



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

**AGENDA**

**For Wednesday, May 24, 2023, 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:05 am E 97-22 Harry Wismer – 37474 Lake Line & 37510  
E 98-22 Lake Line, Township of Southwold
  - 9:15 am E 21-23 Gregory Underhill Farms Ltd. – 55309 Orchard  
Line, Municipality of Bayham
  - 9:25 am E 22-23 Dan McKillop – 45599 Roberts Line,  
Municipality of Central Elgin
  - 9:35 am E 23-23 PH Engineering Solutions – 50942 Vienna  
Line, Township of Malahide
  - 9:45 am E 24-23 Adam McCallum – 25785 McMurchy Line,  
Municipality of West Elgin
  - 9:55 am E 25-23 Joseph Hentz – 29861 Erin Line, Municipality  
of Dutton Dunwich
  - 10:05 am E 26-23 Chris Pidgeon (GSP Group), 11884 Sunset  
Road, Township of Southwold
  - 10:15 am E 9-23 Maneesh Poddor – 8846 Homestead Road,  
Municipality of Dutton Dunwich



10<sup>th</sup> Date of Next Meeting

11<sup>th</sup> Adjournment

Please click the link below to watch the Committee Meeting:

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

**Accessible formats are available upon request.**

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

**Minutes**

**April 26, 2023**

County of Elgin Land Division Committee met this 26<sup>th</sup> day of April, 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 Welsh, Administrative Assistant

**1. CALL TO ORDER**

The meeting convened at 9:22 a.m.

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

None.

**3. ADOPTION OF MINUTES**

Moved by: Dave Jenkins

Seconded by: Bill Ungar

<b>Recorded Vote – Minutes</b>		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		
<b>TOTAL</b>		7	0	

RESOLVED THAT the minutes of the meeting held on March 22, 2023 be adopted.

- Motion Carried.

**4. BUSINESS ARISING OUT OF MINUTES**

None.

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

Dave Jenkins declared an interest in E 8-23

**6. CORRESPONDENCE – ITEMS FOR INFORMATION**

None.

**7. BUSINESS ARISING FROM CORRESPONDENCE**

None.

**8. NEW BUSINESS**

None.

**9. APPLICATIONS FOR CONSENT:**

**Application E 8-23 – 9:24 a.m.**  
**Simona Rasanu – 13996 Whittaker Road**

Dave Jenkins recused himself

The applicant proposes to sever a parcel with a frontage of 324.5m (1,064.63 feet) and a depth of 614.55 metres (2016.24 feet) and an area of 20.2ha (50 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 22.9ha (57 acres), proposed to remain in agricultural use.

Chairman Fleck requested that the applicant’s agents and any interested parties



who wish to speak to this application introduce themselves to the Committee.

Owner: None present

Agent: Simona Rasanu 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	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: Dugald Aldred  
Seconded by: John Seldon

RESOLVED THAT severance application E 8-23 be approved subject to the following conditions:

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

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

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

<b>Recorded Vote – Minutes</b>		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	0	

- Motion Carried.

Dave Jenkins rejoined the Committee

**Application E 9-23 – 9:31 a.m.**

**Maneesh Poddar – 8846 Homestead Road**

The applicant proposes a lot boundary adjustment that will result in the merging of a 2.8ha (6.9 acres) with a 28.1ha (70 acre) parcel, and the subsequent creation of a new parcel with an area of 1.4ha (3.46 acres) with frontage on Iona Road. This lot boundary adjustment will not result in the creation of any additional parcels.

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: Robert Cole and Crystal Lukings was present

Agent: Maneesh Poddar was present

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	No comments provided

2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends deferral

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

Moved by: John Seldon

Seconded by: John Andrews

RESOLVED THAT severance application E 9-23 be deferred.

<b>Recorded Vote – Minutes</b>		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 10-23 – 9:44 a.m.**

**Jacob and Maria Neufeld – 23 Centre Street**

The applicant proposes to sever a parcel with a frontage of 22.41m (73.52 feet) and a depth of 59.95 metres (196.7 feet) and an area of 1,028.6m<sup>2</sup> (0.25 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,833.7m<sup>2</sup> (1.20 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: Jacob Neufeld was present

Agent: None

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

<b>Submission</b>		<b>Comments</b>
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	No Concerns.
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 10-23 be approved subject to the following conditions:

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

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

1. Install a municipal water connection to the retained parcel at the applicant's cost for all permits and installation requirements.
2. Install a municipal sanitary sewer connection to the retained parcel 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. That the applicant initiate and assume, if required, all engineering cost associated with the preparation of a revised assessment schedule for the Centre Street Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. Obtain a municipal Road Access Permit for the installation of a driveway to the retained lands.
6. Provide Cash-In-Lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053.
7. Provide the Planning Report fee payable to the Municipality.
8. Provide a digital copy of the registered plan of survey.

<b>Recorded Vote – Minutes</b>		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 11-23 – 9:51 a.m.**  
**Helen Button – 34690 Third Line**

The applicant proposes to sever a parcel with a frontage of 14.58m (47.83 feet) and a depth of 65 metres (213.25 feet) and an area of 1,435.03m<sup>2</sup> (0.35 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 19.7ha (48.68 acres), proposed to remain in agricultural use.

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

Owner: None present  
 Agent: Hellen 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	Lower Thames Valley	No concerns
3	Elgin County Engineering Services	Requests road widening.
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 11-23 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands
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 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.

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

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

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

- Motion Carried.

**Application E 12-23 – 9:58 a.m.**  
**Cindy Knight – 20387 Pioneer Line**

The applicant proposes to sever a parcel with a frontage of 10m (32.80 feet) and an area of 1.0407ha (2.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.8ha (51.4 acres), proposed to remain in agricultural use. The applicant is also proposing to create an easement with a width 10 metres (32.80 feet) and a depth of 149.399 metres (490.15 feet) in favour of the retained farm parcel.

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

Owner: None present  
Agent: David French was present

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval, subject to conditions.
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 12-23 be approved, subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way 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 Martin David Sacher as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated November 1, 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. Such amendment of the Zoning Bylaw must 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.

<b>Recorded Vote – Minutes</b>		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 13-23 & E 18-23 – 10:12 a.m.**  
**David Roe – 51432 Wooleyville Line**

The applicant proposes to sever a parcel with a frontage of 43.89m (144 feet) and a



depth of 134.112m (440 feet) and an area of 5,845.1m<sup>2</sup> (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is also severing a parcel with an area of 0.47ha (1.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 37.97ha (98.77 acres), proposed to remain in agricultural use.

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

Owner: None present  
Agent: None present

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

Submission		Comments
1	Township of Malahide	Recommends deferral.
2	Catfish Creek	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends deferral.

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

Moved by: Dave Jenkins  
Seconded by: Bill Ungar

RESOLVED THAT severance applications E 13-23 and E 18-23 be deferred at the request of the Township of Malahide until such time as the outstanding zoning and Ontario Building Code deficiencies are addressed to the satisfaction of the Township of Malahide.

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 14-23 & E 15-23 – 10:16 a.m.**

**Ajimon E. Ouseph and Jeniya C. George – 25361 Talbot Line**

The applicant proposes to sever two (2) parcels, each with a frontage of 25.5m (83.67 feet) and a depth of 45m (147.64 feet) and an area of 1,144m<sup>2</sup> (0.28 acres) to create two (2) new residential lots. The applicant is retaining a lot with an area of 17,688m<sup>2</sup> (4.37 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: Ajimon E. Ouseph was present virtually

Immanuel Ganhadeiro attended virtually.

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided previously
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Requests road widening.
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 14-23 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 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, 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 provide a septic system assessment 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;
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 obtain a new access permit from the County of Elgin to the severed parcel;
9. 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.
10. 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.

RESOLVED THAT severance application E 15-23 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 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, 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 provide a septic system assessment 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;
7. That the applicant install a new municipal water connection to the severed parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
8. That the applicant install a new municipal water connection to the retained parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
9. That the applicant obtain a new access permit from the County of Elgin to the severed parcel;
10. That the applicant obtain a new access permit from the County of Elgin to the retained parcel;
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

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

- Motion Carried.

**Application E 16-23 – 10:35 a.m.**

**David John Obar and Jessica Jane Cain – 11643 Plank Road**

The applicant proposes to sever a parcel with a frontage of 22.86m (75 feet) and a depth of 97.54m (320 feet) and an area of 2,053.34m<sup>2</sup> (22,102 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 4,130.93m<sup>2</sup> (44,465 sq. ft.), proposed to remain in residential use.

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

Owner: David Obar was present

Agent: None

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

Submission		Comments
1	Municipality of Bayham	Recommends approval, subject to conditions.
2	Long Point Region	No Concerns
3	Elgin County Engineering Services	Requests road widening.
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: John Andrews

RESOLVED THAT severance application E 16-23 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, that the following conditions from the Municipality of Bayham be included as conditions for consent:

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

<b>Recorded Vote – Minutes</b>		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		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 17-23 – 10:41 a.m.**  
**Peter Littlejohn – Part of Lot 20, Concession 5**

The applicant proposes to create an easement 6m wide along the western boundary of the property line to provide access for the maintenance, repair and replacement of a buried hydro cable. The applicant is also creating an easement for the encroachment of a solar panel on a surplus farm dwelling parcel which was granted provisional consent in February, 2023 (file #E 101-22).

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

Owner: None present

Agent: Harry Frousios and Joseph Hentz was present virtually

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval, subject to conditions.
2	Lower Thames 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: Tom Marks

Seconded by: John Andrews

RESOLVED THAT severance application E 17-23 be approved, subject to the following conditions:

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

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

1. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
2. That taxes are to be paid in full;

3. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and
4. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred		x	
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar		x	
Malahide	Dave Jenkins		x	
Dutton Dunwich	Ian Fleck		x	
<b>TOTAL</b>		<b>3</b>	<b>4</b>	

- Motion Rejected

Moved by: Tom Marks  
 Seconded by: Bill Ungar

RESOLVED THAT severance application E 17-23 be approved, subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the Count 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 deeds for the proposed easement be presented for stamping in concurrence with the deeds for E 101-22

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

1. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
2. That taxes are to be paid in full;
3. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and
4. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



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

- Motion Carried.

**Application E 19-23 – 10:57 a.m.**  
**Joseph Hentz – 13941 Colley Road**

The applicant proposes to sever a parcel with a frontage of 55m (180.45 feet) and a depth of 145m (475.72 feet) and an area of 7,947.5m<sup>2</sup> (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41 ha (101.5 acres) proposed to remain in agricultural use.

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

Owner: None present  
Agent: Joseph Hentz was present virtually  
Owen and Brenda Johnson attended virtually  
Joe Johnson was present in person

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of West Elgin	Recommends approval, subject to conditions.
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: Dugald Aldred

RESOLVED THAT severance application E 19-23 be approved, subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way 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 Owen Cardwell Robert Johnston, Brenda Lee Johnston and John Robert Johnston as outlined in the purchase agreement.
5. That a septic system assessment be completed for the severed parcel to the satisfaction and clearance of the Municipality.
6. That the Applicant provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards.
7. That the Applicant provide written confirmation of a water quality test by the applicable public health unit;
8. That the barn and silo encroaching on the proposed line of severance be demolished and removed from the property to the satisfaction of and clearance of the Municipality;
9. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning Bylaw must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

- Motion Carried.

**Application E 20-23 – 11:05 a.m.**  
**Wagler Homes Inc. – 53871 Church Street**

The applicant proposes to sever a parcel with a frontage of 24.86m (81.56 feet) and a depth of 40.2m (131.89 feet) and an area of 1,000.9m<sup>2</sup> (10,773.6 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 1,427.7m<sup>2</sup> (15,367.63 sq. ft.) proposed to remain in residential use.

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

Owner: None present  
Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval, subject to conditions.
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: Dave Jenkins

RESOLVED THAT severance application E 20-23 be approved, subject to the following conditions:

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

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

1. Installation of municipal water service connection to the property line at the cost of the applicant for permit and installation.
2. Municipal lot assessment for septic system.
3. That the owner apply for a demolition permit to remove the detached garage and the asphalt drive with retaining walls and all debris to be removed to the satisfaction of the municipality.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed in full for any additional costs incurred.
5. Engineered storm water management, drainage/grading plan.
6. Purchase of civic number sign for the severed lot.
7. Digital copy of the registered plan of survey.
8. Cash-in-Lieu of Parkland Dedication fee for each lot.
9. Planning report fee payable to the municipality.

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

- Motion Carried.

**Application E 2-23 – 11:11 a.m.**

**Andrzej Szafran and Lina Mateus – 33294 First Line**

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m<sup>2</sup> (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.

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

Owner: None present

Agent: Lina Mateus was present virtually

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

Submission		Comments
1	Township of Southwold	Recommends approval, subject to conditions.
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 2-23 be approved, subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the Count of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands

Additionally, 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'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

<b>Recorded Vote – Minutes</b>		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 95-22 – 11:17 a.m.**  
**Anthony Hiebert – 56284 Heritage Line**

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 435.689m<sup>2</sup> (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 485.49m<sup>2</sup> (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: None present  
Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval, subject to conditions.
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
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*(\* 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 application E 95-22 be approved, subject to the following conditions:

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

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

1. Provide a copy of the registered plan of survey showing the easement for the retained parcel.
2. Planning report fee payable to the municipality.

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

- Motion Carried.

**Application E 1-23 – 11:23 a.m.**  
**Timothy VanLith – 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 12,140.6m<sup>2</sup> (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 applicant is also applying to establish a 12-meter wide

easement east of the laneway accessing the proposed severed residential parcel for the purposes of access and maintenance of the existing hydro polls.

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

Agent: Timothy VanLith was present

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval, subject to conditions.
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 1-23 be approved, subject to the following conditions:

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

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

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

<b>Recorded Vote – Minutes</b>		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		
<b>TOTAL</b>		7	0	

- Motion Carried.

## 10. ADJOURNMENT

Moved by: Tom Marks

Seconded by: Dave Jenkins

RESOLVED THAT the Committee adjourn at 11:27 am on April 26, 2023 to meet again at 9:00am on May 24, 2023.

<b>Recorded Vote – Minutes</b>		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		
<b>TOTAL</b>		7	0	

- Motion Carried.

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Paul Clarke  
Secretary-Treasurer

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John "Ian" Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF AMENDED APPLICATION FOR CONSENT  
APPLICATION No. E 97-22**

**LOT 14 ON REGISTERED PLAN No. 20  
TOWNSHIP OF SOUTHWOLD  
MUNICIPALLY KNOWN AS 37538 LAKE LINE**

**TAKE NOTICE that** an application has been made by Harry Wismer, 37538 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37474 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 6.659 metres (21.84 feet) and a depth of 46.750 metres (153.38 feet) be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with an area of 11 hectares (27.18 acres), proposed to remain in residential use.

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

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

**WEDNESDAY MAY 24 AT 9:05 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

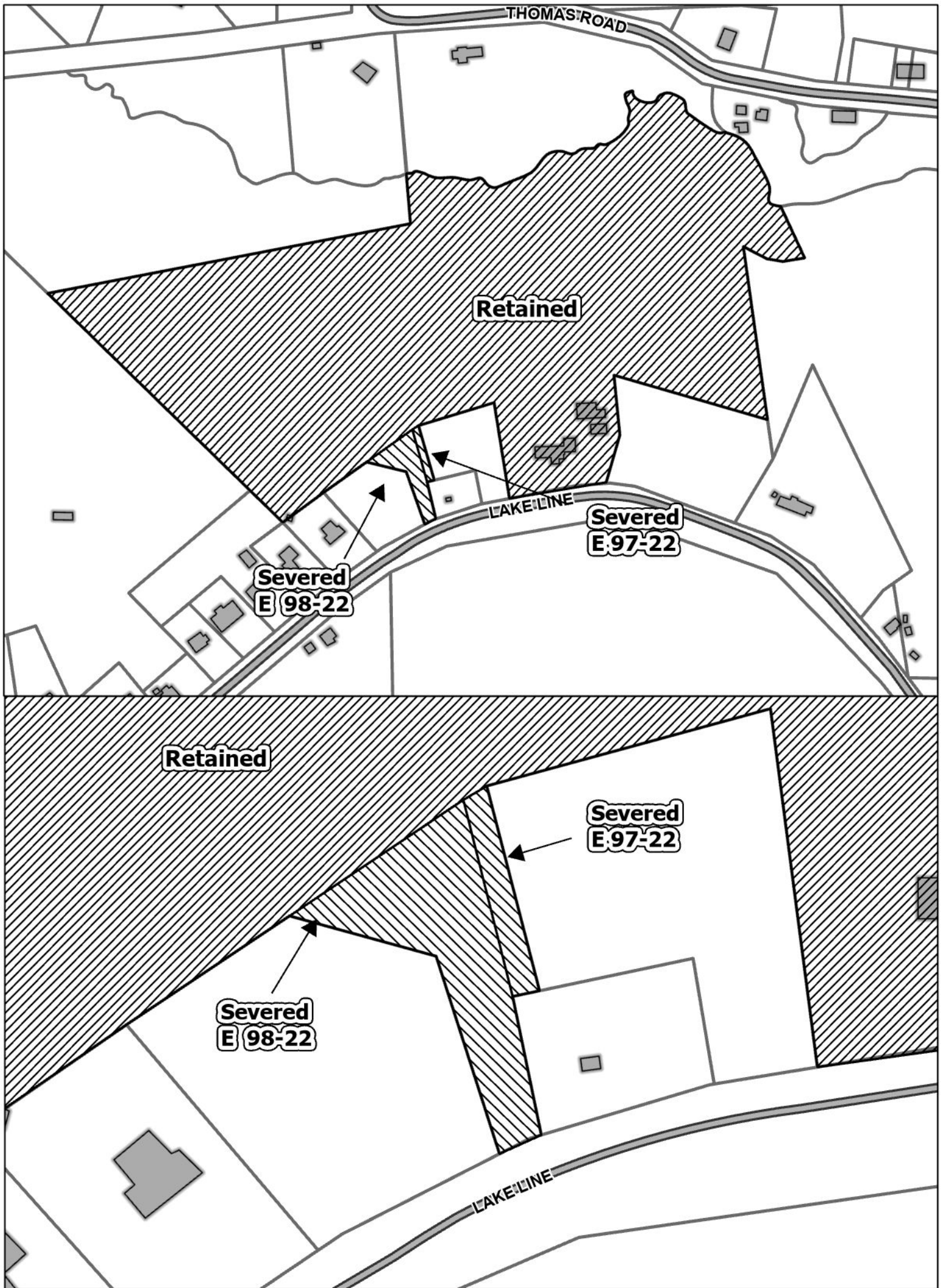
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13<sup>th</sup> day of April, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

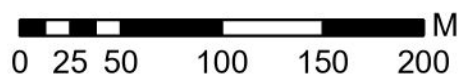
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



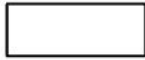

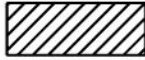


## Location Map

Subject Site: 37538 Lake Line  
 File Number: E 97-22 & E 98-22  
 Owner: Harry Wismer  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/12/2022  
 Township of Southwold

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



### Legend

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF AMENDED APPLICATION FOR CONSENT  
APPLICATION No. E 98-22**

**LOT 14 ON REGISTERED PLAN No. 20  
TOWNSHIP OF SOUTHWOLD  
MUNICIPALLY KNOWN AS 37538 LAKE LINE**

**TAKE NOTICE that** an application has been made by Harry Wismer, 37538 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37474 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 10.775 metres (35.35 feet) and a depth of 74.47 metres (244.32 feet) be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with an area of 11 hectares (27.18 acres), proposed to remain in residential use.

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

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

**WEDNESDAY MAY 24 AT 9:05 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](mailto: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.

