the Official Plan, where new dwellings are prohibited as a result of a severance of a surplus farm dwelling.

6.2 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

Residential dwellings not existing on the date of passing of this by-law

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: 150.0 metres or the Minimum Distance

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 6.7 to 6.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated.
- b) Not to be located within 200 metres of any opened public right-of-way.

6.12 Exceptions – Special Agricultural (A2) Zone

6.12.1

6.12.1.1 Defined Area

A2-1 as shown on Schedule “A”, Map 14 to this by-law

Z475-2004

6.12.1.2 Permitted Uses

Electrical substation and related appurtenances;
All other uses permitted in Section 6.1 of this By-law.”

6.12.1.3 Holding (-h) Symbol

The Holding (h) Symbol will be removed after a site plan agreement is registered on title.

6.12.2

6.12.2.1 Defined Area

A2-2 as shown on Schedule “A”, Map No. 4 to this By-law

Z511-2005

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

6.12.3.1 Defined Area

A2-3 as shown on Schedule “A”, Map No. 4 and 5 to this By-law

Z519-2006

6.12.3.2 Permitted Uses

An existing assembly hall in addition to all other uses permitted in the A2 Zone

6.12.4

6.12.4.1 Defined Area

A2-4 as shown on Schedule “A”, Map No. 14 to this By-law

Z528-2006

6.12.4.2 Additional Permitted Uses

A fenced compound area for the storage of licensed recreational vehicles, boats, and travel trailers



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: March 16, 2023

REPORT: DS-13/23

FILE NO. C-07 / D09.23UNDER

Roll # 3401-000-008-07700

**SUBJECT: Consent Application E4-23 Underhill, R & L
Surplus Farm Dwelling, 54190 Vienna Line**

BACKGROUND:

Consent application E4-23 was received from the Elgin County Land Division Committee submitted by Randy and Linda Underhill proposing to sever a surplus farm dwelling parcel 0.47 hectares (1.2 acres) and retain 20.7+/- hectares (51.15 acres) in Concession 3 Part Lot 5, municipally known as 54190 Vienna Line.

The subject lands are designated "Agriculture" and "Natural Gas Reservoir" on Schedule 'A1' Land Use of the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1) on Schedule 'A1' Map No. 10 of Zoning By-law No. Z456-2003.

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

DISCUSSION:

The planner's memorandum, dated March 9, 2023, analyzes the application subject to the Elgin County Official Plan, Planning Act, Municipality of Bayham Official Plan, and Zoning By-law. The memorandum explains why the proposal does not appear to be in conformity to Elgin County OP policy E1.2.3.1 d. or Planning Act Section 51(24) b) and not in conformity to Bayham OP Section 2.1.7.2.

The property contains a dwelling, mobile home, and Quonset building/barn. The existing mobile home was placed on the property years ago to house seasonal farm workers. The mobile home and supplementary farm dwelling use are not permitted uses on a rural residential lot. One condition of the consent would be to require the removal of the mobile home.

One additional point to highlight is the proposed lot size does not conform to the Official Plan policies for surplus farm dwellings, where the lot is not to be larger than necessary to accommodate private water and sewer services. The severed parcel is proposed to be larger than necessary in order to include the oversized Quonset building/barn existing at 4.5 times the

permitted size in a rural residential zone. It is recommended that the oversized barn that appears to be in disrepair be removed and the proposed lot area be reduced to approximately 0.4 ha to be in conformity to the Official Plan.

Listed recommended conditions include the requirement to remove the mobile home, to remove the oversized accessory Quonset building/barn, to reduce the size of the severed lot to be in conformity with the Bayham OP, to rezone both the severed parcel with site-specific regulations and the retained parcel to prohibit new dwellings, as well as other standard conditions for a surplus dwelling proposal.

Should Council wish to support the proposed size of the severed parcel and the retention of the oversized accessory building with the severed/residential lot, additional conditions are recommended including: that the applicant obtain site-specific RR-XX zoning permission for maximum existing accessory building floor area of approximate 431 m² and to prohibit the keeping of livestock for the severed lands.

Staff and planner recommend Council's support of the application with the listed conditions for the creation of a surplus farm dwelling parcel.

ATTACHMENTS

1. Consent Application E4-23 Underhill, R & L
2. IBI Memorandum, dated March 9, 2023

RECOMMENDATION

THAT Report DS-13/23 regarding Consent Application E4-23 Underhill be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E4-23 be granted subject to the following conditions and considerations:

1. That the mobile home be removed from the severed parcel and the site condition restored to the satisfaction of the municipality
2. That the proposed severed lands configuration be revised to maximum lot area of approximately 0.4 hectares in conformity to the Municipality of Bayham Official Plan policies for surplus farm dwellings where the lot is not to be larger than necessary to accommodate private water and sewer services
3. That the oversized accessory Quonset building/barn be removed completely and all debris removed and the site restored to the satisfaction of the municipality
4. Rezoning of the severed lot from Agricultural (A1) to Site-specific Rural Residential (RR-XX) Zone, including permission for reduced minimum front yard setback for the existing dwelling
5. Rezoning of the retained lands from Agricultural (A1) to Special Agricultural (A2) to prohibit new dwellings
6. That the owner purchase a civic number for the retained land
7. Planning Report fee payable to the municipality
8. Digital copy of the final survey provided to the municipality

Staff Report DS-13/23 Underhill, R & L

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

Memorandum

To/Attention	Municipality of Bayham	Date	March 9, 2023
From	Paul Riley BA, CPT	Project No	3404-885
cc	William Pol, MCIP, RPP		
Subject	Underhill Farms Ltd. – 54190 Vienna Line – Application for Consent E4-23		

1. We have completed our review of Consent application E4-23, submitted by Underhill Farms Ltd. for lands located at 54190 Vienna Line, north side, west side of Woodworth Road. The applicant is requesting a consent for the severance of 0.47 hectares (1.16 acres) of land and to retain 20.7 hectares (51.1 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 'Natural Gas Reservoir' as per Schedule 'A1' Land Use of the Municipality of Bayham Official Plan and are zoned Agricultural (A1) on Schedule 'A1' Map No. 10 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 60.8 metres (200 feet) and lot depth of 112 metres (367 feet). The proposed lands to be severed comprise a single-detached dwelling, a supplementary farm dwelling in the form of a portable mobile home and a quonset building/barn. The retained lands have lot frontage of 369.4 metres (1,211.9 feet) and lot depth of 759.8 metres (2,942.8 feet). The lands to be retained are vacant and are farmed. The surrounding uses in all directions are agricultural as well as two single-detached dwelling lots to the north and two to the east across Woodworth Road.
3. There is an existing mobile home on the subject lands used for accommodations of seasonal farm labourers. The mobile home and supplementary farm dwelling use are not permitted uses on a rural residential lot, therefore, should the Consent be granted the use must cease and the mobile home shall be removed.
4. 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.

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Elgin County OP Section E1.2.3.1 indicates that provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot and that prior to issuing provisional consent the approval authority shall be satisfied that the lot to be retained and the severed lot shall:

- a. *Has frontage directly accessed by a municipal road maintained year-round:* the proposed severed and retained lots have adequate frontage on Vienna Line.
- b. *Does not have direct access to a Provincial/County Road:* Vienna Line is a local road.
- c. *Does not create a traffic hazard:* based on a desktop review, Vienna Line is flat and straight at the frontage and there is an existing driveway to the dwelling. An existing dwelling would not create additional traffic. No traffic hazard is anticipated with the proposed consent.
- d. *Has adequate size and frontage for the proposed use in accordance to the Zoning By-law:* the proposed lots provide adequate frontage and exceed the minimum lot area for the appropriate zones (RR and A2). However, the proposed lot area of 0.47 ha is larger than necessary to accommodate private services for residential use, with the typical lot size for Rural Residential lots of 0.4 ha (0.98 acres). The inclusion of the Quonset building area is the reason for the increased lot area. This building is larger than the required maximum floor area in the Rural Residential (RR) zone. The existing quonset has approximate floor area of 430 m² (4,628 ft²) whereas 95 m² (1,022.5 ft²) is the permitted maximum for an accessory building in the RR zone, or approximately 4.5 times larger than the permitted maximum. Furthermore, based on google streetview images and photos taken by staff several weeks ago the building appears to be in a state of disrepair. The Bayham Official Plan policies in Section 2.1.7 indicate that severed lands for surplus farm dwelling severances should be no larger than necessary to accommodate private water and sewer services, i.e. not for oversized accessory buildings (discussed further in Section 5 below). We recommend removal of the quonset building and the reduction of the proposed lot area to approximately 0.4 ha to be in conformity to the Official Plan.
- e. *Zoning amendment or variance:* discussed in paragraph “6.” Below.
- f. *Water and Sewer Services:* the dwelling is serviced by private water services (well). The application included a well evaluation report prepared by Wilson Drilling Ltd., dated December 22, 2022, which concluded that the well production and storage would be adequate to supply domestic drinking for a household. Furthermore, a water quality test was provided which shows that there was adequate water quality at the time of testing, January 17th, 2023.

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The owners have provided supporting private septic servicing information for the existing septic system which was inspected by Chitters Septic Services/ The report indicates that the septic is in good working order.

- 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*: there is an existing driveway and the proposed severed lands would not impede or restrict future development or access for the retained lands.
- i. *Natural Heritage Features*: there is no new construction occurring and no sensitive natural features were identified on the subject lands on Schedule “A2” Constraints of the Bayham Official Plan.
- 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 private water services (well), and the retained lands will be prohibited from adding additional dwellings which might have otherwise had a minor impact to 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. Planning Act Section 51(24) b) indicates that the severance should not be premature. The proposal to retain the quonset building which is oversized in nature with the severed/residential lands and results in a lot area that is larger than necessary to accommodate private water and septic services appears to be premature.

The proposal does not appear to be in conformity to Elgin County policy E1.2.3.1 d. or Planning Act Section 51(24) b), and discussed below is not in conformity to Bayham OP Section 2.1.7.2.

