



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, June 28 2023, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
 - Request for withdrawal of application E 27-23
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 27-23 Barbara Rosser – Part of Lot 2, Concession 7, Municipality of Central Elgin
 - 9:15 am E 28-23 Stewart Findlater – 214 William Street, Municipality of Central Elgin
 - E 29-23
 - E 30-23
 - 9:25 am E 31-23 Jesse Froese – 57268 Calton Line, Municipality of Bayham
 - 9:35 am E 32-23 Nicole Ooms – 42489 Southdale Line, Municipality of Central Elgin
 - 9:45 am E 33-23 Melvin and Calvin Baldwin – 11693 Elliot Road, Municipality of Bayham
 - 9:55 am E 34-23 Adam McCallum – 27936 Chalmers, Municipality of Dutton Dunwich
 - 10:05 am E 35-23 Calvin Schouten – 26321 Crinan Line, Municipality of West Elgin



10:15 am	E 36-23	Dan McKillop – 12714 Currie Line, Municipality of Dutton Dunwich
10:25 am	E 37-23	Eric Jensen and Lisa Veldman – 26338 Queens Line, Municipality of West Elgin
10:35 am	E 38-23	Mark Ross and Melanie Smith – 33159 Back Street, Municipality of Dutton Dunwich
10:45 am	E 106-22	Stewart Findlater – 15217 Imperial Road, Township of Malahide
10:55 am	E 16-23	David Obar – 11643 Plank Road, Municipality of Bayham
11:05 am	E 23-23	PH Engineering Solutions – 50942 Vienna Line, Township of Malahide

10th Date of Next Meeting

11th Adjournment

Please click the link below to watch the Committee Meeting:

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

Accessible formats are available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

May 24, 2023

County of Elgin Land Division Committee met this 24th day of May, 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
Tom Marks
John Seldon
Bill Ungar

Staff Present (in-person):

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer
Marlene Welsh, Administrative Assistant
Susie Bury, Administrative Assistant

1. CALL TO ORDER

The meeting convened at 9:00 a.m.

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

None.

3. ADOPTION OF MINUTES

Moved by: Bill Ungar

Seconded by: John Seldon

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

Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins			
Bayham	John Seldon	x		
TOTAL		6	0	

RESOLVED THAT the minutes of the meeting held on April 26th, 2023 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 97-22 & E 98-22 (amended) – 9:05 a.m.
Harry Wismer – 37538 Lake Line

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 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.

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: Harry Wismer was present

Agent: None present

Written submissions (*) were received from the following:

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

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

Moved by: John Andrews
Seconded by: Tom Marks

RESOLVED THAT severance applications E 97-22 and E 98-22 be approved subject to the following conditions:

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

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 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 21-23 – 9:15 a.m.

David Roe – Lots 11 and 12, Concession 1

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.

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 Roe attended virtually

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	Not on a County Road
4	Elgin County Planning Services	Recommends approval, subject to conditions.

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

Moved by: Bill Ungar
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 21-23 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 apply to any subsequent conveyance or transaction involving the subject lands

Additionally, 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 22-23 – 9:24 a.m.
DanMcKillop – 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.

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: Gary Somerville was present
Agent: Dan McKillop was present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Concerns
3	Elgin County Engineering Services	Not on a County Road.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews
Seconded by: Bill Ungar

RESOLVED THAT severance application E 22-23 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 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 23-23 – 9:34 a.m.
Nick Dyjach – 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 2,945m² (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.

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: Jeff Barbier attended virtually
Agent: Nick Dyjach attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends deferral pending

		OPA and ZBA
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: John Seldon
Seconded by: Bill Ungar

RESOLVED THAT severance application E 23-23 be deferred pending a requisite Official Plan Amendment and Zoning By-law Amendment.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 24-23 – 9:44 a.m.
Adam McCallum – 25785 McMurchy 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 17.44ha (43.11 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: Adam McCallum was present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided

2	Lower Thames Valley	No concerns
3	Elgin County Engineering Services	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: Tom Marks

RESOLVED THAT severance application E 24-23 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 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*.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 25-23 – 9:54 a.m.
Courtney Sinclair – 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 8,000m² (1.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 113,150.11m² (28 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: Courtney Sinclair was present

Written submissions (*) were received from the following:

Submission		Comments
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: John Andrews

Seconded by: Bill Ungar

RESOLVED THAT severance application E 25-23 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, 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 26-23 – 10:03 a.m.
Chris Pidgeon – 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.

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: Russel Beach attended virtually
 Agent: Chris Pidgeon attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval, subject to conditions.
2	Kettle Creek	No Concerns
3	Elgin County Engineering Services	No objections, recommends conditions.
4	Elgin County Planning Services	Recommends approval, subject to conditions.

Comments were also received from Jim Wydareny and are included in the Agenda Package.

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

Moved by: Bill Ungar
 Seconded by: Tom Marks

RESOLVED THAT severance application E 26-23 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 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, 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 9-23 – 10:14 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 (3.93 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 and Crystal Lukings were present
 Agent: Maneesh Poddar was present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Recommends no access to 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 9-23 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. No access will be permitted directly to Iona Road. Parcel must utilize Homestead Road.

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
2. That septic system review for the severed parcel has been completed.
3. That 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.

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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

10. ADJOURNMENT

Moved by: Dugald Aldred
Seconded by: John Andrews

RESOLVED THAT the Committee adjourn at 10:24 am on May 24, 2023 to meet again at 9:00am on June 28, 2023.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John "Ian" Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION Nos. E 28-23, E 29-23, & E 30-23**

**LOT 18, 19 AND PART OF LOT 20 ON REGISTERED PLAN No. 201
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 214 WILLIAM STREET**

TAKE NOTICE that an application has been made by Stewart Findlater, 30 Village Gate Crescent, Dorchester, ON N0L 1G3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 214 William Street.

The applicant proposes to sever a parcel with an area of 230m² (2,475.7 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant has also applied to sever a parcel with an area of 85m² (915 sq. ft.) to be conveyed as an addition to an adjacent lot and another parcel with an area of 36m² (387 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant is retaining lots with areas of 1,627m² and 432m² after the proposed lot additions are complete.

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:

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

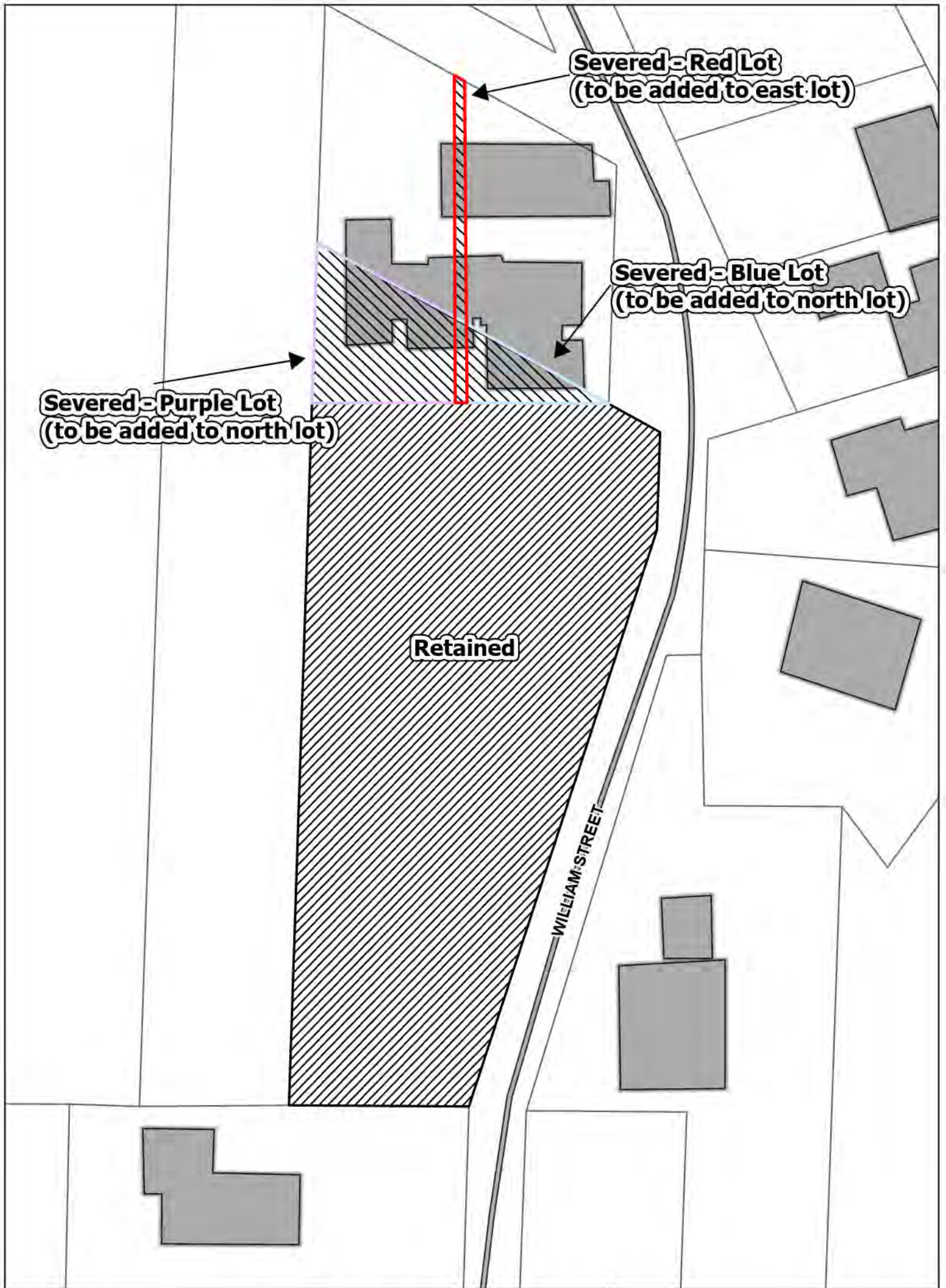
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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





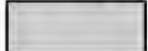


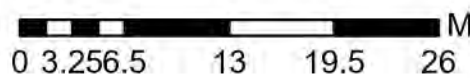
Location Map

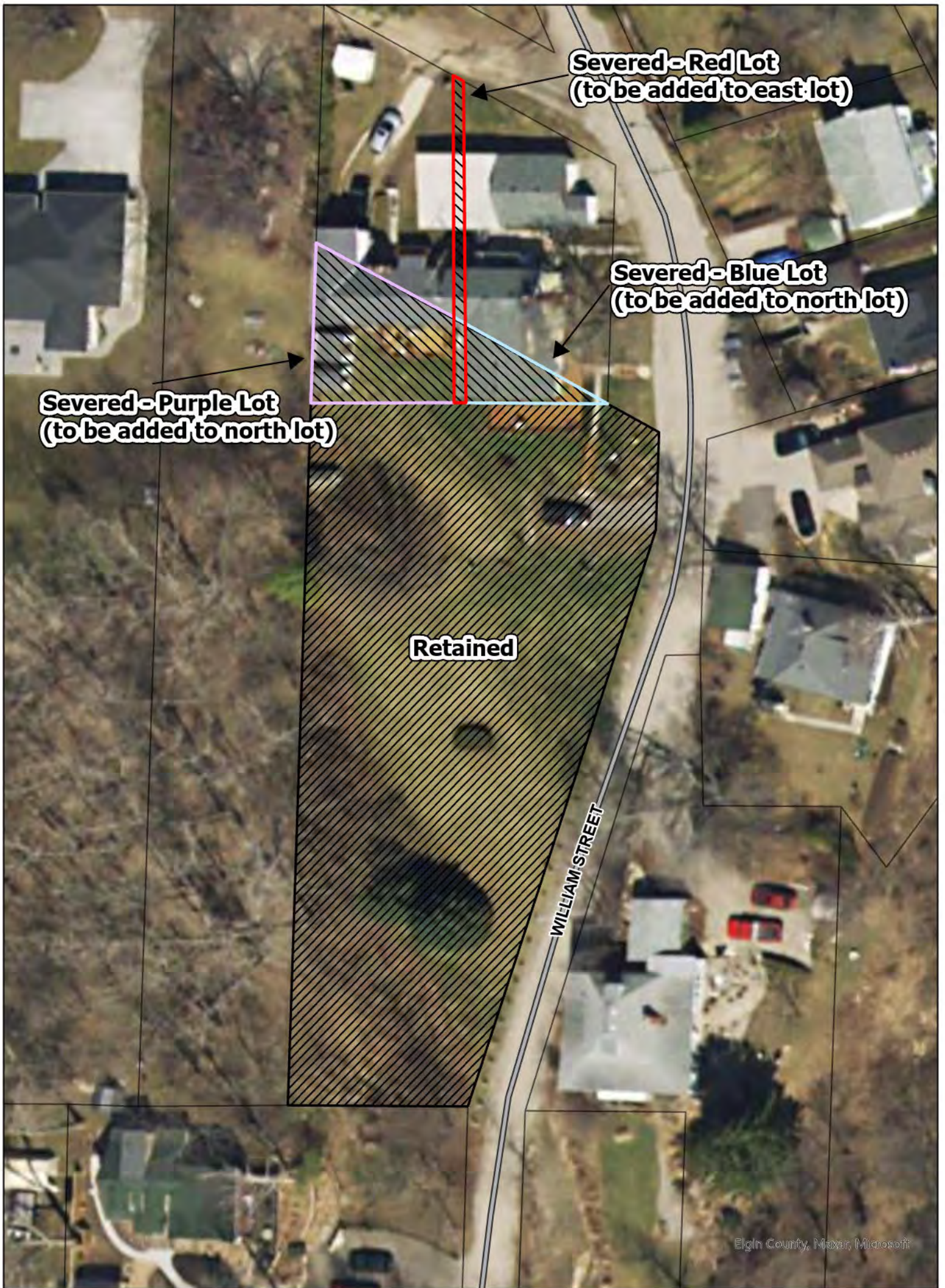
Subject Site: 214 William Street
 File Number: E 28-23, E 29-23 & E 30-23
 Owner: 283591 Ontario Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Central Elgin



Legend

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





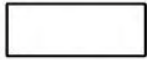

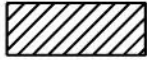

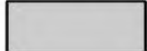
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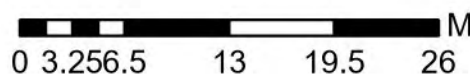
Location Map

Subject Site: 214 William Street
 File Number: E 28-23, E 29-23 & E 30-23
 Owner: 283591 Ontario Inc.
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Central Elgin



Legend

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





April 25, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

**RE: Consent Application E 28/23
Part Lot 20, Plan 201 (214 William St) – Applicant: 2835981 Ontario Inc.**

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, April 24, 2023 and the following resolution was passed:

THAT Report CEP.20.23 be received for information;

AND THAT Council has no objections to consent application E28/23, Part Lot 20, Plan 201 (214 William St), Applicant – 2835981 Ontario Inc. subject to the following recommended conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100)and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the “Proposed Road Widening” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing “Concrete Block Garage” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
4. The severed lands be merged in title with the abutting lands to the north, Part Lot 18, Plan 201;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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,

Susie Cardoso
Legislative Services Coordinator
scardoso@centralelgin.org
519-631-4860 ext. 296

c.c. 2835981 Ontario Inc., Owner
Stewart Findlater, Agent
Steve Craig, CEPO, Sr. Planning Technician
Lloyd Perrin, Director of Asset Management & Development Services



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.20.23
CEPO FILE NO. E28/23
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - Part Lot 20, Plan 201 (214 William Street)
Applicant - 2835981 Ontario Inc.
DATE April 24, 2023

RECOMMENDATION

THAT Report CEP.20.23 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E28/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
 2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the "Proposed Road Widening" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
 3. The applicant removes the existing "Concrete Block Garage" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
 4. The severed lands be merged in title with the abutting lands to the north, Part Lot 18, Plan 201;
 5. 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;
 6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 7. A copy of the reference plan be provided to the Municipality of Central Elgin.
-

REPORT

Background:

The applicant has filed three consent applications concurrently with the Elgin County Land Division Committee for the purpose of realigning the limits of Lot 18, Lot 19 and Part of Lot 20, Plan 201. The applicant also filed a minor variance application (COA06-2023) concurrently to recognize any zoning deficiencies that may result through realignment of the lot limits.

Location:

The subject lands are located on the west side of William Street and are legally described as Part Lot 20, Plan 201, Municipality of Central Elgin.

Proposal:

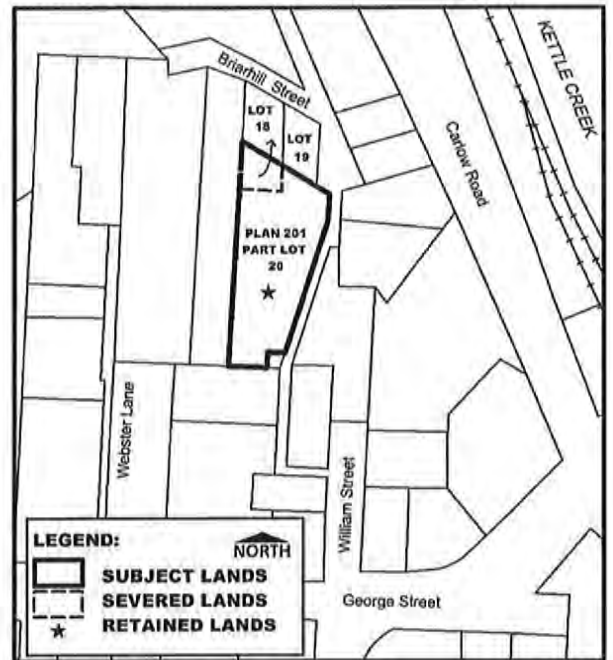
The applicant is proposing to sever 230sqm of land, for the purpose of conveying to the abutting lot to the north, legally described as Lot 18, Plan 201. The applicant is proposing to retain a lot with frontage of 71.85m on William Street and an area of 1,627.07sqm, proposed to be developed with one single detached dwelling.

Staff Report

1. Official Plan

- The subject lands are within the Residential and Natural Hazard designations in accordance with Schedule "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The Residential designation permits a range of residential dwelling types and densities, including single detached and semi-detached detached dwellings (4.3.1(a)).
- The Natural Hazard designation is not a specific land use category but shall be interpreted as a performance category in which the policies are to apply in conjunction with the policies of the underlying land use designation (3.2). Where new development and/or site alteration is proposed within 30m of a Natural Hazard designation the proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit, which shall be interpreted as the correct limits of the Natural Hazard designation (3.2.2(b)).
- The subject lands are within 120m of the Natural Heritage designation, where development or site alteration is proposed on adjacent lands the proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated (3.1.2(a)).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

Location Plan:



2. Zoning By-Law

- The subject lands are in the Residential Zone 1 (R1), as shown on Zoning Map 3, Village of Port Stanley Zoning By-law No. 1507. Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), permitted buildings and other structures include single detached dwellings and accessory buildings on residential lots. (9.2.1.2(a)(c)).
- The minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:

- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- 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 the Plan (E1.2.3.4).

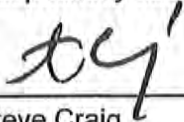
4. Comments

- A consultation meeting was held on May 13, 2021, September 20, 2021, and December 8, 2022, to review the proposal, based on the results of the meetings it was determined that the following was required:
 - 1) Legal opinion on status of Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 2) Current site plan of the subject lands, prepared by an Ontario Land Surveyor;
 - 3) Building code evaluation for the existing semi-detached dwelling (214 William Street);
 - 4) Site servicing plan, Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 5) Traffic opinion letter (William Street);
 - 6) Planning justification, zoning matrix, off-street parking plan; and
 - 7) Geotechnical Investigation and Issues Scoping Report.
- The applicant obtained the services of Fordham & Brightling Associates to render a legal opinion to determine if Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 merged or are separate conveyable lots, accompanying the application is a copy of the legal opinion, dated February 23, 2023.
- The applicant obtained the services of MTE, Ontario Land Surveyors Limited, to complete a Severance Sketch which delineates the limits of Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 and the location of existing development relative to lot lines, accompanying the application is a copy of the Severance Sketch, dated January 17, 2023. According to the Survey Sketch the southerly portion of the semi-detached dwelling is encroaching on Part of Lot 20, Plan 201, and the common lot line between the two semi-detached dwelling units is not located on the shared common/party wall.
- The applicant obtained the services of MTE Consultants Inc. to complete a Geotechnical Investigation and Slope Assessment, based on the location of the Erosion Hazard Limit there is adequate area on Part Lot 20, Plan 201 for the development of one single detached dwelling, subject to the recommendations outlined in the report accompanying the application, dated March 4, 2022 (MTE File No.:49866-100).
- The applicant obtained the services of MTE Consultants Inc. to complete an Issues Scoping Report (ISR), subject to the recommendations outlined in the report accompanying the


application, dated March 4, 2022 (MTE File No.:49866-100) the development of one single detached dwelling on Part Lot 20, Plan 201 will not result in any negative impacts to the natural features and/or functions.