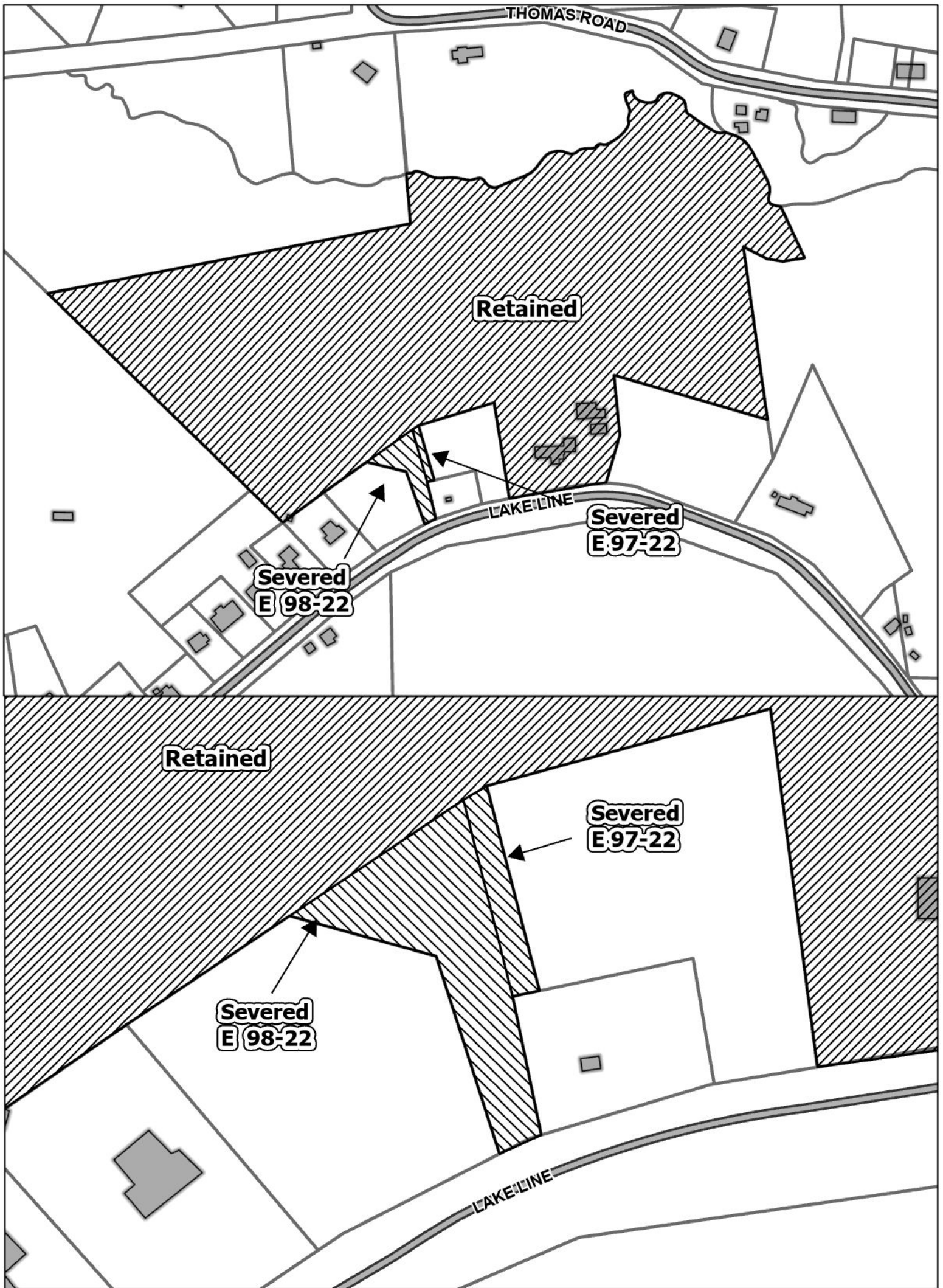
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

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

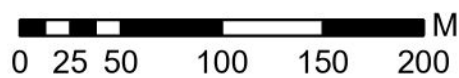




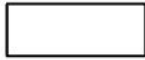

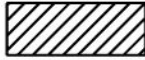

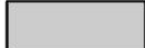
## Location Map

Subject Site: 37538 Lake Line  
 File Number: E 97-22 & E 98-22  
 Owner: Harry Wismer  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/12/2022  
 Township of Southwold

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, Elgin County, Maxar, Microsoft







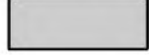
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

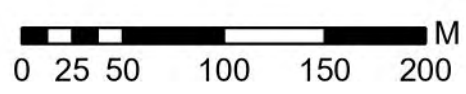
## Location Map

Subject Site: 37538 Lake Line  
 File Number: E 97-22 & E 98-22  
 Owner: Harry Wismer  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/12/2022  
 Township of Southwold



### Legend

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







**TOWNSHIP OF SOUTHWOLD**  
Report to Council

**MEETING DATE:** December 12, 2022

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

**REPORT NO:** PLA 2022-39

**SUBJECT MATTER: Consent Applications E97-22 – Comments to the County of Elgin**

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**Recommendation(s):**

THAT Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent applications, E97-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-39;

**Purpose:**

The proposal is to sever a portion of land from a parcel and add it to the neighbouring lands, thus necessitating a lot line adjustment.

**Background:**

Below is background information in a summary chart:

<b>Application</b>	E97-22
<b>Owners/Applicants</b>	Harry Wismer/Jason Murray
<b>Agent</b>	N/A
<b>Legal Description</b>	RANGE 2 NLR PT LOT 14;RP11R6323 PART 2
<b>Civic Address</b>	37474 Lake Line
<b>Entrance Access</b>	Lake Line
<b>Water Supply</b>	Municipal Water (served/retained)
<b>Sewage Supply</b>	Privately owned and operated septic system
<b>Existing Land Area (severed and retained combined)</b>	11.2345 Hectares (27.76 Acres)
<b>Buildings and/or Structures</b>	Severed Parcel – dwellings, shed
	Retained Parcel – 3 houses, barn, shed



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

<b>Severed Parcel</b>			<b>Retained Parcel</b>		
<b>Frontage</b>	<b>Depth</b>	<b>Area</b>	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
51.09 m (176.6 ft)	77.71m (254.95 ft)	0.235Ha (0.58 acres)	81.46 m (267.2 ft)	Irregular	11.00 Ha (27.18 acres)

The Public Meeting is scheduled for January, 2023 with the Elgin County Land Division Committee with the exact date not known at this time, because the Committee Meeting calendar isn't posted for 2023.

**Figure One:** Areas to be Severed and Added to

The consent sketch, showing E97-22 is attached to this report as Appendix One for reference purposes.



**Planning Policy Review:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS), 2020 and ensure applications do not conflict with Provincial Plans.

Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan and Township of Southwold Official Plan and make decisions that represent good land use planning.

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

**Provincial Policy Statement**

The subject lands are located in the North Port Stanley Settlement Area. Section 1.1.3 details the policies concerning development in Settlement Areas.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

This application is for a lot line adjustment. No new residential lot will be created, and the existing residential lot will undergo a boundary expansion. Lot line adjustments are permitted in Settlement Areas

Therefore, this proposal complies with the requirements with the PPS.

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

The parcel is designated Tier 2 Settlement Area on Schedule 'A' Land Use.

Section B1 defines Settlement Areas, and states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted.

Section B 2.5 explains the Hierarchy of Settlement Areas in Elgin County.

Section B 2.5 d. illustrates the policies for Tier 2 Settlement Areas:

## **Tier 2**

The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual on-site sewage services or individual on-site water/municipal sewage services). The boundaries of these settlement areas are shown on Schedule A to this Plan and are listed in Table 3. Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- a) the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- b) site conditions are suitable for long-term provision of such services.

The proposed lot line adjustment will occur on lands in the Tier 2 Settlement area, and no new lot will be created.

Therefore, this proposal conforms to the CEOP.

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

The parcel is designated Residential on Schedule '4D' of the OP. The lands are located in the North Port Stanley Settlement Area, and therefore the Settlement Area Policies apply to this proposal.

Section 5.2 contains the Settlement Area Policies. Residential uses are permitted in Settlement Areas. The proposal is a boundary adjustment to a residential lot in the Settlement Area. No new lot will be created.

Therefore, the proposed severance conforms to the OP.

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

Both the proposed retained and severed lands are zoned Residential 1 (R1) Zone on Map 10 of Zoning By-law #2011-14. The consent application is for a proposed lot line adjustment. Residential lot line adjustments are permitted in the R1 Zone. No new lot will be created.

Therefore, the proposal would comply with the Zoning By-law.

**Circulation of the Application:**

**Township Department Comments**

Comments received from the Township Departments are summarized below:

**Infrastructure and Development Department**

- Reapportionment of the Marr Drain

All other departments had no concerns.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval. The recommended Township conditions for consent applications E97-22 are attached to this report as Appendix Two for reference purposes.

**Financial Implications:**

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

**Strategic Plan Goals:**

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

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

**Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed application for consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to the amendment); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report. The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public.

**Respectfully submitted by:**  
**Josh Mueller, MCIP, Planner**  
**"Submitted Electronically"**

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

Appendices:

1. Appendix One: Consent Sketch E97-22
2. Appendix Two: Consent Application E97-22 Conditions

**MUNICIPAL APPRAISAL SHEET**

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

Submission: E97-22

Owner/Applicant: Harry Wismer.

Location: 37474 Lake Line.

OFFICIAL PLAN

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

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

Land Use Designation: Settlement Area

Policies: Section 5.2

ZONING

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

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

Comments: No Comments

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

OTHER

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

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

8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:

- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ( )
- (b) the dedication of highways ( )
- (c) the dedication of land for highway widening ( )
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ( )

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes ( x ) No ( )

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

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

All local municipal interests are contained in the conditions imposed by the Township. Please refer to

Planning Report PLA 2022-39

VIA EMAIL ONLY

December 13, 2022

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

**RE: Township of Southwold Consent Application - Comments to the County of Elgin County File Number: E97-22**

Please be advised that the Township of Southwold has reviewed the above-noted application at the December 12, 2022, Council Meeting and passed the following resolution: 2022-344

**THAT** Council of the Township of Southwold recommends approval to the Land Division Committee of the County of Elgin for the consent application, E97-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-39.

**CARRIED**

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

Yours truly,

*Josh Mueller*

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

April 26, 2023

**Attn: Paul Clarke**  
Secretary-Treasurer  
Land Division Committee  
450 Sunset Drive  
St. Thomas, ON N5R 5V1  
[pclarke@elgin.ca](mailto:pclarke@elgin.ca)

**DELIVERED BY EMAIL**

**RE: Notice for Applications for Consent E97-22 and E98-22 - REVISED  
37474 Lake Line, Township of Southwold**

Dear Paul Clarke,

Staff of Kettle Creek Conservation Authority (KCCA) has reviewed the subject applications and associated lands with regard to its mandatory programs and services related to the risk of natural hazards and Source Water Protection. Specifically, KCCA has relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS), its regulatory authority under section 28 of the *Conservation Authorities Act*, and its duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.

We understand that the subject applications have been revised to address KCCA's original concerns outlined within its submission letter of February 3, 2023.

**Recommendation(s):**

Please be advised that KCCA staff have no objection to the approval of consent applications E97-22 and E98-22 as revised, in absence of a geotechnical assessment and delineation of the erosion hazard limit.

KCCA staff are satisfied that the revised applications result in adjusted lot configurations that do not extend further north toward the valley land/hazard lands than originally approved for the creation of the existing building lots. Thereby avoiding the requirement for geotechnical assessments to support the lot adjustment.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY

  
(Digitally signed)

Joseph (Joe) Gordon  
Manager of Planning and Development  
cc. Josh Mueller, Southwold



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E - 97-22 E - 98-22

APPLICANT: Harry Wismer

PROPERTY: LOT NO. 14 CONCESSION: \_\_\_\_\_  
REG'D PLAN: 20 Middlesex MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*

  
\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services



**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:** May 24, 2023  
**Application:** E 97-22 and E 98-22

**Owner:**  
**Harry Wismer**  
37238 Lake Line, Port Stanley, ON N5L1J1  
**Location:** 37538 Lake Line, Port Stanley.

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

PROPOSAL

E 97-22:

The applicant proposes to sever a parcel with a frontage of 6.659 metres (21.84 feet) and a depth of 46.750 metres (153.38 feet) be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with 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 10.775 metres (35.35 feet) and a depth of 74.47 metres (244.32 feet) be conveyed as a lot addition to an adjacent parcel. The applicant is retaining an irregular lot with an area of 11 hectares (27.18 acres), proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 2 Settlement Area

**Local Municipality Official  
Plan**

Residential

**Local Municipality Zoning  
By-law**

Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – 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 for two simultaneous lot additions which will see a 0.58-acre and 0.30-acre portion of the existing property be severed and conveyed to adjacent parcels located at 37474 and 37510 Lake Line. The subject land is located within the Port Stanley settlement area. Consents for the purposes of legal or technical adjustments are permitted in settlement areas, subject to the policies of Section 1.1.3.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as a Tier 2 Settlement Area. Tier 2 Settlement Areas are those with a small population than Tier 1 and generally have access to partial municipal services. Development, including lot creation is permitted in Tier 2 settlement areas provided site conditions are suitable for the long-term provision of such services. As this application is for minor lot boundary adjustments (lot additions), there is not anticipated to be any effect or increased demand placed on existing services. Staff have reviewed the application against the general criteria for consents contained within Section E1.2.3.1 and have found no deficiencies.

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

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject lands are designated as Residential in the Southwold OP, as this application is for a lot addition, no change in land use is anticipated. The subject land is currently zoned Residential (R1). Township staff have reviewed the application against the requirements of the R1 zone and found no issues.

#### Kettle Creek Conservation Authority (KCCA)

This application was brought before LDC at the February 2023 and was deferred at the recommendation of the KCCA due to the proposed lot boundaries encompassing an area of land that would require a slope stability analysis. The applications have been amended so as to reduce the area being transferred and KCCA has no concerns with the amended proposal.

#### RECOMMENDATION:

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

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

3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended apply to any subsequent conveyance or transaction involving the subject lands

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

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 21-23**

**LOTS 11 AND 12, CONCESSION 1  
MUNICIPALITY OF BAYHAM**

**TAKE NOTICE** that an application has been made by David Roe, 53 61 Trailview Drive, Tillsonburg, ON N4G 0C6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lots 11 and 12, Concession 1, Bayham.

The applicant proposes to sever a parcel with an area of 4.3ha (10.63 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 32.29 ha (79.8 acres) proposed to remain in agricultural use.

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

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

**MAY 24, 2023 AT 9:15 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](mailto: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.

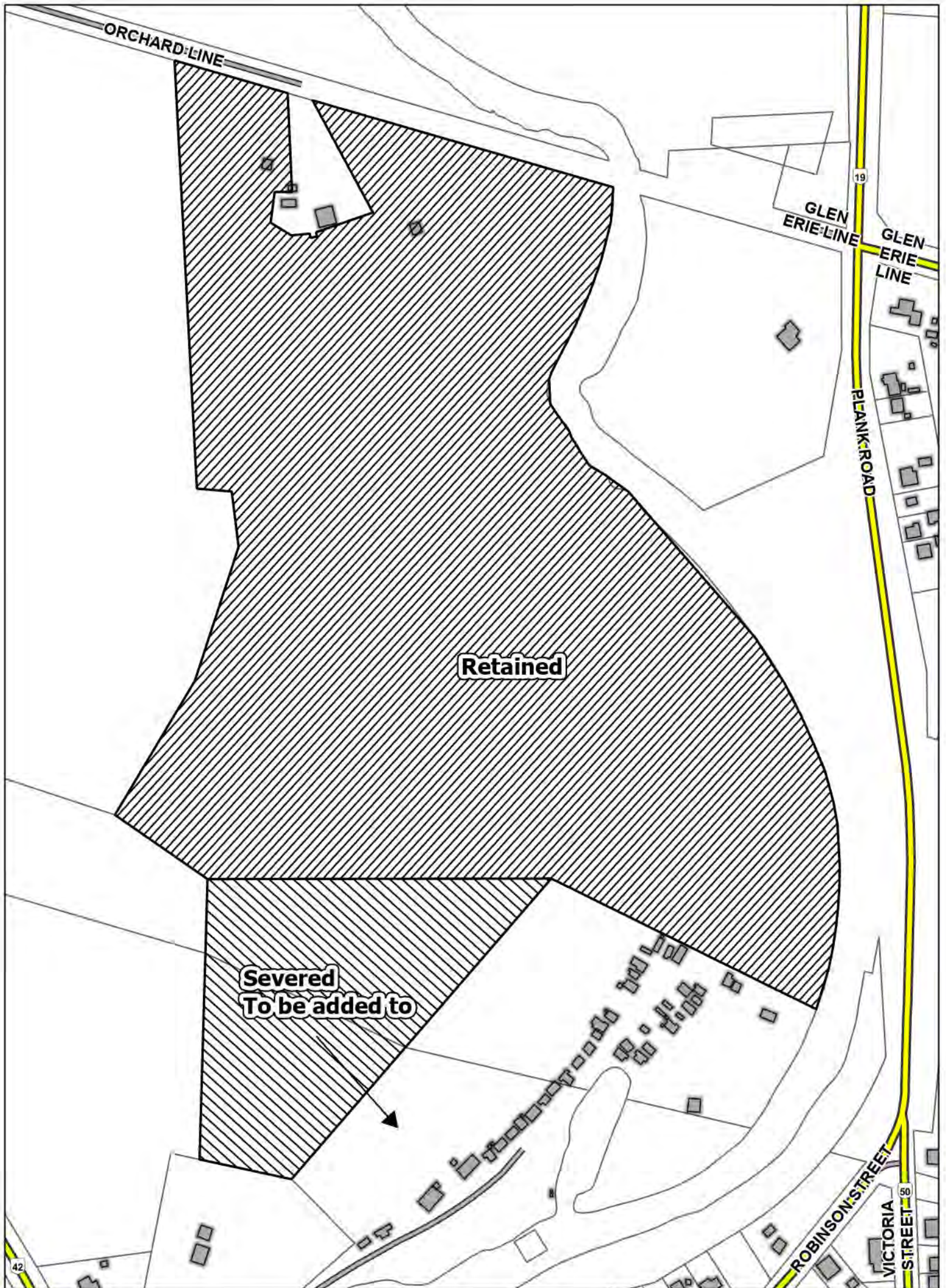
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> day of April, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

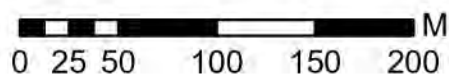
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)







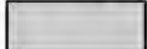


## Location Map

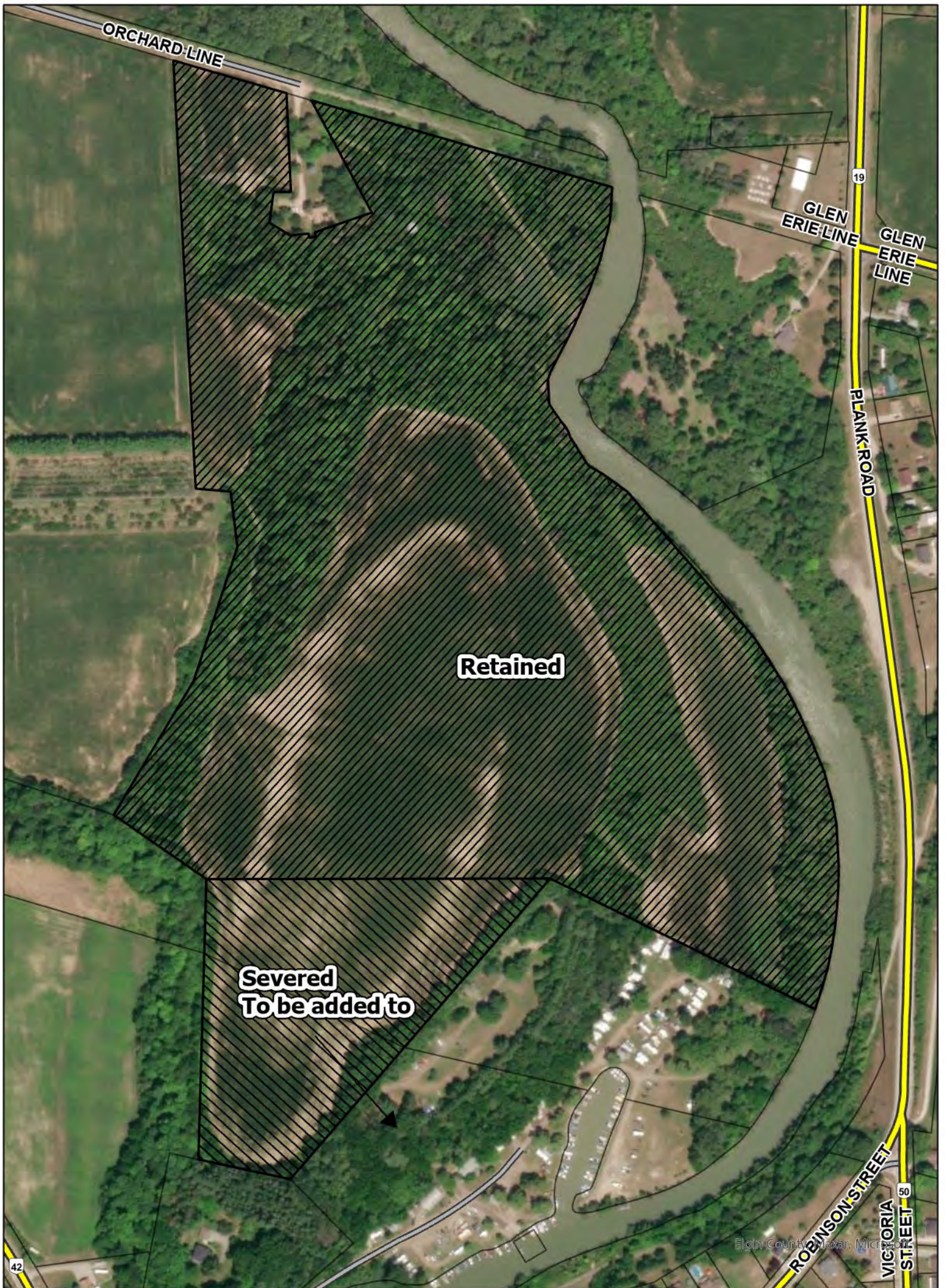
Subject Site: Lots 11 and 12, Concession 1  
 File Number: E 21-23  
 Owner: Gregory Underhill Farms Ltd.  
 Planner: Unknown  
 CA: Long Point Region Valley Conservation  
 Created By: PC  
 Date: 04/18/2023  
 Municipality of Bayham



### Legend

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

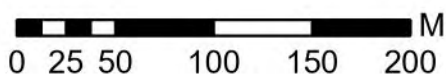








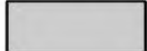
## Location Map

Subject Site: Lots 11 and 12, Concession 1  
 File Number: E 21-23  
 Owner: Gregory Underhill Farms Ltd.  
 Planner: Unknown  
 CA: Long Point Region Valley Conservation  
 Created By: PC  
 Date: 04/18/2023  
 Municipality of Bayham

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



### Legend

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



Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



May 10, 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. E21-23 Gregory Underhill Farms Ltd.**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the May 4, 2023 meeting:

THAT Report DS-27/23 regarding the Consent Application E21-23 Gregory Underhill Farms Ltd. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E21-23 be granted subject to the following conditions and considerations:

1. That the owner provides a Letter of Undertaking for the severed lands to merge on title with 5 Bridge Street
2. That the owner obtains approval of a Zoning By-law Amendment to change the severed lands zoning from the C3 and A2 Zones to a site-specific C3-1 zone consistent to the Big Otter Marina and Campground lot addition lands, including the number and type of sites, if necessary, and to specifically permit seasonal travel trailer park use on the severed lands in accordance with the Official Plan
3. That the owners of the lot addition lands, located at 5 Bridge Street, obtain Site Plan Amendment approval prior to the development of the severed lands in accordance to the Official Plan
4. Digital copy of the registered plan of survey
5. Planning Report fee payable to the Municipality
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.