- 5. The Municipality of Bayham Official Plan Section 2.1.7.1 includes the following policy considerations:

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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, a significantly oversized residential accessory building may create conflict where land use other than accessory storage to the primary residential dwelling is possible.

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 has not been a previous severance from the original farm parcel.

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 principal residence located at 52925 Nova Scotia Line in the Township of Malahide as well as a residence located at 54970 Nova Scotia Line in the Mun. of Bayham.

The proposed consent is in conformity to the Official Plan in Section 2.1.7.1.

6. Bayham OP Section 2.1.7.2 to 2.1.7.4 provides 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:

- a) *No larger than necessary to accommodate private water and sewer services:* the lot is larger than necessary to accommodate the existing private well and private septic, primarily based on the additional lot area to include the Quonset building;
- b) *MDS provisions:* the applicant indicates that there are no barns within 750 metres; and,
- c) *Be rezoned to a Rural Residential (RR) zone:* the owner will be required to rezone the severed lands to an RR zone.

Section 2.1.7.3 Severed Lot:

- a) *May include accessory buildings and structures if in the opinion of Council a land use conflict will not be created:* the size of the Quonset

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building is approximately 4.5 times larger than the required maximum accessory building floor area in the RR zone. The building is larger than necessary for the proposed accessory use to a residential dwelling. Retaining the oversized accessory building also would require the lot to be larger than necessary to accommodate private well and septic which is the intended limit to the lot size for surplus farm dwellings in OP Section 2.1.7.2 a). The building also appears to be in a state of disrepair. We recommend the removal of the accessory building and revision to the lot configuration to be no larger than approximately 0.4 ha.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock:* the oversized nature of the Quonset building has been discussed above. If Council were to recommend retaining the proposed lot configuration and oversized accessory building then the rezoning should include the prohibition of the keeping of livestock as part of a site-specific RR-xx zone for the severed lands.

Section 2.1.7.4 Retained Lot:

- a) *Minimum lot area in the A1/A1-A zone:* the retained lands have adequate lot area in conformity to the minimum lot area in the A1 zone and future Special Agriculture (A2) zone.
- b) *Be rezoned to prohibit new dwellings:* the owner will be required to rezone the retained lands to an A2 zone to prohibit new dwellings.

The proposed consent is not in conformity to the Municipality of Bayham Official Plan based on the proposed severed lot being larger than necessary to accommodate private well and septic, primarily as the result of proposal to retain the oversized quonset building.

- 7. 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 existing dwelling has a front yard setback of 10.56 metres (34.6 ft) whereas 15.0 metres (49.2 ft) is the required minimum in the RR zone which would require a site-specific RR-xx zone to recognize reduced minimum existing front yard setback.

The proposed accessory building floor area of 430 m² is 4.5 times larger than the required maximum accessory building floor area in the RR zone. We recommend removal of the oversized accessory building, however, should Council determine that it is appropriate to retain the oversized accessory building with the residential use, then the site-specific RR-xx rezoning should include maximum floor area for an existing accessory building of approximately

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430 m². Furthermore, in order to avoid potential land use conflict if the oversized accessory building were permitted to be retained then the site-specific RR-xx zone should include prohibition of the keeping of livestock in accordance to Bayham Official Plan Section 2.1.7.3.

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 configuration meets the minimum lot area and minimum frontage requirements in the A2 zone.

8. Based on the above review of consent application E4-23, we recommend that the oversized accessory building be removed from the lands and the proposed severed lands configuration be revised to maximum lot area of approximately 0.4 hectares in conformity to the Bayham Official Plan policies for surplus farm dwellings where the lot is not to be larger than necessary to accommodate private water and sewer services.

Otherwise, we have no objection to the proposal for a surplus farm dwelling severance with reduced minimum front yard setback for the existing dwelling with the following Conditions:

- a) That the owner obtains approval of a zoning by-law amendment to change the zoning of the severed lands from an Agricultural (A1) zone to a site-specific Rural Residential (RR-xx) Zone, including permission for reduced minimum front yard setback for the existing dwelling.
- b) That the owner obtains approval of a zoning by-law amendment from an Agricultural (A1) zone to a Special Agricultural (A2) Zone to prohibit new dwellings for the retained lands.
- c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- d) That the owner provides a digital copy of a survey of the subject lands.
- e) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot.
- f) That the applicant/owner remove the temporary mobile home used as supplementary farm dwelling accommodations for seasonal farm labourers prior to registration of the proposed lot.

Furthermore, should Council approve the retention of the oversized accessory building with the severed/residential lot, the following additional Conditions are recommended:

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- a) That the applicant obtain site-specific RR-xx zoning permission for maximum existing accessory building floor area of approximately 431 square metres for the severed lands;
- b) That the applicant obtain site-specific RR-xx zoning to prohibit the keeping of livestock for the severed lands.

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: March 22, 2023
Application: E 4-23

Owner:
Randy Wayne Underhill and Linda Diane Underhill
52925 Nova Scotia Line, Port Burwell, ON N0J 1T0

Agent:
Logan Burnett
1101-130 Dufferin Avenue, London, ON N6A 5R2

Location: Lot 5, Concession 3, Municipality of Bayham. Municipally known as 54190 Vienna Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 60.766m (200 feet) and an area of 0.4717 ha (1.17 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.7ha (51.15 acres), proposed to remain in agricultural use.

County of Elgin Official Plan
Agricultural Area

Local Municipality Official Plan
Agriculture

Local Municipality Zoning By-law
Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No 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.

A request has been submitted by the applicant to sever a residential dwelling that is surplus to the farming operation. The applicant proposes to sever of a parcel of around 0.5 hectares containing the existing dwelling, while retaining a 20-hectare farming parcel. The Provincial Policy Statement (PPS) permits severances of surplus dwellings in prime agricultural areas, provided that specific conditions are met. These conditions include:

- 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 application has been evaluated by staff with regard to the policies set forth in the Provincial Policy Statement (PPS), and it has been concluded that the application aligns with these policies. The purpose of the application is to sever a residential dwelling that is not required by the farmer, and the size of the severed lot is the minimum necessary to accommodate the septic system, well, and any accessory buildings associated with the residential dwelling.

County of Elgin Official Plan

The application has been evaluated by Elgin County Staff with respect to the policies outlined in the County of Elgin Official Plan (CEOP), and it has been concluded that the application is in compliance with them. The lands in question have been designated as Agricultural Area in the CEOP, and the Official Plan permits consents for the purpose of severing an existing residential dwelling that is deemed to be surplus to the farming operation. Additionally, County Staff has examined the application to ensure that it meets the general criteria of the Official Plan.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and have expressed concerns over the size of the proposed severed parcel. Bayham Council has recommended a condition that the size of the severed parcel be reduced to 0.4 hectares to bring it into conformity with the Bayham Official Plan.

During a site visit it was noted that there is an existing mobile home on the property. As identified by the applicant this mobile home was being used for farm help housing, Bayham staff have recommended a condition to remove the mobile home. There is a Quonset building on the proposed severed lot which exceeds the maximum size permitted under the Zoning By-law, Bayham staff are recommending a condition that the building be demolished and removed. Bayham staff are also proposing rezoning the severed lot from Agricultura (A1) to a Rural Residential exception zone to recognize the primarily residential use of the parcel

and to address the deficient front yard setback of the existing dwelling, and to rezone the retained lands to one which prohibits any residential development.

RECOMMENDATION:

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

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

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

1. That the mobile home be removed from the severed parcel and the site condition restored to the satisfaction of the municipality.
2. That the proposed severed lands configuration be revised to maximum lot area of approximately 0.4 hectares in conformity with the Municipality of Bayham Official Plan policies for surplus farm dwellings where the lot is not to be larger than necessary to accommodate private water and sewer services.
3. That the oversized Quonset building/barn be removed completely and all debris removed and the site restored to the satisfaction of the municipality.
4. Rezoning of the severed lot from Agricultural (A1) to site-specific Rural Residential (RR-XX) zone, including permission for reduced minimum front yard setback for the existing dwelling.
5. Rezoning of the retained lands from Agricultural (A1) to Special Agricultural (A2) to prohibit new dwellings.
6. That the owner purchase a civic number for the retained land.
7. Planning report fee payable to the municipality.
8. Digital copy of the final survey provided to the municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 5-23**

**LOT 10, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 55032 VIENNA LINE**

TAKE NOTICE that an application has been made by Logan Burnett 130 Dufferin Avenue Suite 1101, London, ON N6A 5R2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55032 Vienna Line.