- The applicant obtained the services of DCBUCK Engineering to provide an evaluation of the existing semi-detached dwelling relative to the Ontario Building Code, accompanying the application is an Evaluation Report, prepared by DCBUCK Engineering. Approval of the applications will need to be conditional on the applicant completing the recommendations outlined in the report, dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official.
- The applicants obtained the services of MTE Consultants to complete a servicing plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is the Servicing Plan, dated November 14, 2022 (Project No. 49866-300). Approval of the applications will need to be conditional on the applicant entering into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters.
- The applicants obtained the services of Paradigm Transportation Solutions Limited to complete a traffic opinion letter, accompanying the application is the Traffic Opinion Letter, dated November 14, 2022 (Project No. 220620), which indicates that the addition of one single-detached dwelling on Part Lot 20, Plan 201 will not change the existing traffic conditions on William Street between George Street and Carlow Road. The applicant has agreed to convey lands to the Municipality of Central Elgin for the future road widening of William Street, the "Proposed Road Widening" is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023.
- The applicant has agreed to remove the existing "Concrete Block Garage" encroaching on the Briar Hill Street municipal right-of-way, which is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023. The building is also located within the William Street and Briar Hill Street daylight corner and does not conform with the front and exterior side yard setbacks in the Zoning By-Law, further removal of the garage will facilitate area in the front yard for two off-street parking spaces entirely within the limits of lot and in accordance with the Zoning By-law.
- The applicant obtained the services of Findlater & Associates Inc. to complete a Planning Justification Report, which includes a zoning matrix and off-street parking plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is a copy of the Justification Report, dated March 1, 2023.

Respectfully submitted:

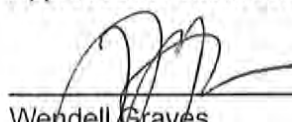


Steve Craig
Sr. Planning Technician



Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Wendell Graves
CAO/Clerk



Lloyd Perrin
Director of Asset Management and Development



April 25, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

**RE: Consent Application E 29/23
Part Lot 20, Plan 201 (214 William St) – Applicant: 2835981 Ontario Inc.**

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, April 24, 2023 and the following resolution was passed:

THAT Report CEP.21.23 be received for information;

AND THAT Council has no objections to consent application E29/23, Part Lot 20, Plan 201 (214 William St), Applicant – 2835981 Ontario Inc. subject to the following recommended conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the "Proposed Road Widening" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing "Concrete Block Garage" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
4. The severed lands be merged in title with the abutting lands to the north, Part Lot 19, Plan 201;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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,

Susie Cardoso
Legislative Services Coordinator
scardoso@centralelgin.org
519-631-4860 ext. 296

c.c. 2835981 Ontario Inc., Owner
Stewart Findlater, Agent
Steve Craig, CEPO, Sr. Planning Technician
Lloyd Perrin, Director of Asset Management & Development Services



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.21.23
CEPO FILE NO. E29/23
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - Part Lot 20, Plan 201 (214 William Street)
Applicant - 2835981 Ontario Inc.
DATE April 24, 2023

RECOMMENDATION

THAT Report CEP.21.23 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E29/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
 2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the "Proposed Road Widening" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
 3. The applicant removes the existing "Concrete Block Garage" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
 4. The severed lands be merged in title with the abutting lands to the north, Part Lot 19, Plan 201;
 5. 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;
 6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 7. A copy of the reference plan be provided to the Municipality of Central Elgin.
-

REPORT

Background:

The applicant has filed three consent applications concurrently with the Elgin County Land Division Committee for the purpose of realigning the limits of Lot 18, Lot 19 and Part of Lot 20, Plan 201. The applicant also filed a minor variance application (COA06-2023) concurrently to recognize any zoning deficiencies that may result through realignment of the lot limits.

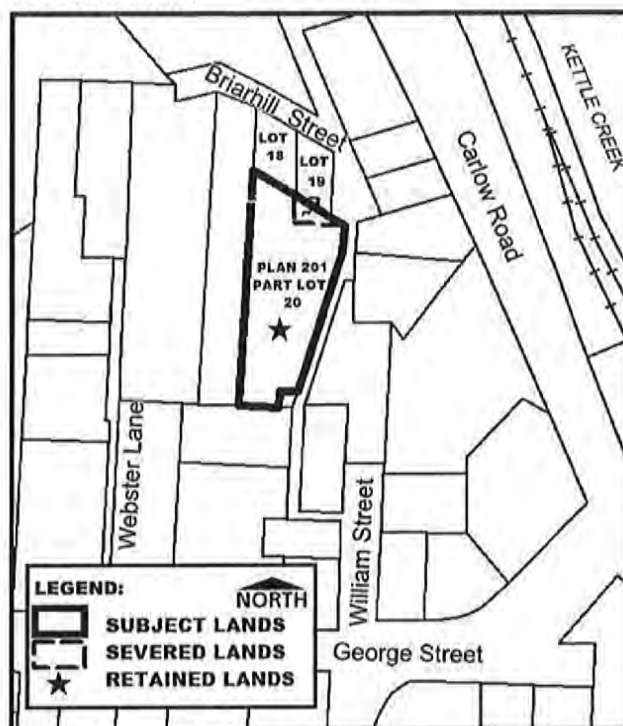
Location:

The subject lands are located on the west side of William Street and are legally described as Part Lot 20, Plan 201, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever 85sqm of land, for the purpose of conveying to the abutting lot to the north, legally described as Lot 19, Plan 201. The applicant is proposing to retain a lot with frontage of 71.85m on William Street and an area of 1,627.07sqm, proposed to be developed with one single detached dwelling.

Location Plan:



Staff Report

1. Official Plan

- The subject lands are within the Residential and Natural Hazard designations in accordance with Schedule "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The Residential designation permits a range of residential dwelling types and densities, including single detached and semi-detached detached dwellings (4.3.1(a)).
- The Natural Hazard designation is not a specific land use category but shall be interpreted as a performance category in which the policies are to apply in conjunction with the policies of the underlying land use designation (3.2). Where new development and/or site alteration is proposed within 30m of a Natural Hazard designation the proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit, which shall be interpreted as the correct limits of the Natural Hazard designation (3.2.2(b)).
- The subject lands are within 120m of the Natural Heritage designation, where development or site alteration is proposed on adjacent lands the proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated (3.1.2(a)).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are in the Residential Zone 1 (R1), as shown on Zoning Map 3, Village of Port Stanley Zoning By-law No. 1507. Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), permitted buildings and other structures include single detached dwellings and accessory buildings on residential lots. (9.2.1.2(a)(c)).
- The minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:

- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- 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 the Plan (E1.2.3.4).

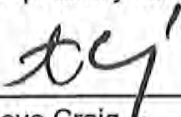
4. Comments

- A consultation meeting was held on May 13, 2021, September 20, 2021, and December 8, 2022, to review the proposal, based on the results of the meetings it was determined that the following was required:
 - 1) Legal opinion on status of Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 2) Current site plan of the subject lands, prepared by an Ontario Land Surveyor;
 - 3) Building code evaluation for the existing semi-detached dwelling (214 William Street);
 - 4) Site servicing plan, Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 5) Traffic opinion letter (William Street);
 - 6) Planning justification, zoning matrix, off-street parking plan; and
 - 7) Geotechnical Investigation and Issues Scoping Report.
- The applicant obtained the services of Fordham & Brightling Associates to render a legal opinion to determine if Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 merged or are separate conveyable lots, accompanying the application is a copy of the legal opinion, dated February 23, 2023.
- The applicant obtained the services of MTE, Ontario Land Surveyors Limited, to complete a Severance Sketch which delineates the limits of Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 and the location of existing development relative to lot lines, accompanying the application is a copy of the Severance Sketch, dated January 17, 2023. According to the Survey Sketch the southerly portion of the semi-detached dwelling is encroaching on Part of Lot 20, Plan 201, and the common lot line between the two semi-detached dwelling units is not located on the shared common/party wall.
- The applicant obtained the services of MTE Consultants Inc. to complete a Geotechnical Investigation and Slope Assessment, based on the location of the Erosion Hazard Limit there is adequate area on Part Lot 20, Plan 201 for the development of one single detached dwelling, subject to the recommendations outlined in the report accompanying the application, dated March 4, 2022 (MTE File No.:49866-100).
- The applicant obtained the services of MTE Consultants Inc. to complete an Issues Scoping Report (ISR), subject to the recommendations outlined in the report accompanying the

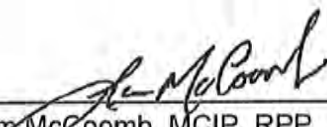
application, dated March 4, 2022 (MTE File No.:49866-100) the development of one single detached dwelling on Part Lot 20, Plan 201 will not result in any negative impacts to the natural features and/or functions.

- The applicant obtained the services of DCBUCK Engineering to provide an evaluation of the existing semi-detached dwelling relative to the Ontario Building Code, accompanying the application is an Evaluation Report, prepared by DCBUCK Engineering. Approval of the applications will need to be conditional on the applicant completing the recommendations outlined in the report, dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official.
- The applicants obtained the services of MTE Consultants to complete a servicing plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is the Servicing Plan, dated November 14, 2022 (Project No. 49866-300). Approval of the applications will need to be conditional on the applicant entering into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters.
- The applicants obtained the services of Paradigm Transportation Solutions Limited to complete a traffic opinion letter, accompanying the application is the Traffic Opinion Letter, dated November 14, 2022 (Project No. 220620), which indicates that the addition of one single-detached dwelling on Part Lot 20, Plan 201 will not change the existing traffic conditions on William Street between George Street and Carlow Road. The applicant has agreed to convey lands to the Municipality of Central Elgin for the future road widening of William Street, the "Proposed Road Widening" is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023.
- The applicant has agreed to remove the existing "Concrete Block Garage" encroaching on the Briar Hill Street municipal right-of-way, which is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023. The building is also located within the William Street and Briar Hill Street daylight corner and does not conform with the front and exterior side yard setbacks in the Zoning By-Law, further removal of the garage will facilitate area in the front yard for two off-street parking spaces entirely within the limits of lot and in accordance with the Zoning By-law.
- The applicant obtained the services of Findlater & Associates Inc. to complete a Planning Justification Report, which includes a zoning matrix and off-street parking plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is a copy of the Justification Report, dated March 1, 2023.

Respectfully submitted:




Steve Craig
Sr. Planning Technician




Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Wendell Graves
CAO/Clerk



Lloyd Pettin
Director of Asset Management and Development



April 25, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

**RE: Consent Application E 30/23
Part Lot 19, Plan 201 (214 William St) – Applicant: 2835981 Ontario Inc.**

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, April 24, 2023 and the following resolution was passed:

THAT Report CEP.22.23 be received for information;

AND THAT Council has no objections to consent application E30/23, Part Lot 19, Plan 201 (214 William St), Applicant – 2835981 Ontario Inc. subject to the following recommended conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the “Proposed Road Widening” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing “Concrete Block Garage” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
4. The severed lands be merged in title with the abutting lands to the west, Part Lot 18, Plan 201;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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,

Susie Cardoso
Legislative Services Coordinator
scardoso@centralelgin.org
519-631-4860 ext. 296

c.c. 2835981 Ontario Inc., Owner
Stewart Findlater, Agent
Steve Craig, CEPO, Sr. Planning Technician
Lloyd Perrin, Director of Asset Management & Development Services



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.22.23
CEPO FILE NO. E30/23
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application - Part Lot 19, Plan 201 (214 William Street)
Applicant - 2835981 Ontario Inc.
DATE April 24, 2023

RECOMMENDATION

THAT Report CEP.22.23 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E30/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
 2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the "Proposed Road Widening" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
 3. The applicant removes the existing "Concrete Block Garage" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
 4. The severed lands be merged in title with the abutting lands to the west, Part Lot 18, Plan 201;
 5. 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;
 6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 7. A copy of the reference plan be provided to the Municipality of Central Elgin.
-

REPORT

Background:

The applicant has filed three consent applications concurrently with the Elgin County Land Division Committee for the purpose of realigning the limits of Lot 18, Lot 19 and Part of Lot 20, Plan 201. The applicant also filed a minor variance application (COA06-2023) concurrently to recognize any zoning deficiencies that may result through realignment of the lot limits.

Location:

The subject lands are located on the southwest corner of William Street and Briarhill Street and are legally described as Part Lot 19, Plan 201, Municipality of Central Elgin.

Proposal:

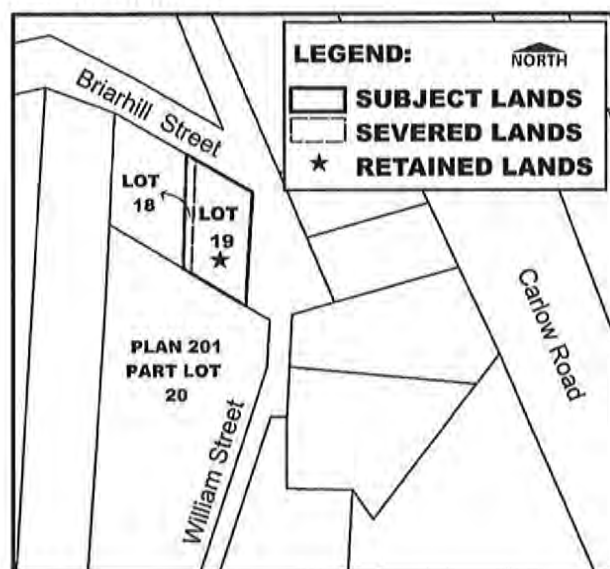
The applicant is proposing to sever a parcel of land with an area of 36sqm, proposed to be conveyed to the abutting lot to the west, legally described as Lot 18, Plan 201. The applicant is proposing to retain a lot with an area of 423sqm, proposed to continue to be used for residential purposes. The purpose of the lot addition is to realign the common lot line between the existing semi-detached dwelling units, to match the shared common/party wall.

Staff Report

1. Official Plan

- The subject lands are within the Residential and Natural Hazard designations in accordance with Schedule "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The Residential designation permits a range of residential dwelling types and densities, including single detached and semi-detached detached dwellings (4.2.1(a)).
- The Natural Hazard designation is not a specific land use category but shall be interpreted as a performance category in which the policies are to apply in conjunction with the policies of the underlying land use designation (3.2). Where new development and/or site alteration is proposed within 30m of a Natural Hazard designation the proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit, which shall be interpreted as the correct limits of the Natural Hazard designation (3.2.2(b)).
- The subject lands are within 120m of the Natural Heritage designation, where development or site alteration is proposed on adjacent lands the proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated (3.1.2(a)).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

Location Plan:



2. Zoning By-Law

- The subject lands are in the Residential Zone 1 (R1), as shown on Zoning Map 3, Village of Port Stanley Zoning By-law No. 1507. Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), permitted buildings and other structures include single detached dwellings and accessory buildings on residential lots. (9.2.1.2(a)(c)).
- The minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:

- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- 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 the Plan (E1.2.3.4).

4. Comments

- A consultation meeting was held on May 13, 2021, September 20, 2021, and December 8, 2022, to review the proposal, based on the results of the meetings it was determined that the following was required:
 - 1) Legal opinion on status of Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 2) Current site plan of the subject lands, prepared by an Ontario Land Surveyor;
 - 3) Building code evaluation for the existing semi-detached dwelling (214 William Street);
 - 4) Site servicing plan, Plan 201, Lot 18, Lot 19, and Part Lot 20;
 - 5) Traffic opinion letter (William Street);
 - 6) Planning justification, zoning matrix, off-street parking plan; and
 - 7) Geotechnical Investigation and Issues Scoping Report.
- The applicant obtained the services of Fordham & Brightling Associates to render a legal opinion to determine if Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 merged or are separate conveyable lots, accompanying the application is a copy of the legal opinion, dated February 23, 2023.
- The applicant obtained the services of MTE, Ontario Land Surveyors Limited, to complete a Severance Sketch which delineates the limits of Lot 18, Lot 19, and Part Lot 20, on Registered Plan 201 and the location of existing development relative to lot lines, accompanying the application is a copy of the Severance Sketch, dated January 17, 2023. According to the Survey Sketch the southerly portion of the semi-detached dwelling is encroaching on Part of Lot 20, Plan 201, and the common lot line between the two semi-detached dwelling units is not located on the shared common/party wall.
- The applicant obtained the services of MTE Consultants Inc. to complete a Geotechnical Investigation and Slope Assessment, based on the location of the Erosion Hazard Limit there is adequate area on Part Lot 20, Plan 201 for the development of one single detached dwelling, subject to the recommendations outlined in the report accompanying the application, dated March 4, 2022 (MTE File No.:49866-100).
- The applicant obtained the services of MTE Consultants Inc. to complete an Issues Scoping Report (ISR), subject to the recommendations outlined in the report accompanying the

application, dated March 4, 2022 (MTE File No.:49866-100) the development of one single detached dwelling on Part Lot 20, Plan 201 will not result in any negative impacts to the natural features and/or functions.

- The applicant obtained the services of DCBUCK Engineering to provide an evaluation of the existing semi-detached dwelling relative to the Ontario Building Code, accompanying the application is an Evaluation Report, prepared by DCBUCK Engineering. Approval of the applications will need to be conditional on the applicant completing the recommendations outlined in the report, dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official.
- The applicants obtained the services of MTE Consultants to complete a servicing plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is the Servicing Plan, dated November 14, 2022 (Project No. 49866-300). Approval of the applications will need to be conditional on the applicant entering into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters.
- The applicants obtained the services of Paradigm Transportation Solutions Limited to complete a traffic opinion letter, accompanying the application is the Traffic Opinion Letter, dated November 14, 2022 (Project No. 220620), which indicates that the addition of one single-detached dwelling on Part Lot 20, Plan 201 will not change the existing traffic conditions on William Street between George Street and Carlow Road. The applicant has agreed to convey lands to the Municipality of Central Elgin for the future road widening of William Street, the "Proposed Road Widening" is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023.
- The applicant has agreed to remove the existing "Concrete Block Garage" encroaching on the Briar Hill Street municipal right-of-way, which is identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023. The building is also located within the William Street and Briar Hill Street daylight corner and does not conform with the front and exterior side yard setbacks in the Zoning By-Law, further removal of the garage will facilitate area in the front yard for two off-street parking spaces entirely within the limits of lot and in accordance with the Zoning By-law.
- The applicant obtained the services of Findlater & Associates Inc. to complete a Planning Justification Report, which includes a zoning matrix and off-street parking plan for Lot 18, Lot 19 and Part of Lot 20, Plan 201, accompanying the application is a copy of the Justification Report, dated March 1, 2023.

Respectfully submitted:



Steve Craig
Sr. Planning Technician



Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Wendell Graves
CAO/Clerk



Lloyd Perrin
Director of Asset Management and Development

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: May 25, 2023 8:39 AM
To: Paul Clarke
Subject: RE: E 28-23, E 29-23 & E 30-23 Notices of Application

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

Good morning Paul

Please accept this email as confirmation that staff of KCCA has reviewed the Notice of Application for Consents E-28-23, E29-23 and E30-23 affecting 214 William Street, Municipality of Central Elgin and that based on our mandate and policies, we have no objection to its approval.

I can also confirm that the subject property is affected by regulations under the *Conservation Authorities Act* whereby written permission is required of KCCA prior to any development or alteration. KCCA staff are satisfied that the retained parcel can satisfy KCCA regulations for future development based on our review of a Geotechnical Investigation and Slope Assessment prepared by MTE, Revised date March 3, 2022.

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: Tuesday, May 23, 2023 8:10 AM
To: Joe Gordon <joe@kettlecreekconservation.on.ca>
Subject: RE: E 28-23, E 29-23 & E 30-23 Notices of Application

Hi Joe,

My apologies, please see the attached.

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division
Committee



(519) 631-1460 x170



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



From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: May 19, 2023 2:19 PM
To: Paul Clarke <pclarke@ELGIN.ca>
Subject: RE: E 28-23, E 29-23 & E 30-23 Notices of Application

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

The notice notes a key map for this application but one was not included in your email.