Municipal Appraisal Sheet and Staff Report DS-27/23 are emailed separately. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill, Planning Coordinator|Deputy Clerk  
D09.UNDE  
cc: D. Roe (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 21-23

Applicant Gregory Underhill Farms Ltd.

Location Bayham – 55267 Orchard Line

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Heritage, Mineral Aggregate Resource Area, Significant Woodlands, Hazard Lands and Open Space

Policies: Section 4.6.2

### PART 2 - ZONING

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

Comments: Zoning: Special Agriculture (A2), Tourist Commercial (C3) and LPRCA Regulation Limit

Rezoning required of the severed parcel

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

Application required

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

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

See Letter attached with listed conditions.

See Staff Report DS-27/23 considered at Council meeting held May 4, 2023

mobile home park shall be adequately drained, certified by a qualified engineer.

4.6.1.3 Notwithstanding the policies of this Plan the following existing mobile home parks have been recognized in a Settlement Area designation of this Plan and shall be appropriately zoned in the Zoning By-law;

- a) Pitt Street, Port Burwell, Municipality of Bayham
- b) Elizabeth Street, Port Burwell, Municipality of Bayham

4.6.2 **Seasonal Travel Trailer Parks**

4.6.2.1 Seasonal travel trailer parks are permitted in designated "Hamlets" and areas designated as "Open Space" or "Conservation Lands" in Straffordville, Vienna, or Port Burwell by an amendment to the Zoning By-law. It shall be the policy of this Plan that an applicant who wishes to develop a seasonal travel trailer park shall enter into a development agreement with the Municipality prior to the passing of an amendment to the Zoning By-law as applicable. Such an agreement shall include and ensure that the seasonal travel trailer park meets the following requirements:

- a) The park must be accessible to a main road by means of a service road or roads within the park;
- b) The park must be served by a municipal or communal water supply and sewage disposal systems, which meet the requirements of and are approved by the Ministry of the Environment Conservation and Parks or its delegated authority as applicable. The methods and arrangements for ensuring adequate systems operation, maintenance, and responsibility shall satisfy the Ministry of the Environment Conservation and Parks;
- c) The park must be served by utilities and services such as hydro, lighting, storm drainage, and roads provided by the developer. Garbage collection and disposal may be provided by the developer or by the Municipality;
- d) An adequate buffer zone and buffer planting shall be provided to effectively screen the proposed development from other residential, commercial or industrial uses whether existing or proposed;
- e) The park must have minimum lot sizes, which are not less than 150 square

metres;

- f) The park must be in operation only during the months of April to November;
- g) The park must have 5 percent of the gross area designated as a recreational area. The buffer zone shall not be a part of the recreation area. In addition, the 5% park land so designated should be consolidated in one location so that the land set aside for recreation is not dispersed throughout the trailer park area in a number of small plots;
- h) The roads in the park must have a paved or gravel surface and adequate space must be provided to permit cars with trailers to back onto the lots;
- i) The specific use to be made of the property and the location of all facets of the development must be set out in a site plan. This plan should indicate:
  - 1. The true shape, topography, contours, dimensions, area and location of the property to be developed as well as the extent of adjacent property held for future mobile park development;
  - 2. The existing use of all land and the location and use of all buildings and structures lying within a distance of 120 metres from the land that is to be developed for the seasonal travel trailer park;
  - 3. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
  - 4. All entrances and exits;
  - 5. Design plans for the progressive and ultimate development of individual travel trailer lots, ancillary facilities and internal roads;
  - 6. Drainage provisions - the method and final grades, by which the travel trailer park shall be adequately drained, certified by a qualified engineer;
  - 7. The location of any communal wells and subsurface sewage treatment and disposal systems, both within the proposed development and within a distance of 120 metres from the land that is to be developed.

4.6.2.2 Notwithstanding any policies of this Plan to the contrary, the following existing Seasonal Travel Trailer Parks and Campgrounds are recognized by this Plan and shall be appropriately zoned in the Zoning By-law:

- a) Bridge St., Port Burwell;
- b) Port Burwell Provincial Park.

#### 4.7 **SECOND DWELLING UNITS**

##### 4.7.1 **Second Dwelling Units**

Up to one (1) second residential dwelling, being a self-contained unit, with kitchen and bathroom facilities, ancillary and subordinate to the primary dwelling unit, may be permitted within a single detached dwelling, semi-detached dwelling, or street row houses. Second units may include second suites, basement apartments, or accessory apartments. The second unit shall be located in a Settlement Area and on the same lot as the primary dwelling. It shall meet the following criteria:

*existing buildings*

- a) The exterior building or site changes to permit the second dwelling shall generally be less than 10% floor area increase, maintaining the general form and architectural character of the building. Additional on-site parking shall be required.
- b) Existing private and/or municipal sewage and water services shall be available to service the accessory residential dwelling unit, to the satisfaction of the Municipality and the Elgin St. Thomas Public Health as required.
- c) The second dwelling shall be incidental to the primary permitted residential use, is located within the primary residential building or an ancillary structure, where the gross floor area of the second dwelling is not greater than 40% of the combined total gross floor area of both the primary and second dwelling units.

SWPH >

## **SECTION 19 TOURIST COMMERCIAL (C3) ZONE REGULATIONS**

### **19.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Tourist Commercial (C3) Zone except for the following purposes:

Bed and Breakfast Lodging or Tourist Home;

Bus depot;

Commercial fishing operations, excluding any commercial processing operations;

Hotel, motel;

Marina and accessory uses, including boat storage and repairs;

Restaurant;

Retail service shop;

Tavern;

Travel trailer camping park;

Accessory use including one dwelling unit as an accessory use.

### **19.2 Minimum Lot Area**

Public sanitary sewage disposal service, but no public water supply: 900m<sup>2</sup>

Public water and sanitary sewage disposal services are available: 555m<sup>2</sup>

Tourist commercial uses providing lodging / accommodations: 555 m<sup>2</sup> for the first ten (10) rooms capable of being occupied and 46 m<sup>2</sup> for each additional room thereafter

### **19.3 Minimum Lot Frontage**

15.0m

### **19.4 Maximum Lot Coverage**

50%

### **19.5 Maximum Building Height**

12.0m

### **19.6 Minimum Floor Area**

Z698-2020

### **19.7 Minimum Front Yard Depth**

6.0 metres

### **19.8 Minimum Side Yard Width**

4.5m

**19.9 Minimum Rear Yard Depth**

10.0m

**19.10 Buffer Strip**

Where a C3 Zone abuts a Residential, Institutional or Open Space Zone, a buffer strip shall be provided along the abutting lot lines having a minimum width of 2.0 metres.

**19.11 Regulations for Travel Trailer Park**

Regulations related to the establishment and operation of a travel trailer park shall be as set down by the Tourism Act, and regulations thereto as amended from time to time.

**19.12 Dwelling Units**

No commercial building wherein gasoline, petroleum products, paint or any other highly flammable, toxic or explosive products are handled in quantity shall have accessory dwelling units. Where such dwelling units exist and the use of the commercial building changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

**19.13 Exceptions - Tourist Commercial (C3) Zone**

19.13.1

Z710-2020

19.13.1.1 Defined Area

C3-1 as shown on Schedule "I" to this By-law.

19.13.1.2 Permitted Uses

Seasonal travel trailer park, campground and marina with a maximum of forty-seven (47) permanent seasonal travel trailer sites, twenty (20) seasonal travel trailer sites and twenty-four (24) day use camp sites

19.13.1.3 Minimum Rear Yard Setback

1.0 metre (south half north side)

19.13.1.4 Minimum Side Yard Setback

Zero (south side), including a permanent existing boathouse building





# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

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

**DATE:** May 4, 2023

**REPORT:** DS-27/23

**FILE NO. C-07 / D09.23GUND**

**Roll # 3401-000-001-01401/002-001-42200**

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**SUBJECT: Consent Application E21-23 Gregory Underhill Farms Ltd.  
55267 Orchard Line**

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### BACKGROUND

A consent application E21-23 was received from the Elgin County Land Division Committee submitted by Gregory Underhill Farms Ltd. proposing to sever 4.3 hectares (10.6 acres) of land and retain 32.29 hectares (79.8 acres) of land with the severed land being added to an adjacent parcel of land. The subject property is known as 55267 Orchard Line.

The subject land is designated "Agriculture", "Natural Heritage" and "Mineral Aggregate Resource Area" on Schedule 'A1' Municipality of Bayham Land Use and "Significant Woodlands" and "Hazard Lands" on Schedule 'A2': Constraints of the Official Plan. Also, a portion of the retained lands are designated "Open Space" on Schedule "D" Port Burwell: Land Use and Constraints. The retained lands are zoned Special Agriculture (A2) on Schedule "A1" Map No. 14 in Zoning By-law No. Z456-2003. The severed lands are designated "Open Space" and "Hazard Lands" on Schedule "D" in the Bayham Official Plan. The severed lands are zoned Tourist Commercial (C3) on Schedule "I" Port Burwell and Special Agriculture (A2) on Schedule "A" Map No. 14 and a portion of the lands are identified as being with the LPRCA Regulation Limit.

Elgin County Land Division Committee will consider the application on May 24, 2023.

### DISCUSSION

The planner's memorandum dated, April 20, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Conditions relating to the requirement to merge the parcels, and obtain Site Plan Amendment approval prior to the development of the severed lands in accordance to the Official Plan and

rezoning are included. As well as, our standard conditions include: survey, planning report fee, and any drainage reassessment if required.

Staff and municipal planner recommend the support of the consent application for the lot addition with the recommended conditions.

## ATTACHMENTS

1. Consent Application E21-23
2. Arcadis IBI Group Memorandum, dated April 20, 2023

## RECOMMENDATION

**THAT** Report DS-27/23 regarding the Consent Application E21-23 Gregory Underhill Farms Ltd. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E21-23 be granted subject to the following conditions and considerations:

1. That the owner provides a Letter of Undertaking for the severed lands to merge on title with 5 Bridge Street
2. That the owner obtains approval of a Zoning By-law Amendment to change the severed lands zoning from the C3 and A2 Zones to a site-specific C3-1 zone consistent to the Big Otter Marina and Campground lot addition lands, including the number and type of sites, if necessary, and to specifically permit seasonal travel trailer park use on the severed lands in accordance with the Official Plan
3. That the owners of the lot addition lands, located at 5 Bridge Street, obtain Site Plan Amendment approval prior to the development of the severed lands in accordance to the Official Plan
4. Digital copy of the registered plan of survey
5. Planning Report fee payable to the Municipality
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk



# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	April 20, 2023
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-896
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Gregory Underhill Farms Ltd. – Part of Lots 11 and 12, Concession 1, Bayham – Application for Consent E21-23		

1. We have completed our review of Consent application E21/23 (Revised April 18, 2023), submitted by David Roe of Urban Planning Solutions on behalf of Gregory Underhill Farms Ltd. for lands located at Part of Lots 11 and 12, Concession 1, Port Burwell and known municipally as 55309 Orchard Line. The applicant is requesting consent for severance of 4.3 hectares (10.6 acres) of land and to retain 32.29 hectares (79.8 acres) of land, with the severed land being added to an adjacent parcel of land.
2. The retained lands are designated “Agriculture”, “Natural Heritage” and “Mineral Aggregate Resource Area” on Schedule ‘A1’ Municipality of Bayham: Land Use and “Significant Woodlands” and “Hazard Lands” on Schedule A2: Constraints of the Municipality of Bayham Official Plan (Bayham OP). There is also a portion of the retained lands designated “Open Space” on Schedule “D” Port Burwell: Land use and Constraints. The retained lands are zoned Special Agriculture (A2) on Schedule “A1” Map No. 14 in Zoning By-law Z456-2003 (Zoning By-law). The severed lands are designated “Open Space” and “Hazard Lands” on Schedule “D” in the Bayham OP. The severed lands are zoned Tourist Commercial (C3) on Schedule “I” Port Burwell and A2 on Schedule “A1” Map No. 14 and a portion of the lands are identified as being within the LPRCA Regulation Limit, in the Zoning By-law.
3. The proposed severed lot has zero lot frontage and is vacant of buildings and used for farming. A portion of the severed lands have a separate Property Identification Number than the retained lands, however, it is understood that the lands are joined in some fashion in the Ontario Land Registry. The intent is to add the severed portion to adjacent lands known as 5 Bridge Street for an expansion of the Big Otter Marina campground. There is no separate lot being created.
4. The retained lands have lot frontage of 356 metres (1,168 feet) and lot depth of 747 metres (2,450.8 ft) and are vacant. The retained lands include farmlands and

Municipality of BayhamMunicipality of Bayham – April 20, 2023

woodlands associated with the Big Otter Creek valley system. The Consent does not propose any development on the retained lands.

5. The severed lands include portions of hazard lands and the applicant is advised that any development of the subject lands will require consultation with the Municipality and Long Point Region Conservation Authority to determine if an Environmental Impact Study is required and to confirm the scope of the study.
6. The Bayham OP policies Section 4.6.2 indicate that Seasonal Travel Trailer Parks are permitted in the “Open Space” designation subject to Zoning By-law Amendment (ZBA) and that a Development Agreement / Site Plan Approval is required after ZBA approval is granted. The owner shall rezone the severed lands from C3 to a modified site-specific Tourist Commercial (C3-1) zone consistent to the zoning for the existing seasonal travel trailer park to which the severed lands will be added. The owner obtaining ZBA, Site Plan Amendment and revised site plan agreement approval with the Municipality, the proposed development would be in conformity to the Official Plan. There is an existing Site Plan Agreement in place for the Big Otter Marina and campground that would need to be amended. The continued use of the retained lands for agriculture is in conformity to the Official Plan.
7. The Zoning By-law zones the severed lands Tourist Commercial (C3) and Special Agriculture (A2) and the retained lands Special Agriculture (A2). The continued use of retained lands for agriculture in the A2 zone is in conformity to the Zoning By-law. The severed lands are being added to the Big Otter Marina and Campground located at 5 Bridge Street which have a site specific C3-1 zoning. A condition of the consent should be to rezone the severed lands from the C3 and A2 zone to a modified C3-1 zone. The C3-1 zone sets out the number of permanent seasonal travel trailer park sites, seasonal travel trailer park sites and camp sites and minor existing reduced setbacks. The ZBA will need to include details of the proposed use and number of sites to update the site-specific regulations.
8. Based on the above review of consent application E21-23 we have no objection to the proposed consent for lot addition severance of 4.3 hectares land area and to retain 32.29 hectares of land and recommend the following conditions for consent approval:
  - a. That the owner provides a Letter of Undertaking for the lands to merge.
  - b. That the owner merge the severed lands on title with the lands at 5 Bridge Street.
  - c. That the owner obtains approval of a Zoning By-law Amendment to change the severed lands zoning from the C3 and A2 Zone to a site-specific C3-1 zone consistent to the Big Otter Marina and campground lot

Municipality of BayhamMunicipality of Bayham – April 20, 2023

addition lands, including number and type of sites, and to specifically permit seasonal travel trailer park use on the severed lands in accordance to the Official Plan.

- d. That the owners of the lot addition lands, located at 5 Bridge Street, obtain Site Plan Amendment Approval prior to development of the severed lands in accordance to the Official Plan.
- e. That the owner provide a digital copy of a survey of the lands;
- f. That the applicant provide a Planning Report Fee payable to the Municipality of Bayham;
- g. 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 Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.

*Paul Riley*

IBI Group  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham



## Long Point Region Conservation Authority

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

Elgin County  
St. Thomas, ON

April 19, 2022

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 21-23 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 severance will permit a lot addition to a parcel adjacent to the subject property.

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

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

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

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

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

**3.1.2** Development and site alteration shall not be permitted within:

- a) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 21-23

APPLICANT: Gregory Underhill Farms

PROPERTY: LOT NO. 11 and 12 CONCESSION: 1  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....   
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*

  
\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services

- b) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

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

Ontario Regulation 178/06

The subject lands are prone to flooding and erosion associated with the Big Otter Creek, contain the 100-year flood limit, and are regulated by Long Point Region Conservation Authority under Ontario Regulation 178/06. Permission from this office is required prior to any development within the regulated area.

Development is defined as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990, c. 27, s. 28 (25))

This application is not creating any new lots and is re-configuring two existing lots through severance, which will be conveyed to an adjacent parcel as a lot addition. It does not appear any development is being proposed within the area regulated by LPRCA under Ontario Regulation 178/06.

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

Aisling Laverty, Resource Planner  
Long Point Region Conservation Authority  
519-842-4242 ext. 235 | [alaverty@lprca.on.ca](mailto:alaverty@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:** May 24, 2023  
**Application:** E 21-23

**Owner:**  
**Gregory Underhill Farms Ltd.**  
54970 Nova Scotia Line, Port Burwell, ON N0J  
1T0

**Agent:**  
**David Roe**  
61 Trailview Drive, Tillsonburg, ON N4G  
0C6

**Location:** Lots 11 and 12, Concession 1.

PROPOSAL

The applicant proposes to sever a parcel with an area of 4.3ha (10.63 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 32.29 ha (79.8 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area /  
Agricultural Area

**Local Municipality Official  
Plan**

Agriculture, Natural  
Heritage, Mineral Aggregate  
Resource area, Significant  
Woodlands, Hazard Lands,  
Open Space

**Local Municipality Zoning  
By-law**

Special Agricultural (A2),  
Tourist Commercial (C3)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever a portion of the subject land with an area of 4.3ha to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 32ha to remain in use for agricultural purposes. The proposed severed parcel is located within a settlement area while the retained lands are designated as agricultural area.

- 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 effectively 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*
  - g) *Are freight supportive*

The proposed lot addition is contained entirely within the settlement area. The retained land, which is outside of the settlement area and designated agricultural will continue to be used for agricultural purposes. This consent is not anticipated to have a negative effect on the surrounding land uses.

#### 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 are classified as Tier 1 Settlement Area and Agricultural Area. The CEOP permits lot boundary adjustments in all land use designations, subject to the policies of Section E 1.2.3.2.

#### *Boundary Adjustments*

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

The parcel that is proposed to be severed and conveyed as a lot addition is entirely located within the settlement area. The portion being added is currently vacant and will be used for the purposes of the campground which already operates on the adjacent lot. Given that no new land use is being proposed, as the campground already exists, this is not anticipated to negatively affect the surrounding agricultural land and fulfills the policies of the CEOP.



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

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposal is for a lot addition and will not create a new parcel. Bayham's staff have proposed a condition to rezone the severed parcel to allow it to have similar uses to the parcel it is being added to, which is currently a marina and campground.

### RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands

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

1. That the owner provides a Letter of Undertaking for the severed lands to merge with 5 Bridge Street
2. That the owner obtains approval of a Zoning By-law Amendment to change the severed lands zoning from the C3 and A2 zones to a site-specific C3-1 Zone consistent to the Big Otter Marina and Campground lot addition lands, including the number and type of sites, if necessary, and to specifically permit seasonal travel trailer park use on the severed lands in accordance with the Official Plan.
3. That the owners of the lot addition lands, located at 5 Bridge Street, obtain Site Plan Amendment approval prior to the development of the severed lands in accordance with the Official Plan.
4. Digital copy of the registered plan of survey.
5. Planning Report fee payable to the Municipality.
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 22-23**

**LOT 18, CONCESSION 2  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 45599 ROBERTS LINE**

**TAKE NOTICE** that an application has been made by Dan McKillop, 29094 Silver Clay Line, Dutton, ON N0L 1J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45599 Roberts Line.