The applicant proposes to sever a parcel with a frontage of 66.8m (220 feet) and a and an area of 0.3959 ha (0.98 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 118.5ha (293 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:

**MARCH 22, 2023 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.

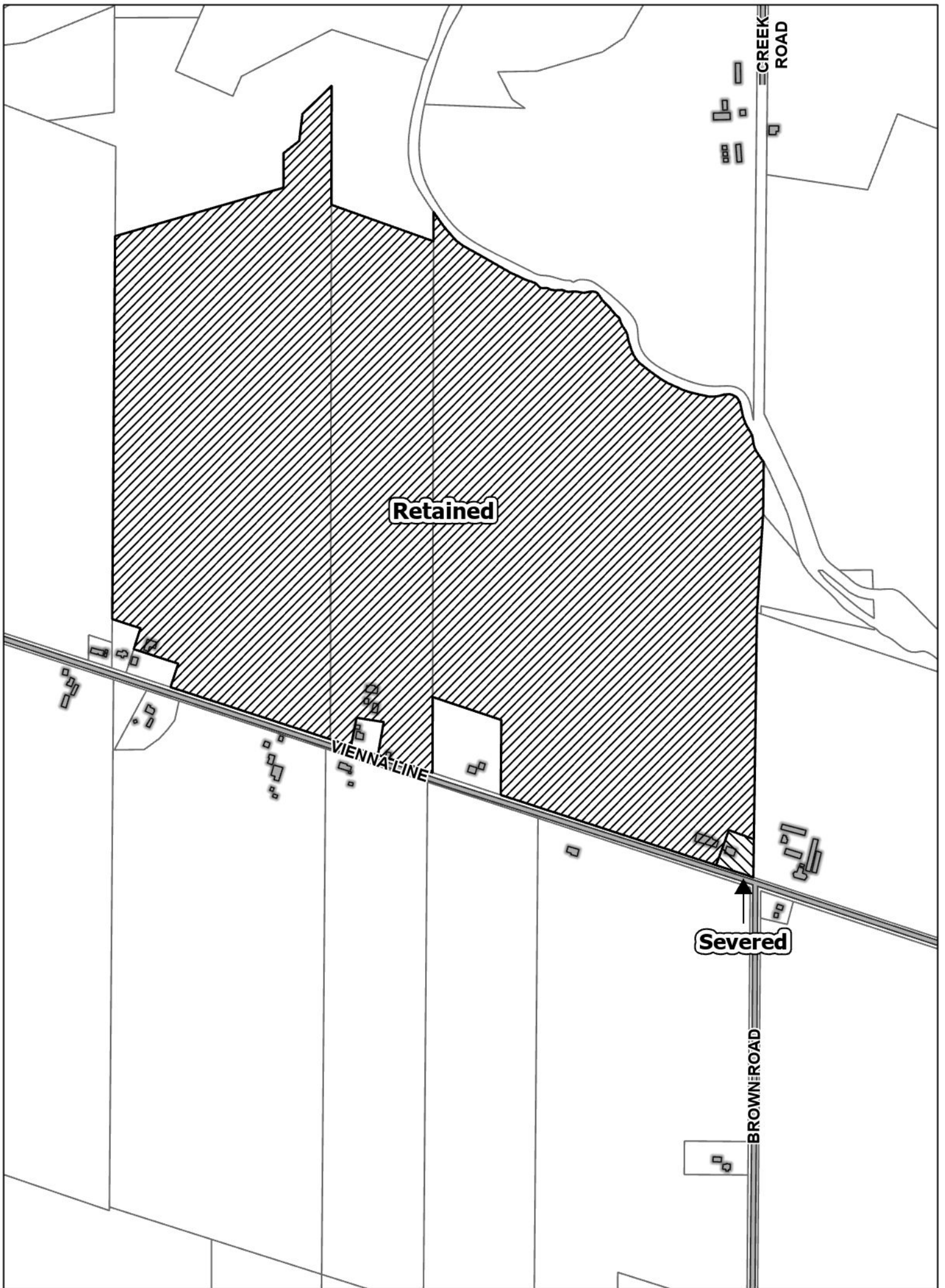
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 15th 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

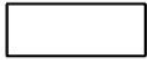

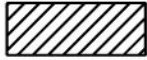




Location Map

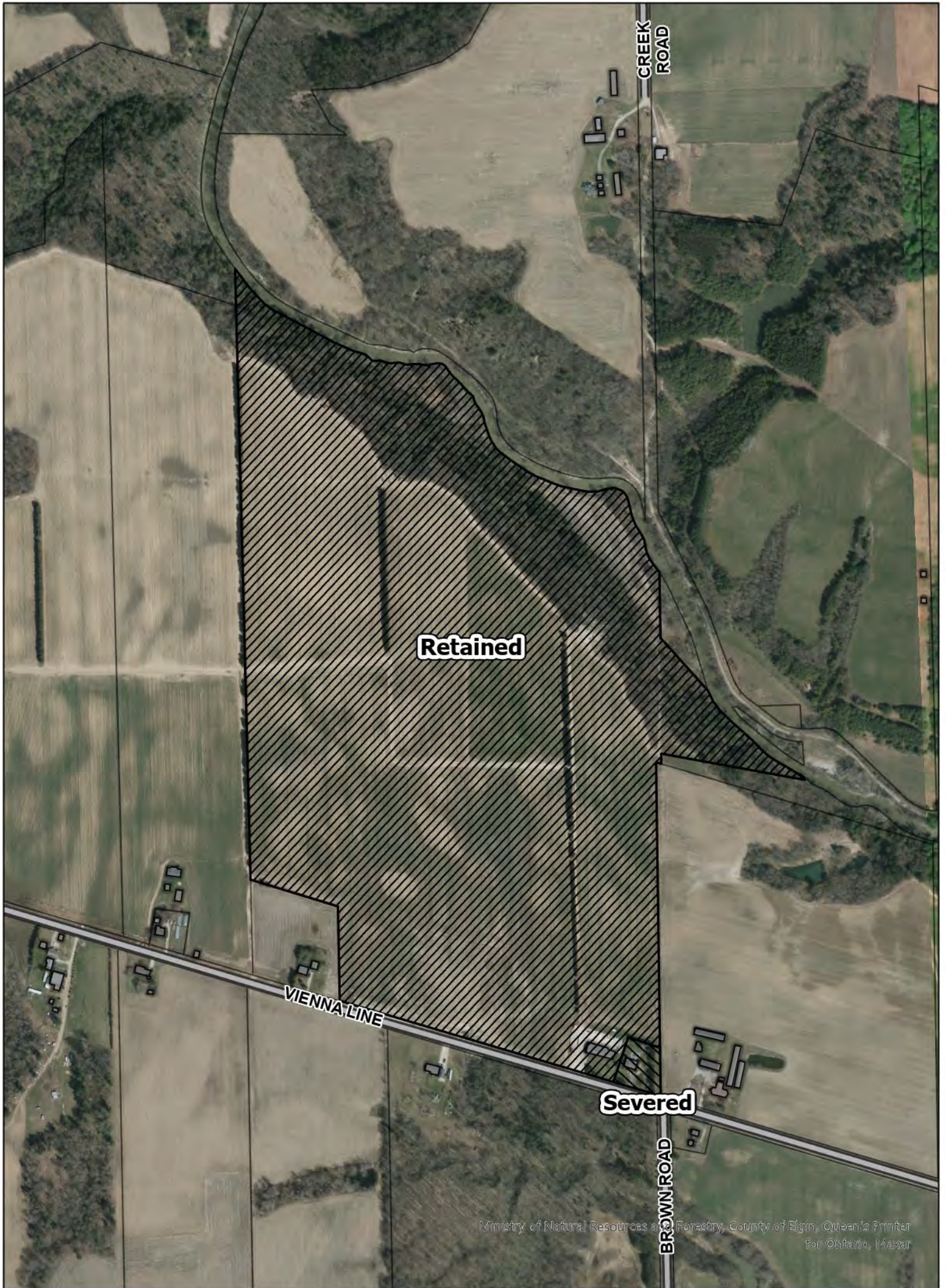
Subject Site: 55032 Vienna Line
 File Number: E 5-23
 Owner: Underhill Farms Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 03/01/2023
 Municipality of Bayham



Legend

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









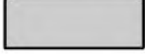
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, May 2011

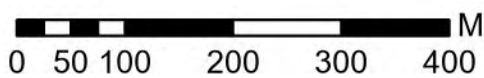
Location Map

Subject Site: 55032 Vienna Line
 File Number: E 5-23
 Owner: Underhill Farms Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 02/14/2023
 Municipality of Bayham



Legend

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



Paul Clarke

From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: March 8, 2023 3:18 PM
To: Logan Burnett
Cc: Renee Bikker; Paul Riley; Paul Clarke
Subject: RE: E5-23 Underhill Farms Ltd.

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 Logan

Re Consent E5-23 Underhill Farms Ltd. – 55032 Vienna Line

In light of your information regarding Consent Application E5-23 provided below and the attachments that were provided noting previous surplus farm dwelling consents, staff provide the following:

Consideration must be given as to how the municipality would review this without some sort of justification to Official Plan Section 2.1.7.1, which states:

“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;”

Only one dwelling is permitted to be severed and you have confirmed two previous severances, perhaps prior to your client’s ownership and/or the consolidation of the original farm parcels but nonetheless doesn’t appear to be in conformity to the Official Plan.

The LDC Secretary has confirmed past practice has been to defer applications where an OPA is required until the requisite OPA is approved.

At this time without justification addressing OPA Section 2.1.7.1, the municipality would have to request an OPA prior to considering a consent application.

Any questions regarding the process to address this with the application scheduled for March 22nd LDC meeting should be directed to Paul Clarke.

Please let me know if you have any questions in this regard with the municipality.

Regards,

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

From: Logan Burnett [mailto:lburnett@harrisonpensa.com]
Sent: March 1, 2023 10:12 AM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Renee Bikker <rbikker@harrisonpensa.com>; Paul Riley <paul.riley@ibigroup.com>; Paul Clarke <pclarke@ELGIN.ca>
Subject: RE: E4-23 Underhill R & L [IWOV-HPMain.FID623040]

CAUTION: This email originated from outside of the Municipality of Bayham email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Marg,

Apologies for the delay in getting back to you on this – I have been on holidays and will be returning to the office in the next couple of days. With the help of a colleague, I was able to put together the below memo for you. Once you have had a chance to review, we could discuss further.

Much appreciated,

Logan.

Re: E5-23 – 55032 Vienna Line

- The Draft Plan does show the remainder acreage at 118.5 ha. This would represent the total acreage for PIN 35333-0187 (attached)
- PIN -0187 is composed of 3 separate farms purchased with 3 separate transfers in 1980, 1982 and 1989.
- Teranet would have arbitrarily merged the 3 farms under the one PIN on conversion to LTCQ as the owner of each farm was the same: Underhill Farms Ltd..
- We believe you are correct that a surplus dwelling was removed from each of - 09500 and -09600.
- PIN -0128 was severed from E230119 (MPAC confirms that the house existed prior to the severance).
- PIN -0188 was severed from 303709 (MPAC confirms that the house existed prior to the severance).
- We have attached a Subsearch Summary for PIN -0187 and each of PIN -0128 and PIN -0188 (colour coded Block Maps and Transfers) to assist in the history of the purchase of the original farms and the severances.
- We think it makes sense to ask you for direction on how this Application must be presented – the whole of PIN -0187 or Roll # -09800? This Application is the severance of the surplus residence of the last of the 3 original farms though. Once known, if you require a plan that shows the whole of the property under consideration (PIN -0187 or Roll # -09800), we can request a Plan to be generated as soon as possible for you by our client's surveyor.