Could I get a copy of the map to assist in our review?

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: Wednesday, May 17, 2023 9:13 AM
To: Kim Robinson <robbocottages@gmail.com>; sfindlater@rogers.com
Subject: E 28-23, E 29-23 & E 30-23 Notices of Application

Good morning,

Please see the attached notice of a consent applications which will be considered at the June 28 LDC meeting. If you wish to provide comments on this application, please submit them to myself no later than **Tuesday June 20, 2023**.

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



COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 28-23, E 29-23, E 30-23

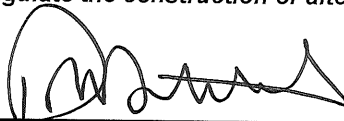
APPLICANT: 283591 Ontario Inc. (John and Kim
Robinson) Stewart Findlater - Agent

PROPERTY: LOT NO. Part Lot 20 CONCESSION: _____
REG'D PLAN: Plan 201 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: June 28, 2023
Application: E 28-23, E 29-23 & E 30-23

Owner:
283591 Ontario Inc.
214 William Street, Port Stanley, ON N5L 1C5

Agent:
Stewart Findlater
30 Village Gate Cr, Dorchester, ON N0L
1G3

Location: Part of Lot 2, Concession 7.

PROPOSAL

The applicant proposes to sever a parcel with an area of 230m² (2,475.7 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant has also applied to sever a parcel with an area of 85m² (915 sq. ft.) to be conveyed as an addition to an adjacent lot and another parcel with an area of 36m² (387 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant is retaining lots with areas of 1,627m² and 432m² after the proposed lot additions are complete.

**County of Elgin Official
Plan**

Tier 1 Settlement Area

**Local Municipality Official
Plan**

Residential / Natural
Hazards

**Local Municipality Zoning
By-law**

Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying for three simultaneous lot additions affecting the parcel municipally known as 214 William Street in Port Stanley. The applicant has applied to add portions of 214 William Street to two other adjacent lots to increase their total lot area and adjust the property lines between the two adjacent parcels. Port Stanley is a settlement area and the PPS directs that settlement areas be the focus of growth and development and include a variety of land uses and densities. This application is not anticipated to have any negative effects on existing infrastructure or traffic as no new lots are being created.

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. This application is considered a technical severance and will not result in the creation of a new lot in and of itself. Staff have reviewed this application against the general consent criteria of the OP and found it to be in conformity with all relevant policies.

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. No Zoning Amendments are necessary as the land use is not changing. Central Elgin has requested the removal of a garage on the subject land, as well as the completion of recommendations in an Evaluation Report prepared by DCBUCK Engineering at the request of the Chief Building Official.

RECOMMENDATION:

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

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

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent for application E 28-23:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the "Proposed Road Widening" identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to

- the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing “Concrete Block Garage” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
 4. The severed lands be merged in title with the abutting lands to the north, Part Lot 18, Plan 201;
 5. 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;
 6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest;
 7. A copy of the reference plan be provided to the Municipality of Central Elgin.
 8. A drainage reassessment be done, if necessary, at the owner’s expense.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent for application E 29-23:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the “Proposed Road Widening” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing “Concrete Block Garage” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
4. The severed lands be merged in title with the abutting lands to the north, Part Lot 19, Plan 201;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. A drainage reassessment be done, if necessary, at the owner’s expense.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent for application E 30-23:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters, including the recommendations outlined in the Geotechnical Investigation and Slope Assessment (MTE File No.:49866-100) and Issues Scoping Report (MTE File No.:49866-100);
2. The applicant conveys to the Municipality of Central Elgin, at no cost, and free of all charge and encumbrances, the “Proposed Road Widening” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. The applicant removes the existing “Concrete Block Garage” identified on the Severance Sketch completed by MTE, Ontario Land Surveyors Limited, dated January 17, 2023, and completes the recommendations outlined in the Evaluation Report, prepared by DCBUCK Engineering dated November 23, 2022 (Project No. 833022), to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
4. The severed lands be merged in title with the abutting lands to the west, Part Lot 18, Plan 201;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee’s interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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 31-23**

**SOUTH PART OF LOT 22, CONCESSION 5
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 57268 CALTON LINE**

TAKE NOTICE that an application has been made by Jesse Froese, 55248 Maple Grove Line, Eden, ON N0J 1H0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 57268 Calton Line.

The applicant proposes to sever a parcel with a frontage of 83.73m (275 feet), a depth of 66.77m (220feet) and an area of 0.41ha (1.01 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 38.22ha (94.5 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:

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

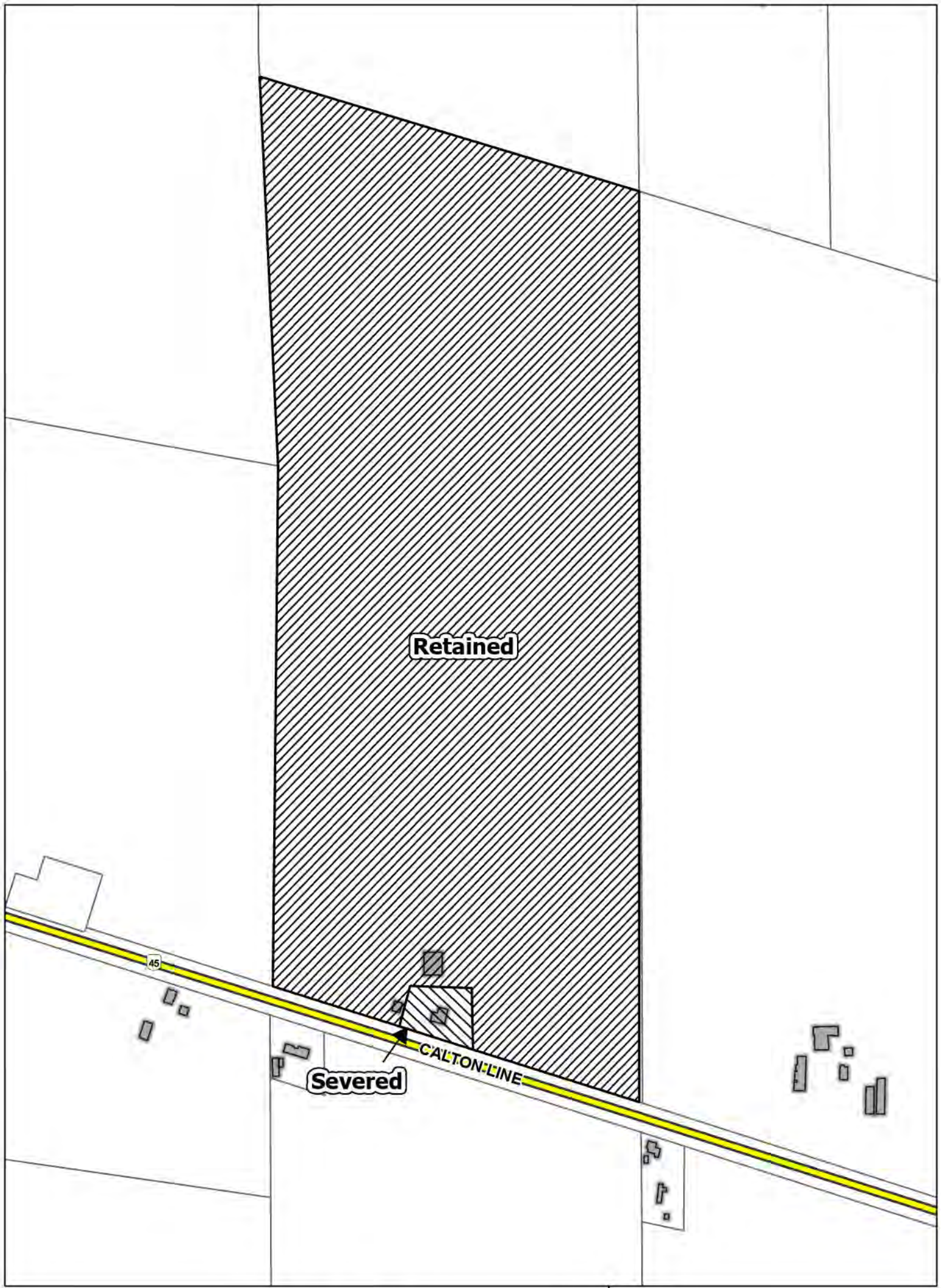
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 13th 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







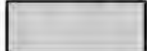
Location Map

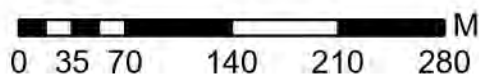
Subject Site: 57268 Calton Line
 File Number: E 31-23
 Owner: Isaac Froese and Maria Froese
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Bayham

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



Legend

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



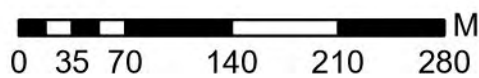


Elgin County, Maxar, Microsoft



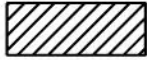

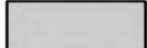
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The Corporation of the County Elgin
 Prepared By: Planning and Development



Legend

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

Municipality of
BAYHAM



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

T: 519-866-5521

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E: bayham@bayham.on.ca

W: www.bayham.on.ca

June 2, 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. E31-23 Froese, I & M

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the June 1, 2023 meeting:

THAT Report DS-34/23 regarding the Consent Application E31-23 Froese be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E31-23 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A) zone to a Rural Residential (RR) Zone
2. Rezoning of the retained lands from Agricultural (A1-A) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. Owner constructs a driveway on the retained land to the barn and mobile home which is capable of supporting a fire pumper loaded with 2000 gallons of water
4. The Owner relocate the power line to the retained lands to service the retained barn and mobile home
5. Planning Report fee payable to the Municipality
6. Digital copy of the registered plan of survey
7. Purchase of civic number sign for the retained parcel
8. The Development Agreement between the owners and the Municipality associated with Minor Variance A-01/17 for the supplementary farm dwelling be revised where necessary to ensure it is up to date.

Municipal Appraisal Sheet and Staff Report DS-34/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,
Planning Coordinator|Deputy Clerk
D09.FROE
cc: J. Froese (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 31-23

Applicant Isaac and Maria Froese

Location Bayham – 57268 Calton 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

Policies: OP 2.1.7.1 Farm Consolidation and Surplus Farm Dwellings

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1-A)

Rezoning required for both the severed and retained lands as per the Official Plan policies for surplus farm dwelling severances.

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

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

- 6. Does the Municipality foresee demand for new municipal services? Yes () 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-34/23 considered at the Council meeting held June 1, 2023

agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;

- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,

- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

2.1.7.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.8 **Existing Lots**

2.1.8.1 One non-farm residential unit may be considered on existing lots of record in areas designated "Agriculture", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation I formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

6.12 **Exceptions – Special Agricultural (A2) Zone**

6.12.1

6.12.1.1 Defined Area

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

Z475-2004

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. 1

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

7.13.1

7.13.1.1 Defined Area

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

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

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

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

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

7.13.2.2 Permitted Uses

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

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: June 1, 2023
REPORT: DS-34/23 **FILE NO. C-07 / D09.23FROE**
Roll # 3401-000-003-06900

SUBJECT: Consent Application E31-23 Froese, I & M
57268 Calton Line

BACKGROUND

A consent application E31-23 was received from the Elgin County Land Division Committee submitted by Appointed Agent Jesse Froese on behalf of Isaac and Maria Froese proposing to sever 0.41 ha (1.01 acres) of land and to retain 38.22 ha (94.4 acres). The intent is to create a rural residential parcel containing an existing dwelling considered by the owner to be surplus to the farm operation. The property is known as 57268 Calton Line.

The subject land is designated "Agriculture" and portions of "Natural Gas Reservoir" and "Natural Heritage" on Schedule 'A1' Land Use and a portion of the lands are located within 'Hazard Lands' and "Significant Woodlands" overlay on Schedule 'A2' Constraints of the Official Plan. The lands are zoned Agricultural (A1-A) and portions of LPRCA Regulation Limit on Schedule 'A1' Map No. 9 of the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on June 28, 2023.

DISCUSSION

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

The retained portion of the lands contains a supplementary farm dwelling in the form of a mobile home behind the large barn. The mobile home was placed on this property with Minor Variance A-01/17 approval in 2017 along with the required Development Agreement to permit occupancy of maximum of eight (8) seasonal farm labourers. The Agreement will need to be revised to ensure it is up-to-date.

With the primary access to the mobile home and barn shifting to the gravel lane on the west side of the severed lot, this west driveway will have to be extended to the barn and trailer and constructed to a standard to support a fire pumper potentially carrying 2000 gallons of water in the event of an emergency at the trailer or barn. An existing power line connection within the severed parcel will need to be relocated to service the mobile home and barn on the retained lands. The Owner has indicated in the application that he intends to reroute the service and add a separate service for the mobile home and barn.

Rezoning of both the severed and retained lands is required to satisfy the Official Plan policies for the severance of a surplus farm dwelling. Listed standard conditions include: civic numbering signage for the retained lands, survey, and planning report fee.

Staff and municipal planner recommend the support of the consent application for the creation of one severed surplus farm dwelling parcel with the recommended conditions.

ATTACHMENTS

1. Consent Application E31-23
2. Aerial Map – 57268 Calton Line
3. IBI Group Memorandum, dated May 10, 2023

RECOMMENDATION

THAT Report DS-34/23 regarding the Consent Application E31-23 Froese be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E31-23 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A) zone to a Rural Residential (RR) Zone
2. Rezoning of the retained lands from Agricultural (A1-A) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. Owner constructs a driveway on the retained land to the barn and mobile home which is capable of supporting a fire pumper loaded with 2000 gallons of water
4. The Owner relocate the power line to the retained lands to service the retained barn and mobile home
5. Planning Report fee payable to the Municipality
6. Digital copy of the registered plan of survey
7. Purchase of civic number sign for the retained parcel
8. The Development Agreement between the owners and the Municipality associated with Minor Variance A-01/17 for the supplementary farm dwelling be revised where necessary to ensure it is up to date.

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk



203-350 Oxford Street West
London, ON, N6H 1T3
902-442-9844

Memorandum

To/Attention	Municipality of Bayham	Date	May 10, 2023
From	Paul Riley BA, CPT	Project No	3404-899
cc	William Pol, MCIP, RPP		
Subject	Isaac and Maria Froese – 57268 Calton Line – Application for Consent E31-23		

1. We have completed our review of Consent application E31/23, submitted by Isaac and Maria Froese for lands located at 57268 Calton Line, north side and east of Toll Gate Road. The applicant is requesting consent for severance of 0.41 ha (1.01 acres) of land and to retain 38.22 ha (94.4 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation. The lands are designated as 'Agriculture' and portions of 'Natural Gas Reservoir' and "Natural Heritage" on Schedule 'A1' Land Use and a portion of the lands are located within 'Hazard Lands' and 'Significant Woodlands' overlay on Schedule 'A2' Constraints of the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1-A) and portions of "LPRCA Regulation Limit" on Schedule 'A1' Map No. 9 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 83.73 metres (274.7 feet) and lot depth of 66.77 metres (219.1 feet) and comprise a single-detached dwelling. The retained lands have lot frontage of 341.5 metres (1,120 feet) and lot depth of 955 metres (3,133.2 feet). The lands to be retained contain a barn, mobile home for seasonal labourers and a storage shed. There are two existing driveway accesses. An existing power line connection within the severed lands will need to be relocated to service the retained lands barn and mobile home. The surrounding uses are agricultural and there is a single-detached dwelling lot across Calton Line.
3. The Agreement for supplementary farm dwelling between the owners and the Municipality should be revised where necessary to ensure it is up-to-date. To ensure adequate access for fire trucks in case of emergency, the driveway to the barn and trailer should be capable of holding up a fire pumper with 2000 gal of water.

Municipality of BayhamMunicipality of Bayham – May 10, 2023

4. Elgin County Official Plan (hereafter, 'Elgin OP') policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 New Lots by Consent. Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

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

- a. Frontage: the proposed severed and retained lots have adequate frontage on Calton Line.
- b. Provincial/County Road Access: Calton Line is a local road.
- c. Traffic hazard: based on a desktop review, Calton Line is flat and straight at the frontage and existing driveway and traffic for one existing residential unit would not create significant additional traffic, therefore, no traffic hazard is anticipated with the proposed consent.
- d. Size and Frontage: the severed lot provides adequate frontage and lot area in accordance with the Municipality of Bayham Zoning By-law, as well as adequate yard setbacks. The retained lands are zoned A1-A and the existing and proposed retained lot area is already below the minimum 40 hectares (98.8 acres) in the A1-A zone. To be discussed further below, retained surplus farm dwelling lands are to be rezoned by the applicant/owner to a Special Agricultural (A2) zone which includes a minimum lot area regulation of 20 hectares (49.4 acres), therefore, subject to rezoning the proposed retained lot area would be in conformity to the Zoning By-law.
- e. Zoning amendment or variance: the owners will be required to rezone the severed lands from an Agricultural (A1-A) zone to a Rural Residential (RR) zone and to rezone the retained lands from an A1-A zone to a Special Agricultural (A2) zone to prohibit new dwellings.
- f. Water and Sewer Services: the owners have provided supporting private water servicing information as part of the complete application. There is an existing well for the barn and for the dwelling. The well for the barn is located on the severed lands and therefore the well for the barn/mobile home will need to be relocated. Hayden Water Wells provided a letter stating that the area typically has adequate well water capacity. Confirmation of adequate water quality has not been provided and will need to be confirmed prior to severance approval. Froese Excavating provided a letter stating that the septic system is in satisfactory condition.

Municipality of BayhamMunicipality of Bayham – May 10, 2023

- g. Drainage Patterns: there are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.
- h. Potential restriction of future development and/or access: there appears to be adequate frontage on this flat and straight section of Tunnel Line for continued farm access.
- i. Natural Heritage Features: the retained lands include significant woodlands which are located to the rear of the subject lands. The nearest extent of the significant woodlands is further than 400 metres, therefore, there is no anticipated impact to natural features.
- j. Quality and Quantity of Ground Water: the proposed consent will not have a negative impact on local groundwater due to the existence of the dwelling and well and the retained lands will be prohibited from adding additional dwellings which might impact water quantity.
- k. Natural Hazard: the proposed consent does not propose any physical changes to the subject lands and the proposed residential lot is at least 140 metres from the identified hazard lands to the west and no physical changes/development is proposed, therefore, no adverse impacts are created.
- l. Local Official Plan: the Bayham OP is reviewed below.
- m. Planning Act Section 51(24) Criteria: in reviewing the criteria it is evident that the considerations of the criteria are addressed within the Elgin OP and Bayham OP review portions of this memorandum and that the proposed consent is in conformity to the Planning Act.

The proposed Consent is in conformity to the Elgin County Official Plan.

5. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. The following policy considerations apply:

In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands.

The existing supplementary farm dwelling was permitted by way of Minor Variance and Agreement with the Municipality since 2017 and the capacity of the permitted mobile home is maximum eight labourers. The mobile home is located on the north side of the barn which is north of the proposed severed dwelling. The barn is located 11.5 metres (37.7 ft) from the proposed property line and 35.5 metres (116 ft) from the dwelling.

Municipality of BayhamMunicipality of Bayham – May 10, 2023

Based on a desktop review of recent aerial photos, there are two rows of trees to the west providing screening for the dwelling to the shed and driveway area of the retained lands and partial screening to the barn, including a mature tree. The workers may utilize an outdoor amenity area to the east of the barn where there is a mature tree and would be somewhat opened to the dwelling lands. There is a minor potential for land use conflict which could be mitigated if private amenity area for the supplementary farm dwelling is primarily to the north of the mobile home, however, any new owner of a residential dwelling in an agricultural area would be purchasing knowing that there may be some impact during the cultivation season; the amount of workers living seasonally in the mobile home is small in nature; and there is existing screening and separation provided by the barn and cedar hedge, therefore, any potential conflict would be minimal and could be improved with appropriate location of outdoor amenity area for the worker housing.

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership.

The lot configuration suggests that there has not been any previous severance from the original farm parcel.

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

The applicant indicates the primary dwelling for the farm operation is located at 55903 Maple Grove Line and that the farm operation owns 4 other farms in the area.

The proposed consent is in conformity to the Official Plan, except for minor potential conflict with the supplementary farm dwelling use.