The applicant proposes to sever a parcel with a frontage of 41.4m (135.83 feet), a depth of 114.5m (375.66 feet) and an area of 0.47ha (1.16 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 40.41ha (100 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:

**MAY 24, 2023 AT 9:25 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

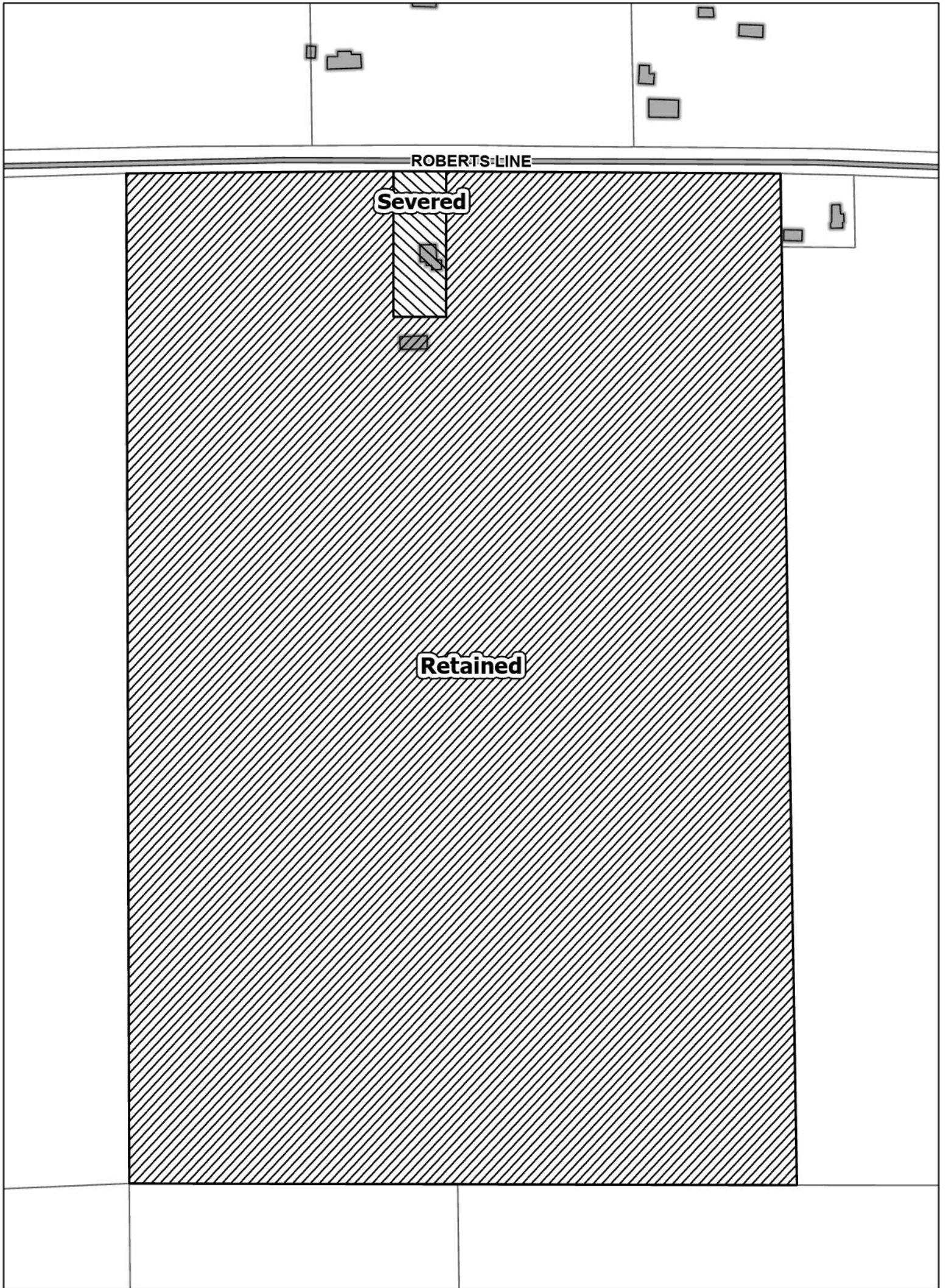
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13<sup>th</sup> day of April, 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](http://www.progressivebynature.com)

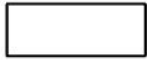

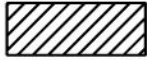

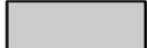


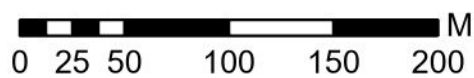
## Location Map

Subject Site: 45599 Roberts Line  
 File Number: E 22-23  
 Owner: Somerville Farms Sparta Ltd.  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of Central Elgin



### Legend

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









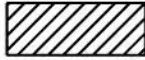

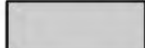
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

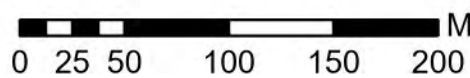
## Location Map

Subject Site: 45599 Roberts Line  
 File Number: E 22-23  
 Owner: Somerville Farms Sparta Ltd.  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of Central Elgin



### Legend

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







**March 28, 2023**

Paul Clarke  
Planning Technician  
County of Elgin

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

**RE: Consent Application E 22/23  
Somerville Farms Sparta Ltd, 45599 Roberts Line**

---

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, March 27, 2023 and the following resolution was passed:

**THAT** Report CEP.11.23 be received for information;

**AND THAT** Council has no objections to consent application E22/23, 45599 Roberts Line Applicant – Somerville Farms Sparta Ltd. subject to the following recommended conditions:

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

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

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

Kind Regards,

*Delany Leitch*

Delany Leitch  
Deputy Clerk/Records Management Coordinator  
[deleitch@centralelgin.org](mailto:deleitch@centralelgin.org)  
519-631-4860 ext. 286

c.c. Somerville Farms Sparta LTD, Owner  
Dan McKillop, Applicant/Agent  
S. Craig, CEPO, Sr. Planning Technician

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** April 26, 2023 1:46 PM  
**To:** Paul Clarke  
**Subject:** RE: Notices of Application - May 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.

Hi Paul

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

E22-23\_45599 Roberts Line  
E26-23\_11884 Sunset Road

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**  
Manager of Planning and Development  
*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** Friday, April 14, 2023 10:25 AM  
**To:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Subject:** Notices of Application - May LDC

Good morning,

Please see the attached notices of applications for the May meeting of the Land Division Committee. If you wish to submit comments for these applications please do so by **Tuesday, May 16<sup>th</sup>**.

Thanks,



**Paul Clarke, CPT**

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



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





**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

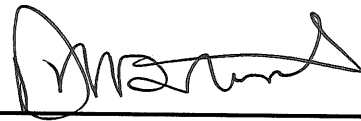
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 22-23  
 APPLICANT: Dan McKillop  
 PROPERTY: LOT NO. 18 CONCESSION: 2  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required .....   
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
 S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road .....
- 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.*

  
 \_\_\_\_\_  
**PETER DUTCHAK, CET**  
**Manager of Transportation Services**



**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:** May 24, 2023  
**Application:** E 22-23

**Owner:**  
**Somerville Farms Sparta Ltd.**  
45624 Dexter Line, Sparta, ON N0L 2H0

**Agent:**  
**Dan McKillop**  
29094 Silver Clay Line, Dutton, ON N0L  
1J0

**Location:** Lot 18, Concession 2. Municipally known as 45599 Roberts Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 41.4m (135.83 feet), a depth of 114.5m (375.66 feet) and an area of 0.47ha (1.16 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 40.41ha (100 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

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

*County Engineering* – No concerns.

*Kettle Creek Conservation Authority* – No concerns.

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

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

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

The applicant is applying to sever a dwelling that is surplus to a farming operation. The applicant wishes to sever the existing dwelling and create a parcel of approximately 0.47ha in

area. The PPS does permit lot creation in agricultural areas for surplus farm dwellings, subject to the provisions of Section 2.3.4.

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

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

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

Staff have reviewed this application against the policies of the PPS and are of the opinion that it is consistent. The lot area of 0.47ha (~1 acre) can accommodate the existing home, accessory structure and well and septic system.

#### 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 are classified as Agricultural Area. The CEOP permits lot creation in the agricultural area for the purposes of severing a dwelling that is surplus to a farming operation.

*E 1.2.3.4 Lot Creation on Lands in the Agricultural Area  
In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if 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, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation*

The application conforms to the policies of the CEOP. Conditions from the Municipality of Central Elgin will require the remnant farm parcel to be rezoned to one which does not permit residential development, satisfying both the requirements of the CEOP and PPS.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. Consents for the purposes of severing a surplus farm dwelling are permitted by the Central Elgin OP. The Municipality of Central Elgin is requesting, as a condition of consent, that the applicants apply and are granted approval of a zoning amendment to rezone the remnant farm parcel.

RECOMMENDATION:

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

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

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

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



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

**PART OF LOT 12, CONCESSION 3, PART 1 ON 11R-10194  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 50942 VIENNA LINE**

**TAKE NOTICE** that an application has been made by Nick Dyjach, 1599 Adelaide Street North Unit 201, London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 50942 Vienna Line.

The applicant proposes to sever a parcel with a frontage of 45.8m (150 feet), a depth of 64.3m (210.96 feet) and an area of 2,945m<sup>2</sup> (0.72 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 30.33ha (75 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:

**MAY 24, 2023 AT 9:35 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](mailto: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.

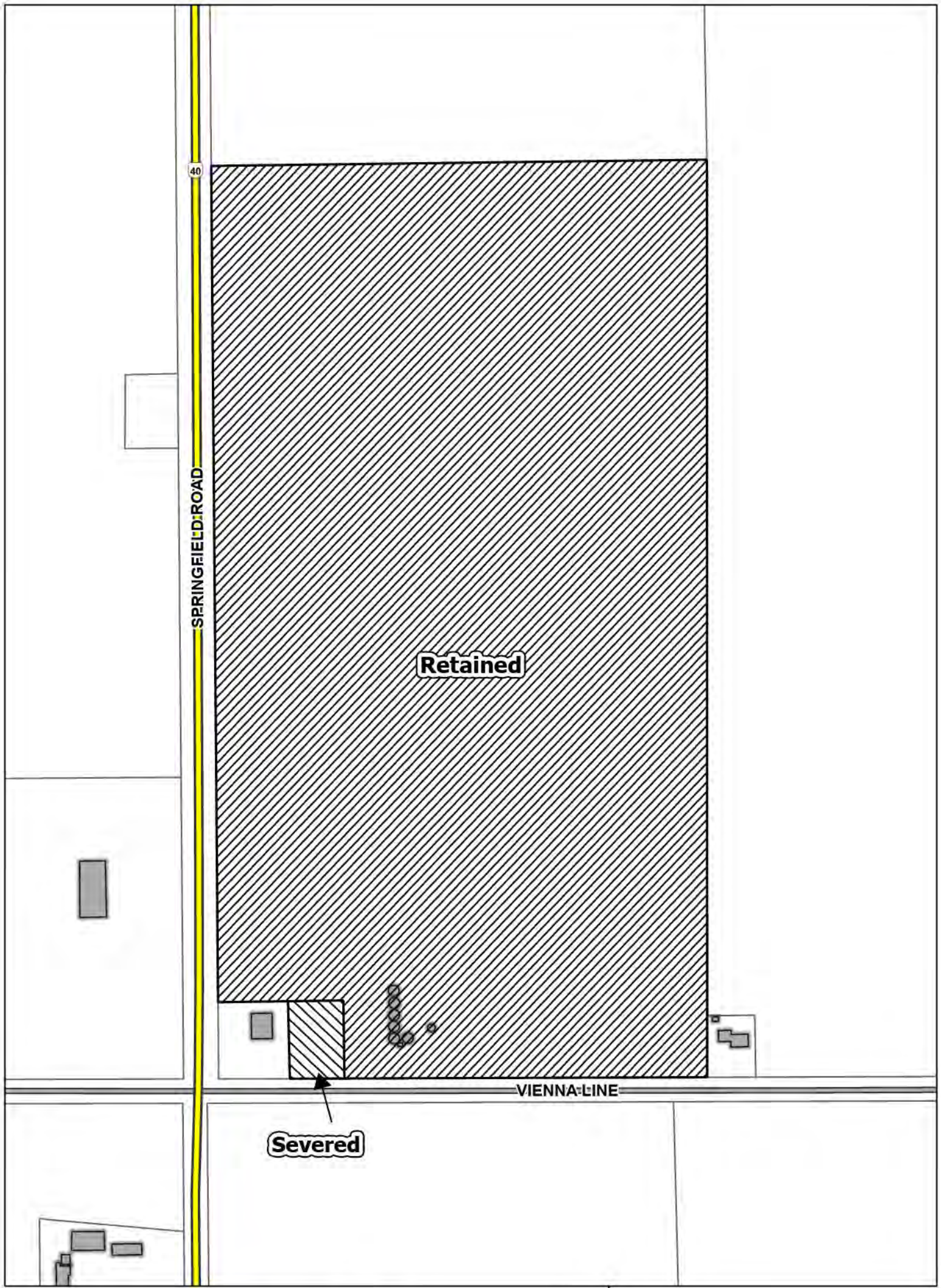
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 13<sup>th</sup> day of April, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

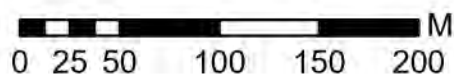
**County of Elgin  
Planning Department**  
450 Sunset Drive  
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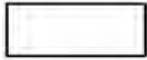



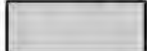


## Location Map

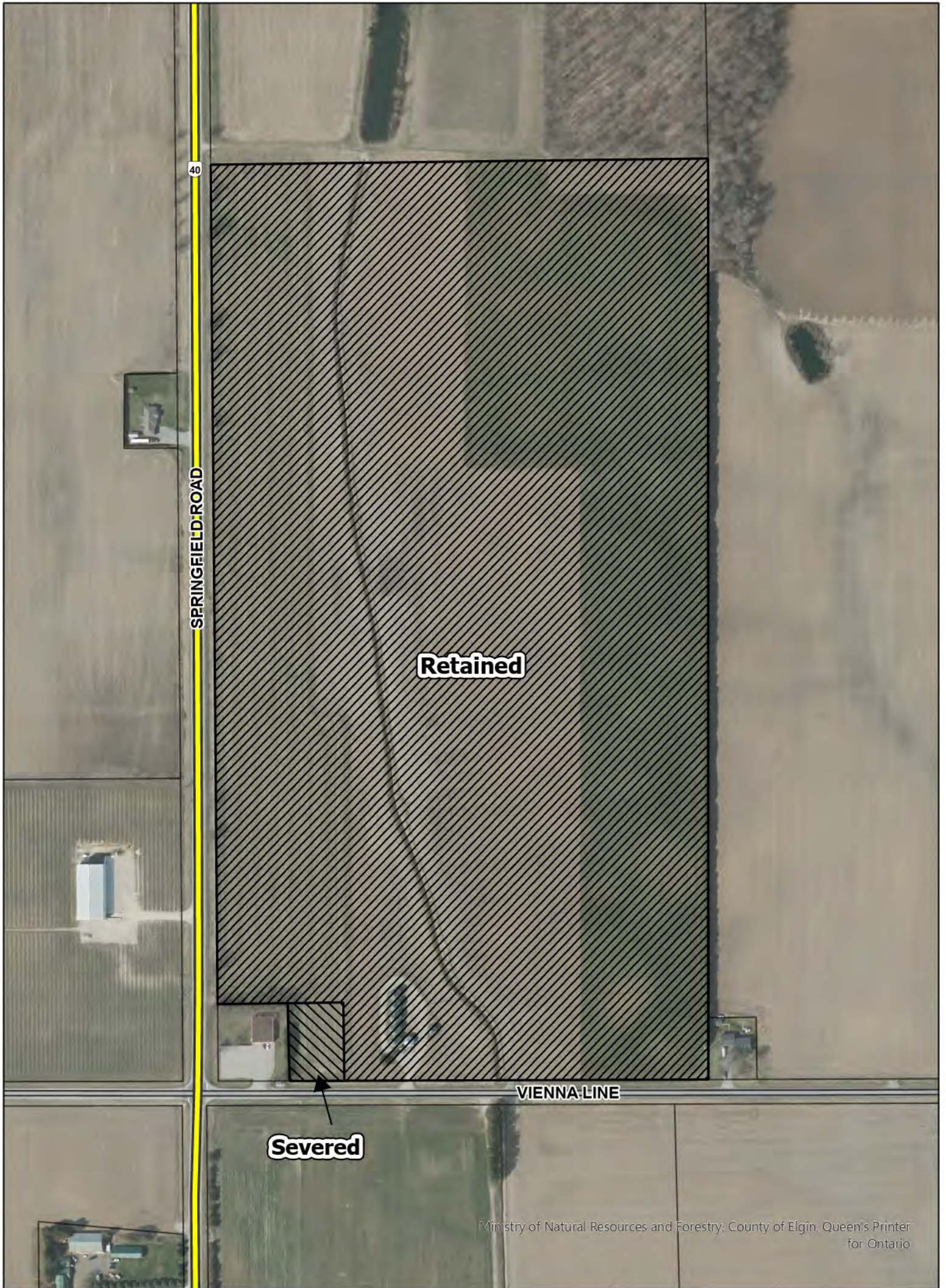
Subject Site: 50942 Vienna Line  
 File Number: E 23-23  
 Owner: Jeff Barbier Inc.  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Township of Malahide



### Legend

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



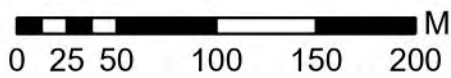


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario






## Location Map

Subject Site: 50942 Vienna Line  
 File Number: E 23-23  
 Owner: Jeff Barbier Inc.  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Township of Malahide

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



### Legend

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



## Paul Clarke

---

**From:** Eric Steele <esteele@mbpc.ca>  
**Sent:** May 18, 2023 1:00 PM  
**To:** Paul Clarke  
**Cc:** 'Adam Betteridge'; 'Allison Adams'; Jay McGuffin  
**Subject:** RE: LDC Comments

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

Good afternoon Paul,

The Township is in the process of reviewing the concurrent Official Plan Amendment and Zoning By-law Amendment for the subject lands, known municipally as 50942 Vienna Line. Considering a decision on the Official Plan Amendment and Zoning By-law Amendment applications has not yet been made, a decision on the consent application may be premature and it is recommended that the Consent application E23-23 be deferred.

Regards,

Eric Steele, BES  
Planner  
**MONTEITH BROWN PLANNING CONSULTANTS**  
610 Princess Avenue, London, Ontario, N6B 2B9 ([Map](#))  
Tel.: (519) 686-1300 ext. 111 / Fax: (519) 681-1690  
Direct Line: (519) 518-0745  
E-mail: [esteele@mbpc.ca](mailto:esteele@mbpc.ca) Web: [www.mbpc.ca](http://www.mbpc.ca)



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

---

**From:** Paul Clarke [<mailto:pclarke@ELGIN.ca>]  
**Sent:** Thursday, May 18, 2023 9:24 AM  
**To:** Eric Steele  
**Subject:** LDC Comments

Hi Eric,

Were you and Adam able to work out the comments for the 50942 Vienna Line severance application?

Thanks,

## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** April 17, 2023 1:49 PM  
**To:** Paul Clarke  
**Subject:** RE: Notices of Application - May 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 Paul,

CCCA has no comments or concerns with the above noted application at this time, as the severed parcel is outside of the CCCA regulated area.

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:** April-14-23 10:26 AM  
**To:** Gerrit Kremers <planning@catfishcreek.ca>  
**Subject:** Notices of Application - May LDC

Good morning,

Please see the attached notices of applications for the May meeting of the Land Division Committee. If you wish to submit comments for these applications please do so by **Tuesday, May 16<sup>th</sup>**.

Thanks,

**Paul Clarke**, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 23-23

APPLICANT: PH Engineering

PROPERTY: LOT NO. Part of Lot 12 CONCESSION: 3

REG'D PLAN: Part 1 on 11R 10194 MUNICIPALITY: Malahide

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*



\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services



**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:** May 24, 2023  
**Application:** E 23-23

**Owner:**  
**Jeff Barbier Inc.**  
50942 Vienna Line, Aylmer

**Agent:**  
**Nick Djjack (SBM Ltd.)**  
29094 Silver Clay Line, Dutton, ON N0L  
1J0

**Location:** Part of Lot 12, Concession 3, Part 1 on 11R-10194. Municipally known as 50942 Vienna Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 45.8m (150 feet), a depth of 64.3m (210.96 feet) and an area of 2,945m<sup>2</sup> (0.72 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 30.33ha (75 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends deferral pending concurrent amendments to Official Plan and Zoning By-law.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to a 0.72-acre portion of the existing agricultural lands to an adjacent parcel which is presently used for an agriculture-related use. The PPS permits lot boundary adjustments in the prime agricultural area where no new lots are created and encourages agriculture related uses.

**2.3.3.1** *In prime agricultural areas, permitted uses and activities are: agricultural uses, agricultural-related uses and on-farm diversified uses.*

*Agriculture-related uses means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area and benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.*

The applicant in this proposal, PH Engineering Solutions, owns the parcel which is proposed to receive the lot addition. This lot addition, as well as a subsequent Zoning By-law Amendment which has been applied for will aid in the expansion of PH Engineering Solutions' business which presently offers automation and control system design to agricultural operations in the area.

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

#### 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 are classified as Agricultural Area. The CEOP permits technical severances in all land use designations, provided no new lots are created.

#### **E 1.2.3.2** *Boundary Adjustments*

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

No new lots will be created from this application and it is not anticipated to have an effect on the agricultural parcels in the surrounding area as the use of the land is not changing.

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

Staff from the Township of Malahide have recommended the application be deferred until such time as a decision is made on concurrent Official Plan and Zoning By-law Amendments which the applicants have applied for.