Logan Burnett | HARRISON PENZA LLP | Suite 1101, 130 Dufferin Avenue, London, Ontario N6A 5R2 | *te/* 519-661-6795 | *fax* 519-667-3362 | lburnett@harrisonpensa.com

This e-mail may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: Wednesday, February 22, 2023 3:49 PM
To: Logan Burnett <lburnett@harrisonpensa.com>
Cc: Renee Bikker <rbikker@harrisonpensa.com>; Paul Riley <paul.riley@ibigroup.com>; Paul Clarke <pclarke@ELGIN.ca>
Subject: RE: E4-23 Underhill R & L [IWOV-HPMain.FID623040]
Importance: High

[EXTERNAL EMAIL]

Good Afternoon Logan

I have a question about the E5-23 application acreage noted as being retained as 118.5 ha.

The assessment roll # 3401-000-008-09800 shown in LDC application E5-23 Question 4 has an acreage according to our records of 60.6 ha so the retained at 118.5 ha indicated in the application doesn't make sense.

Unless this means at one time there was a consolidation of three parcels for Underhill Farms Ltd. being rolls #3401-000-008-09500, #3401-000-008-09600 and #3401-000-008-09800 to make up the 118.5 ha?

If the three assessment rolls (properties) have been consolidated it makes a difference in how we can look at this surplus farm dwelling application on #3401-000-008-09800. It appears there may have been a surplus dwelling removed from each of the #008-09500 and #008-09600 previously.

Unfortunately the application does not show the entire property or properties involved in this consent. Only showing the severed portion on the sketch is not enough information to show the true configuration of the subject lands.

I'm trying to draft my staff reports by this Friday for Council for these consents E4-23 and E5-23 and need to have this information and the previous requested details of the mobile home on E4-23 as soon as possible.

Thank you.

Regards,

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

From: Logan Burnett [<mailto:lburnett@harrisonpensa.com>]
Sent: February 14, 2023 3:44 PM
To: Marg Underhill <MUnderhill@bayham.on.ca>
Cc: Renee Bikker <rbikker@harrisonpensa.com>
Subject: RE: E4-23 Underhill R & L [IWOV-HPMain.FID623040]

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Thanks, Marg – will review and get back to you.

Logan.

This e-mail may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Marg Underhill <MUnderhill@bayham.on.ca>
Sent: Tuesday, February 14, 2023 3:35 PM
To: Logan Burnett <lburnett@harrisonpensa.com>
Subject: E4-23 Underhill R & L

[EXTERNAL EMAIL]

Hi Logan

Staff are questioning the application E4-23 re the mobile home being retained with the house – why would the mobile home be permitted to remain with the house?

Mobile homes are permitted as temporary supplementary farm dwellings through a land use planning process with justification. Staff need details outlining the reason and the timeframe for the original placement of the existing mobile home. With the house being severed as a surplus farm dwelling from the farm there is no longer farm status for the dwelling or an apparent need for supplementary seasonal workers' housing.

Bayham staff need details as to the nature of the mobile home, a justification report demonstrating the purpose and need for the mobile home before we could review if supportable or not. Please provide more details for the mobile home as soon as you are able.

Regards,

Margaret Underhill
Planning Coordinator/Deputy Clerk
Municipality of Bayham
56169 Heritage Line, PO Box 160
Straffordville ON N0J 1Y0
T: 519-866-5521 Ext 222
F: 519-866-3884
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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 22, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 5-23 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 a consent will permit 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:

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

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

Ontario Regulation 178/06

The subject property contains flood and erosion hazards associated with Big Otter Creek and is 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 by LPRCA under Ontario Regulation 178/06. The proposed retained lot contains the area regulated by LPRCA under Ontario Regulation 178/06.

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

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: March 22, 2023
Application: E 5-23

Owner: Underhill Farms Ltd.
52925 Nova Scotia Line, Port Burwell, ON N0J 1T0
Agent: Logan Burnett
1101-130 Dufferin Avenue, London, ON N6A 5R2
Location: Lot 10, Concession 3, Municipality of Bayham. Municipally known as 55032 Vienna Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 66.8m (220 feet) and an area of 0.3959 ha (0.98 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 118.5ha (293 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)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends deferral pending requisite Official Plan Amendment

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 has made a request to sever a residential dwelling that is surplus to the needs of the farming operation. The proposed plan involves the severance of a parcel of land

measuring slightly less than 1-acre that contains the existing dwelling. The applicant intends to retain the 293-acre farming parcel for agricultural purposes. The severance of surplus dwellings in prime agricultural areas is permitted by the Provincial Policy Statement (PPS), subject to certain conditions:

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

After reviewing the application against the Provincial Policy Statement (PPS), staff has determined that it complies with the relevant policies. The application seeks to sever a residential dwelling that is deemed surplus to the farming operation, with the size of the severed lot being the minimum required to accommodate the necessary septic system, well, and other associated buildings.

County of Elgin Official Plan

After reviewing the application, Elgin County Staff determined that it conforms to the policies stated in the County of Elgin Official Plan (CEOP). The subject lands have been designated as Agricultural Area in the CEOP, and the Official Plan permits consents for severing existing residential dwellings that are deemed surplus to farming operations. Furthermore, the County Staff conducted a review of the application to ensure that it satisfies the general criteria of the Official Plan.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and have identified the following deficiency. Section 2.1.7.1 of the Bayham Official Plan states:

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 agent on this application has identified two previous severances from the subject land, and therefore the application is not in conformity with the Bayham OP. As such, Bayham staff are recommending an Official Plan Amendment to address this.

RECOMMENDATION:

Staff are recommending this application be deferred until the approval of a requisite amendment to the Bayham Official Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 6-23**

**LOT 18, CONCESSION 2 ED N
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 24365 CRINAN LINE**

TAKE NOTICE that an application has been made by Gregg Battersby, 5755 Concession Road 5 East, Harrow, ON N0R 1G0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 24365 Crinan Line.

The applicant proposes to sever a parcel with a frontage of 100m (328.08 feet) and a depth of 100 metres (328.08 feet) and an area of 10,000m² (2.47 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19ha (46.95 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:

**MARCH 22, 2023 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 15th 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

CRINAN LINE

Severed






Retained

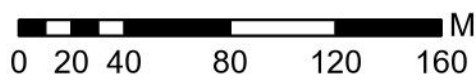
Location Map



Subject Site: 24365 Crinan Line
File Number: E 6-23
Owner: Mark Johnson
Planner: Unknown
CA: Lower Thames Valley Conservation
Created By: PC
Date: 02/14/2023
Municipality of West Elgin

Legend

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

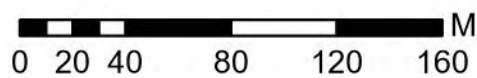




Location Map

Subject Site: 24365 Crinan Line
 File Number: E 6-23
 Owner: Mark Johnson
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 02/14/2023
 Municipality of West Elgin

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



Legend

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



The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

March 09, 2023

At the Regular Meeting of Council on March 09, 2023 the Council of the Municipality of West Elgin passed the following Resolution :

Resolution No. 2023- 93

Moved: Councillor Denning

Seconded: Councillor Navackas

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E6-23 – Comments to Elgin County (Planning Report 2023-010);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E6-23, 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

Jana Nethercott
Clerk

Encl.



MUNICIPALITY OF
West Elgin

Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-02-22
Subject: Severance Application E6-23 – Comment to Elgin County – Planning Report 2023-10

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E6-23 – Comments to Elgin County (Planning Report 2023-010);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E6-23, 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 E6-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the prospective purchaser, at 24365 Crinan Line.

Background:

Below is background information, in a summary chart:

Application	E6-23
Owner	Mark Johnson
Applicant/Purchaser	Gregg Battersby/2707813 Ontario Inc.
Legal Description	Part Lot of 18, Concession 2 ED
Civic Address	24365 Crinan Line
Entrance Access	Crinan Line
Water Supply	Municipal
Sewage Supply	Private on-site individual septic system
Existing Land Area	20.04 ha (49.52 ac.)

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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E6-23	100 m (328 ft.)	100 m (328 ft.)	1.0 ha (2.47 ac)	191.25 m (627.46 ft.)	682.9 m (2,240 ft.)	19.04 ha (47.04 ac.)

The Public Hearing is scheduled for March 22, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



The severance sketch, showing E06-23 is attached to this report as Appendix One for reference purposes.

Financial Implications:

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

Policies/Legislation:

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

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

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The current lot footprint is very irregular in shape. The proposed lot does include some actively farmed land however it squares off the lot to be severed and will improve the long-term efficient operation of the remaining farmland. There are livestock facilities within 1,000 m of the proposed lot. MDS calculations were completed on the closest facility and the severance of the dwelling does comply with the required setbacks and will not impact on the livestock operations.

The property does contain a small amount of wood area along the drain on the property however the proposed surplus dwelling lot is not located within the natural heritage (Section 2.3) portions of the property.

This proposal is consistent with the PPS.

CEOP:

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

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

No development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. A portion of the proposed retained parcel contains a wooded area as indicated on Schedule 'B' on Map 2. This area is not impacted by the requested severance.