6. Bayham OP Section 2.1.7.2 to 2.1.7.4 provide considerations for the approval and requirements for consent for surplus farm dwellings, to which the following points address:

Section 2.1.7.2 Severed Lot: the lot is no larger than necessary to accommodate the existing private water and sewer services and has adequate private water quality (confirmation to be provided as a Condition) and quantity, and the septic system is in satisfactory condition according to Froese Excavating; there are no livestock operations identified in the area warranting MDS concerns; and the owner will be required to rezone the severed lands to a Rural Residential (RR) zone.

Municipality of BayhamMunicipality of Bayham – May 10, 2023

Section 2.1.7.3 Severed Lot: there are no proposed existing accessory/farm buildings on the severed lands.

Section 2.1.7.4 Retained Lot: the retained lands have lot area of 38.22 ha and the owner will be required to rezone the retained lands to a Special Agricultural (A2) zone to prohibit new dwellings.

The proposed consent is in conformity to the Municipality of Bayham Official Plan following the clearing of Conditions.

7. The severed parcel must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration can accommodate the setback and lot configuration regulations in the RR zone.

The retained lands must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings as per Official Plan Section 2.1.7.4. The proposed lot area meets the minimum lot area and minimum frontage requirements in the A2 zone. The farm is accessed by way of a separate driveway from the driveway to the proposed residential lot, however, this driveway needs to be upgraded to account for emergency services needs.

8. Based on the above review of consent application E31/23 we have no objection to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:
 - a) That the owner obtains approval of a zoning by-law amendment for the severed parcel from an Agricultural (A1-A) zone to a Rural Residential (RR) Zone.
 - b) That the owner obtains approval of a zoning by-law amendment for the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
 - c) That the owner constructs a driveway surface to the barn and mobile home which is capable of holding up a fire pumper with 2000 gal of water.
 - d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - e) That the owner provides a digital copy of a survey of the subject lands.
 - f) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.
 - g) The Agreement for supplementary farm dwelling between the owners and the Municipality should be revised where necessary to ensure it is up to date.

Municipality of BayhamMunicipality of Bayham – May 10, 2023

Paul Riley

IBI Group
Paul Riley
Consulting Planner to the
Municipality of Bayham



Long Point Region Conservation Authority

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

Elgin County
St. Thomas, ON

May 19, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 31-23 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 facilitate the creation of a lot which contains a dwelling surplus to a farming operation.

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

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

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

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

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

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

Ontario Regulation 178/06

The subject lands are partially regulated by Long Point Region Conservation Authority under Ontario Regulation 178/06. Permission from this office is required prior to any development within the regulated area.

Development is defined as:

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

The proposed retained lot is subject to flood and erosion hazards associated with the existing watercourse. The proposed severed lot is not regulated by LPRCA under Ontario Regulation 178/06.

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Calton Line CR 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 31-23

APPLICANT: Isaac Froese

PROPERTY: LOT NO. South Part of Lot 22 CONCESSION: 5
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.....

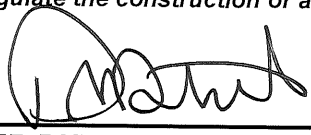
- 10) The County has no concerns.....

- 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



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: June 28, 2023
Application: E 31-23

Owner:
Issac and Maria Froese
55903 Maple Grove Line, Eden, ON N0J 1H0

Agent:
Jesse Froese
55248 Maple Grove Line, Eden, ON
N0J 1H0

Location: South Part of Lot 22, Concession 5. Municipally known as 57268 Calton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 83.73m (275 feet), a depth of 66.77m (220feet) and an area of 0.41ha (1.01 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 38.22ha (94.5 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever a dwelling that is surplus to a farming operation. The applicant has requested consent to sever a parcel of 1 acre from the existing lot which will

contain the existing house, the barn will remain on the retained farmland. The PPS permits severances in prime agricultural areas subject to the policies Section 2.3.4.1:

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

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

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

The proposed severed lot is 1-acre in area and, while it does compose a small amount of cultivated land, this is done to accommodate the existing septic system which is located underneath cultivated land. For this reason, staff are of the opinion that this application is consistent with the PPS.

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. This application is for a surplus farm dwelling severance which is permitted by Section E1.2.3.4 of the CEOP. Staff have reviewed the application against the policies of the surplus farm dwelling policies of the OP as well as the general consent criteria and found no deficiencies. The Municipality of Bayham has proposed a condition which will see the retained lands rezoned to one which does not permit residential development, which will satisfy the requirements of the PPS and OP.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. Bayham staff have recommended a condition to rezone the severed parcel to a Rural Residential zone and the retained lands to a special Agricultural zone to prohibit residential development in accordance with the PPS and OP policies.

RECOMMENDATION:

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

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

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

1. Rezoning of the severed parcel from Agricultural (A1-A) zone to a Rural Residential (RR) Zone.
2. Rezoning of the retained lands from Agricultural (A1-A) zone to a Special Agricultural (A2) zone to prohibit new dwellings.
3. Owner constructs a driveway on the retained land to the barn and mobile home which is capable of supporting a fire pumper loaded with 2,000 gallons of water.
4. The Owner relocated the power line to the retained lands to service the retained barn and mobile home.
5. Planning Report fee payable to the Municipality.
6. Digital copy of the registered plan of survey.
7. Purchase of civic number sign for the retained parcel.
8. The Development Agreement between the owners and the Municipality associated with Minor Variance A-01/17 for the supplementary farm dwelling be revised where necessary to ensure it is up to date.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 32-23**

**LOT 3, PART OF LOT 4, ON REGISTERED PLAN No. 263
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 42489 SOUTHDALE LINE**

TAKE NOTICE that an application has been made by Nicole Ooms (Doug Tarry Ltd.), 358 Elm Street, St. Thomas, ON N5R 1K1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 42489 Southdale Line.

The applicant proposes to sever a parcel with a frontage of 21.946m (72 feet), a depth of 31.806m (104.35 feet) and an area of 676.7m² (0.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,395.9m² (0.35 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:

**JUNE 28, 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 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.

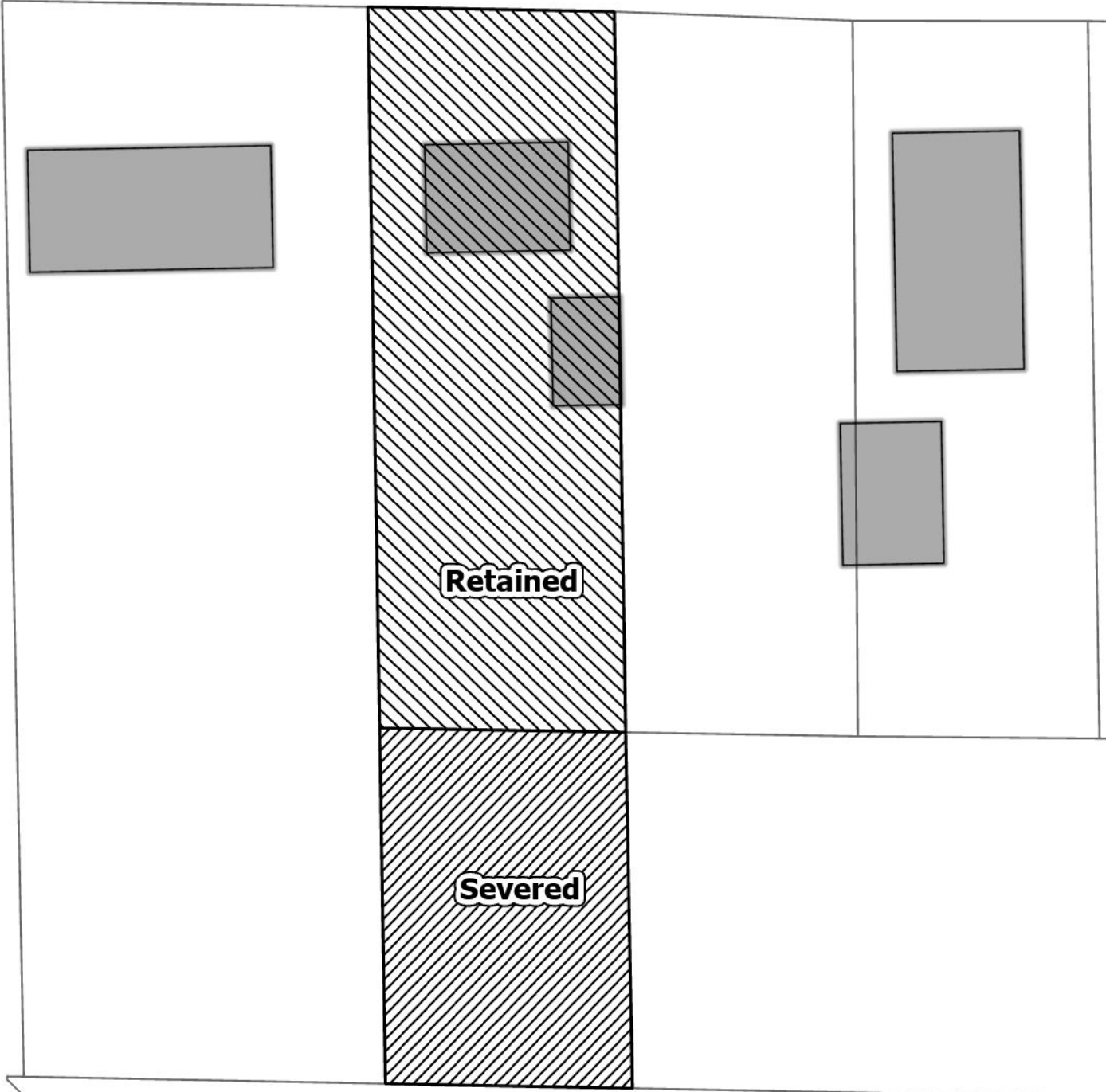
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 13th 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

SOUTHDALE LINE

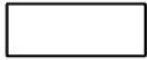

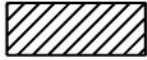

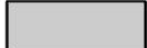


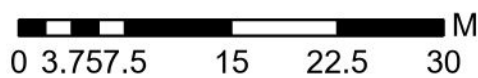
Location Map

Subject Site: 42489 Southdale Line
File Number: E 32-23
Owner: Bradley John Louis Zylstra
Planner: Unknown
CA: Kettle Creek Conservation
Created By: PC
Date: 05/03/2023
Municipality of Central Elgin



Legend

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





SOUTHDALE LINE

Retained

Severed

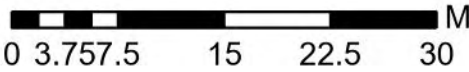
Elgin County, Maxar, Microsoft

Location Map

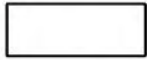

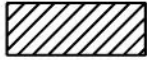

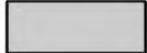


Subject Site: 42489 Southdale Line
 File Number: E 32-23
 Owner: Bradley John Louis Zylstra
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Central Elgin

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



Legend

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



April 25, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

**RE: Consent Application E 32/23
42489 Southdale Line – Applicant: Bradley John Louis Zylstra**

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, April 24, 2023 and the following resolution was passed:

THAT Report CEP.24.23 be received for information;

AND THAT Council has no objections to consent application E32/23, 42489 Southdale Line, Applicant – Bradley John Louis Zylstra, subject to the following recommended conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Confirmation that Parcel A (Retained) has been connected to municipal services, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel B (Severed);
4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M-242;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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,

Susie Cardoso
Legislative Services Coordinator
scardoso@centralelgin.org
519-631-4860 ext. 296

c.c. Nicole Ooms, Doug Tarry Limited, Applicant/Agent
Steve Craig, CEPO, Sr. Planning Technician
Lloyd Perrin, Director of Asset Management & Development Services



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.24.23
CEPO FILE NO. E32/23
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 42489 Southdale Line
Applicant – Bradley John Louis Zylstra
DATE April 24, 2023

RECOMMENDATION

THAT Report CEP.24.23 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E32/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
 2. Confirmation that Parcel A (Retained) has been connected to municipal services, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
 3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel B (Severed);
 4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M-242;
 5. 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;
 6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 7. A copy of the reference plan be provided to the Municipality of Central Elgin.
-

REPORT

Background:

Consent application E32/123 has been filed for the purpose of assembling lands for future residential development purposes, by Doug Tarry Limited, Eagle Ridge Subdivision.

Location:

The subject lands are located on the south side of Southdale Line, west of Sunset Drive. The lands are described as, Plan 263, Part Lot 1, RP 11R2311, Part 1, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a vacant parcel of land with an area of 697.7sqm, proposed to be merged with abutting lands to the south, legally described as Block 75, Plan 11M-242. The applicant is proposing to retain a lot with frontage of 21.94m on Southdale Line and an area of 1,395.9sqm, containing one residential dwelling and one detached garage.

Location Plan:



Staff Report

1. Official Plan

- The subject lands are within the "Residential" designation in accordance with Schedule "E"-Community of Norman Lyndale, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are within the Residential Zone 1 (R1) and Open Space Zone 2 (OS2), as shown on Zoning Map 5, Township of Yarmouth Zoning By-Law 1998, as amended.
- The severed lot (Parcel B) is within the OS2 zone, permitted uses include farm uses, rural-residential uses lawfully used for such purposes on the day of the passing of the bylaw, home occupations and accessory uses (8.3.1.1).
- The retained lot (Parcel A) is within the R1 zone, permitted uses include residential uses, and accessory uses (9.2.1.1), permitted buildings and other structures include one single-detached dwelling and accessory buildings on residential lots (9.2.1.2). Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5m² (9.2.1.3.3), the minimum lot frontage is 15m (9.2.1.4.3) and the minimum lot depth required is 30.48m (9.2.1.5).

3. County of Elgin Official Plan:

- The subject lands are within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted (B1).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).

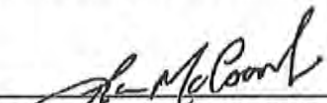
4. Comments

- Parcel A (Retained) will be required to connect to the municipal water and the municipal sanitary collection system on Southdale Line as a condition of the approval of the consent application.
- A Zoning By-law Amendment will be required to permit residential use on Parcel B (Severed).

Respectfully submitted:

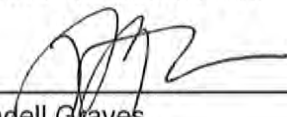


Steve Craig
Sr. Planning Technician




Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Wendell Graves
CAO/Clerk



Lloyd Petri
Director of Asset Management and Development

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: May 25, 2023 8:31 AM
To: Paul Clarke
Subject: RE: E 32-23 Notice of Application

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

Good morning Paul

Please accept this email as confirmation that staff of KCCA has reviewed the Notice of Application for Consent E-32-23 affecting 42489 Southdale Line, Municipality of Central Elgin and that based on our mandate and policies, we have no objection to its approval.

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: Thursday, May 18, 2023 10:30 AM
To: nooms@dougtharryhomes.com
Subject: FW: E 32-23 Notice of Application

Good morning,

Please see the attached amended notice of application which includes the key map.

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



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



www.elgincounty.ca



From: Paul Clarke
Sent: May 17, 2023 9:12 AM
To: 'nooms@dougarryhomes.com' <nooms@dougarryhomes.com>
Subject: E 32-23 Notice of Application

Good morning,

Please see the attached notice of a consent application which will be considered at the June 28 LDC meeting. If you wish to provide comments on this application, please submit them to myself no later than **Tuesday June 20, 2023**.

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



COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Southdale Line CR 57

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 32-23

APPLICANT: Bradley John Louis Zylstra

PROPERTY: LOT NO. Lot 3 Prt Lot 4 CONCESSION: _____
REG'D PLAN: 263 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.....

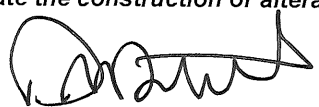
- 10) The County has no concerns.....

- 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: June 28, 2023
Application: E 32-23

Owner:
Bradley John Louis Zylstra
42489 Southdale Line, St. Thomas, ON N5R
1B7

Agent:
Nicole Ooms (Doug Tarry Ltd.)
358 Elm Street, St. Thomas, ON N5R
1K1

Location: Lot 3, Part of Lot 4, on Registered Plan No. 263. Municipally known as 42489 Southdale Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 21.946m (72 feet), a depth of 31.806m (104.35 feet) and an area of 676.7m² (0.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,395.9m² (0.35 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**
Tier 1 Settlement Area

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Residential 1 (R1) and Open
Space 2 (OS2)

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 0.16 acres from the existing residential parcel and it to an adjacent parcel which will be used for future residential development. Currently the subject lands back onto a plan of subdivision which is currently under conduction and being built by Doug Tarry Homes. This application will allow for further development along White Tail Path. The PPS encourages a wide mix of land uses and densities in settlement areas. This application is not anticipated to have a negative effect on existing traffic or infrastructure in the 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 a Tier 1 Settlement Area. This application is for a lot addition which is considered a technical severance and permitted in all land use designations. In respect of land use, this application will permit further residential development in an existing plan of subdivision within a Tier 1 Settlement Area. A variety of land uses, including residential development at various densities is permitted in settlement areas. Furthermore, the CEOP directs that settlement areas be the focus of growth and development within the County.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The severed portion of the subject lands is currently zoned Open Space 2 (OS2), to permit future residential development, Central Elgin Council has requested a condition to rezone the severed lands to permit residential uses.

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. 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 Central Elgin be included as conditions for consent:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;



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

2. Confirmation that Parcel A (Retained) has been connected to municipal services, to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel B (Severed);
4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M-242;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.
8. 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 33-23**

**PART OF LOT 15, CONCESSION 10
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 11693 ELLIOT ROAD**

TAKE NOTICE that an application has been made by Allan Lovell, 8199 Sandytown Rd. Straffordville, ON, N0J 1Y0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11693 Elliot Road.

The applicant proposes to sever a parcel with a frontage of 50m (164 feet), a depth of 114m (374 feet) and an area of 5,607.66m² (1.38 acres) to create a new residential lot. The applicant is retaining a lot with an area of 18,288.308m² (4.5 acres) proposed to remain in residential use.