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
[www.elgincounty.ca](http://www.elgincounty.ca)

**RECOMMENDATION:**

This application be deferred pending decisions on Official Plan and Zoning By-law amendments.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 24-23**

**PART OF LOT 23, CONCESSION A ED, PART 1 ON 11R-6659  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 25785 MCMURCHY LINE**

**TAKE NOTICE** that an application has been made by Adam McCallum, 3844 Switzer Drive, Glencoe, ON N0L 1M0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 25785 McMurphy Line.

The applicant proposes to sever a parcel with a frontage of 104m (341 feet), a depth of 159m (521.65 feet) and an area of 3.10ha (7.67 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43.11 (106 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:

**MAY 24, 2023 AT 9:45 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

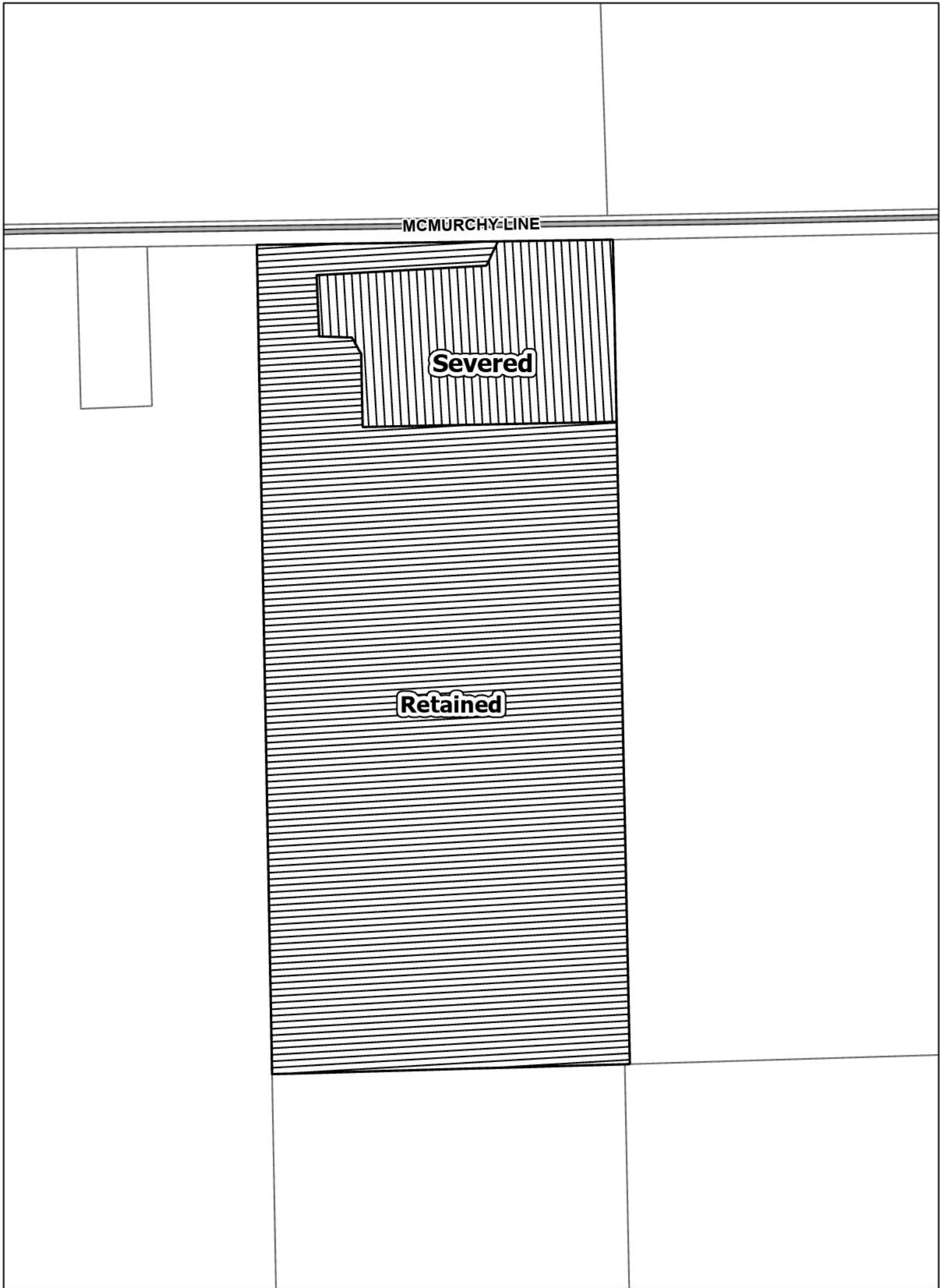
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13<sup>th</sup> day of April, 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](http://www.progressivebynature.com)





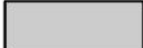


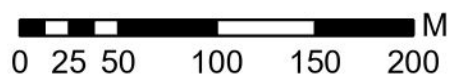
## Location Map

Subject Site: 25785 McMurchy Line  
 File Number: E 24-23  
 Owner: Anne Marie Johnson  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of West Elgin



### Legend

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












Maxar, Microsoft

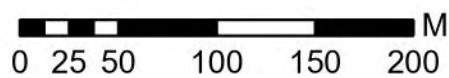
## Location Map

Subject Site: 25785 McMurphy Line  
 File Number: E 24-23  
 Owner: Anne Marie Johnson  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of West Elgin



### Legend

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



**Planning Report 2023-19: Severance Report E24-23 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E24-23 Conditions**

Severance Application E24-23 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 severed and retained lands are transferred to the prospective purchaser Adam McCallum as outlined in the purchase agreement.
6. 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.
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*.





**Staff Report**

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**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-04-26  
**Subject:** Severance Application E24-23 – Recommendation Report  
(Planning Report 2023-19)

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**Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application. File E-24-23 – Comments to Elgin County (Planning Report 2023-019);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E24-23, subject to the Lower-Tier Municipality 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 E24-23, 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 25785 McMurchy Line. A draft outline of the proposed lot is attached as Appendix One.

**Background:**

Below is background information, in a summary chart:

<b>Application</b>	E24-23
<b>Owner</b>	Anne Marie Johnson
<b>Applicant/Purchaser</b>	Adam McCallum
<b>Legal Description</b>	Part Lot of 23, Concession A ED
<b>Civic Address</b>	25785 McMurchy Line
<b>Entrance Access</b>	McMurchy Line
<b>Services</b>	Private on-site well & septic system
<b>Existing Land Area</b>	20.55 ha (50.78 ac.)

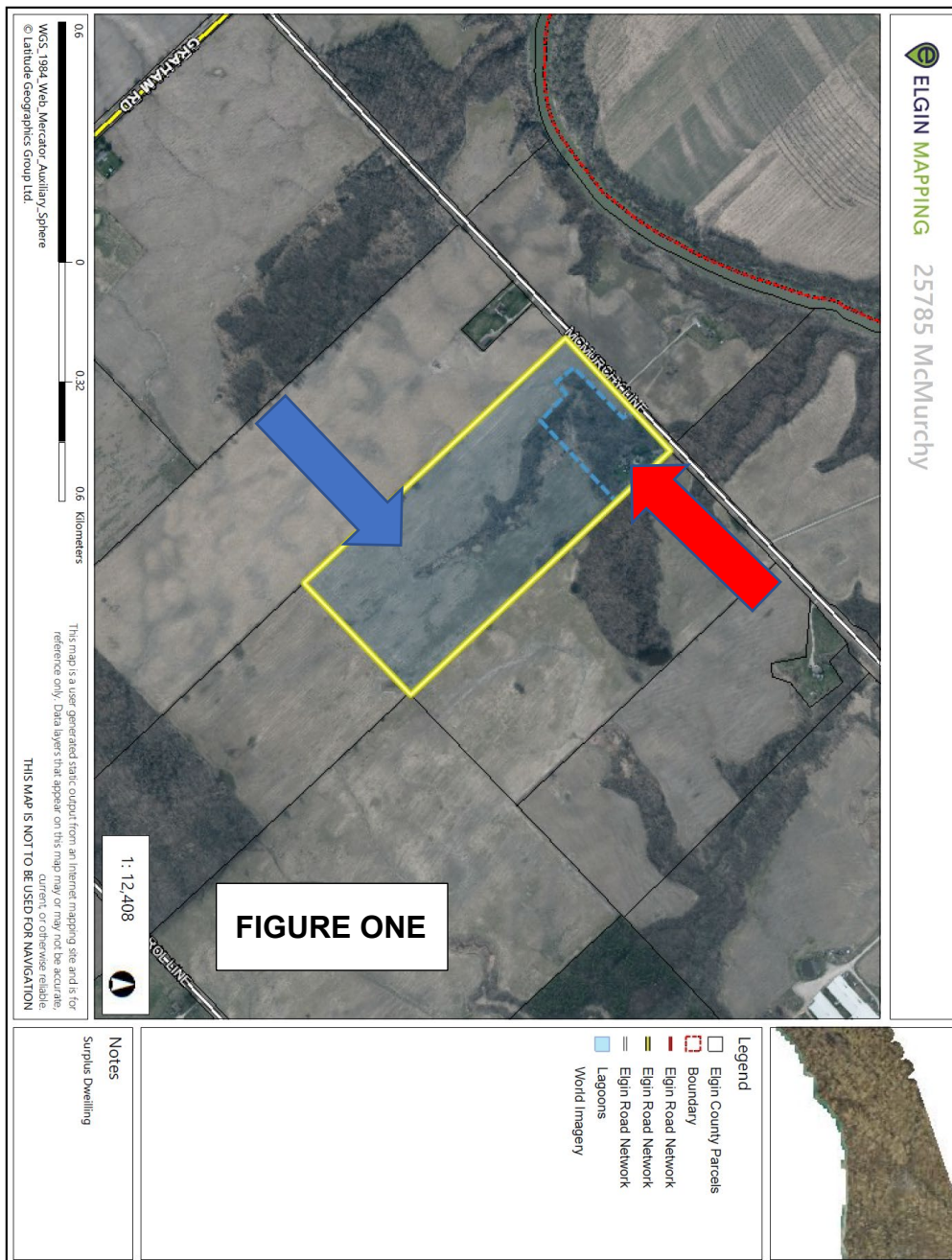


Below is the detailed dimensions and land areas of the application, in a chart:

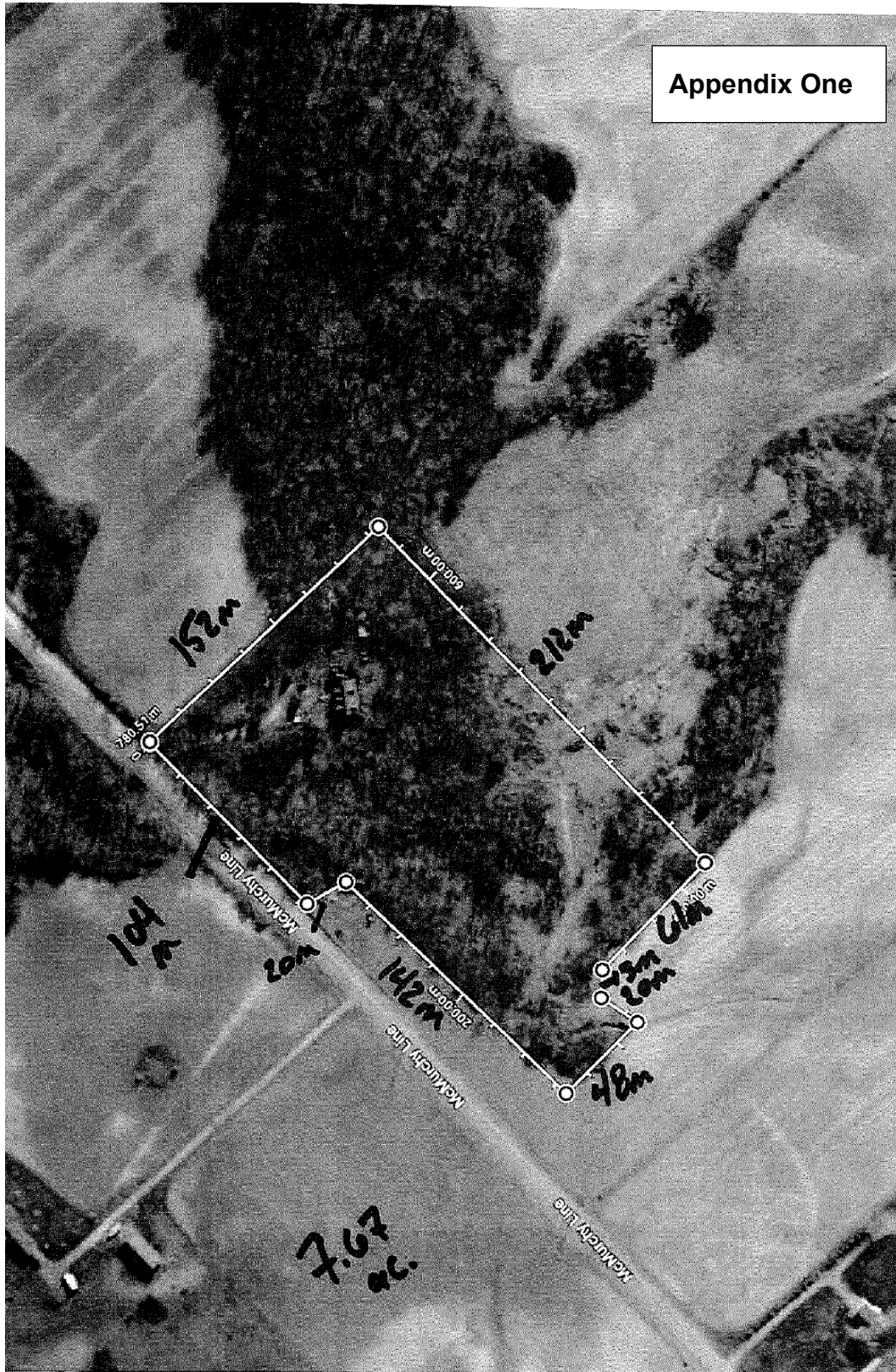
Application	Severed Parcel (RED)			Retained Parcel (BLUE)		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E24-23</b>	104 m (341.2 ft.)	159 m (521.6 ft.)	3.1 ha (7.67 ac)	191 m (626.6 ft.)	686 m (2,250 ft.)	17.45 ha (43.11 ac.)

The Public Hearing is scheduled for May 24, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Appendix One



**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.

Comment: The proposed lot is larger than most surplus dwelling lots however, it does not include any actively farmed land and is trying to include the majority of wooded area to preserve it as is. The prospective purchaser does not need or want to include the wooded area or most of the ravine. The owner utilizes the wooded area for firewood and replants any trees used for that purpose in order to sustain the area.

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. There are livestock facilities within approximately 950 m of the proposed lot. However, severance of the existing dwelling will not impact on the livestock operations.

The property does contain a wooded area where the existing dwelling and outbuildings are located. The majority of this area is included as the proposed severed parcel. The remaining area will stay with the farm and is generally located in or along the ravine and not actively farmed. As such, the proposal is consistent with the PPS.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. A small portion of the proposed severed and retained parcel are 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 private water well and private individual on-site septic system.

No new 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. Although the property does contain a wooded area only a small portion of the lands are shown as wooded area as indicated on Schedule 'B' on Map 2. The intent of including the bulk of the wooded area with the proposed lot is in part an effort to continue to preserve and protect this area.

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 a livestock operation within approximately 950 m of the proposed lot however there is no impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel attempts to exclude productive farmland and only include the treed area and the existing built area within the wooded area; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

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

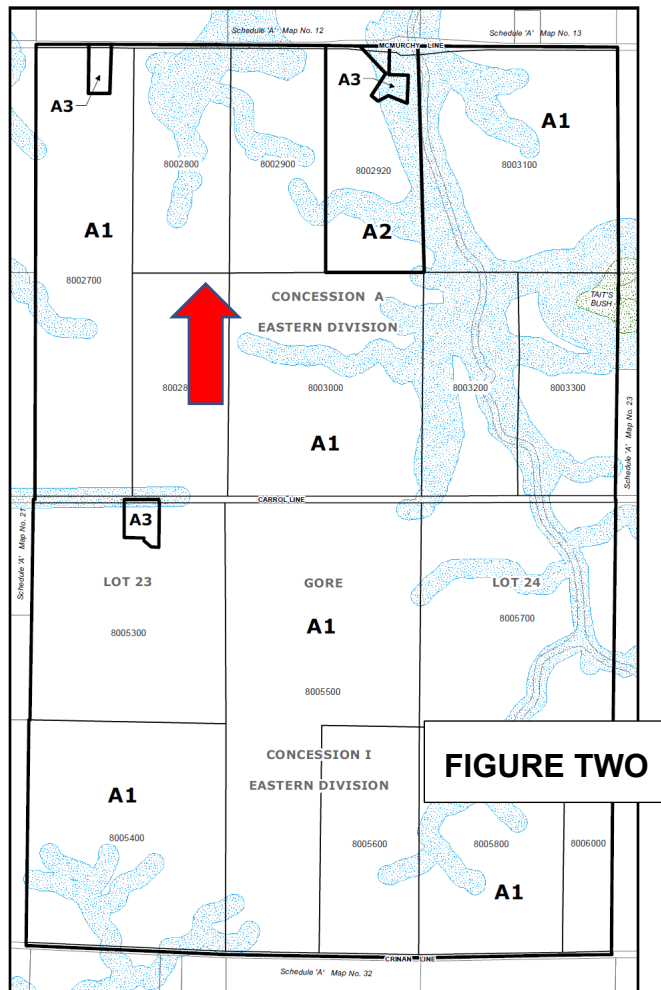
Lot creation policies under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms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

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 22 of the ZBL, as depicted in Figure Two below. The blue hatch pattern on the mapping represents LTVCA regulated area. 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 3.1 ha (7.67 ac.), with a lot frontage of 104 m (341.2 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

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



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  
 Map No. 22



**Interdepartmental Comments:**

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

**Drainage:**

- The subject lands are within a municipal drainage area and will require reapportionment.

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

**Public Works:**

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

**Building Dept:**

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

A satisfactory water well test was completed and included with the application. The septic system has been assessed and reviewed by the Building Department.

No other comments or concerns were received from Administration.

**Summary:**

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report. (Appendix B)

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

Respectfully submitted by,



Robert Brown, H. Ba, MCIP, RPP  
Planner



**Report Approval Details**

Document Title:	Severance Application E24-23 - Comments to Elgin County - Recommendation Report - 2023-19-Planning.docx
Attachments:	- Appendix One - Lot Outline.pdf - Planning Report 2023-019 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	May 4, 2023

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

Heather Bouw

April 17, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 24-23)**  
**25785 McMurchy Line (McCallum)**  
**Part Lot 23; Concession A ED**  
**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 watercourses, their associated ravine systems to the Thames River, stable slopes and erosion.