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

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

Administration advises that:

- The applicant has demonstrated that the residence is surplus to the prospective purchaser's farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is livestock operations within 1,000 m of the proposed lot however MDS calculations have been completed and there is not impact to the proposed lot or neighbouring livestock operations;
- The proposed severed parcel does include a small amount productive farmland but only what is necessary to square off the irregular yard configuration; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

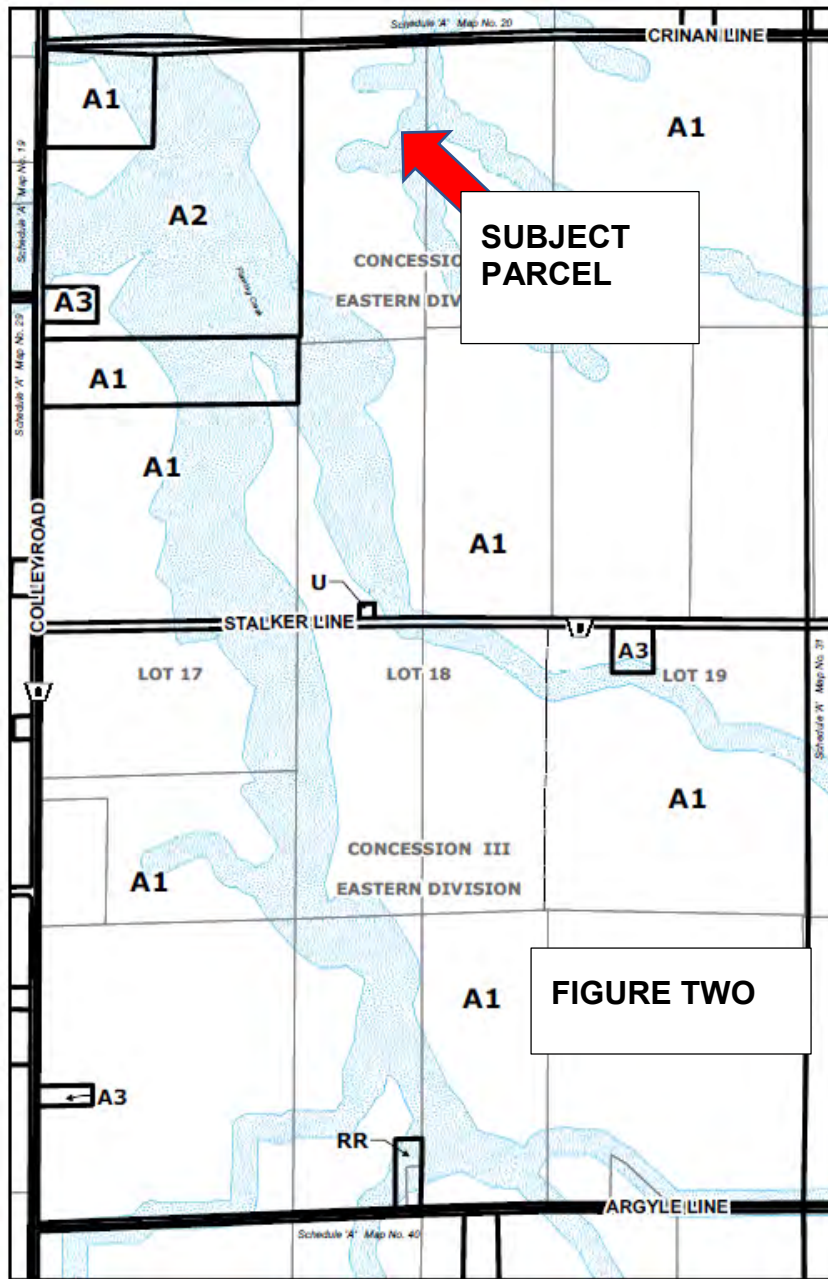
No development is proposed within the natural heritage feature on the property.

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

Therefore, this proposal conforms to the OP.

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

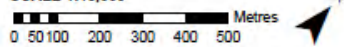
The subject lands are zoned General Agricultural (A1) on Schedule A, Map 30 of the ZBL, as depicted in Figure Two below:



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000



Map No. 30

Municipality of West Elgin Zoning By-Law

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

The proposed severed parcel area is 1.0 ha (2.47 ac.), with a lot frontage of 100 m (328 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The surplus dwelling severance will result in a reduced frontage for the retained farm parcel. This will be addressed along with the slightly reduced lot area in the amending by-law. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

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

Interdepartmental Comments:

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

Drainage:

- The subject lands will require drainage reapportionment.

This is addressed as a condition of approval.

Utilities:

- No issues of concern.

Public Works:

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

Building Dept:

- A septic system inspection has been completed but will need to be reviewed by the Chief Building Official for final clearance.

No other comments or concerns were received from Administration.

Summary:

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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 line extending to the right.

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

Report Approval Details

Document Title:	Severance Application E6-23 - Comment to Elgin County - 2023-10-Planning.docx
Attachments:	- Appendix One - Draft Survey Crinan Line - 8-L-5997-Z_Draft_20221219.pdf - Planning Report 2032-10 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Feb 28, 2023

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

Jana Nethercott

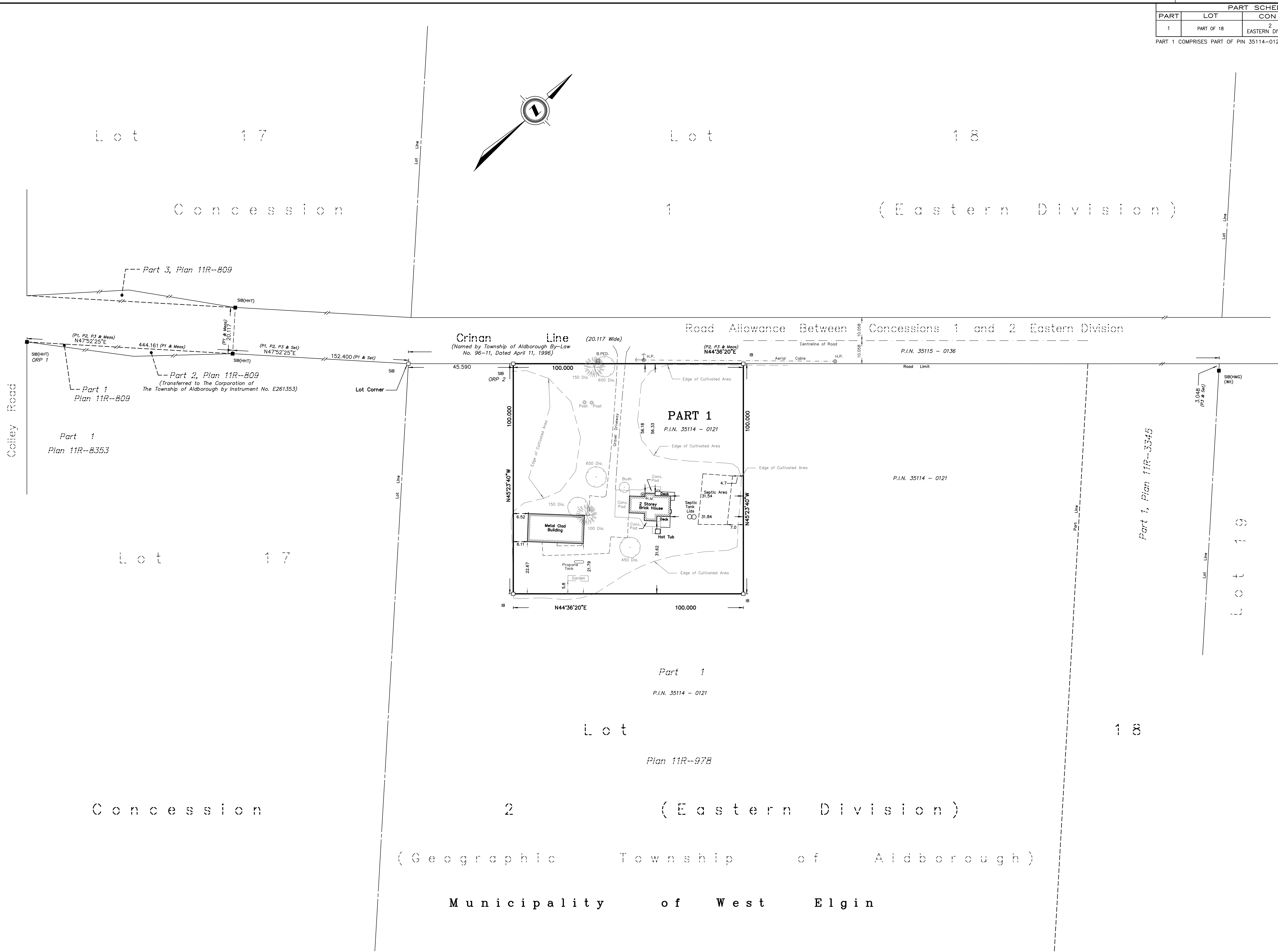
Planning Report 2023-10: Severance Report E6-23 –
Comments to the County of Elgin

Appendix Two: Severance Application E6-23 Conditions

Severance Application E6-23 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 and retained lands are transferred to the prospective purchaser 2707813 Ontario Inc. as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated July 10, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. That prior 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*.

PART SCHEDULE			
PART	LOT	CON	P.I.N.
1	PART OF 18	2	PART OF 35114-0121
PART 1 COMPRISES PART OF PIN 35114-0121			



PLAN OF SURVEY
OF PART OF
LOT 18, CONCESSION 2
EASTERN DIVISION
(GEOGRAPHIC TOWNSHIP OF ALDBOROUGH)
IN THE
MUNICIPALITY OF
WEST ELGIN
COUNTY OF ELGIN
SCALE 1:750
15 10 5 0 15 30 45
SCALE IN METRES
THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH
BY 610mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750
2022
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON THE 23rd DAY OF NOVEMBER, 2022.
DATE _____ ROBERT WOOD
ONTARIO LAND SURVEYOR
THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER 2204765

- NOTES & LEGEND
- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - WIT DENOTES WITNESS
 - HMG DENOTES H. M. GIBSON, O.L.S.
 - HHT DENOTES H. H. TODDHAM, O.L.S.
 - P1 DENOTES PLAN 11R-809
 - P2 DENOTES PLAN 11R-978
 - P3 DENOTES PLAN 11R-3345
 - H.M. DENOTES HYDRO METER
 - B.P.E.D. DENOTES BELL PEDESTAL
 - HP DENOTES HYDRO POLE
 - ← DENOTES POLE ANCHOR
 - ☀ DENOTES CONIFEROUS TREE
 - DENOTES DECIDUOUS TREE
 - CONC DENOTES CONCRETE

UTM GRID NOTES
BEARINGS ARE U.T.M. GRID NAD83 (CSRS) (2010.0), DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.
DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999611087.