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

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

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

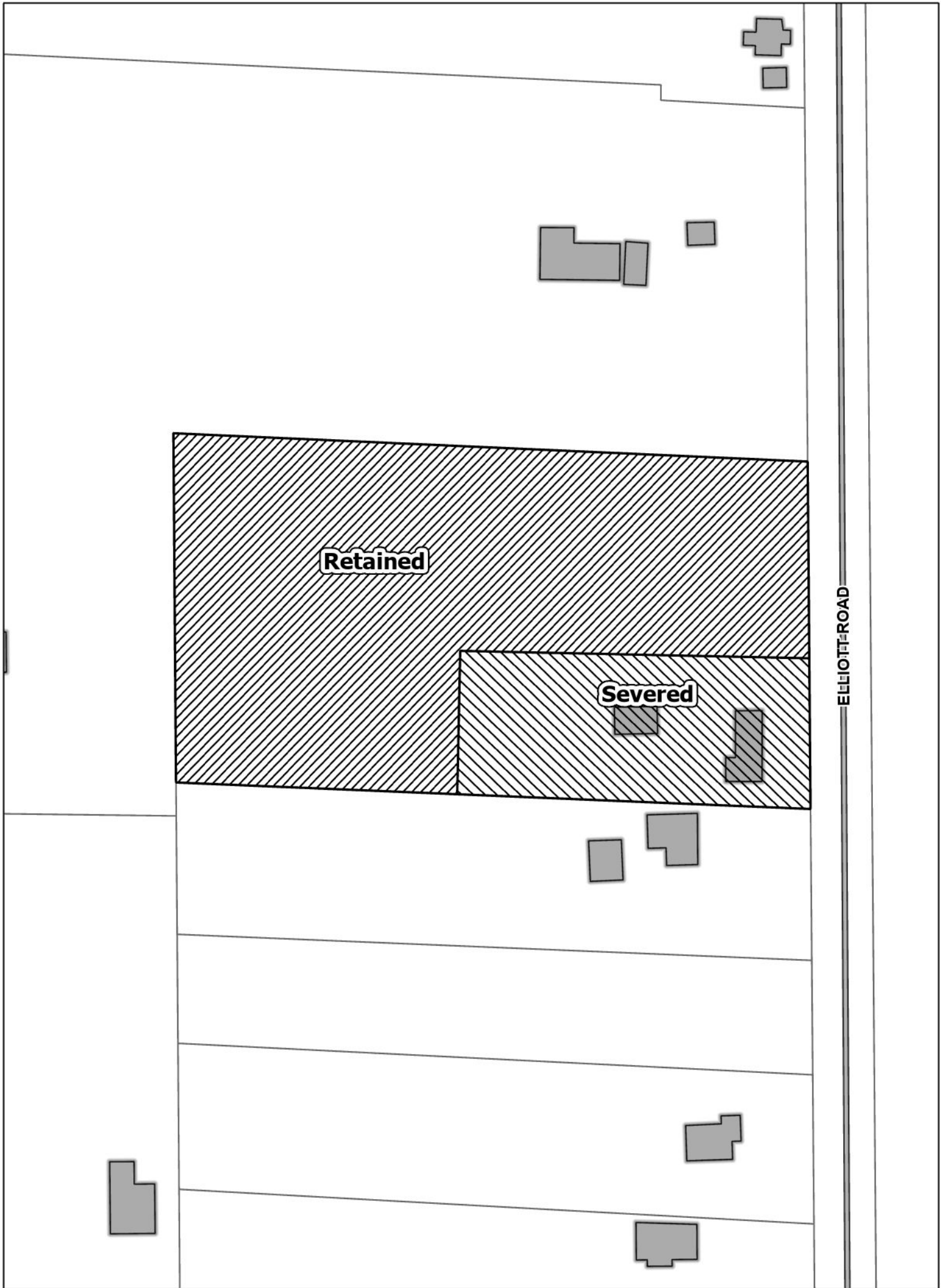
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 17th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

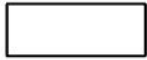

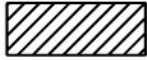




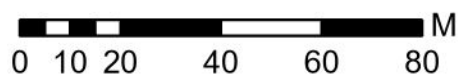
Location Map

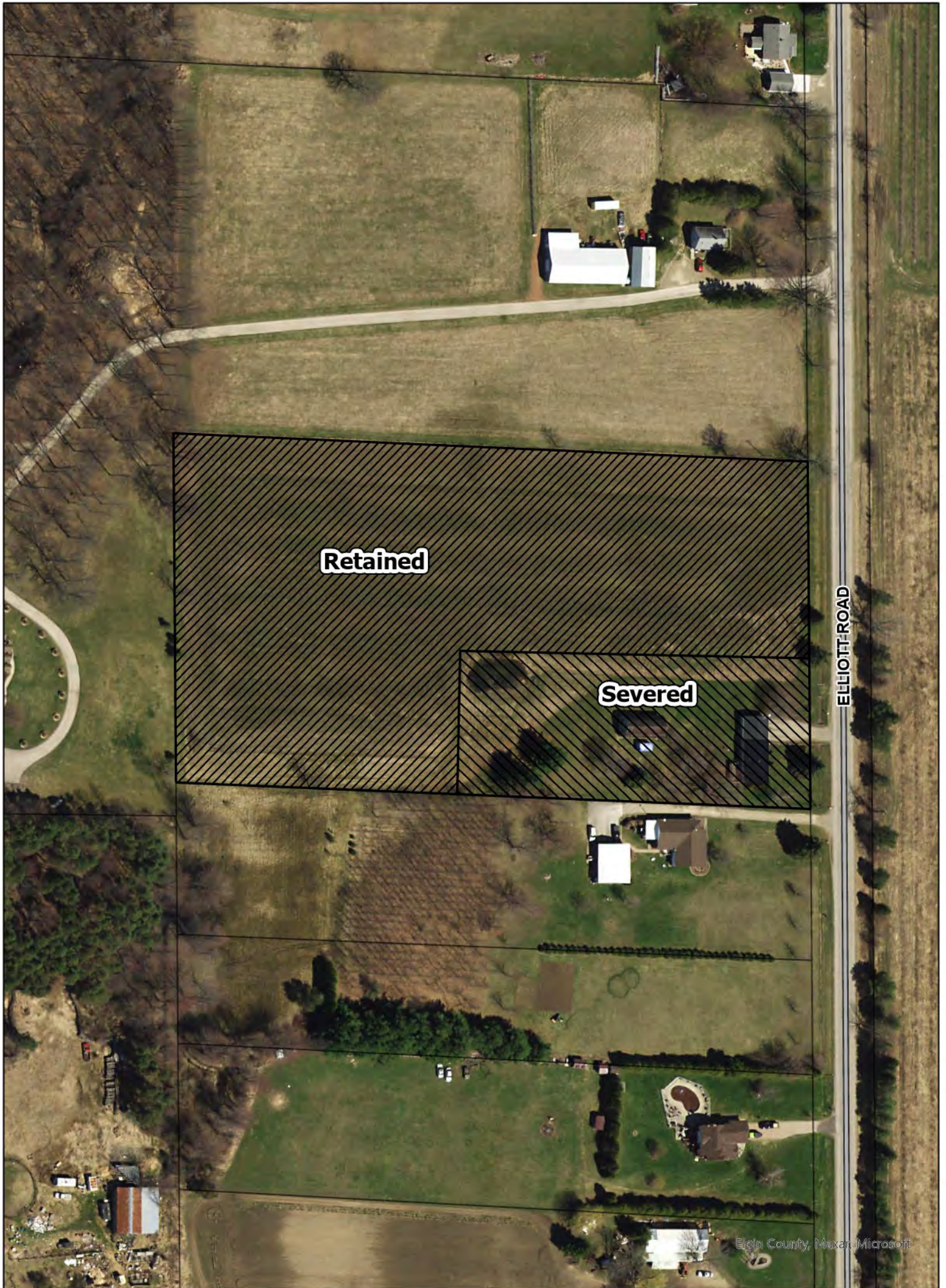
Subject Site: 11693 Elliot Road
 File Number: E 33-23
 Owner: Melvin and Calvin Baldwin
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Bayham



Legend

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





ELLIOTT ROAD

Retained

Severed






Elgin County, Maxar, Microsoft

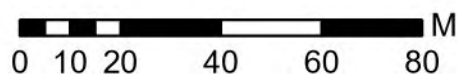
Location Map

Subject Site: 11693 Elliot Road
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 Owner: Melvin and Calvin Baldwin
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 Created By: PC
 Date: 05/03/2023
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



June 2, 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. E33-23 Baldwin, M & C

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the June 1, 2023 meeting:


THAT Report DS-35/23 regarding the Consent Application E33-23 Baldwin be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E33-23 be granted subject to the following conditions and considerations:

1. The owner obtain Zoning By-law Amendment approval to change the zoning of both the severed and retained lands from an Agricultural (A1) zone to a Rural Residential (RR) zone
2. Municipal road access permit from the municipality for the retained lands
3. Installation of an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
4. Municipal Lot Assessment to be conducted through the municipality for a private septic system on the retained lands
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Smith 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.
6. Purchase of civic number sign for the retained parcel
7. Digital copy of the registered plan of survey
8. Cash in Lieu of Parkland Dedication fee for one created parcel payable to the municipality
9. Planning Report fee payable to the Municipality

Municipal Appraisal Sheet and Staff Report DS-35/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,


Margaret Underhill,
Planning Coordinator|Deputy Clerk
D09.FROE
cc: A. Lovell (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 33-23

Applicant Melvin and Calvin Baldwin

Location Bayham – 11693 Elliott Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: SPECIFIC POLICY AREA NO. 1 – ELLIOTT ROAD

Policies: OP Section 3.3.1 Specific Policy Area No. 1 – Elliott Road

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1)

Rezoning required for both the severed and retained lands as per the Official Plan policies rural residential parcels. Rezoning from Agricultural (A1) to Rural Residential (RR) to recognize the residential nature of the use.

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

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

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

See Staff Report DS-35/23 considered at the Council meeting held June 1, 2023

3.2.2.3 Existing residences and/or agricultural operations on “Conservation Lands” may be maintained to permit the existing use.

3.3 SPECIFIC POLICY AREAS

The following areas are shown on the accompanying map schedules to the Official Plan as “Specific Policy Areas” and illustrated with a mapping symbol which corresponds to the applicable specific policy area as outlined in this section below. The policies will outline the exact geographic location and area to which the policies apply.

3.3.1 Specific Policy Area No. 1 – Elliott Road

Notwithstanding the “Agriculture” policies of this Plan to the contrary, the lands comprising approximately 43 hectares in Part Lot 15, Concession 10 of the Municipality of Bayham and bounded by Green Line to the north, Provincial Highway 3 to the south, Elliott Road to the east and a wooded area to the west, and occupied by nineteen (19) existing non-farm residential dwellings may accommodate a total of twenty (20) non-farm dwellings in the area designated as “Specific Policy Area” on Schedule “A1” to this plan.

3.3.2 Specific Policy Area No. 2 – Port Burwell Harbour

In addition to the policies of Section 6.1, the lands within the “Hazard Lands” designation in Port Burwell which are generally situated south of Robinson Street, and east of the Big Otter Creek and extending into Lake Erie, are designated as “Specific Policy Area” on Schedule “D” to this plan and may be used to develop a marina and ancillary facilities. These lands will remain in a holding zone until such time as the conditions regarding development as outlined in Section 6.1 of this Plan can be accommodated to the satisfaction of the Municipality, in consultation with the Province and the Conservation Authority.

3.3.3 Specific Policy Area No. 3 – Chateau Wyndemere

The re-development of the former church retreat lands comprising 22.1 hectares of land located south of Nova Scotia Line in Part Lot 6, 7, 8, Concession 1, will require an Official Plan and Zoning By-law amendment prior to any development. The approval authority will identify the required studies, through pre-consultation, prior to any amendment to this Plan, which shall include, at a minimum, the following.

- a) Studies completed to the satisfaction of the Ministry of Environment Conservation and Parks and the Municipality with respect to the proposed sewage and water services in accordance with Sections 3.1.3.2 and 5.1 of

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

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

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

7.13.1

7.13.1.1 **Defined Area**

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

7.13.1.2 **Permitted Uses**

One seasonal supplementary dwelling;

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

7.13.1.3 **Maximum Lot Area**

8,500 m²

7.13.1.4 **Minimum Lot Frontage**

85.0 metres

7.13.1.5 **Minimum Floor Area**

55.0 m²

7.13.2

7.13.2.1 **Defined Area**

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

7.13.2.2 **Permitted Uses**

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

7.13.2.3 **Permitted Buildings and Structures**

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 **Defined Area**

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: June 1, 2023

REPORT: DS-35/23

FILE NO. C-07 / D09.23BALD

Roll # 3401-000-005-15800

**SUBJECT: Consent Application E33-23 Baldwin, M & C
11693 Elliott Road**

BACKGROUND

A consent application E33-23 was received from the Elgin County Land Division Committee submitted by Appointed Agent Allan Lovell on behalf of owners Melvin and Calvin Baldwin proposing to sever a lot 5,607.66 m² (1.39 acre) and retain 1.82 ha (4.52 acres) of land. The property is known as 11693 Elliott Road.

The subject land is designated "Specific Policy Area No. 1 – Elliott Road" on Schedule 'A1' Municipality of Bayham: Land Use in the Official Plan. The lands are zoned Agricultural (A1) on Schedule "A" Map No. 2 in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on June 28, 2023.

DISCUSSION

The planner's memorandum, dated May 11, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The one proposed lot is in conformity to the Official Plan Section 3.3.1 Specific Policy Area No. 1 – Elliott Road, which indicates that a maximum of 20 non-farm residential dwelling lots are permitted within a defined area including the subject lands. There have been 19 such severances to date – this one being the last permitted severance in the Elliott Road Specific Policy Area. The intended use of the vacant retained parcel is to construct a new dwelling with accessory uses.

The application sketch indicates the severed Parcel A will have 49.19 metres frontage, however, the application has been amended by the applicant through the County Land Division Secretary-

Treasurer to meet the Rural Residential (RR) Zone minimum of 50.0 metres. The lot requires a private well and private septic system. As well, our standard conditions include: civic numbering signage, survey, cash in lieu payment for the creation of a building lot and the planning report fee. The retained parcel fronts on Elliott Road and will be subject to a road access permit from the municipality. The entire subject land is within the Smith Drain watershed requiring a reassessment of the maintenance schedule to add the new parcel.

Staff and municipal planner recommend the support of the consent application for the creation of one non-farm lot in the Elliott Road Specific Policy Area with the recommended conditions.

ATTACHMENTS

1. Consent Application E33-23
2. Aerial Map – 11693 Elliott Road
3. IBI Group Memorandum, dated May 11, 2023

RECOMMENDATION

THAT Report DS-35/23 regarding the Consent Application E33-23 Baldwin be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E33-23 be granted subject to the following conditions and considerations:

1. The owner obtain Zoning By-law Amendment approval to change the zoning of both the severed and retained lands from an Agricultural (A1) zone to a Rural Residential (RR) zone
2. Municipal road access permit from the municipality for the retained lands
3. Installation of an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
4. Municipal Lot Assessment to be conducted through the municipality for a private septic system on the retained lands
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Smith 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.
6. Purchase of civic number sign for the retained parcel
7. Digital copy of the registered plan of survey
8. Cash in Lieu of Parkland Dedication fee for one created parcel payable to the municipality
9. Planning Report fee payable to the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

Memorandum

To/Attention	Municipality of Bayham	Date	May 11, 2023
From	Paul Riley BA, CPT	Project No	3404-898
cc	William Pol, MCIP, RPP		
Subject	Melvin and Calvin Baldwin – 11693 Elliott Road – Application for Consent E33-23		

1. We have completed our review of Consent application E33/23, submitted by Melvin and Calvin Baldwin for lands located at 11693 Elliott Road, west side and east of Talbot Line. The applicant is requesting consent for severance of 5,607.66 m² (1.39 acres) of land and to retain 1.83 ha (4.52 acres) of land. The intent is to create a residential lot on the southeastern portion of the subject lands. The lands are designated "Specific Policy Area No. 1 – Elliott Road" on Schedule 'A1 Municipality of Bayham: Land Use in the Official Plan. The lands are zoned Agricultural (A1) on Schedule "A" Map No. 2 in Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 50.0 metres (164 feet) and lot depth of 114 metres (374 feet). The proposed lands comprise a dwelling and accessory building. The retained lands have lot frontage of 63.7 metres (209.0 feet) and lot depth 210.2 metres (689.6 ft). The lands to be retained are vacant and farmed and the intent is to develop a new dwelling/residential use. The surrounding uses are residential to the north, west and south and agriculture to the east.
3. The application includes a septic assessment prepared by Johnson Excavating showing the septic system location and noting that the tank is in good shape. Also included is a copy of a well water test showing adequate water quality and a letter from David S. Ross Pump Service Ltd. Indicating adequate well services. There does not appear to be a driveway access to Elliott Road for the retained lands, therefore, road permit from the Municipality shall be obtained.
4. The Bayham Official Plan Section 3.3.1 Specific Policy Area No. 1 – Elliott Road indicates that a maximum of 20 non-farm residential dwelling lots are permitted within a defined area including the subject lands. There have been 19 such severances to date. The severance of a non-farm residential lot is in conformity to the Official Plan.
5. The subject lands are located within the Agriculture (A1) zone of Bayham Zoning By-law Z456-2003. The severed and retained parcel will require the owner obtain Zoning By-law Amendment approval to change the zone from A1

Municipality of BayhamMunicipality of Bayham – May 11, 2023

to RR to recognize the residential nature of the use. The proposed severance lands include a single-detached dwelling which meets the minimum standards for the Rural Residential (RR) zone. There is an accessory building (barn) on the severed lands with approximately 86 m² (925 ft²) floor area which is in conformity to the maximum 95 m² floor area for an accessory building in the RR zone. The development of the retained lands will need to be in conformity to the Zoning By-law.

6. Based on the above review of consent application E33-23 we have no objection to the proposed consent to create an additional residential lot in the Elliott Road Specific Policy Area and recommend the following conditions for consent approval:
 - a. That the owner provide a digital copy of a survey of the lands;
 - b. That the owner obtain Zoning By-law Amendment approval by changing the zoning of the severed and retained lands from an Agricultural (A1) zone to a Rural Residential (RR) zone;
 - c. That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot, where applicable;
 - d. That the applicant provide a Planning Report Fee payable to the Municipality of Bayham;
 - e. The That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
 - f. That the owner obtain a municipal road access permit for the retained lands driveway;
 - 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

Paul Clarke

From: planning <planning@lprca.on.ca>
Sent: May 19, 2023 9:17 AM
To: Paul Clarke
Subject: FW: E 33-23 Notice of Application
Attachments: E 33-23 - Notice of Application.pdf

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

Good morning,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 33-23 and offer the following comment: The subject property is outside of the regulated area under Ontario Regulation 178/06 and as such, LPRCA has no comments/concerns.

Thank you and please contact me if there are further questions.



Aisling "Ashleen" Laverty, CPT
Resource Planner | Long Point Region Conservation Authority
4 Elm St., Tillsonburg ON N4G 0C4
519-842-4242 ext. 235 | alaverty@lprca.on.ca

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: May 17, 2023 12:11 PM
To: lovells@amtelecom.net
Subject: E 33-23 Notice of Application

Good afternoon,

Please see the attached notice of a consent application which will be considered at the June 28 LDC meeting. If you wish to provide comments on this application, please submit them to myself no later than **Tuesday June 20, 2023**.

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



COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 33-23

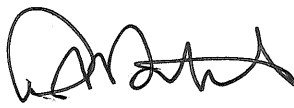
APPLICANT: Melvin and Calvin Baldwin

PROPERTY: LOT NO. Part of Lot 15 CONCESSION: 10
 REG'D PLAN: 22-178905KETCH 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



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: June 28, 2023
Application: E 33-23

Owner:
Melvin & Calvin Baldwin
56411 Green Line, RR 3, Tillsonburg, ON N4G
4G8

Agent:
Allan Lovell
8199 Sandytown Road, Straffordville,
ON N0J 1Y0

Location: Part of Lot 15, Concession 10. Municipally known as 11693 Elliot Road

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 50m (164 feet), a depth of 114m (374 feet) and an area of 5,607.66m² (1.38 acres) to create a new residential lot. The applicant is retaining a lot with an area of 18,288.308m² (4.5 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Specific Policy Area No. 1 –
Elliot Road

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No 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.

While the subject land is designated as Agricultural it is subject to Specific Policy Area No. 1 in the Bayham Official Plan which permits residential uses and lot creation. For the reasons

outlined below with regards to the County Official Plan and the existing special policy area of the Bayham OP, staff recommend the subject land be considered as being within a settlement area for the purposes of applying the PPS. Lot creation for a variety of land uses and densities is permitted in settlement areas.

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 an Agricultural Area. Typically, lot creation for residential purposes is not permitted within the Agricultural Area, however, Bayham's Official Plan has designated the subject land as a Special Policy Area which does allow for residential lot creation. The CEOP provides some flexibility in cases where the local Official Plans and CEOP do not align.

Section F10.2 – Interpretation of Land Use Designation Boundaries

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

A similar severance was approved in 2022 at 22202 Douglas Line (File # 72-22) on the basis that the Port Glasgow area in West Elgin was designated as Agricultural Area in the CEOP but subject to a secondary plan in the West Elgin OP which permitted residential development. Given the similar circumstances in this application and the fact that the surrounding land uses consist of existing rural residential lots, staff are of the opinion that this application conforms to the CEOP.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the 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 subject land is within the Specific Policy Area No. 1 – Elliot Road section, which states:

Notwithstanding the “Agriculture” policies of this Plan to the contrary, the lands comprising approximately 43 hectares in Part Lot 15, Concession 10 of the Municipality of Bayham and bounded by Green Line to the north, Provincial Highway 3 to the south, Elliot Road to the east and a wooded area to the west, and occupied by nineteen (19) existing non-farm residential dwellings may accommodate a total of twenty (20) non-farm dwellings in the area designated as “Specific Policy Area” on Schedule “A1” to this plan.

Bayham staff are also recommending a condition to rezone the severed and retained parcels to a Rural Residential (RR) zone to better reflect the use of the land.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such,

planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. The owner obtain a Zoning By-law Amendment approval to change the zoning of both the severed and retained lands from an Agricultural (A1) zone to a Rural Residential (RR) zone.
2. Municipal road access permit from the municipality for the retained lands.
3. Installation of an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
4. Municipal lot assessment to be conducted through the municipality for a private septic system on the retained lands.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Smith 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.
6. Purchase of a civic number sign for the retained parcel.
7. Digital copy of the registered plan of survey.
8. Cash in lieu of Parkland Dedication fee for one created parcel payable to the municipality.
9. Planning report fee payable to the municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 34-23**

**PART OF LOT 5, CONCESION 3
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 27936 CHALMERS LINE**

TAKE NOTICE that an application has been made by Adam McCallum, 8199 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 27936 Chalmers Line.