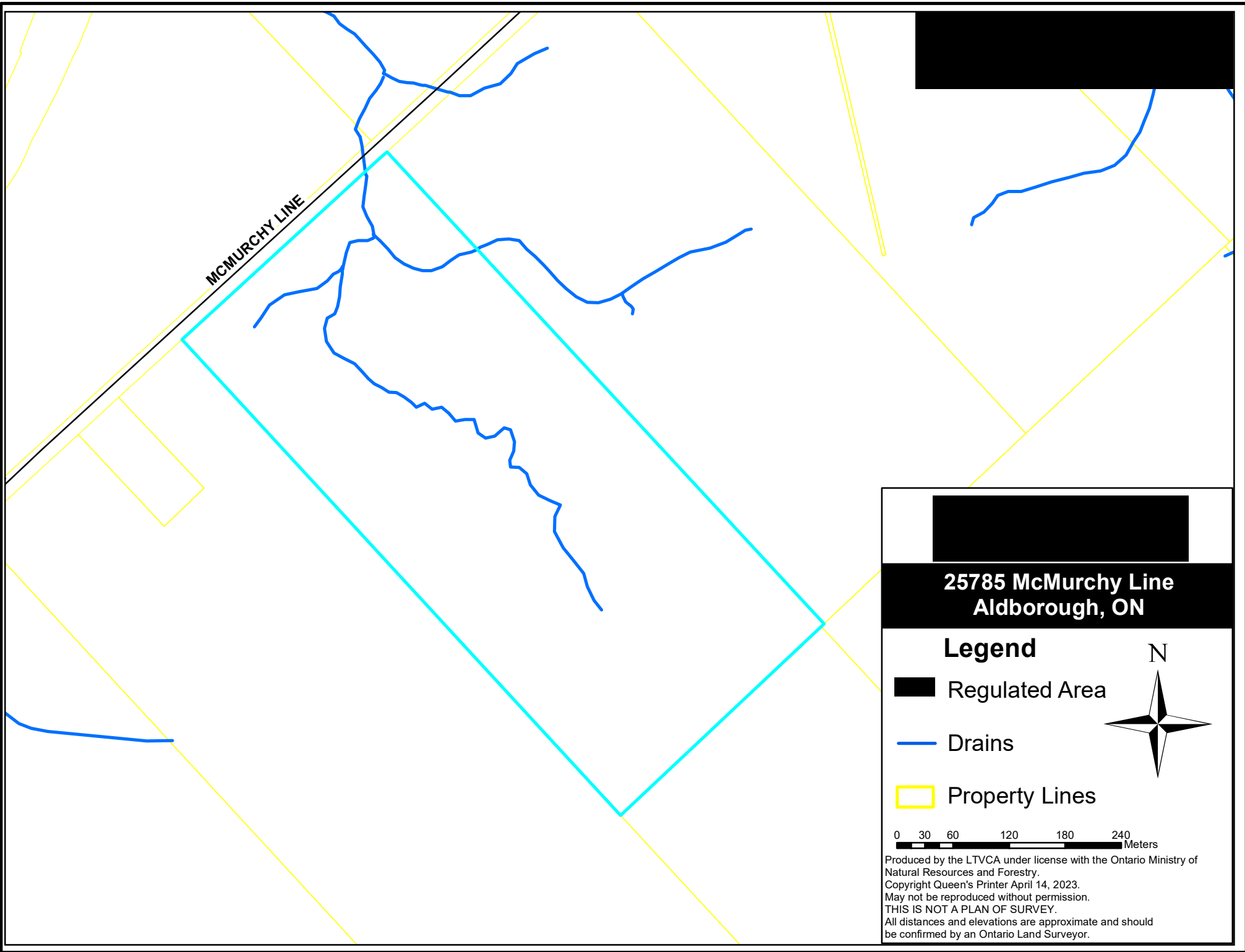
An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the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



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 24-23

APPLICANT: Adam McCallum

PROPERTY: LOT NO. Part of Lot 23 CONCESSION: A ED  
REG'D PLAN: Part 1 on 11R 6659 MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required .....   
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*



\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services



**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:** May 24, 2023  
**Application:** E 24-23

**Owner:**  
**Anne Marie Johnson**  
25785 McMurchy Line, West Lorne, ON N0L  
2P0

**Agent:**  
**Adam McCallum**  
3844 Switzer Drive, Glencoe, ON N0L  
1M0

**Location:** Part of Lot 23, Concession A ED, Part 1 on 11R-6659. Municipally known as 25785 McMurchy Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 104m (341 feet), a depth of 159m (521.65 feet) and an area of 3.10ha (7.67 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43.11 (106 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Rural Area

**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 a 7.67 acre parcel containing a surplus residential dwelling from the existing farm. The PPS does permit the creation of residential lots in agricultural areas to sever a surplus dwelling, subject to the following policies:

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

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

- 1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage capacity and water services*
- 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.*

Generally, a proposed surplus farm dwelling severance of this size would not be recommended for approval. However, there are circumstances specific to this lot which justify a 7.5-acre surplus farm dwelling parcel. The residence is located in a heavily wooded area within a ravine (as noted by Lower Thames Valley Conservation Authority). The shaded relief map to the right shows the location of the ravine and significant elevation changes. For that reason, it is staff's opinion that this severance this application is consistent with the spirit of the PPS as the parcel proposed to be severed is composed of land which cannot be reasonably used for agricultural purposes.

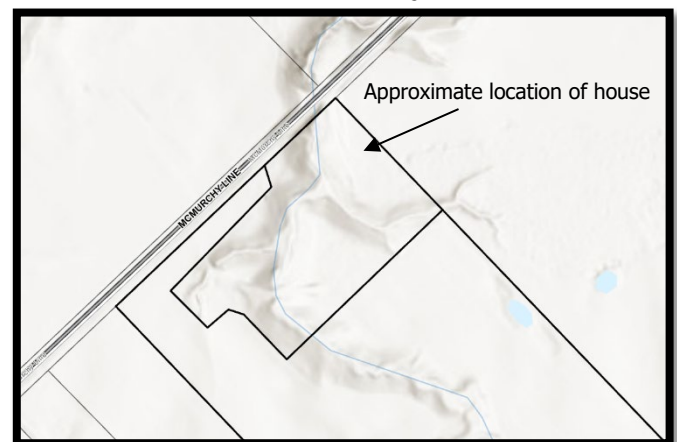


Figure 1 Shaded Relief Map Showing Elevation Changes

#### 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 are classified as Agricultural Area. The CEOP permits severances in prime agricultural areas, provided they are a minimum size. The OP does not prescribe a specific maximum lot area for a proposed severed surplus dwelling and given the presence of the ravine and wooded area, staff are of the opinion that the application conforms with the general intent of the CEOP.

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

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

Municipality has proposed a condition of consent to rezone both the severed and retained parcels. The severed will be rezoned to Restricted Agricultural (A3) to address the use and size of lot while the retained farmland will be rezoned to Agricultural (A2) to permit agricultural uses and prohibit future residential development.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of 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 severed and retained lands are transferred to the prospective purchaser Adam McCallum as outlined in the purchase agreement.
6. 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.
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 APPLICATION FOR CONSENT  
APPLICATION No. E 25-23**

**PART OF LOT 15-16, CONCESSION 10, PARTS 1 AND 2 ON 11R-4083  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 29861 ERIN LINE**

**TAKE NOTICE** that an application has been made by Courtney Sinclair, 53 Front Street West, Strathroy, ON N7G 1X6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 29861 Erin Line.

The applicant proposes to sever a parcel with a frontage of 80m (262.5 feet), a depth of 100m (328 feet) and an area of 8,000m<sup>2</sup> (1.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 113,150.11m<sup>2</sup> (28 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:

**MAY 24, 2023 AT 9:55 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

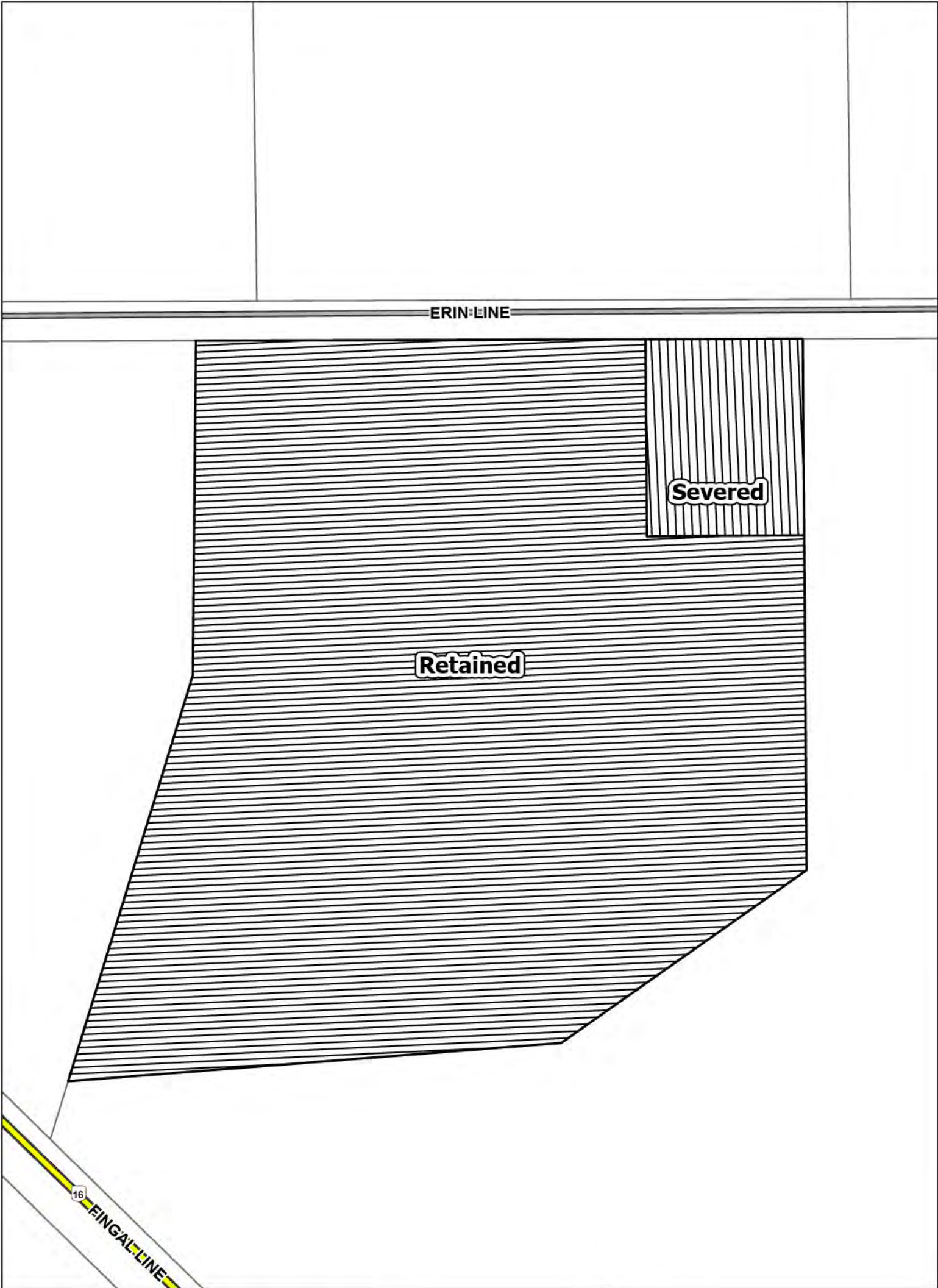
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13<sup>th</sup> day of April, 2023.

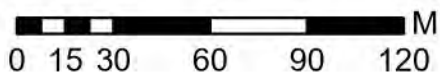
Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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





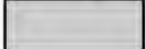


## Location Map

Subject Site: 29861 Erin Line  
 File Number: E 25-23  
 Owner: Joseph Franklin Livingstone and Trina Marie Livingstone  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of Dutton Dunwich



### Legend

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



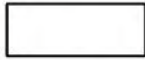

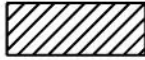

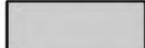


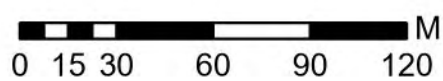
## Location Map

Subject Site: 29861 Erin Line  
 File Number: E 25-23  
 Owner: Joseph Franklin Livingstone and Trina Marie Livingstone  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Municipality of Dutton Dunwich



### Legend

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







Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council  
**FROM:** Tracey Pillon-Abbs, Planner  
**DATE:** April 26, 2023  
**SUBJECT:** Application for Severance E25/23, 29861 Erin Line, Municipality of Dutton Dunwich – Jamie McCaffery on behalf of Joseph and Trina Livingstone

---

**RECOMMENDATION:**

THAT the Council of the Municipality of Dutton Dunwich **RECEIVES** the report of the Planner titled “Application for Severance E25/23, 29861 Erin Line, Municipality of Dutton Dunwich – Jamie McCaffery on behalf of Joseph and Trina Livingstone”, dated April 26, 2023, for information;

AND THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E25/23 for 29861 Erin Line, Municipality of Dutton Dunwich, provided the following conditions are included:

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

11) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

## **FOR INFORMATION:**

### **Background**

A severance application (E25/23) was submitted to the County of Elgin Land Division Committee (LDC), by Jamie McCaffery, the applicant, on behalf of Joseph and Trina Livingstone, the owners of the subject property (see attached application and notice).

Dutton Dunwich By-law No. 2023-09 delegates authority for administrative matters to municipal staff, which includes reviewing and providing comments to the LDC. However, the Planning Department will bring any application that may be contentious to Council for recommendation to LDC. In this case, there may be a concern regarding the size of the retained parcel.

The subject parcel is made up of one irregularly shaped parcel of land located on the south side of Erin Line, which is a municipal road, maintained all year.

The subject parcels are legally described as Concession 10 Part Lots 15 and 16 RP 11R4083 Parts 1 and 2 and locally known as 29861 Erie Line, Municipality of Dutton Dunwich (see attached Key Map).

The Lunn & Jones No 3 and Bobier Drain run along the property line of the subject lands.

Portions of the property are subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA).

There are no woodlots located on portions of the subject parcel.

Agricultural and rural residential uses surround the subject lands.

A Planning Justification Report, prepared by the applicant, has been submitted in support of the application.

### **Purpose of Application**

The owner is requesting the severance of a surplus farm dwelling from a parcel of land.

The proposed severed parcel will have an area of 8,000 m<sup>2</sup>, a depth of 100 m and a frontage of 80 m.

The proposed severed parcel is used for residential and has 1 house and 1 accessory structure with municipal water and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 11.33 ha, an irregular depth and a frontage of 288.1884 m.

The proposed retained parcel is used for agriculture with no structures and is serviced with municipal water (based on the information provided in the application) but no private septic service (see attached Sketch).

**Department Comments**

The proposed severance application was circulated to municipal staff. The following is a summary of the comments received at the time of writing this report:

<b>Departments</b>	<b>Comments received</b>
Drainage	Drain reapportionment of 1) Lunn Jones Drain #3 and 2) Bobier Drain. Mutual agreement drain required.
Building	No comments
Water	No comments
Sewer	No comments.
Road	No comments.
Fire	No comments.

**PLANNING POLICY REVIEW:**

**Provincial Policy Statement**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements, 2020 (PPS).

The subject property is within a prime agricultural area. Section 2.3.1 sets out that prime agricultural areas shall be protected for long-term use for agriculture.

Section 2.3.2 sets out that planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

Section 2.3.3.1 sets out that in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Section 2.3.3.2 (Permitted Uses) sets out that in prime agricultural areas, all types, **sizes** and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (c) (Lot Creation) for prime agricultural areas was evaluated. Lot creation in prime agricultural areas is discouraged and may only be permitted for: a) agricultural uses, provided that the **lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future**

**changes in the type or size of agricultural operations;** b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; c) a residence surplus to a farming operation as a result of farm consolidation, provided that: 1- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

**Comments:** The proposed severance application is consistent with the PPS.

The proposed severed lot has an existing dwelling and is compatible with and does not hinder the surrounding agricultural operation. No new residential will be permitted on the retained lands.

The retained lot exists and will only be reduced by 8,000 m<sup>2</sup>, providing similar flexibility for future operations.

### **Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas**

As noted above, in the PPS (section 2.3.2), guidelines are developed by the Province and can be used by planning authorities.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMFRA) has prepared "Guidelines on Permitted Uses in Ontario's Prime Agricultural Area (Publication 851)" to provide assistance with the interpretation of PPS policies.

As it relates to policy 2.3.3.2 of the PPS, this criterion is not intended to suggest that small farm lots may be created. In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm.

Keeping farms large enough to maintain flexibility is key to agricultural viability and to achieving the PPS requirement of protecting prime agricultural areas for long-term use in agriculture.

Lot size may vary depending on the agricultural use. For traditional field crops, large lots are optimal. Higher-value specialty crops tend to be located on smaller parcels. In all cases, lots must still be large enough to maintain flexibility for future changes in the type or size of the agricultural operation.

Policy 2.3.4.1(c) of the PPS addresses lot creation in prime agricultural areas as it pertains to residence surplus to a farm operation. Lot creation may be permitted for agriculture-related uses provided that any new lot is limited to a minimum size needed to accommodate the use and its wastewater and water servicing requirements. A best practice is to consider alternatives before creating a new lot.

**Comments:** The proposed severance application is consistent with the guideline.

The proposed severed lot is an appropriate size and does not remove any farmable land from productivity.

### **County of Elgin Official Plan**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use of the County of Elgin Official Plan (COP) and are subject to Natural Heritage Features and Areas on Appendix '#1'.

Section E1.2.3.1 (General Criteria) contains the conditions of approval for severed and/or retained lots.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted, provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact on the natural heritage features.

**Comments:** The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned.

The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No development is proposed in the natural heritage feature.

### **Municipality of Dutton Dunwich Official Plan**

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the Official Plan (OP), as approved on July 6, 2021, with a portion subject to Natural Heritage and Hazards on Schedule 'B'.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the 'Agriculture' designation subject to several criteria.

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*  
Records indicate that the dwelling has been in existence for more than five years, as indicated by the owner on the application.



- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*  
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*  
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*  
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*  
The proposed retained parcel would be rezoned to an A2 Zone to prohibit new residential uses.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*  
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*  
Farm consolidation will occur.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*  
The applicant has confirmed the base of a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

**Comments:** The above-noted criteria can be complied with.

No development is proposed in the woodlands area.

The proposed severance application conforms to the OP.

## **Municipality of Dutton Dunwich Comprehensive Zoning By-law**

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Agricultural (A1) Zone on Map 15, Schedule 'A' with a portion subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to the Exception Agricultural (A1-XX) Zone to prohibit new residential uses. Relief to reduce the minimum lot area of the proposed farm lot is required.

A review of the A1 and RS zone requirements is as follows:

<b>Zone Provision</b>	<b>A1 Requirement (Farm)</b>	<b>Proposed (Retained)</b>	<b>RS Requirement (Lot)</b>	<b>Proposed (Severed)</b>	<b>Compliance</b>
Min. Lot Area	20.0 ha	11.33 ha	2,750 m <sup>2</sup>	8,000 m <sup>2</sup>	Relief to decrease the required minimum lot area of the farm is required.  This is a reduction of 8.67 ha.
Max. Lot Area	N/A	N/A	8,093 m <sup>2</sup>	8,000 m <sup>2</sup>	Complies
Min. Lot Frontage	150.0 m	288.1884 m	30.0 m	80.0 m	Complies

**Comments:** The proposed severance application shall comply with the intent of the ZBL.

All other zone regulations can be complied with.

### **CONCLUSION:**

Administration supports that Council recommends approval to the LDC for the proposed severance application with conditions.

Administration agrees with the justification set out in the Planning Justification Report.

The conditions will then be forwarded to the LDC and form part of the final decision if approved.

Once a decision is made, notices will be sent by the County of Elgin to those who have requested a copy and/or attended the public meeting.

There will be a 20-day appeal period after the notices are mailed out. Any appeals received will be forwarded to the Ontario Land Tribunal (OLT) for a hearing.

It should be noted that third-party appeals to the OLT are not allowed for consent applications (Bill 23).

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Vibrant Community	Economic Opportunities	Infrastructure	Organizational Excellence
<input type="checkbox"/> Ensure services and programs are in place that support the diverse needs of the community <input type="checkbox"/> Enhance and sustain partnership with community organizations, neighbouring municipalities, the County and other levels of government, and other key stakeholders <input checked="" type="checkbox"/> Ensure a safe, healthy and welcoming community for all	<input type="checkbox"/> Facilitate initiatives and attract commercial and industrial businesses that increase our tax base, generate income and create jobs <input type="checkbox"/> Promote our natural resources and cultural heritage <input checked="" type="checkbox"/> Diversify and encourage residential development <input type="checkbox"/> Support agri-business	<input type="checkbox"/> Continuously update and utilize our asset management plan and prioritize and address infrastructure needs <input type="checkbox"/> Continue to incorporate accessibility standards <input type="checkbox"/> Implement environmentally friendly alternatives and solutions, where possible <input type="checkbox"/> Address infrastructure challenges, including internet and energy	<input type="checkbox"/> Ensure continuity of staff resources through succession planning and training <input type="checkbox"/> Ensure long-term financial sustainability, utilizing new funding sources that do not rely on debt <input type="checkbox"/> to operate and plan in an integrated, creative and innovative manner

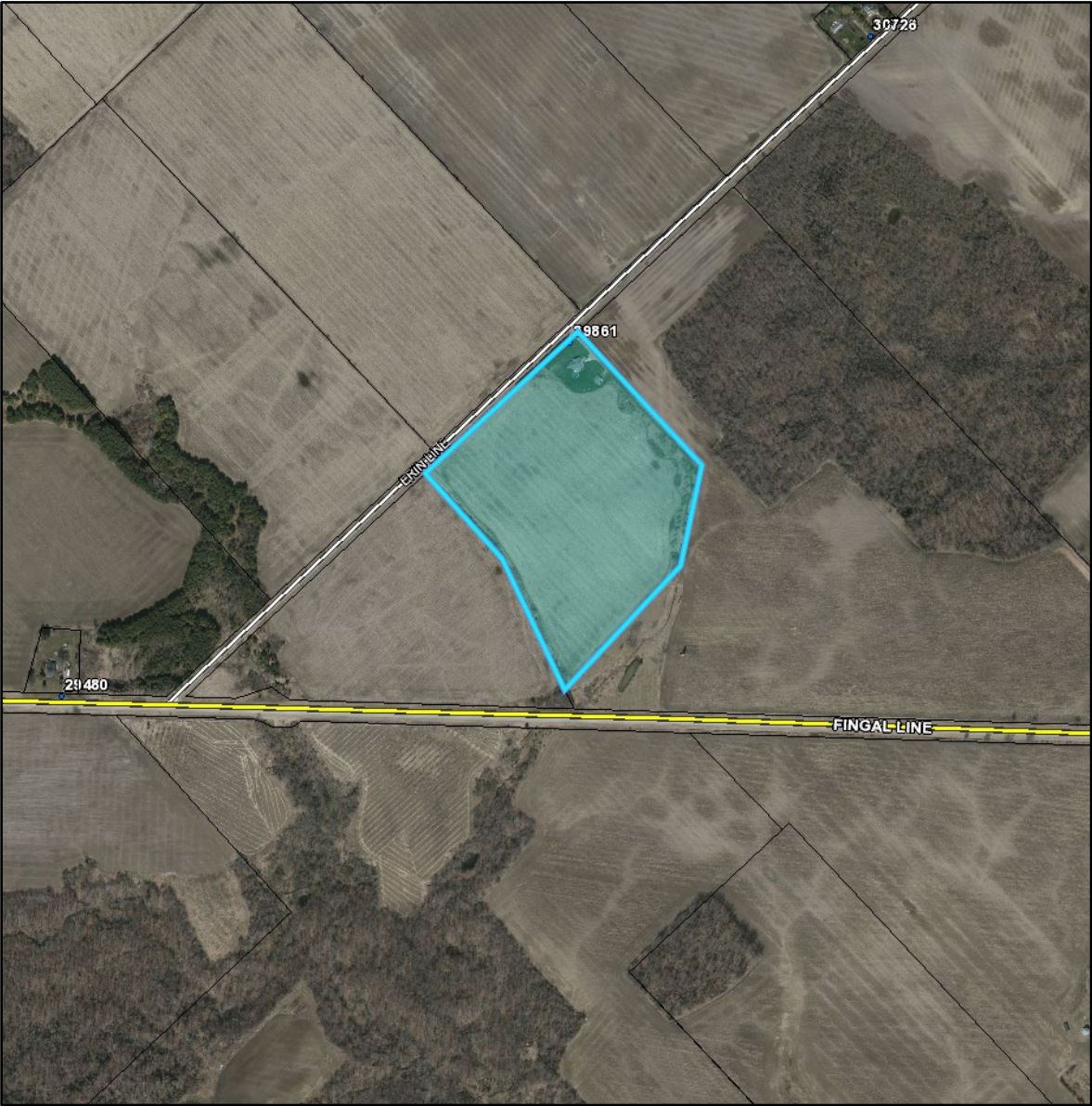
Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP  
Planner

Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer

KEY MAP







April 17, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E-25-23)**  
**29861 Erin Line (Sinclair)**  
**Part Lot 15-16; Concession 10**  
**Municipality of Dutton Dunwich**

Please be advised that the above-mentioned application has been reviewed by 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 Lunn & Jones No. 3 Drain, Bobler Drain and erosion.