POINT ID	NORTHING	EASTING
ORP 1	4719956.599	443367.735
ORP 2	4720389.098	443842.069

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS A ROTATION OF 00°27'26" CLOCKWISE WAS APPLIED TO P1, P2 & P3 TO CONVERT TO GRID BEARINGS.
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: AL2208RPM1S17.DWG	PLAN No:
CHECKED BY: RMM		8-L-5997-Z
DATE: December 19, 2022	FILE No: AL-02-18-1	

February 16, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 6-23)**
24365 Crinan Line (Battersby)
Lot 18; Concession 2 ED N
Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area is the natural watercourse, the Stalker 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 watercourse, drain, ravine systems and tributaries will be required to any proposed works / structure(s) / site alteration.

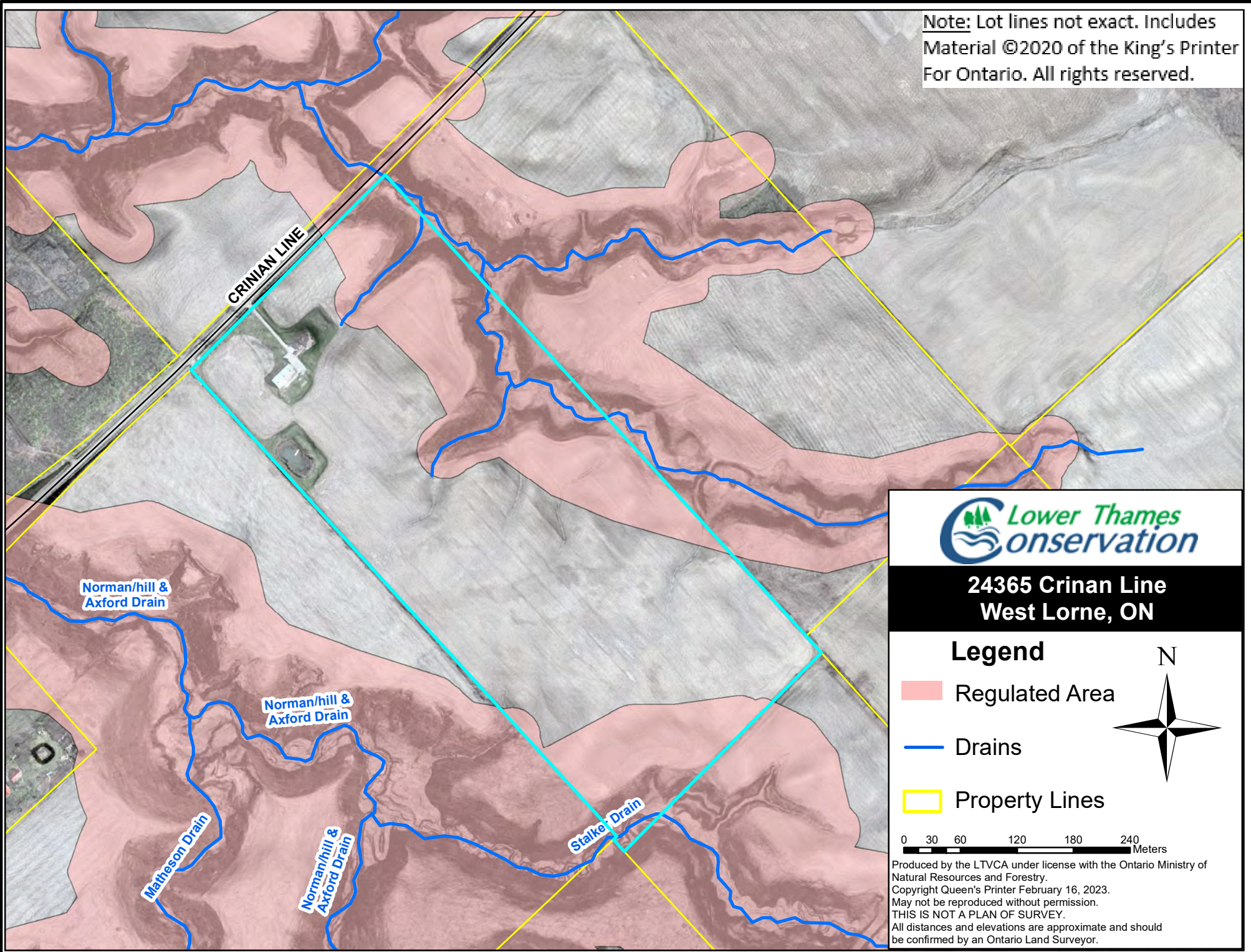
I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Connor Wilson
Planner

Note: Lot lines not exact. Includes Material ©2020 of the King's Printer For Ontario. All rights reserved.



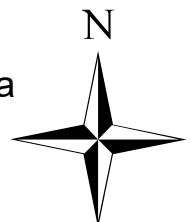
24365 Crinan Line
West Lorne, ON

Legend

 Regulated Area

 Drains

 Property Lines



0 30 60 120 180 240 Meters

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THIS IS NOT A PLAN OF SURVEY.
All distances and elevations are approximate and should be confirmed by an Ontario Land Surveyor.



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: March 22, 2023
Application: E 6-23

Owner:
Mark Johnson
24365 Crinan Line, West Lorne, ON N0L 2P0

Agent:
Greg Battersby
5755 Concession 5 Road East, Harrow,
ON N0R 1G0

Location: Lot 18, Concession 2 ED N, Municipality of West Elgin. Municipally known as 24365 Crinan Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 100m (328.08 feet) and a depth of 100 metres (328.08 feet) and an area of 10,000m² (2.47 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19ha (46.95 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

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 has made a request to sever a residential dwelling that is surplus to the needs of the farming operation. The proposed plan involves the severance of a parcel of land

measuring slightly less than 1-acre that contains the existing dwelling. The applicant intends to retain the 293-acre farming parcel for agricultural purposes. The severance of surplus dwellings in prime agricultural areas is permitted by the Provincial Policy Statement (PPS), subject to certain conditions:

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

After reviewing the application against the Provincial Policy Statement (PPS), staff has determined that it complies with the relevant policies. The application seeks to sever a residential dwelling that is deemed surplus to the farming operation, with the size of the severed lot being the minimum required to accommodate the necessary septic system, well, and other associated buildings.

County of Elgin Official Plan

After reviewing the application, Elgin County Staff determined that it conforms to the policies stated in the County of Elgin Official Plan (CEOP). The subject lands have been designated as Agricultural Area in the CEOP, and the Official Plan permits consents for severing existing residential dwellings that are deemed surplus to farming operations. Furthermore, the County Staff conducted a review of the application to ensure that it satisfies the general criteria of the Official Plan.

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 severance meets the policies of the West Elgin Official Plan. The subject land is designated as Agricultural in the West Elgin OP. Staff have reviewed the application against the policies for surplus farm severances in the OP and found no deficiencies. West Elgin staff are proposing, as conditions of consent, that the severed land be rezoned to Restricted Agricultural (A3) and the retained lands be rezoned to Agricultural (A2) which will prohibit any new residential dwellings.

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 and retained lands are transferred to the prospective purchaser 2707813 Ontario Inc. as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated July 10, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. That prior 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 AMENDED 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 42.733 metres (140.20 feet) and an area of 1,465.432m² (0.36 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 2055.236m² (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 MARCH 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.

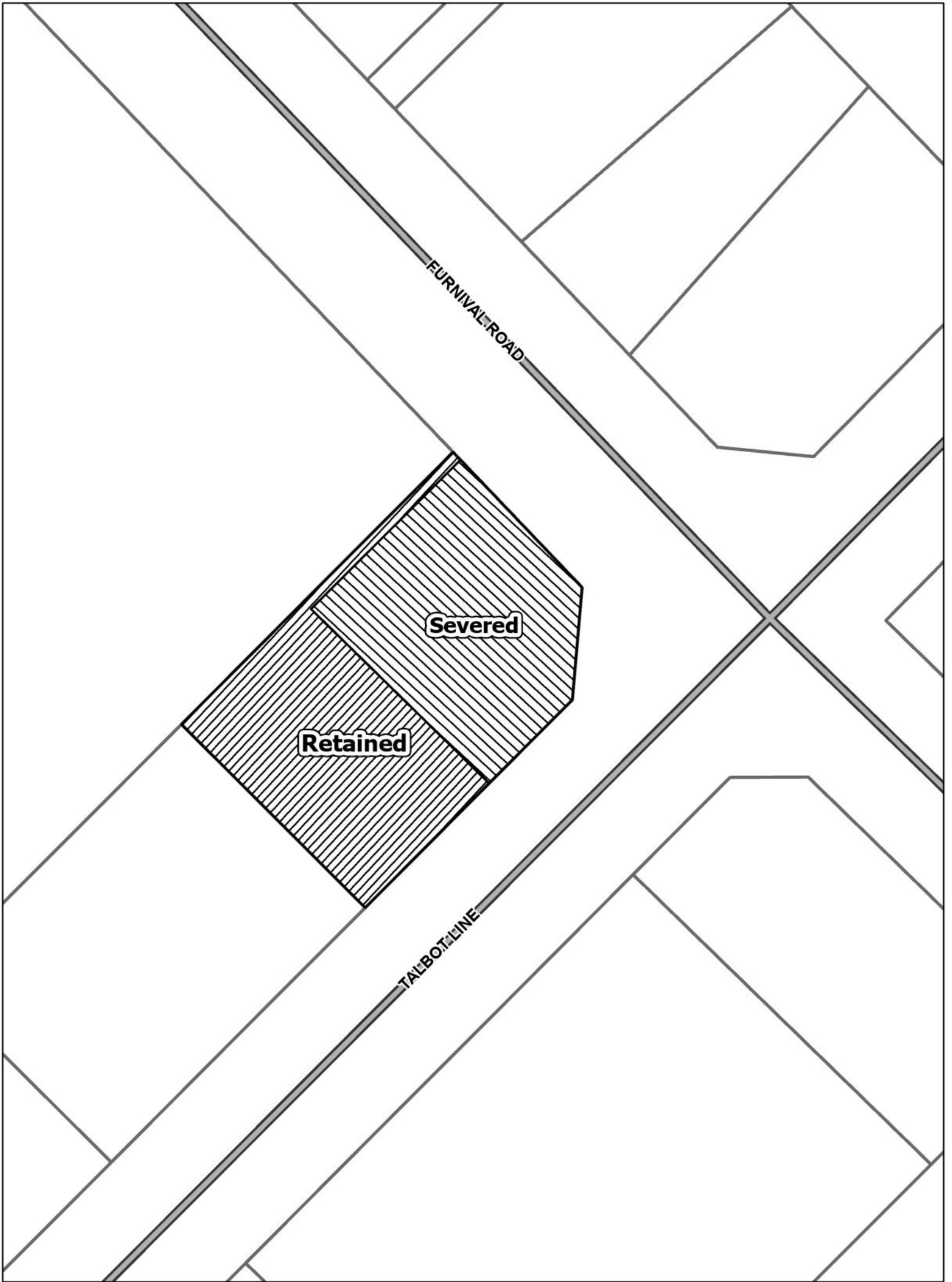
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 24th 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