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 184m (603 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41.85ha (103 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:

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

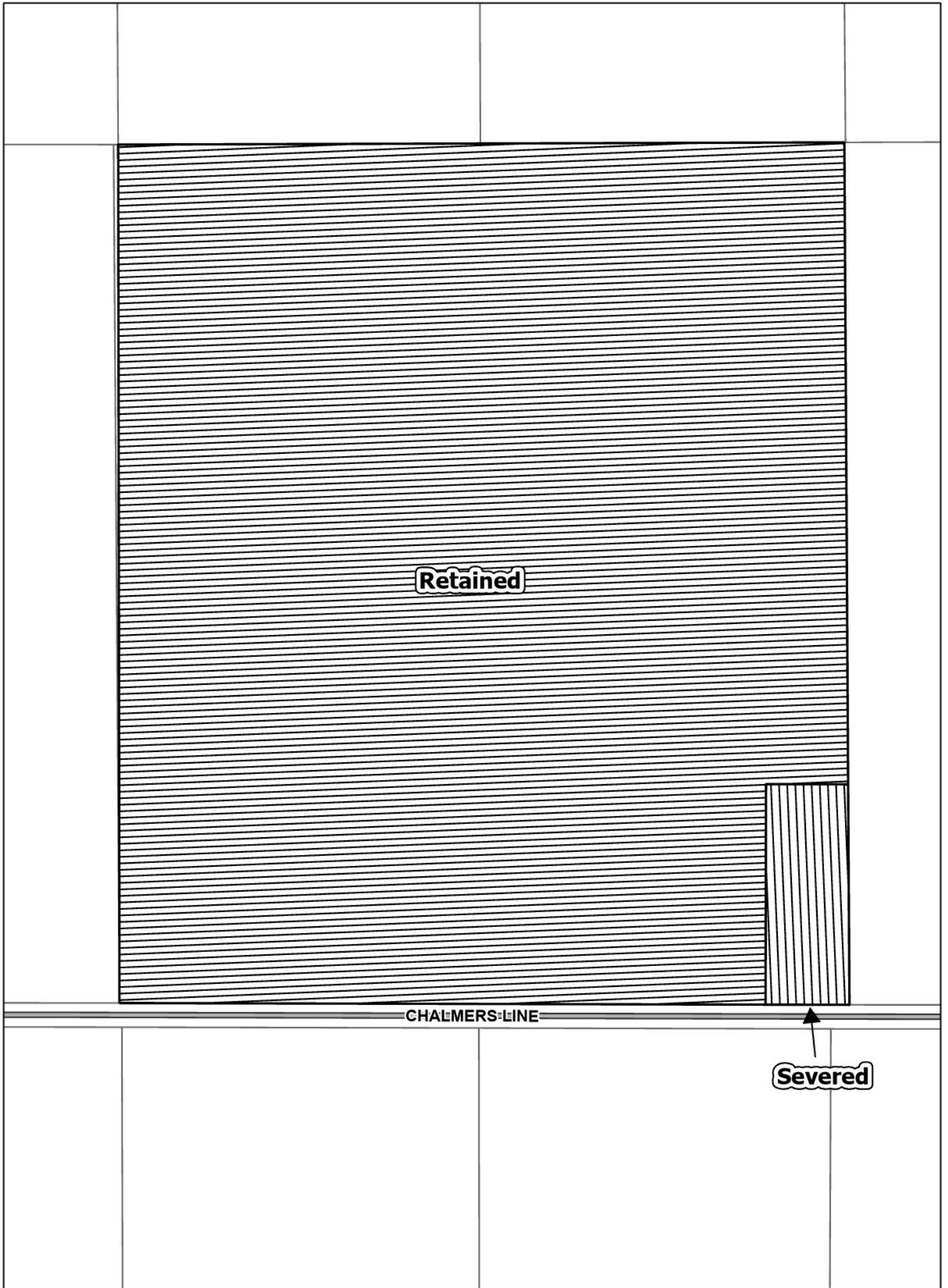
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

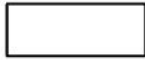

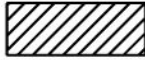




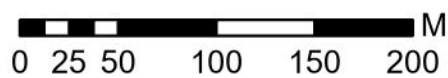
Location Map

Subject Site: 27936 Chalmers Line
 File Number: E 34-23
 Owner: Owen Alister Duncan McCallum and Thea Elizabeth McCallum
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Dutton Dunwich



Legend

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





Retained

CHALMERS-LINE

Severed

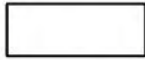

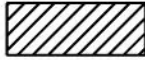

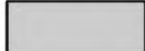
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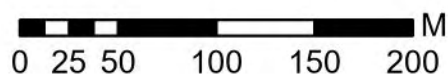
Location Map

Subject Site: 11693 Elliot Road
 File Number: E 33-23
 Owner: Melvin and Calvin Baldwin
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Bayham



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

Submission E 34 23

Applicant Adam McCallum

Location 27936 Chalmers Line

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan
Policies: Section 8.3.4 permits consent to sever a surplus dwelling lot from a farm parcel.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels. The severed parcel will be rezoned to the Exception Special Rural Residential (RS-XX) Zone to permit non-farm residential uses. Relief to increase the maximum lot area is required. The retained parcel will be rezoned to the Special Agricultural (A2) Zone to prohibit new residential uses.

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
- (b) the dedication of highways ()
- (c) the dedication of land for highway widening ()
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

9. Does the Municipality recommend the application? Yes (X) No ()
10. Does the Municipality have other concerns that should be considered by the Committee?

No Concerns. See STAFF MEMO attached (no council report required).

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: June 12, 2023
SUBJECT: Application for Severance (E 34/23), 27936 Chalmers Line, Municipality of Dutton Dunwich – Adam McCallum

FOR INFORMATION:

Background

The subject parcel is legally described as CON 3 PT S1/2 LOT 5, and locally known as 27936 Chalmers Line, Municipality of Dutton Dunwich.

Several drains cross the subject lands.

There are woodlots located on portions of the subject parcel.

Purpose of Application

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 184m (603 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation.

The applicant is retaining a lot with an area of 41.85ha (103 acres) proposed to remain in agricultural use.

Department Comments

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

Departments	Comments received
Drainage	Reapportionment of: 1) Gillis Municipal Drain 2) McCallum-McMillan Drain Mutual agreement drain required

Departments	Comments received
Building	No concerns
Water	No comments
Sewer	No comments
Public Works	No concerns
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 2.3.3.1 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.

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 a portion of the lands 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 according to the application, and the applicant has 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;*
The dwelling has been in existence for more than five years, as indicated 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 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, as a condition of approval.
- 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, as a condition of approval.
- 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, as indicated on the application.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The application indicated that there is an existing base of a farm operation.

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

Comments: The proposed severance application conforms to the OP.

The above-noted criteria can be complied with. No development is proposed in the woodlands area.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 5, Schedule 'A' with a

portion subject to the Lower Thames Valley Conservation Authority (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 Exception Special Rural Residential (RS-XX) Zone to permit non-farm residential uses. Relief to increase the maximum lot area is required.

The retained parcel will be rezoned to the Special Agricultural (A2) Zone to prohibit new residential uses.

A review of the RS and A2 zone requirements is as follows:

Zone Provision		A2 Requirement (Farm)	Proposed (Retained)	RS Requirement (Lot)	Proposed (Severed)	Compliance
Min. Lot Area		20.0 ha	41.82 ha	2,750 m ²	12,899.99 m ²	Complies
Max. Lot Area		N/A	N/A	8,093 m ²	12,899.99 m ²	Relief required.
Min. Lot Frontage		150.0 m	539 m	30.0 m	70.0 m	Complies

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

All other zone regulations can be complied with, with the exception of the maximum lot area of the proposed severed lot.

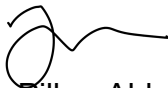
RECOMMENDATION:

Administration supports approval of the application to the LDC for the proposed severance application with the following recommended conditions:

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.

Respectfully Submitted



Tracey Pillon-Abbs, MCIP, RPP
Planner

May 23, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 34-23)**
27936 Chalmers Line (McCallum)
Part Lot 5; Concession 3
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 issue of concern for this area is the Gillis Drain and erosion.

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

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

Yours truly



Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 34-23

APPLICANT: Owen McCallum, Thea McCallum

PROPERTY: LOT NO. Part Lot 5 CONCESSION: 3

REG'D PLAN: _____ MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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.....

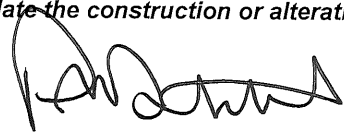
- 10) The County has no concerns.....

- 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
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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: June 28, 2023
Application: E 34-23

Owner:
**Owen Alister Duncan McCallum & Thea
Elizabeth McCallum**
27936 Chalmers Line, Dutton, ON N0L 1J0

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

Location: Part of Lot 5, Concession 3. Municipally known as 27936 Chalmers Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 184m (603 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41.85ha (103 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

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 dwelling that is surplus to a farming operation. The applicant has requested consent to sever a parcel of 1.29ha from the existing lot which will

contain the existing house, and accessory structures, including a shop which is used for a agriculture-related home occupation. The PPS permits severances in prime agricultural areas subject to the policies Section 2.3.4.1:

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

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

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

The proposed severed lot includes of about 0.25 hectares in front of the existing dwelling. The purpose of including this land is for the existing secondary driveway which provides access to the shop located at the rear of the severed portion. As the increased lot size is to accommodate an existing agriculture-related home occupation, staff are of the opinion that the proposed consent is consistent with the PPS.

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. This application is for a surplus farm dwelling severance which is permitted by Section E1.2.3.4 of the CEOP. Staff have reviewed the application against the policies of the surplus farm dwelling policies of the OP as well as the general consent criteria and found no deficiencies. In regards to the continuation of the use of the land for an agriculture-related home occupation, Section A4.3(g) permits agriculture-related uses as a secondary use in the Agricultural Area.

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 lot area of the proposed severed lot does not meet the required minimum of the Zoning By-law and Dutton Dunwich staff have proposed a condition to rezone the severed parcel to address this.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan policies. As

such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 35-23**

**ED W PART LOT Y, CONCESSION 2
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 26321 CRINAN LINE**

TAKE NOTICE that an application has been made by Calvin Schouten, 8547 Lasalle Line, Watford, ON, N0M 2S0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 26321 Crinan Line.

The applicant proposes to sever a parcel with a frontage of 40.46m (132 feet), a depth of 100m (328 feet) and an area of 0.4ha (1 acre) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 40ha (99 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:

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

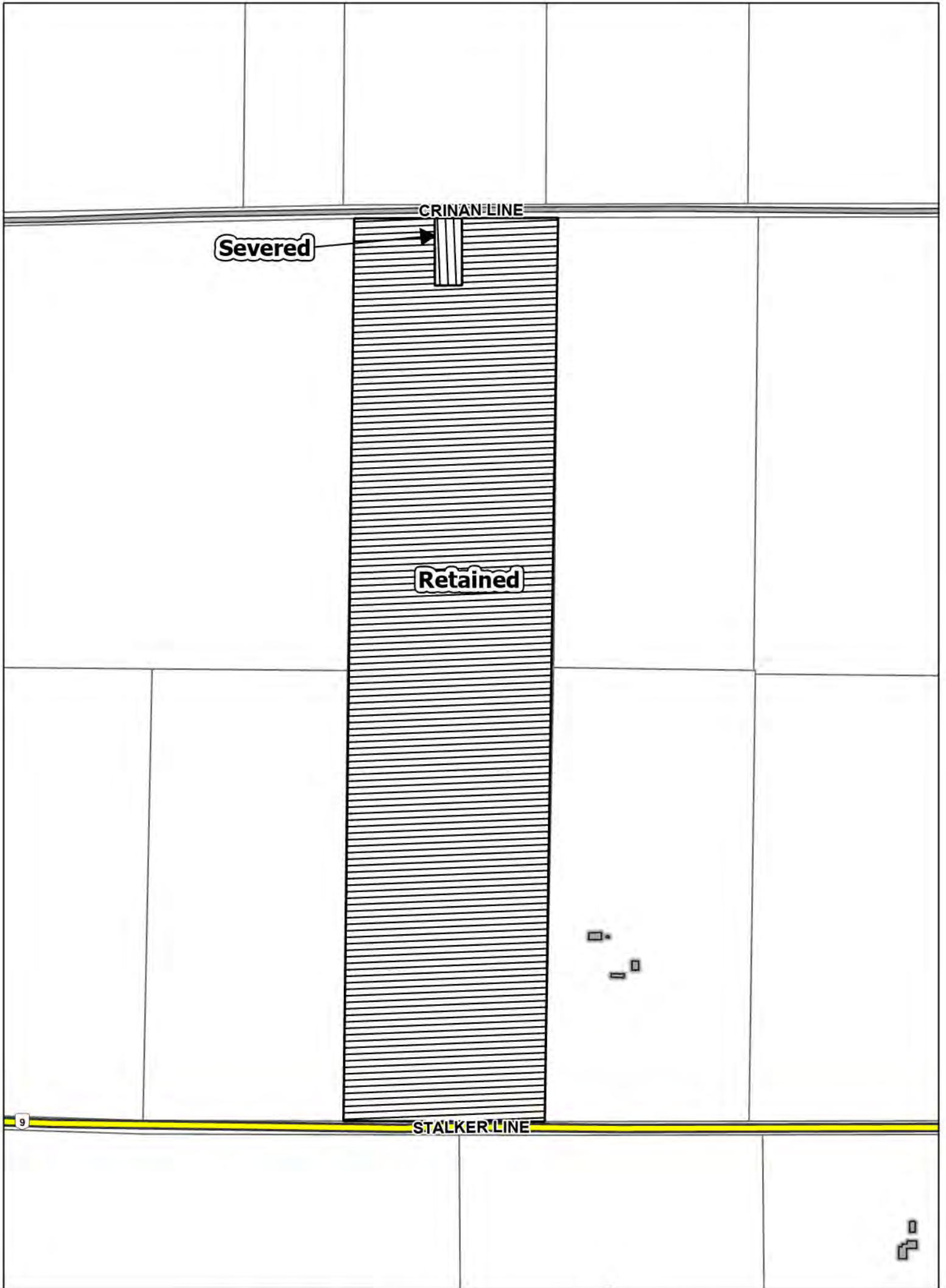
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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





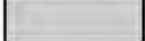


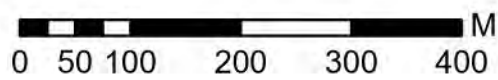
Location Map

Subject Site: 26321 Crinan Line
 File Number: E 35-23
 Owner: C&L Schouten Farms Inc.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of West Elgin



Legend

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







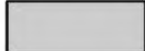


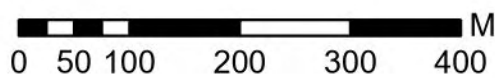
Location Map

Subject Site: 26321 Crinan Line
 File Number: E 35-23
 Owner: C&L Schouten Farms Inc.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of West Elgin



Legend

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



Planning Report 2023-25: Severance Report E35-23 –
Comments to the County of Elgin

Appendix Two: Severance Application E35-23 Conditions

Severance Application E35-23 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 septic system assessment completed for the severed parcel, dated April 19, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-05-29
Subject: Severance Application E35-23 – Comments to Elgin County – Recommendation Report – Planning Report 2023-25

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-35-23 – Comments to Elgin County (Planning Report 2023-25);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for Severance application, E35-23, subject to the Lower-Tier Municipality conditions in Appendix One;

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 E35-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant at 26321 Crinan Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

Background:

Below is background information, in a summary chart:

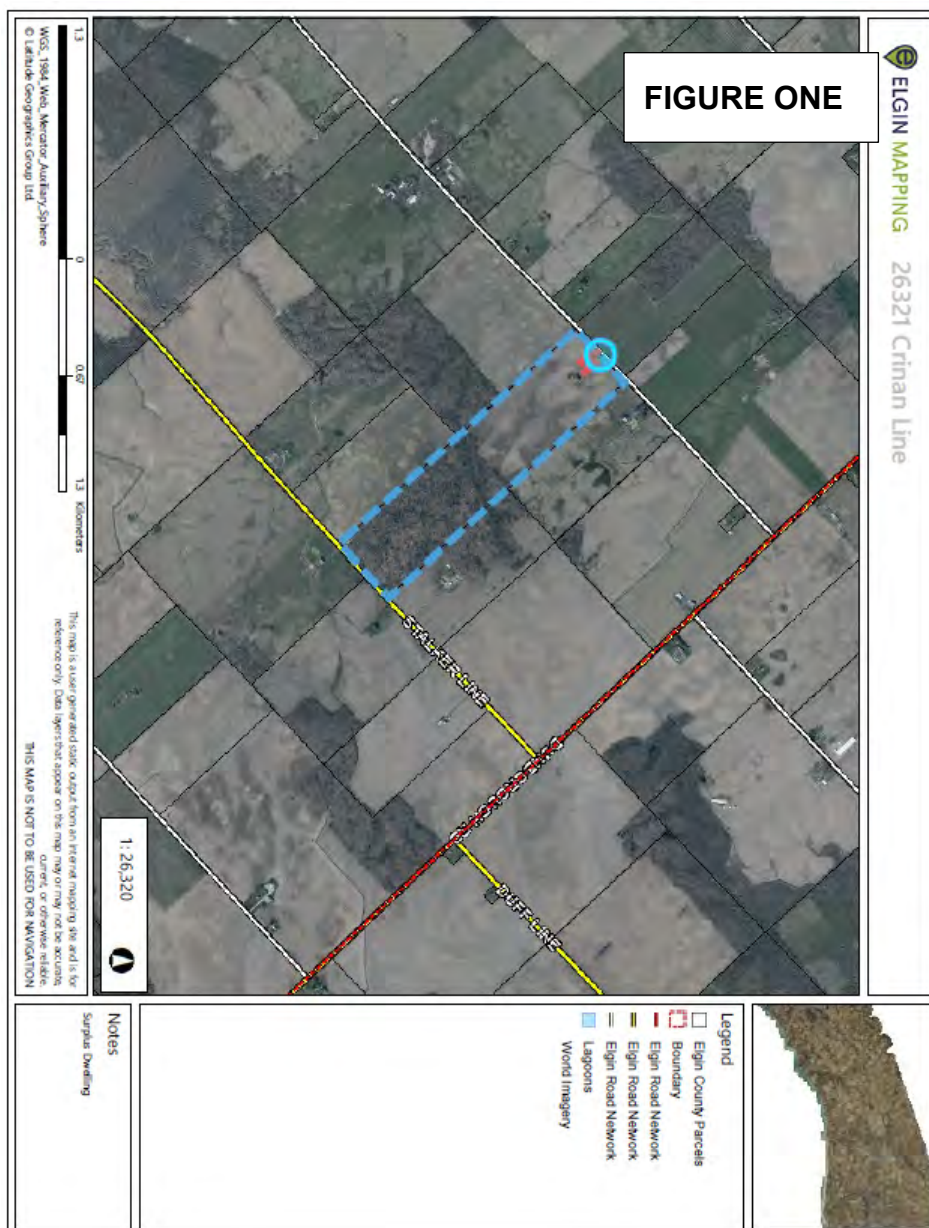
Application	E35-23
Owner	C & L Schouten Farms Inc.
Applicant	Calvin Schouten
Legal Description	Part Lot of Y, Concession 2 ED
Civic Address	26321 Crinan Line
Entrance Access	Crinan Line
Services	Private on-site septic system & municipal water
Existing Land Area	40.46 ha (100 ac.)

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

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E35-23	40.46 m (133.1 ft.)	100 m (328 ft.)	0.4 ha (1 ac)	252.5 m (828.2 ft.)	1,337.8 m (4,388 ft.)	40.06 ha (99 ac.)