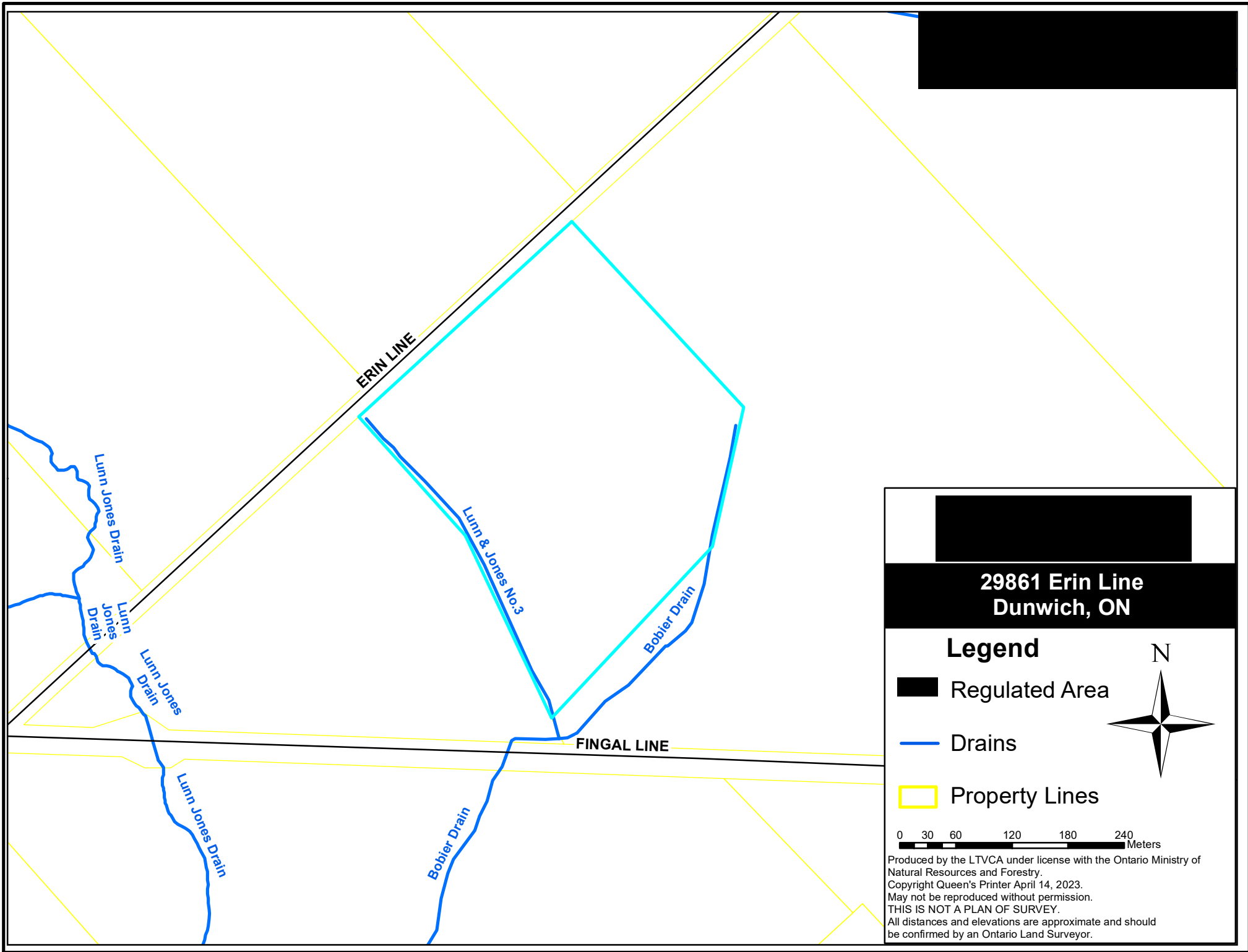
An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the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






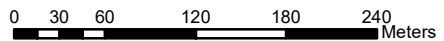
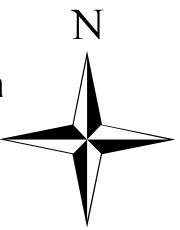
Connor Wilson  
Planner



## 29861 Erin Line Dunwich, ON

### Legend

-  Regulated Area
-  Drains
-  Property Lines



Produced by the LTVCA under license with the Ontario Ministry of Natural Resources and Forestry.  
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May not be reproduced without permission.  
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 ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 25-23

APPLICANT: Joseph Hentz

PROPERTY: LOT NO. Part of Lot 15-16 CONCESSION: 10

REG'D PLAN: Part 1 & 2 on 11R 4083 MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*



\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services



**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:** May 24, 2023  
**Application:** E 25-23

**Owner:**  
**Joseph Franklin Livingstone and Trina Marie Livingstone**  
29861 Erin Line, Wallacetown, ON N0L 2M0

**Agent:**  
**Joseph Hentz**  
53 Front Street West, Strathroy, ON  
N0L 2M0

**Location:** Part of Lot 15-16, Concession 10, Parts 1 and 2 on Plan 11R-4083. Municipally known as 29861 Erin Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 80m (262.5 feet), a depth of 100m (328 feet) and an area of 8,000m<sup>2</sup> (1.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 113,150.11m<sup>2</sup> (28 acres) proposed to remain in agricultural use.

**County of Elgin Official Plan**  
Agricultural Area

**Local Municipality Official Plan**  
Agricultural

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of Dutton Dunwich– Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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

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

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



The applicant is applying to a 1.97-acre parcel containing a surplus residential dwelling from the existing farm. The PPS does permit the creation of residential lots in agricultural areas to sever a surplus dwelling, subject to the following policies:

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

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

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

#### County of Elgin Official Plan

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 are classified as Agricultural Area. The CEOP permits severances in prime agricultural areas, provided they are a minimum size.

*E 1.2.3.4 Lot Creation on Lands in the Agricultural Area  
In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if 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, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.*

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

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The minimum lot size for the Special Rural Residential Zone, which the proposed severed lot will be rezoned to, is 8,093m<sup>2</sup>. The size of the proposed severed lot is 8,000m<sup>2</sup>, this minor deficiency can be addressed by the use of a special exception zone. The retained land will be rezoned to one that does not permit residential development.

**RECOMMENDATION:**

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

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

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That Municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That 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; and
11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 26-23**

**PART OF LOTS 46-49, CONCESSION SENBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 11884 SUNSET ROAD**

**TAKE NOTICE** that an application has been made by Chris Pidgeon (GSP Group Inc.), 72 Victoria Street South Suite 201, Kitchener, ON N2G 4Y9 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11884 Sunset Road.

The applicant proposes to sever a parcel with a frontage of 225.55m (740 feet), a depth of 1,425m (4,675 feet) and an area of 63.56ha (157 acres) to create a new industrial lot. The applicant is retaining a lot with an area of 150ha (370 acres) proposed to be developed for industrial uses.

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:

**MAY 24, 2023 AT 10:05 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](mailto: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.

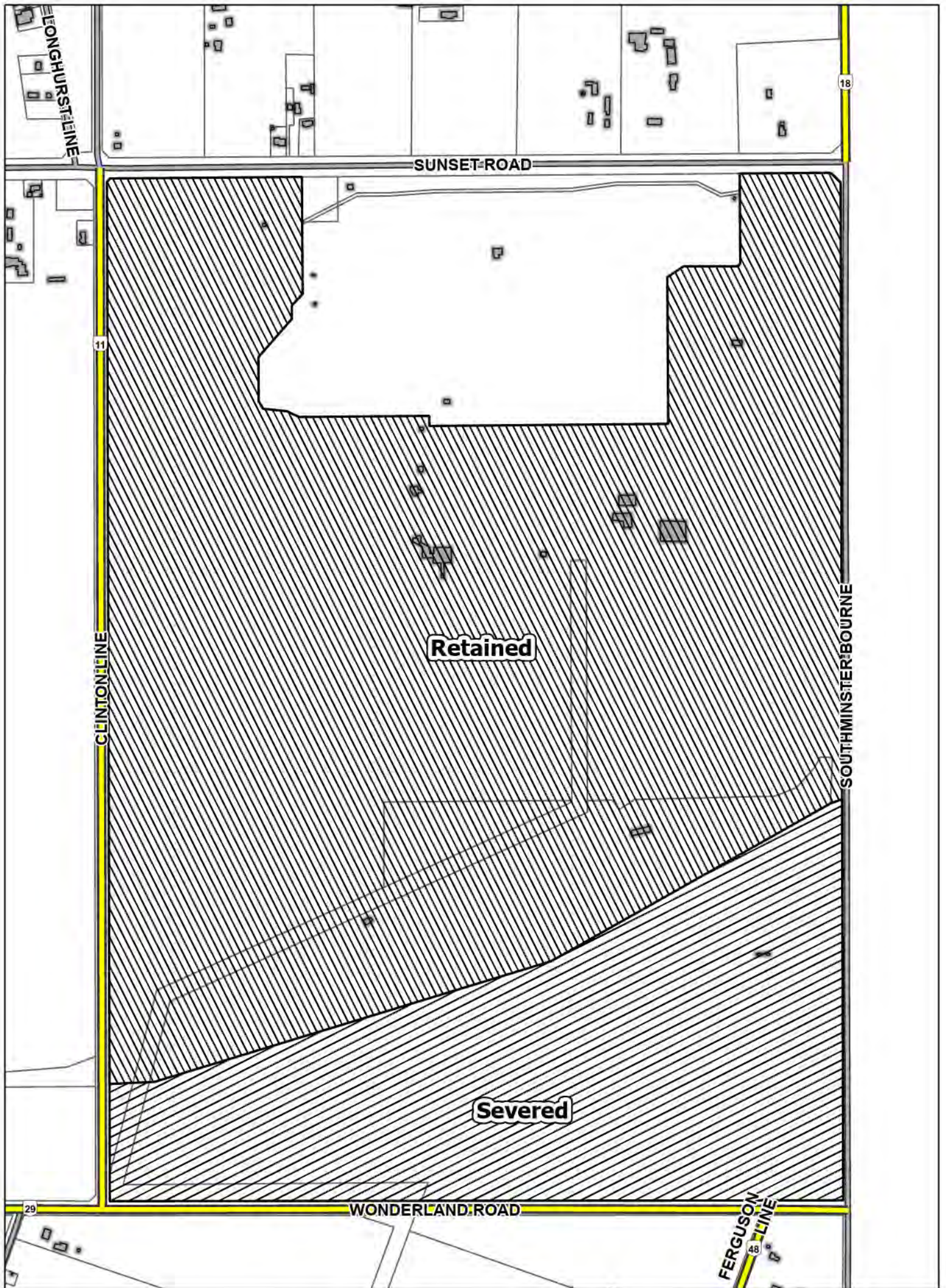
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

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

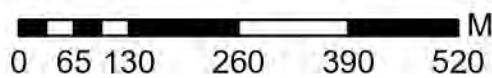








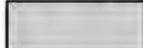
## Location Map

Subject Site: 11884 Sunset Road  
 File Number: E 26-23  
 Owner: Eleanor Limited Partnership  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Township of Southwold

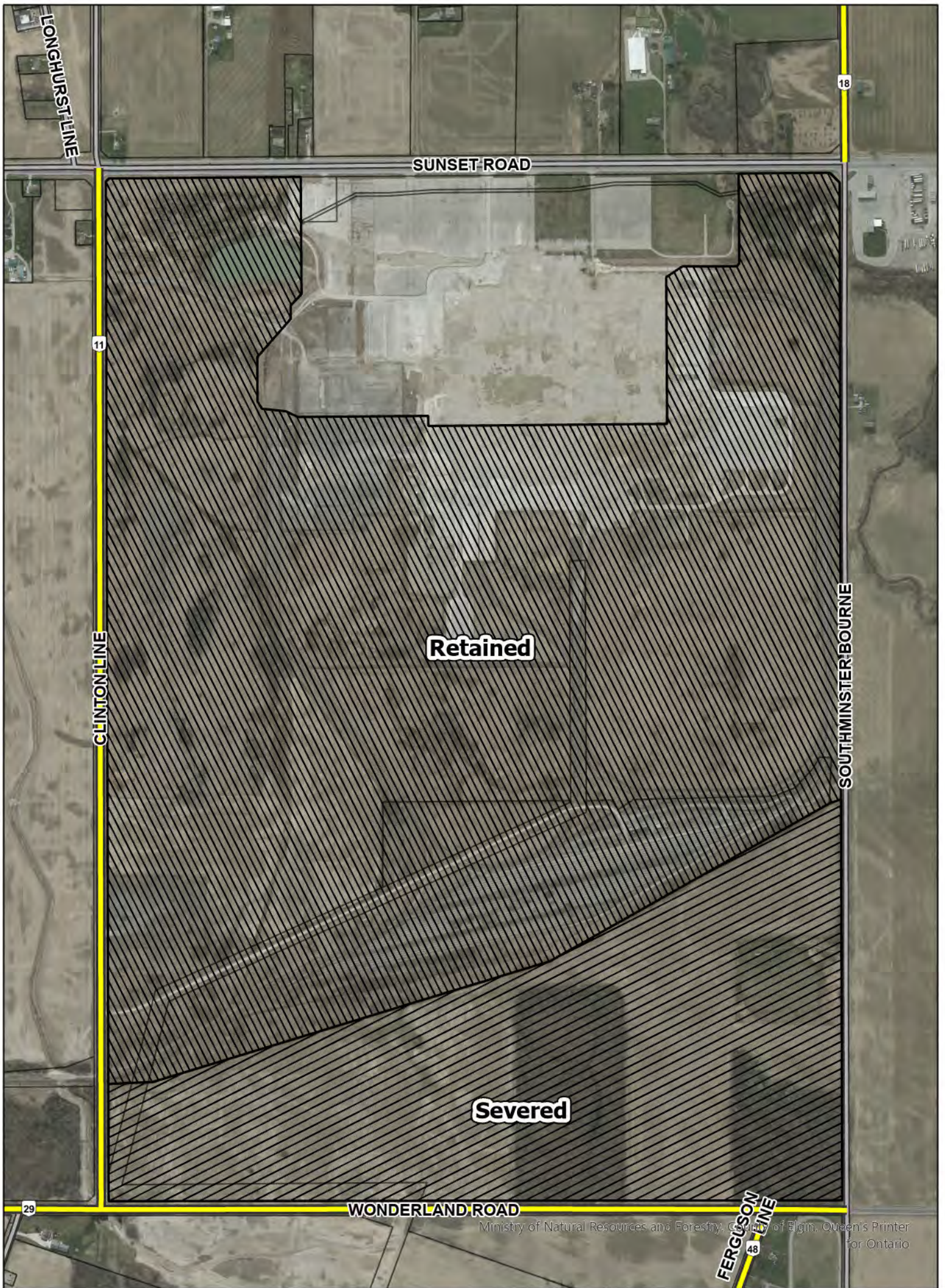
The Corporation of the County Elgin  
 Prepared By: Planning and Development



### Legend

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





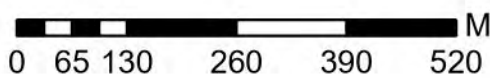
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

## Location Map








Subject Site: 11884 Sunset Road  
 File Number: E 26-23  
 Owner: Eleanor Limited Partnership  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 04/05/2023  
 Township of Southwold

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



### Legend

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



**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: E26-23

Owner/Applicant: Eleanor Limited Partnership

Location: 11884 Sunset Road,

OFFICIAL PLAN

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

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

Land Use Designation: Industrial

Policies: Section 5.2.4

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 2023-15

VIA EMAIL ONLY

April 25, 2023

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

**RE: Township of Southwold Consent Application - Comments to the County of Elgin**  
**County File Number: E26-23**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the April 24, 2023 Council Meeting and passed the following resolution:

**Consent Application E26-23 Eleanor Limited Partnership C/O Chris Pidgeon, GSP Group**

**2023-157 THAT** Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E26-23, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-15.

**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.

The Township is in agreement with the applicant's request to defer conditions 4, 5 and 8 to be addressed during the site planning process.

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, NOL 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

## **Report PLA 2023-15:**

### **Appendix Two: Severance Application E26-23 Conditions**

Consent Application E26-23 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 parcels once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant 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.
6. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed severed parcel and the 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.
8. That the applicant have an Environmental Impact Assessment prepared to the satisfaction of the Township.
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*.



**Hydro One Networks Inc.**  
**Facilities & Real Estate**  
P.O. Box 4300  
Markham, Ontario L3R 5Z5  
www.HydroOne.com



**Courier:**  
185 Clegg Road  
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

May 4, 2023

Dear Paul Clarke:

**Re: Proposed Application for Consent, Chris Pidgeon (GSP Group Inc.)**  
**11884 Sunset Road**  
**Elgin County**  
**File: E-26-23**

---

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at [dennis.derango@hydroone.com](mailto:dennis.derango@hydroone.com) or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango".

Dennis De Rango  
Specialized Services Team Lead, Real Estate  
Hydro One Networks Inc.

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** April 26, 2023 1:46 PM  
**To:** Paul Clarke  
**Subject:** RE: Notices of Application - May 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.

Hi Paul

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

E22-23\_45599 Roberts Line  
E26-23\_11884 Sunset Road

Thank you for the opportunity to comment.

Thank you,

**Joe Gordon**  
Manager of Planning and Development  
*Kettle Creek Conservation Authority*

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** Friday, April 14, 2023 10:25 AM  
**To:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Subject:** Notices of Application - May LDC

Good morning,

Please see the attached notices of applications for the May meeting of the Land Division Committee. If you wish to submit comments for these applications please do so by **Tuesday, May 16<sup>th</sup>**.

Thanks,



**Paul Clarke**, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



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



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: May 17, 2023 ELGIN COUNTY ROAD NO.: Wonderland Road CR29

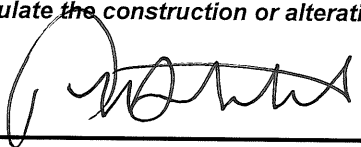
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 26-23  
APPLICANT: Chris Pidgeon  
PROPERTY: LOT NO. 46-49 CONCESSION: SENBTR  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Southwold

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 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.*

  
\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services

**Paul Clarke**

---

**From:** [REDACTED]  
**Sent:** May 3, 2023 10:20 AM  
**To:** Paul Clarke  
**Cc:** joe@kettlecreekconservation.on.ca  
**Subject:** Application For Consent - Application No. E 26-23 Part Of Lots 46-49, Concession Senbtr Township Of Southwold Municipal Address: 11884 Sunset Road  
**Attachments:** RE Meeting April 27 2022.jpg

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

Gentleman

With regards to this application, I have concerns about the two natural areas located on the Wonderland Road, or east side of the proposed area.

As noted in previous meetings with other potential buyers, these two areas were not to be developed, and left as is.

Being a natural habitat to many types of wildlife, this is very important to the existing area.

Note:

I have also attached a copy of my previous email, which had to be hand delivered to the meeting at the Masonic Centre, 42703 Fruit Ridge Line

St. Thomas, on Wednesday April 27, 2022, (Re: Application E 12-22) as Elgin County had internet problems.

If you have any questions with regards to these matters, please contact me at your earliest convenience.

Jim Wydareny

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** May 3, 2023 11:11 AM  
**To:** [REDACTED] Paul Clarke  
**Cc:** Southwold Planning  
**Subject:** RE: Application For Consent - Application No. E 26-23 Part Of Lots 46-49, Concession Senbtr Township Of Southwold Municipal Address: 11884 Sunset Road

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

Hi Jim

Thank you for including KCCA on your concerns with the natural features located on this property.