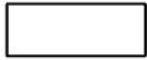

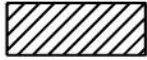




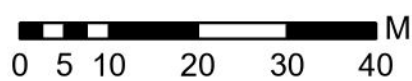
Location Map

Subject Site: 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

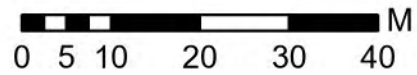
Location Map

Subject Site: 22300 Talbot Line
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 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





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.

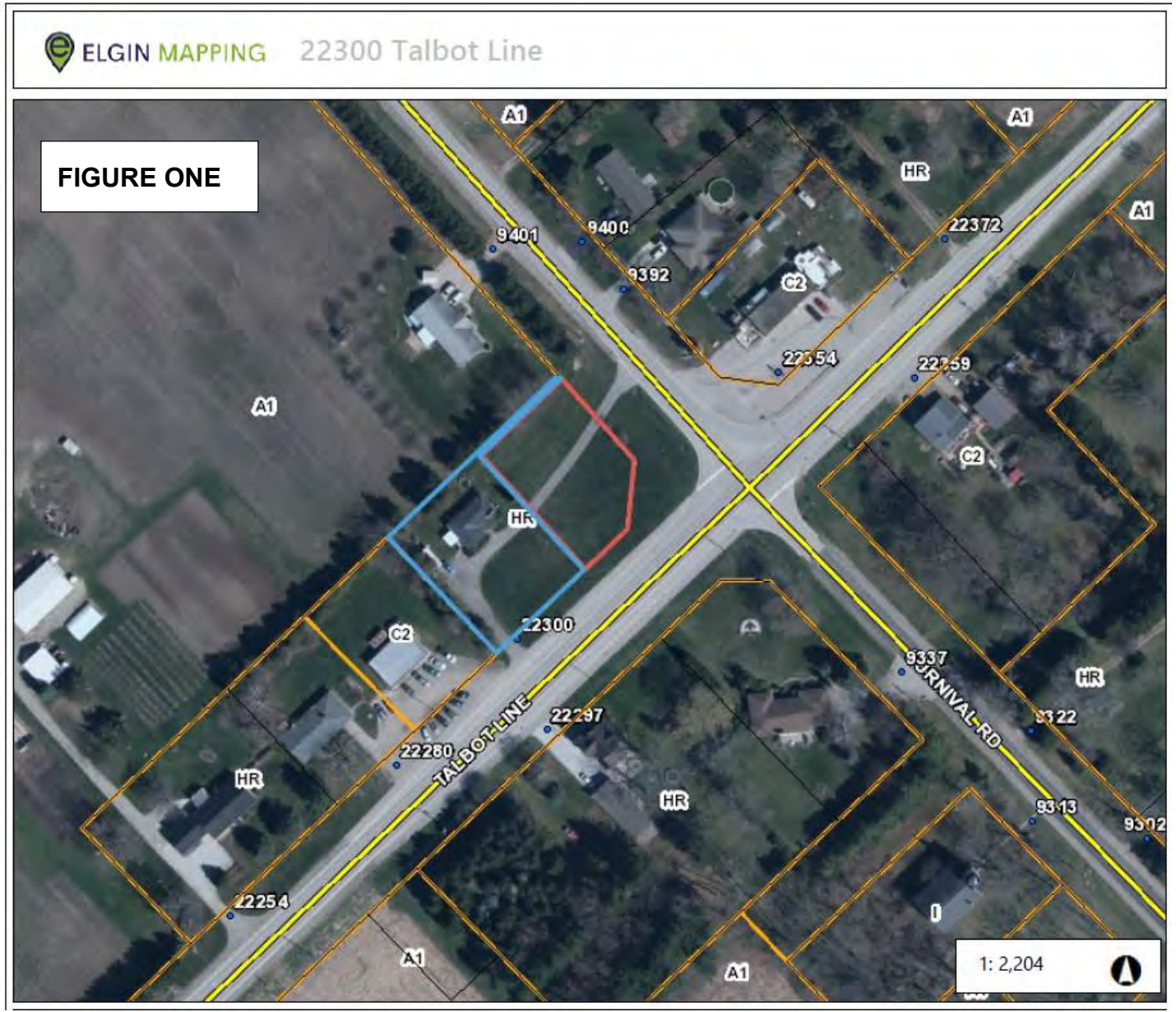
Background:

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
---------------------------	---

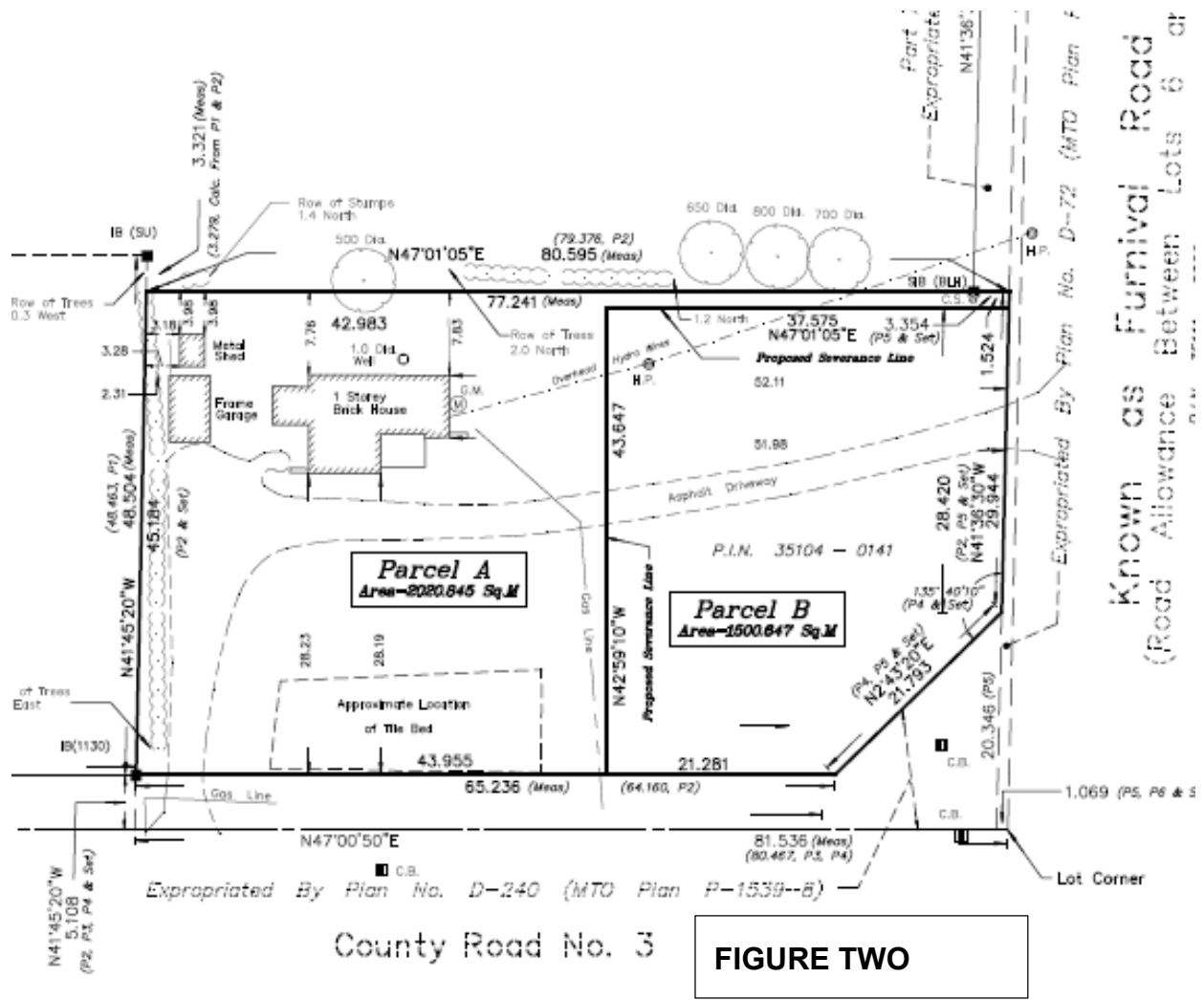
Figure One shows the location of the subject property.