The Public Hearing is scheduled for June 28, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Severance Application - 26321 Crinan Line

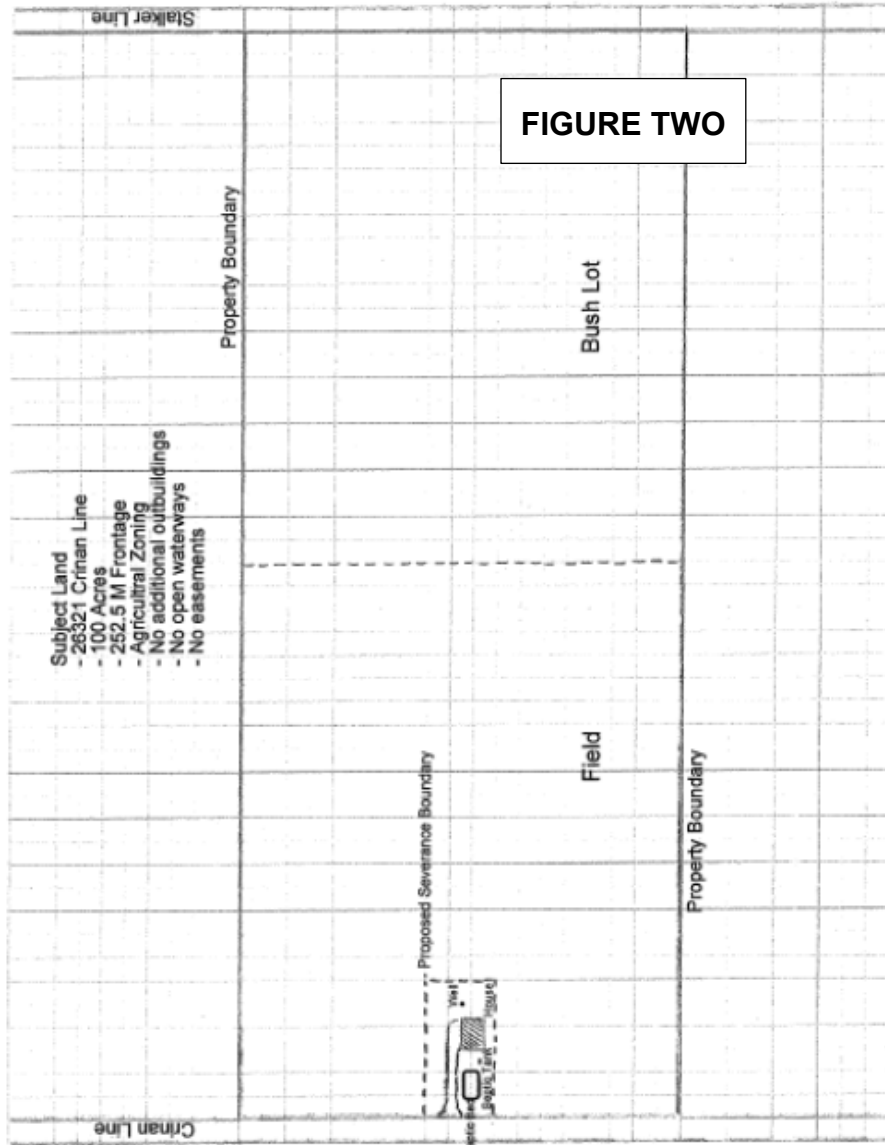


FIGURE TWO

- Subject Land
- 26321 Crinan Line
- 100 Acres
- 252.5 M Frontage
- Agricultural Zoning
- No additional outbuildings
- No open waterways
- No easements

- Proposed Severance
- 1 Acre
- 40.46m Frontage
- 1 House

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 does not include any actively farmed land.

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 280 m of the proposed lot. However, severance of the existing dwelling does not create any additional impact on the livestock operation as the required setback would be calculated from the location of the nearest dwelling regardless of it being on the farm or a severed lot.

The rear half of the property does contain a natural heritage feature. The existing house and outbuildings are located on the front half along Crinan Line and well removed from the wooded area. 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. The rear of the retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas in the CEOP.

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

farming operations. The residence is serviced by a municipal water connection and private individual on-site septic system.

All existing development is outside the natural heritage feature and 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 none of it is included with or near the proposed lot as indicated on Schedule 'B' on Map 2.

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 280 m of the proposed lot however there is not impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel excludes productive farmland using only the area currently occupied by the house and outbuildings; and
- There are older farm buildings however they do not appear to be deteriorated, derelict or abandoned for consideration of removal.

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

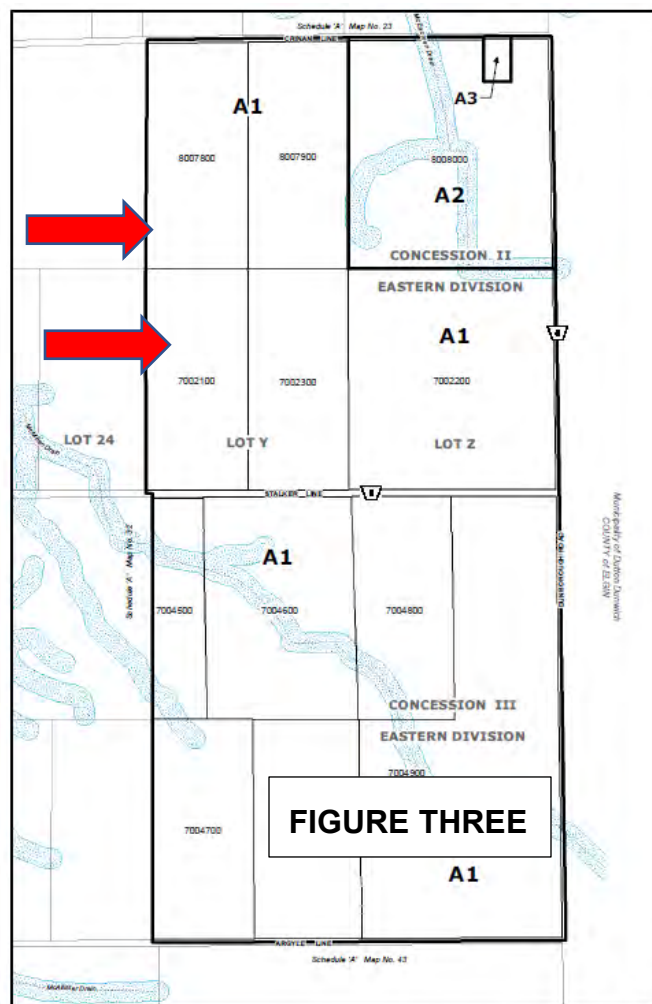
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms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

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 33 of the ZBL, as depicted in Figure Three 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 0.4 ha (1 ac.), with a lot frontage of 40.46 m (132.7 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 continue 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 ELCIN: 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. 33

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 a condition of approval for reassessment.

Public Works:

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

Building Dept:

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

No other comments or concerns were received from Administration.

Summary:

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

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

Respectfully submitted by,



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

Report Approval Details

Document Title:	Severance Application E35-23 - Comments for Elgin County - Recommendation Report - 2023-25-Planning.docx
Attachments:	- Planning Report 2023-25 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 1, 2023

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

Heather Bouw

May 23, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 35-23)**
26321 Crinan Line (Schouten)
ED W Part Lot Y; Concession 2
Municipality of West Elgin

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the area is not subject to the Authority's regulations.

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

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

Yours truly



Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 35-23

APPLICANT: C & L Schouten Farms Inc.

PROPERTY: LOT NO. ED W Part Lot Y CONCESSION: 2
REG'D PLAN: _____ MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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: June 28, 2023
Application: E 35-23

Owner:
C&L Schouten Farms Inc.
8547 Lasalle Line, Watford, ON N0M 2S0

Agent:
Calvin Schouten
8547 Lasalle Line, Watford, ON N0M
2S0

Location: ED W Part Lot Y, Concession 2. Municipally known as 26321 Crinan Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 40.46m (132 feet), a depth of 100m (328 feet) and an area of 0.4ha (1 acre) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 40ha (99 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No 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 has requested consent to sever a parcel of 1 acre from the existing lot which will

contain the existing house, and accessory structures. The PPS permits severances in prime agricultural areas subject to the policies Section 2.3.4.1:

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

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;*

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are within the Agricultural Area classification. The purpose of this application is to request the severance of a surplus farm dwelling, which is allowed under Section E1.2.3.4 of the CEOP. Staff have thoroughly assessed the application against the surplus farm dwelling policies of the Official Plan, as well as the general consent criteria, and no shortcomings have been identified.

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. West Elgin staff have requested a condition to rezone the retained farmland to one which will prohibit future residential development in accordance with the PPS and CEOP policies.

RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the septic system assessment completed for the severed parcel, dated April 19, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 36-23**

**LOT 13, CONCESSION 3
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 12714 CURRIE ROAD**

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 12714 Currie Road.

The applicant proposes to sever a parcel with a frontage of 13m (42.65 feet), a depth of 286.79m (941 feet) and an area of 7,466.795m² (1.84 acres) to sever a dwelling that is surplus to a farming operation, and to create a 6.0m (19.69 feet) wide easement for an existing water line. The applicant is retaining a lot with an area of 426,681.79m² (105 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:

**JUNE 28, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

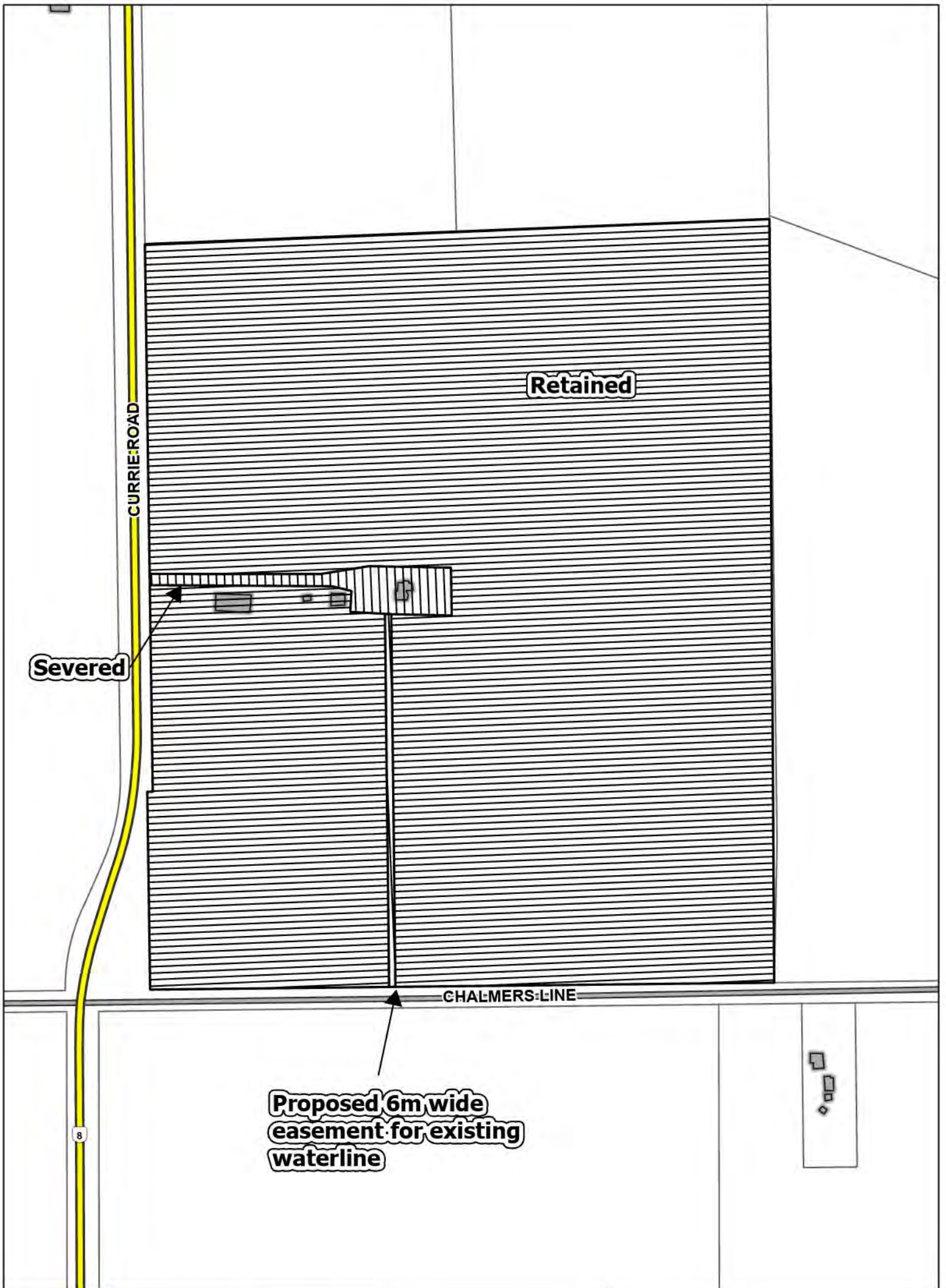
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

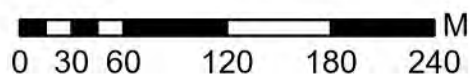
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com







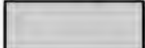
Location Map

Subject Site: 12714 Currie Road
 File Number: E 36-23
 Owner: Grant & Airrianna McMillan
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/03/2023
 Municipality of Dutton Dunwich

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



Legend

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







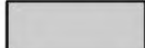
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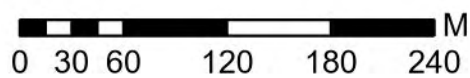
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 Municipality of Dutton Dunwich



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

Submission E 33 23

Applicant Dan McKillop on behalf of Grant and Airrianna McMillan

Location 12714 Currie 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: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan

Policies: Section 8.3.4 permits consent to sever a surplus dwelling lot from a farm parcel.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels. The severed parcel will be rezoned to the Exception Special Rural Residential (RS-XX) Zone to permit non-farm residential uses. Relief to decrease the minimum lot frontage is required. The retained parcel will be rezoned to the Special Agricultural (A2) Zone to prohibit new residential uses.

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
- (b) the dedication of highways ()
- (c) the dedication of land for highway widening ()
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

9. Does the Municipality recommend the application? Yes (X) No ()
10. Does the Municipality have other concerns that should be considered by the Committee?

No Concerns. See STAFF MEMO attached (no council report required).

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: June 12, 2023
SUBJECT: Application for Severance (E 36/23), 12714 Currie Road, Municipality of Dutton Dunwich – Dan McKillop on behalf of Grant and Airrianna McMillan

FOR INFORMATION:

Background

The subject parcel is legally described as CON 3 S1/2 LOT 13, and is locally known as 12714 Currie Road, Municipality of Dutton Dunwich.

Several drains cross the subject lands.

There are no woodlots located on the subject parcel.

Purpose of Application

The applicant proposes to sever a parcel with a frontage of 13m (42.65 feet), a depth of 286.79m (941 feet) and an area of 7,466.795m² (1.84 acres) to sever a dwelling that is surplus to a farming operation and to create a 6.0m (19.69 feet) wide easement for an existing water line.

The applicant is retaining a lot with an area of 426,681.79m² (105 acres) proposed to remain in agricultural use.

Department Comments

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

Departments	Comments received
Drainage	Reapportionment of the: 1)Currie Drain Extension 2) Currie Drain

Departments	Comments received
	3) Peter Duncanson Drain 4) Victor McMillan Drain Mutual Agreement Drain will be required.
Building	I will need to complete an inspection prior to approval.
Water	No issue from water dept as long as there is an easement for the water service as shown on the application. There is no municipal water on Currie Rd, which fronts this property, so the water service to this dwelling is serviced off of Chalmers and must stay this way.
Sewer	No comments
Public Works	No concerns
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 2.3.3.1 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.

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 a portion of the lands are adjacent 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 according to the application, and the applicant has 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;*

The dwelling has been in existence for more than five years, as indicated by the applicant.

- 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 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, as a condition of approval.
- 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, as a condition of approval.
- 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, as indicated on the application.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The application indicated that there is an existing base of a farm operation.

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

Comments: The proposed severance application conforms to the OP.

The above-noted criteria can be complied with. No new development is proposed in the woodland and hazard areas.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6, Schedule 'A' with a portion subject to the Lower Thames Valley Conservation Authority (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 Exception Special Rural Residential (RS-XX) Zone to permit non-farm residential uses. Relief to decrease the minimum lot frontage is required.

The retained parcel will be rezoned to the Special Agricultural (A2) Zone to prohibit new residential uses.

A review of the RS and A2 zone requirements is as follows:

Zone Provision	A2 Requirement (Farm)	Proposed (Retained)	RS Requirement (Lot)	Proposed (Severed)	Compliance
Min. Lot Area	20.0 ha	42.49 ha	2,750 m ²	7,466.795 m ²	Complies
Max. Lot Area	N/A	N/A	8,093 m ²	7,466.795 m ²	Complies
Min. Lot Frontage	150.0 m	403.16 m	30.0 m	13 m	Relief is required to decrease the minimum lot frontage of the proposed severed lot.

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

All other zone regulations can be complied with, with the exception of the maximum lot area of the proposed severed lot.

RECOMMENDATION:

Administration supports approval of the application to the LDC for the proposed severance application with the following recommended conditions:

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.

Respectfully Submitted



Tracey Pillon-Abbs, MCIP, RPP
Planner

May 23, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 36-23)**
12714 Currie Road (McKillop)
Lot 13; Concession 3
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 are the Currie Extension / Currie Drain, the Peter Duncanson 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

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Currie Road CR 8

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 36-23
APPLICANT: Grant and Airrianna McMillan
PROPERTY: LOT NO. 13 CONCESSION: 3
REG'D PLAN: MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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.....

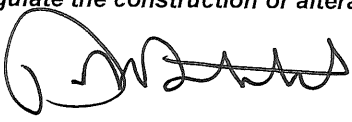
- 10) The County has no concerns.....

- 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: June 28, 2023
Application: E 36-23

Owner:
Grant & Airrianna McMillan
30251 Duff Line, Dutton, ON N0L 1J0

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

Location: Lot 13, Concession 5. Municipally known as 12714 Currie Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 13m (42.65 feet), a depth of 286.79m (941 feet) and an area of 7,466.795m² (1.84 acres) to sever a dwelling that is surplus to a farming operation, and to create a 6.0m (19.69 feet) wide easement for an existing water line. The applicant is retaining a lot with an area of 426,681.79m² (105 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agriculture

**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 concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever a dwelling that is surplus to a farming operation and create an easement for an existing municipal water line. The applicant is requesting a consent to

sever a parcel of approximately 7,500m² which will contain the existing residence and garage. The PPS permits new lot creation in the agricultural area for surplus dwellings as per the following:

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

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

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

The proposed easement that will be created as part of this application will be for a water line which currently crosses the agricultural parcel to provide water to the existing residence. Given the location of the waterline, it is not practical to include the waterline with the severed parcel.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are within the Agricultural Area. The purpose of this application is to sever an existing dwelling from a agricultural parcel, which is allowed under Section E1.2.3.4 of the CEOP. The application will also create an easement for an existing waterline, which is permitted by Section E1.2.3.3.