In follow up to our telephone conversation and to provide clarification on roles and responsibilities, I wanted to confirm in an email that KCCA has no jurisdiction over the natural heritage features on this property. KCCA's role in municipal planning is solely related to risks of natural hazards such as flooding and erosion, and source water protection. In fact with recent changes resulting from Bill 23, Conservation Authorities are now prohibited from reviewing and commenting on other matters beyond their mandate under the Planning Act such as natural heritage.

KCCA has already submitted comments of no objection to this consent application relying on its natural hazards mandate.

I would recommend that you continue to express your concerns with the County of Elgin and Township of Southwold who hold the approval authority and responsibilities for natural heritage related matters under the Planning Act.

Thank you,

**Joe Gordon**  
Manager of Planning and Development  
*Kettle Creek Conservation Authority*

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 3, 2023 10:20 AM  
**To:** pclarke@elgin.ca  
**Cc:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Subject:** Application For Consent - Application No. E 26-23 Part Of Lots 46-49, Concession Senbtr Township Of Southwold Municipal Address: 11884 Sunset Road

Gentleman

With regards to this application, I have concerns about the two natural areas located on the Wonderland Road, or east side of the proposed area.

As noted in previous meetings with other potential buyers, these two areas were not to be developed, and left as is.



Being a natural habitat to many types of wildlife, this is very important to the existing area.

Note:

I have also attached a copy of my previous email, which had to be hand delivered to the meeting at the Masonic Centre, 42703 Fruit Ridge Line

St. Thomas, on Wednesday April 27, 2022, (Re: Application E 12-22) as Elgin County had internet problems.

If you have any questions with regards to these matters, please contact me at your earliest convenience.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**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:** May 24, 2023  
**Application:** E 26-23

---

**Owner:** Eleanor Limited Partnership  
16766 Transcannadiene, Kirkland, QC H9H 4M7

**Agent:** GSP Group Inc. (Chris Pidgeon)  
201-72 Victoria Street South, Kitchener,  
ON N2G 4Y9

**Location:** Part of Lots 46-49, Concession SENBTR. Municipally known as 11884 Sunset Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 225.55m (740 feet), a depth of 1,425m (4,675 feet) and an area of 63.56ha (157 acres) to create a new industrial lot. The applicant is retaining a lot with an area of 150ha (370 acres) proposed to be developed for industrial uses.

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

**Local Municipality Official Plan**  
Industrial

**Local Municipality Zoning By-law**  
Industrial

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – Requests conditions.

*Kettle Creek Conservation Authority* – No concerns.

*Hydro One* – No concerns. Advises that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without prior written approval.

Comments were received from Jim Wydareny regarding the woodlands on the subject lot.

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever a 157-acre parcel for future industrial development and is proposing to retain a 370-acre parcel. The subject land is located on Sunset Road adjacent to the Amazon YXU1 Fulfillment Centre (site of the former Ford Assembly Plant). The severed parcel be located at the corner of Southminster Bourne and Wonderland Road. The PPS encourages the use of settlement areas for a variety of land uses densities.

*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.*

*Section 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

The PPS encourages development within settlement areas which makes use of existing infrastructure and is freight supportive. Sunset Road has two lanes in both directions as well as a centre turning lane. Future industrial uses are in keeping with the surrounding land uses and allow for the expansion of employment in this area.

#### 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 are classified as Tier 2 Settlement Area. The CEOP permits severances within Tier 2 Settlement areas for a variety of land uses. Staff have reviewed this application against the general consent criteria and found no deficiencies. The application represents an expansion of an established employment area located within an existing settlement area and is not anticipated to have negative impacts on traffic or infrastructure.

Comments were received from the public expressing concerns over the existing woodlands on the proposed severed lot. As per the Official Plan policies, these areas are not considered significant woodland and therefore an Environmental Impact Study is not required for this application.

*Elgin County considers woodlands 10 hectares or greater as significant woodland. Woodlands between 2 hectares and 10 hectares are also significant if they are located within 30 metres of the boundary of a significant natural heritage feature (e.g. significant wetland, significant valleyland, fish habitat and/ or watercourses).*

The largest of the wooded areas on the proposed severed lot is approximately 8.5ha in area according to our GIS system, and neither of the wooded areas are within 30m of another significant natural heritage feature.

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

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land has access to municipal water service and the applicants are proposing an on-site private wastewater treatment facility. The subject land is currently designated Industrial in the Southwold OP.

#### RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided 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 is 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 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.
5. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed severed parcel and the 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.
7. 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.
8. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
9. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 9-23**

**CONCESSION 8 S PT LOT B PART 1 ON 11R-3279  
CONCESSION 8 PART OF LOT B CONCESSION 9 PART OF LOTS B AND C  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 8846 HOMESTEAD ROAD**

**TAKE NOTICE that** an application has been made by Maneesh Poddar, 301-1599 Adelaide Street North, London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8846 Homestead Road.

The applicant proposes a lot boundary adjustment that will result in the merging of a 2.8ha (6.9 acres) with a 28.1ha (70 acre) parcel, and the subsequent creation of a new parcel with an area of 1.4ha (3.93 acres) with frontage on Iona Road. This lot boundary adjustment will not result in the creation of any additional parcels.

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:

**MAY 24, 2023 AT 10:15 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

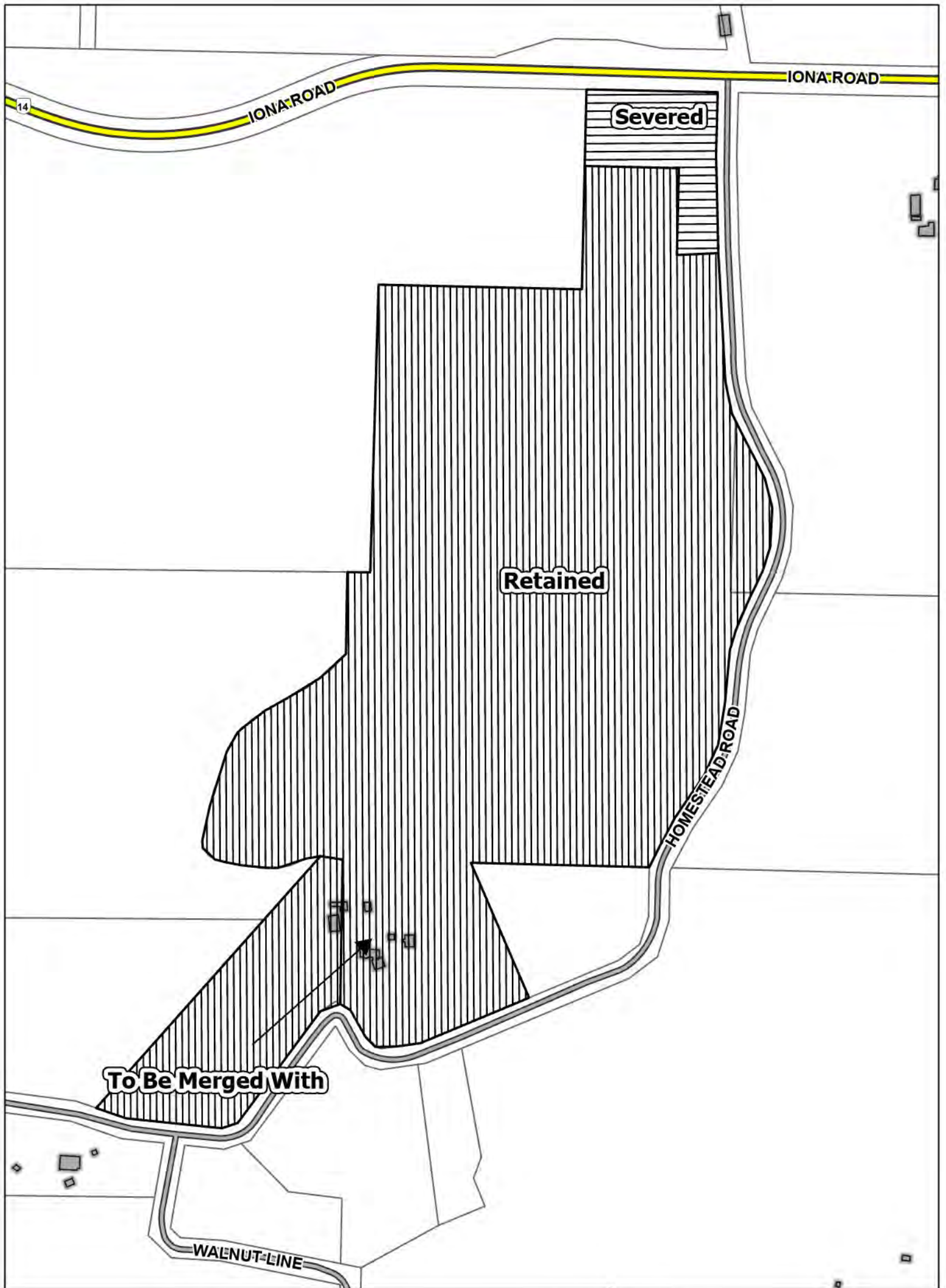
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 3<sup>rd</sup> day of April, 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](http://www.progressivebynature.com)





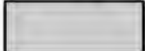


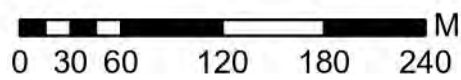
## Location Map

Subject Site: 8846 Homestead Road  
 File Number: E 9-23  
 Owner: Robert Cole and Crystal Lukings  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Dutton Dunwich



### Legend

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







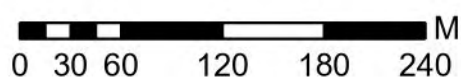
Elgin County, Maxar, Microsoft

## Location Map





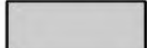


Subject Site: 8846 Homestead Road  
 File Number: E 9-23  
 Owner: Robert Cole and Crystal Lukings  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Dutton Dunwich

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



### Legend

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





Resolution Number      2023.11.14  
Date:                      May 10, 2023

---

Moved by:                C. Pemberton  
Seconded by:          A. Drouillard

THAT the Council of the Municipality of Dutton Dunwich receives the report of the Planner titled "Application for Severance E9/23 (Deferred), 8846 Homestead Road and Vacant Land on the East Side of Homestead Road, Municipality of Dutton Dunwich – Robert Cole and Crystal Lukings", dated May 10, 2023, for information; and

THAT Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E9/23 for 8846 Homestead Road and Vacant Land on the East Side of Homestead Road, Municipality of Dutton Dunwich, provided the following conditions are included:

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 the location of the building(s) located at 8808 Homestead be confirmed by an Ontario Land Surveyor to the satisfaction of the Chief Building Official;
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 lots merge on title;
10. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality
11. That the applicant's lawyer provide a legal opinion to the municipality that the property was not amalgamated previously; and

12. That the zoning be put into a holding provision until further development detail is provided.

**Motion: CARRIED**



March 22, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 9-23)**  
**8846 Homestead Road (Poddar)**  
**Part Lot B Part 1; Concession 8 S**  
**Part Lot B; Concession 8**  
**Part Lots B & C; Concession 9**  
**Municipality of Dutton Dunwich**

Please be advised that the above-mentioned application has been reviewed by this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area is the Talbot Creek / Casey Drain, its associated ravine systems, stable slopes and erosion.

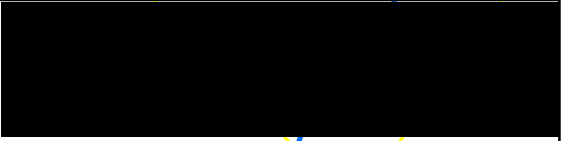
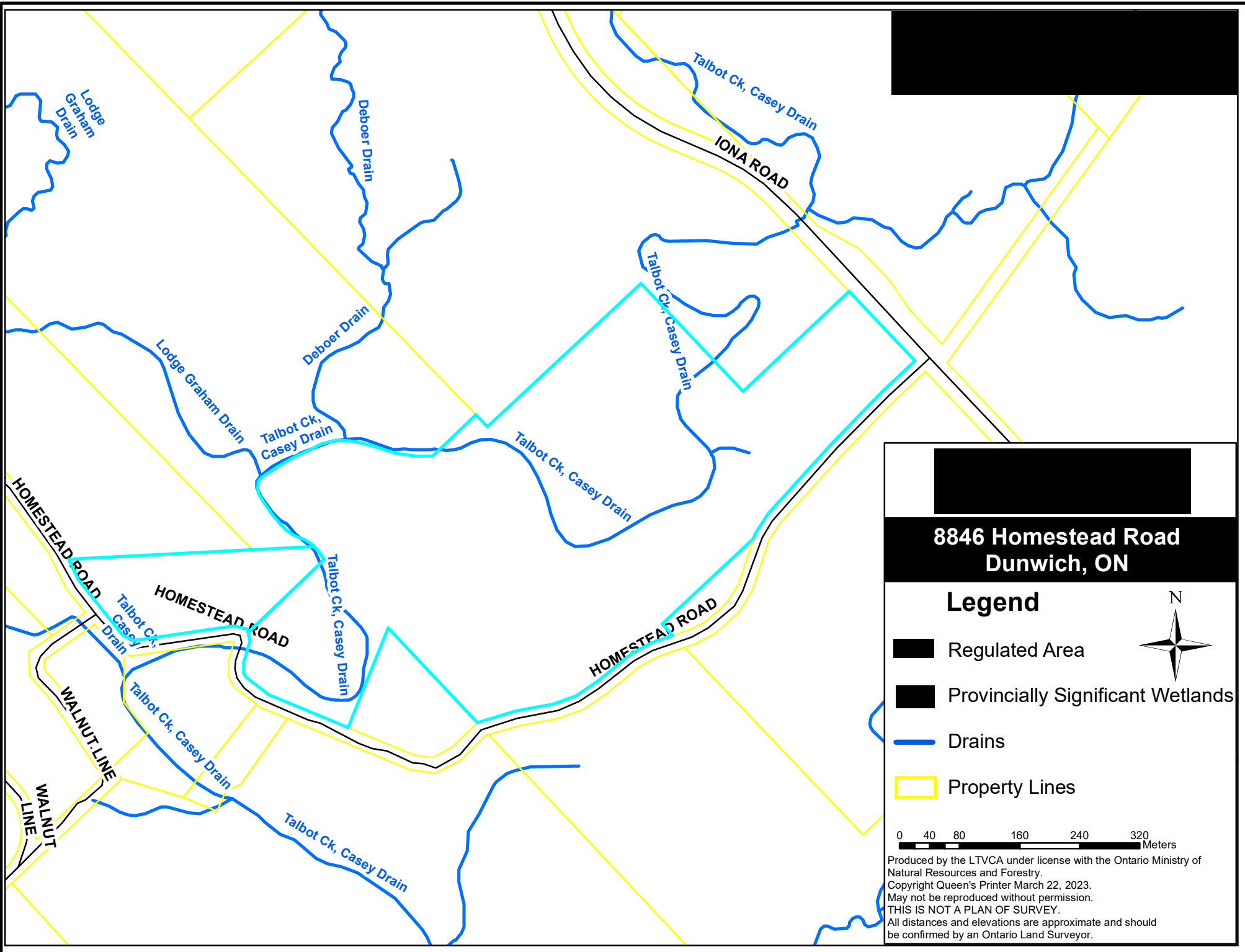
An application from this office is required prior to any works/construction taking place within the regulated area. The upper table lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the upper table lands for this property is not required. However, 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 and its associated ravine systems will be required to any proposed works / structure(s) / site alteration.

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

Yours truly





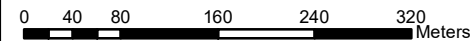
Connor Wilson  
Planner



**8846 Homestead Road  
Dunwich, ON**

**Legend**

-  Regulated Area
-  Provincially Significant Wetlands
-  Drains
-  Property Lines



Produced by the LTVCA under license with the Ontario Ministry of Natural Resources and Forestry.  
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 May not be reproduced without permission.  
 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 ROAD SYSTEM**

DATE: May 11, 2023 ELGIN COUNTY ROAD NO.: Iona Road CR14

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 9-23

APPLICANT: Maneesh Poddar

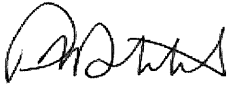
PROPERTY: LOT NO. 8s Pt Lot B CONCESSION: 9

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 12) Please provide me with a copy of your action on this application .....
  
- 13) Other... No access will be permitted directly to Iona Road. Parcel access must utilize Homestead Road.

*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.*

  
\_\_\_\_\_  
PETER DUTCHAK, CET  
Manager of Transportation Services



**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:** May 24, 2023  
**Application:** E 9-23

---

**Owner:**  
**Robert Cole Lukings and Crystal Lukings**  
8846 Homestead Road, Iona Station, ON N0L  
1P0

**Agent:**  
**Maneesh Poddar**  
301-1599 Adelaide Street North,  
London, ON N5X 4E8

**Location:** Concession 8 S, Part of Lot B, Part 1 on 11R-3279. Concession 8, Part of Lot B,  
Concession 9, Part of Lots B and C. Municipally known as 8846 Homestead Road.

**PROPOSAL**

The applicant proposes a lot boundary adjustment that will result in the merging of a 2.8ha (6.9 acres) with a 28.1ha (70 acre) parcel, and the subsequent creation of a new parcel with an area of 1.6ha (3.93 acres) with frontage on Iona Road. This lot boundary adjustment will not result in the creation of any additional parcels.

Please note that the applicant has amended the application to increase the lot area from 1.4ha to 1.6ha to reflect a draft reference plan that was prepared by an OLS. Due to the minor nature of the change, and the fact that the planning merits are unaffected by the amendment, planning staff and County legal services are of the opinion that recirculation of notice was not required in advance of the April 26 meeting date.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Large Lot Agricultural (A3)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of Dutton Dunwich – Recommends approval, subject to conditions.

*County Engineering* – No access to Iona Road from severed lot.

*Catfish Creek Conservation Authority* – No concerns.

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

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

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

The applicant has applied for a lot boundary adjustment. The applicant is proposing to consolidate a parcel which is currently a separate lot and sever a portion of the adjacent parcel with a similar lot area as the portion being consolidated. This application will not result in the creation of a new lot and is instead an adjustment to the existing boundaries. This lot boundary adjustment will result in the parcel being more easily accessible and on a county road. The PPS contains the following relevant policies regarding lot boundary adjustments:

- 2.3.4.2 *Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons*
- 2.3.4.3 *The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c)*

*Legal or Technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot*

The proposed severance application will not result in the creation of a new lot. There are two parcels subject to this application, the smaller parcel will be merged into the adjacent parcel and a similar sized parcel will be severed from the larger parcel along Iona Road for easier access. The same number of parcels will be present post-severance, therefore, this application conforms to the PPS policies.

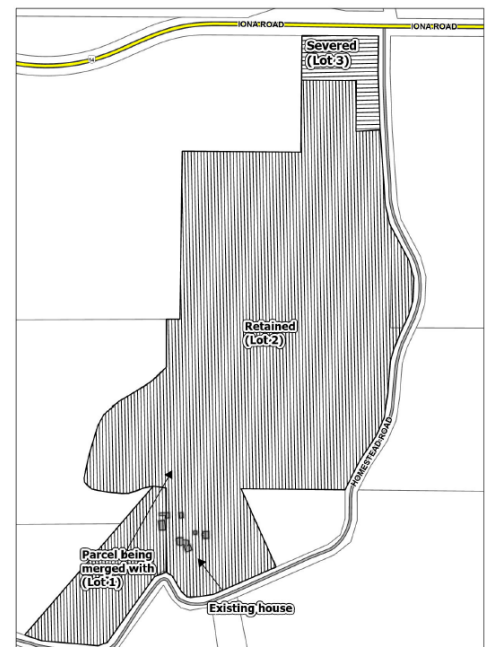


Figure 1

Lot 1 (fig. 1) is presently a vacant, separate parcel, with the exception of the garage and driveway for Lot 2 which straddles the property line. This buildable lot will be merged with Lot 2. Lot 3 which will be used for future residential development of a single detached dwelling, instead of Lot 1.

### 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 for the purposes of boundary adjustments where no new lots are created.



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

The land is currently used for a mix of agricultural and land stewardship purposes, which is proposed to continue. Further to the use of the land for land stewardship, a portion of the subject land is designated as a significant woodland. As per OP policies, development and site alteration is not permitted in or within 120 metres of significant woodlands. However, the OP definition of development and site alteration does not include lot boundary adjustments.

#### *Development and Site Alteration*

*Means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:*

- a) activities that create or maintain infrastructure authorized under an environmental assessment process; and,*
- b) works subject to the Drainage Act.*

As this application will not result in the creation of a new lot and is merely a lot boundary adjustment, staff are of the opinion that an EIS is not required at this time. An EIS may be required in the future should the applicants wish to construct buildings or further develop the land, as per OP policies.

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

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severance meets the policies of the Dutton Dunwich Official Plan. The Municipality has requested as a condition of consent that a holding zone be put in place until further development detail is provided.

#### RECOMMENDATION:

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

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

3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. No access will be permitted directly to Iona Road. Parcel must utilize Homestead Road.

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 the location of the building(s) located at 8808 Homestead be confirmed by an Ontario Land Surveyor to the satisfaction of the Chief Building Official.
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 lots merge on title.
10. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the municipality.
11. That the applicant's lawyer provide a legal opinion to the municipality that the property was not amalgamated previously.
12. That the zoning be put into a holding provision until further development detail is provided.