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 Fig. 2	43.955 m (144.2 ft.)	45.184 m (148.2 ft.)	2,020.9 m ² 21,752.9 ft ²	37.58 m 123.3 ft,	43.647 m 143.2 ft.	1,500.6 m ² 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.

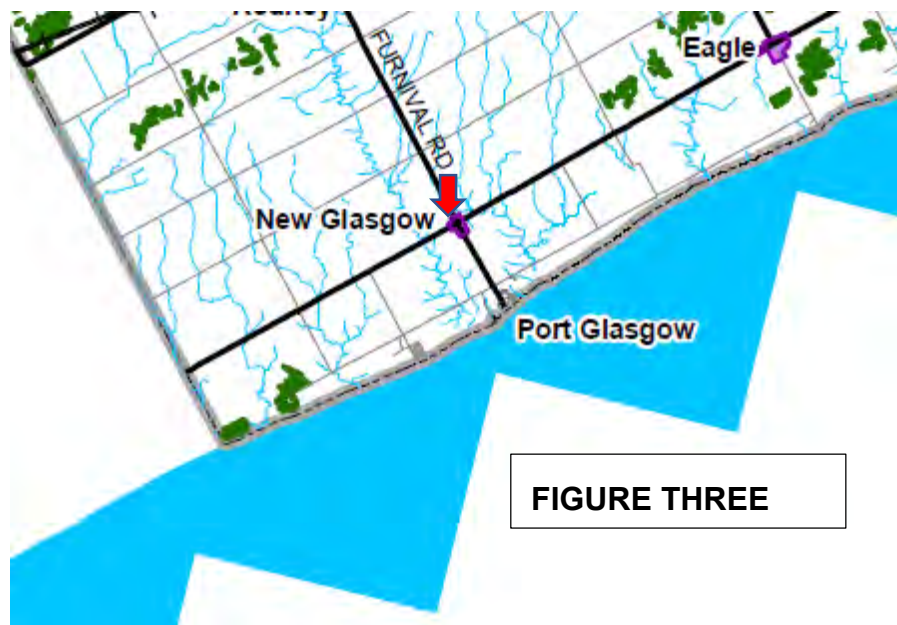


FIGURE THREE

OP:

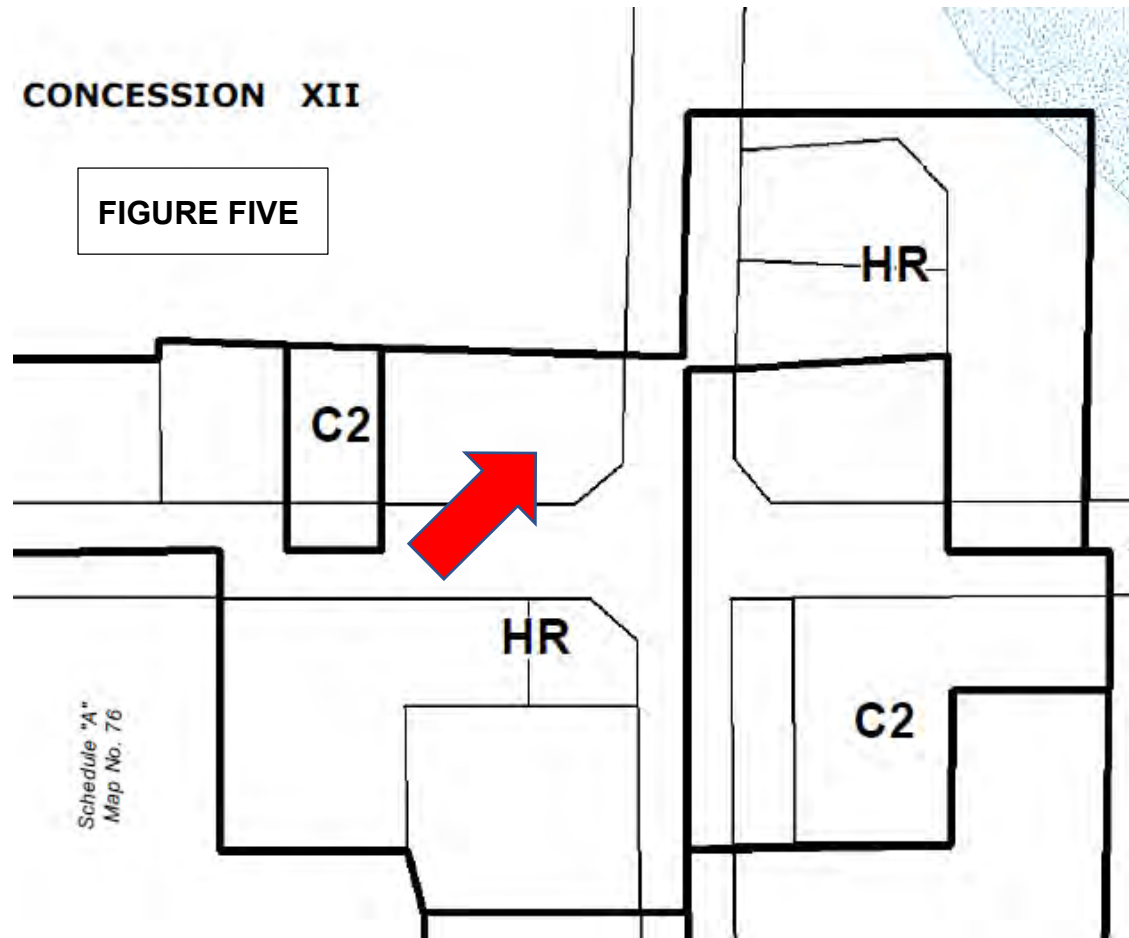
The subject property is designated as Hamlet on the Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Four, in orange.



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

P.I.N. 35104 - 0140

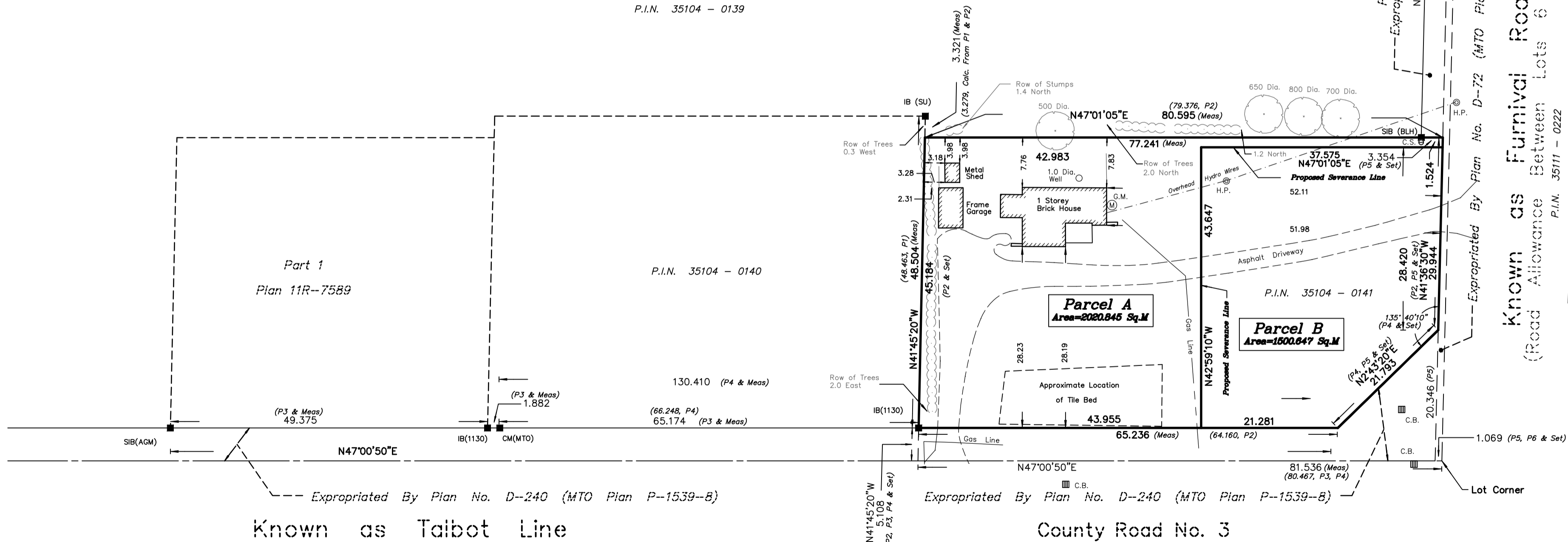
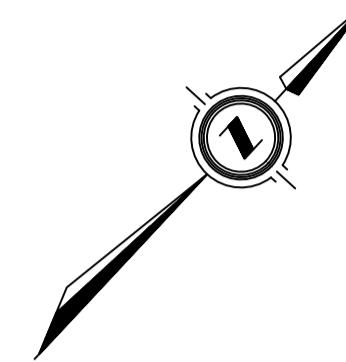
130.410 (P4 & Meas)

(66.248, P4)
65.174 (P3 & Meas)

P.I.N. 35104 - 0142

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



Known as Taibot Line

(Road Allowance Between Concessions 12 and 13)

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)

Known as Furnival Road Width Varies
(Road Allowance Between Lots 6 and 7)

Lot 7

Concession 12

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: March 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 42.733 metres (140.20 feet) and an area of 1,465.432m² (0.36 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 2055.236m² (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.

This application was deferred by the Land Division Committee at the February 22nd meeting. The LDC requested the applicant amend the application to provide a wider access to the retained lot from Furnival Road. The applicant has amended the application and provided a new sketch which is consistent with what was requested by LDC and is now requesting approval of the amended application. The planning principles of the application have not changed, as such the remainder of this report is identical to the previous report.

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;



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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*.