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.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

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

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels.
2. That a septic system review for the severed parcel has been completed.
3. That municipal drain re-apportionments have been completed.
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to the provide a legal drainage outlet for the newly created residential lot.
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the municipality.
6. That taxes are to be paid in full.
7. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality.
8. That a 911 sign be established for the severed and retained parcels.
9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official.
10. That the applicant confirms with the Municipality that they are a bona fide farmer.
11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 37-23**

**LOT 23, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 26338 QUEENS LINE**

TAKE NOTICE that an application has been made by Eric Jensen and Lisa Veldman, 25464 Queens Line, West Lorne, ON, N0L 2P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 26338 Queens Line

The applicant proposes to sever a parcel with a frontage of 38m (125 feet), a depth of 69m (226 feet) and an area of 0.2622ha (0.65 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 9.25ha (22.8 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:

**JUNE 28, 2023 AT 10:25 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

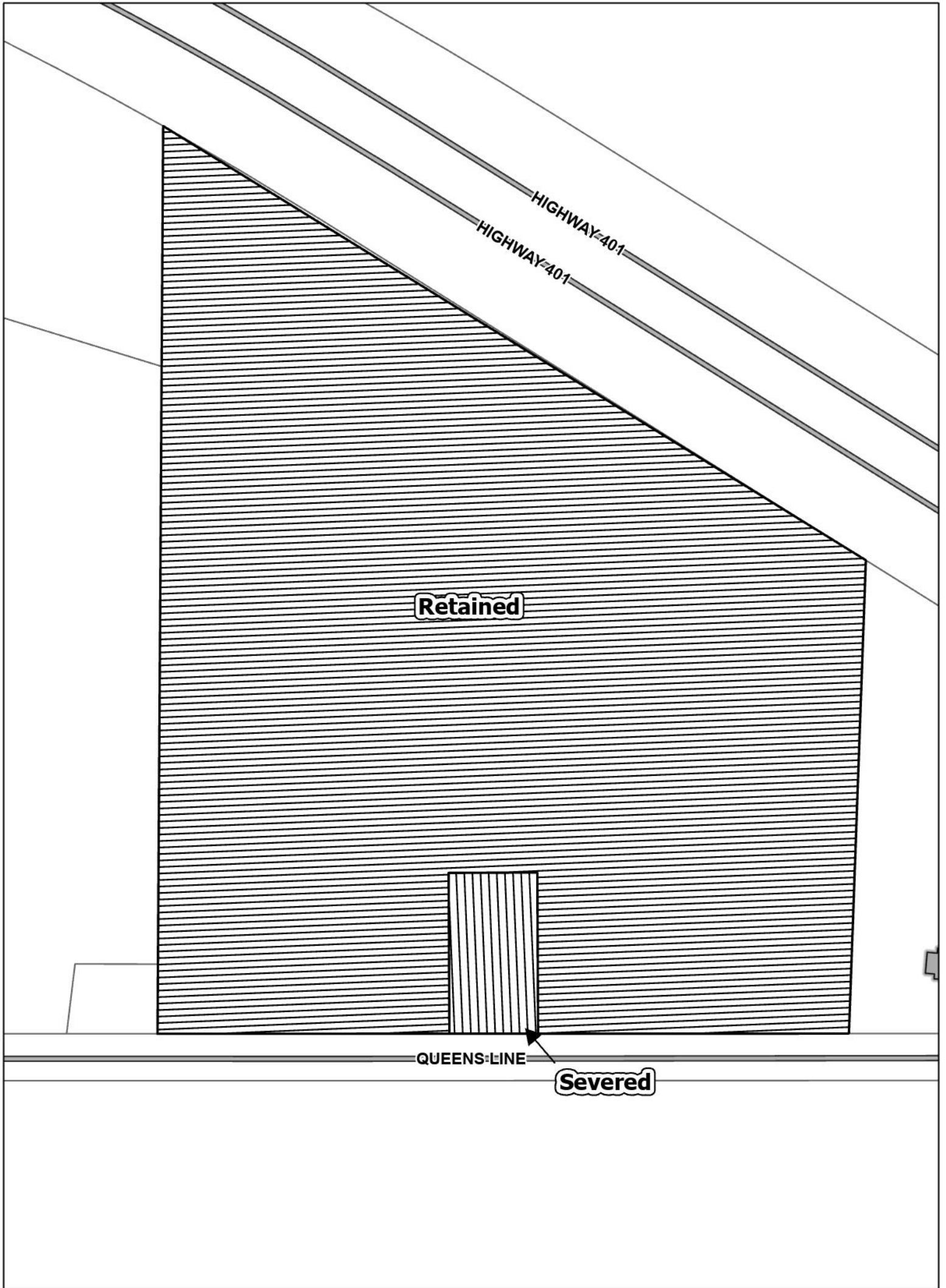
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

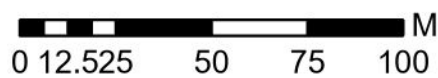
Paul Clarke
Secretary-Treasurer
Land Division Committee

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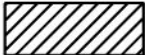




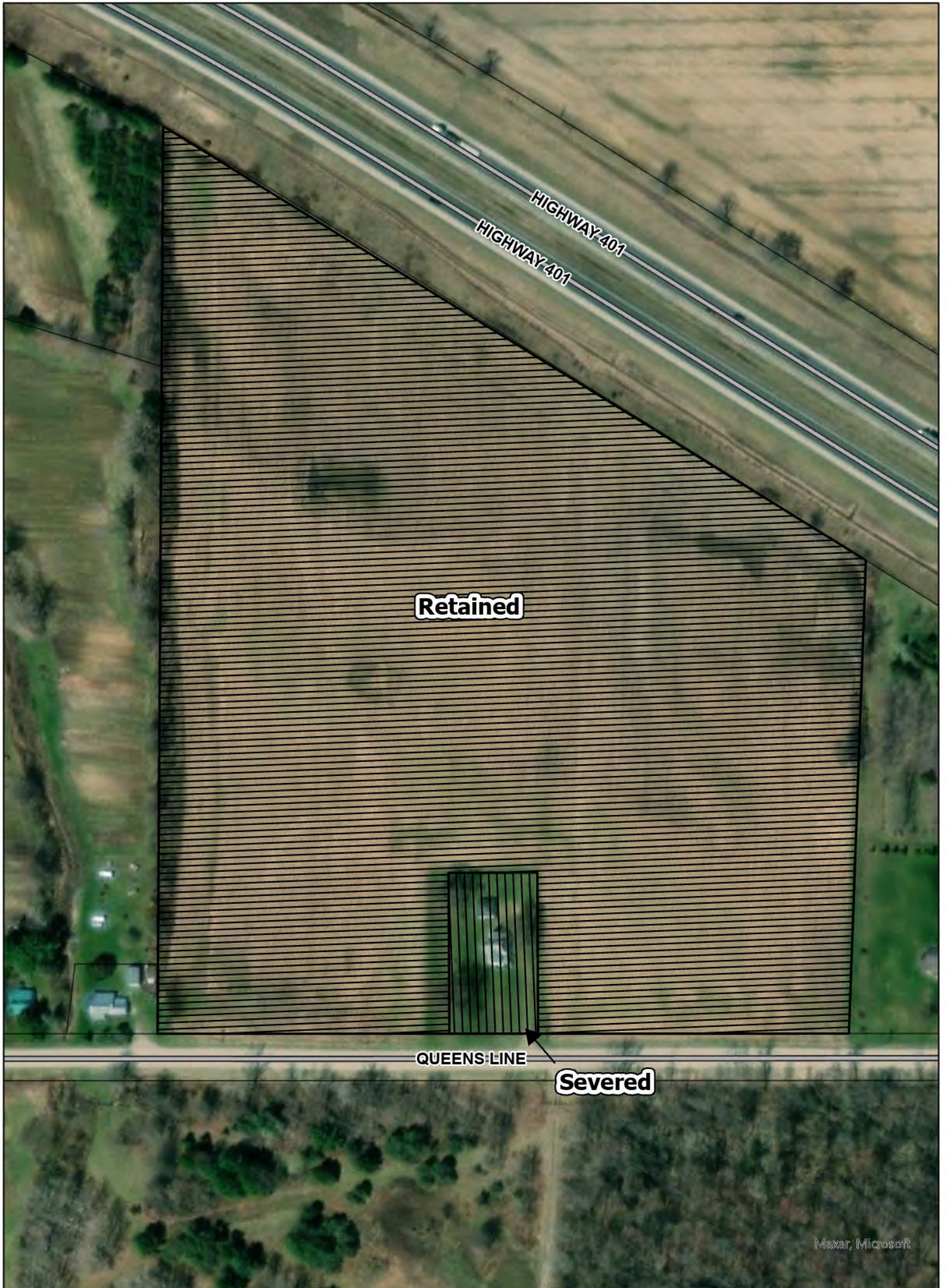
Location Map

Subject Site: 26338 Queens Line
 File Number: E 37-23
 Owner: Jen-Veld Farms Inc.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/04/2023
 Municipality of West Elgin



Legend

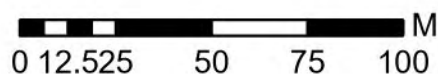
-  Subject Site
-  Severed
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-  Elgin Road Network
-  Buildings



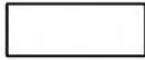

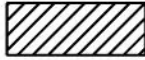

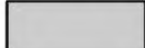
Location Map

Subject Site: 26338 Queens Line
 File Number: E 37-23
 Owner: Jen-Veld Farms Inc.
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/04/2023
 Municipality of West Elgin

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



Legend

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

Planning Report 2023-26: Severance Report E37-23 –
Comments to the County of Elgin

Appendix Two: Severance Application E37-23 Conditions

Severance Application E37-23 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 septic system assessment completed for the severed parcel, dated November 26, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-05-29
Subject: Severance Application E37-23 – Comment to Elgin County – Recommendation Report – Planning Report 2023-26

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 2023-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for Severance application, File E-37-23, subject to the Lower-Tier Municipality conditions in Appendix One 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 E37-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant at 26338 Queens Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

Background:

Below is background information, in a summary chart:

Application	E37-23
Owner	Jen-Veld Farms Inc.
Applicant	Eric Jensen & Lisa Veldman
Legal Description	Part Lot of 23, Concession 7 ED
Civic Address	26338 Queens Line
Entrance Access	Queens Line
Services	Private on-site septic system & water well
Existing Land Area	9.5 ha (23.5 ac.)

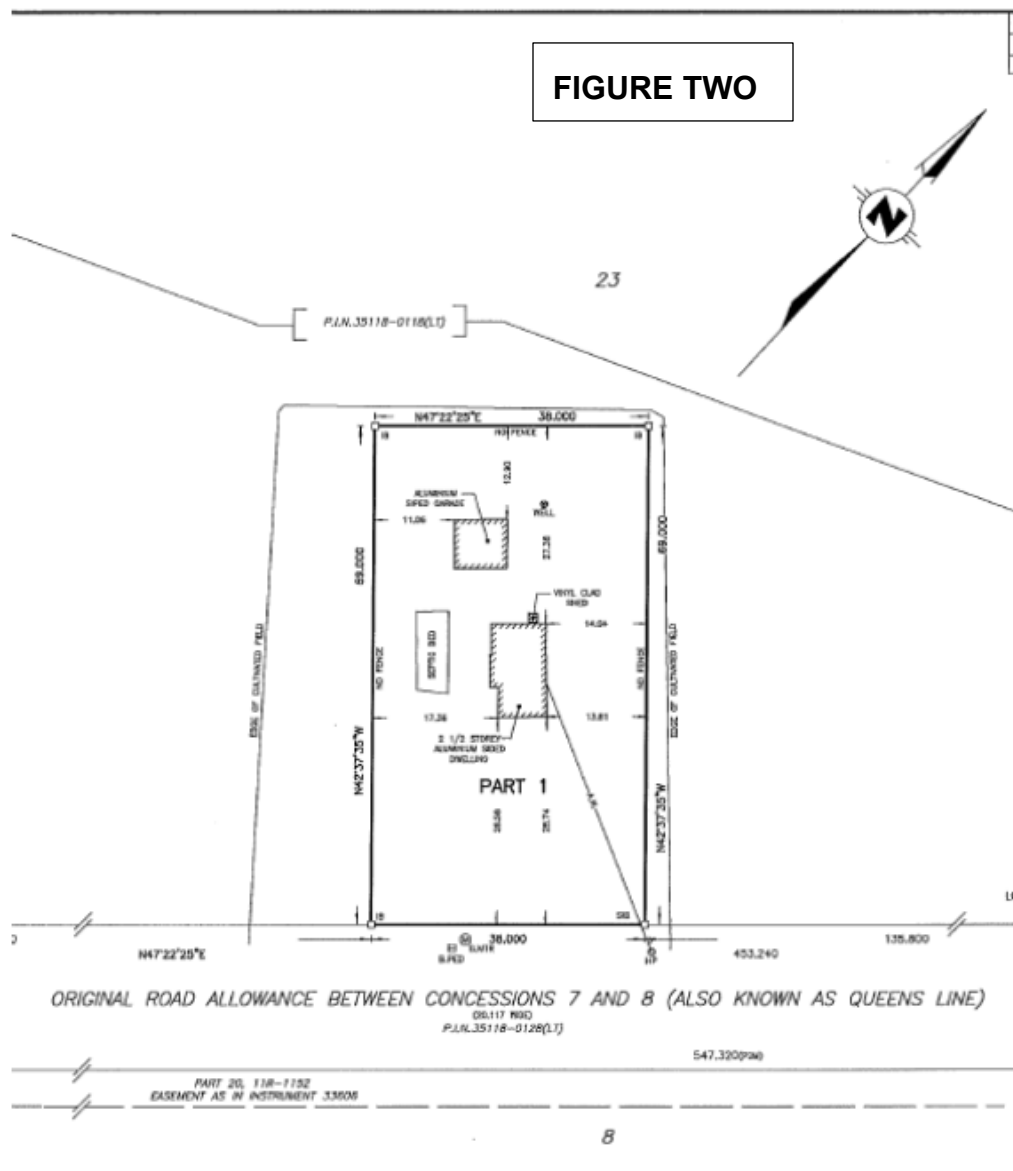
Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E37-23	38 m (124.6 ft.)	89 m (291.9 ft.)	0.262 ha (0.65 ac)	258 m (846 ft.)	irregular	9.25 ha (22.85 ac.)

The Public Hearing is scheduled for June 28, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.





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 does not include any actively farmed land.

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 230 m of the proposed lot. However, severance of the existing dwelling does not create any additional impact on the livestock operation as the required setback would be calculated from the location of the nearest dwelling regardless of it being on the farm or a severed lot.

The property is located north of a natural heritage feature which is located on the south side of Queens Line. The dwelling and outbuilding are existing and have been located here for many years. The creation of the lot does not create any additional impacts on the natural heritage feature. 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. As indicated the subject parcel is across the road from a Provincially Significant Wetland 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 owners' farming operations. The residence is serviced by a municipal water and private individual on-site septic system.

All existing development is outside the natural heritage feature on the south side of Queens Line. and 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.

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 230 m of the proposed lot however there is not impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel excludes productive farmland using only the area currently occupied by the house and outbuildings; and
- There are no older farm buildings which are deteriorated, derelict or abandoned for consideration of removal.

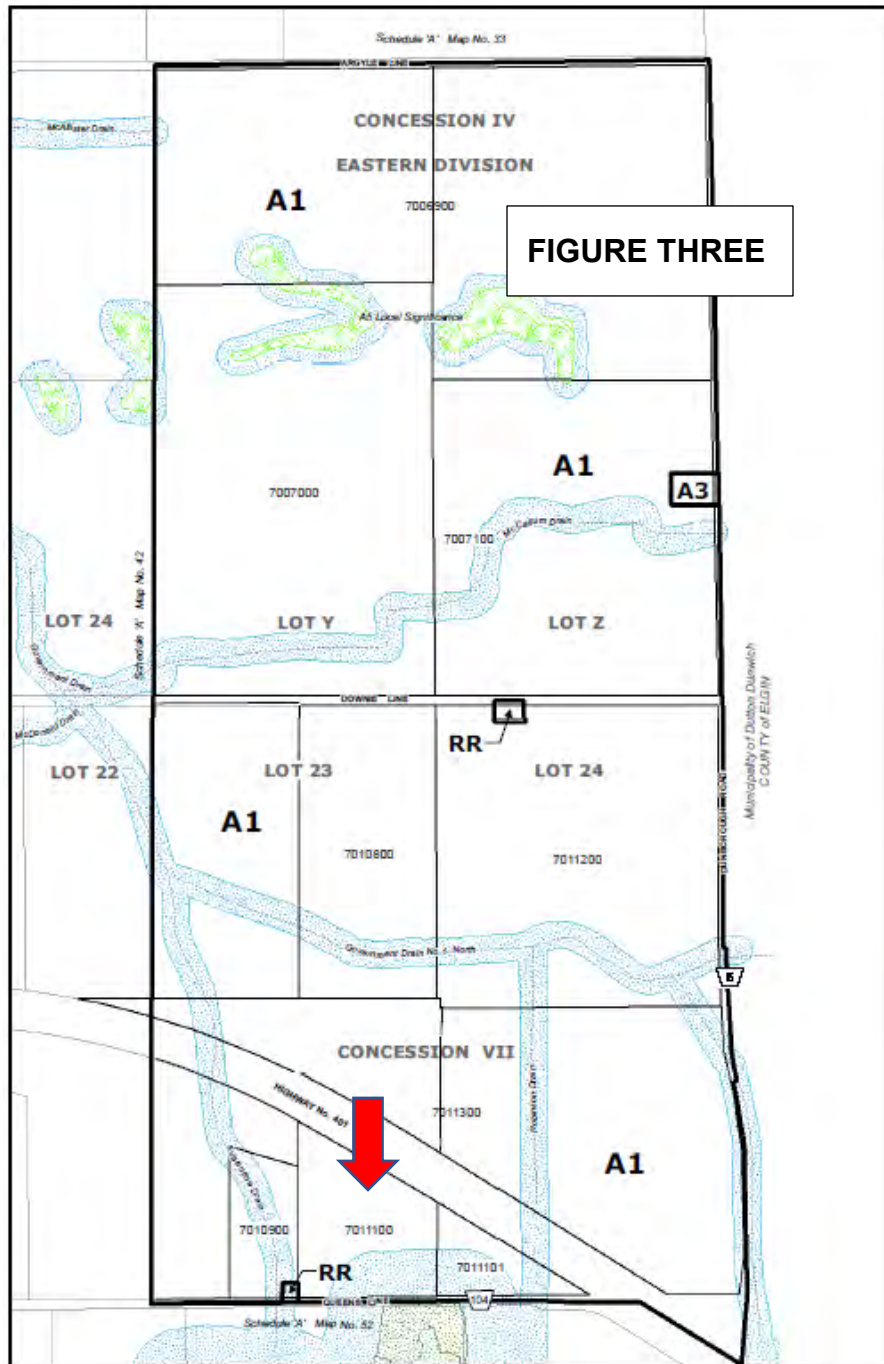
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms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

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 43 of the ZBL, as depicted in Figure Three 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 0.262 ha (0.65 ac.), with a lot frontage of 38 m (124.6 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Rural Residential (RR) Zone, as a condition of approval. The Rural Residential Zone (RR) Zone has a minimum lot area of 2,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel will be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

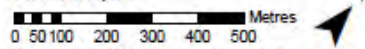
Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000



Municipality of West Elgin Zoning By-Law

Map No. 43

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 was also inspected and the report will be 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 One)

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

Respectfully submitted by,



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

Report Approval Details

Document Title:	Severance Application E37-23 - Comments to Elgin County - Recommendation Report - 2023-26-Planning.docx
Attachments:	- Planning Report 2023-26 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 1, 2023

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

Heather Bouw

May 23, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 37-23)**
26338 Queens Line (Jensen and Veldman)
Lot 23; Concession 7
Municipality of West Elgin

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Interference with Wetlands portion of the regulations. The issue of concern for this area is the 120 m Adjacent Lands to the Heron Woods Provincially Significant Wetland.

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

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner

Paul Clarke

From: [REDACTED]
Sent: June 9, 2023 8:35 AM
To: Paul Clarke
Cc: Robertson, Andrew T. (MTO)
Subject: RE: E 37-23 Notice of Application
Attachments: E 37-23 - Notice of Application.pdf

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

Good morning Paul,

Thank you for circulating the Ministry of Transportation (MTO) with the attached consent application. MTO has no concerns with the proposed to sever a dwelling that is surplus to the farm operation located at 26338 Queens Line.

Please let me know if you have any questions/concerns.

Regards,

Ryan Mentley

*Corridor Management Planner
Highway Corridor Management Section
Ministry of Transportation
659 Exeter Road, London ON, N6E 1L3*

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: May 24, 2023 2:14 PM
To: [REDACTED]
Subject: E 37-23 Notice of Application

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

Good afternoon,

Please see the attached notice of application for E 37-23. If you wish to provide comments on this application please do so no later than **Tuesday June 20, 2023**.

Thanks,

Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division
Committee

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 37-23

APPLICANT: Eric Jensen & Lisa Veldman

PROPERTY: LOT NO. 23 CONCESSION: 7

REG'D PLAN: _____ MUNICIPALITY: West Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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: June 28, 2023
Application: E 37-23

Owner: Jen-Veld Farms Inc.
25464 Queens Line, West Lorne, ON N0L 2P0

Agent: Eric Jensen & Lisa Veldman
25464 Queens Line, West Lorne, ON
N0L 2P0

Location: Lot 23, Concession 7. Municipally known as 26338 Queens Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 38m (125 feet), a depth of 69m (226 feet) and an area of 0.2622ha (0.65 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 9.25ha (22.8 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

Ministry of Transportation (MTO) – 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 proposed parcel containing the surplus dwelling will be 0.65 acres in area and contain the existing dwelling and accessory garage located to the rear of the house. The retained land will be 22 acres in area, a smaller agricultural parcel than is typical due to the Highway 401 corridor at the rear of the lot. The PPS permits lot creation in agricultural areas for surplus dwellings in accordance with the following section:

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

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;*

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are within the Agricultural Area. The purpose of this application is to sever an existing dwelling from a agricultural parcel, which is allowed under Section E1.2.3.4 of the CEOP. Staff have reviewed this application against the general consent criteria of the CEOP and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. Staff have requested a condition to rezone the retained farmland to a zone which prohibits residential development in accordance with PPS and CEOP policies.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the septic system assessment completed for the severed parcel, dated November 26, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 38-23**

**PART OF LOT C, CONCESSION 8 AND LOTS 4 AND 5 ON REGISTERED PLAN No.
3
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 33159 BACK STREET**

TAKE NOTICE that an application has been made by Mark Ross and Melanie Smith, 33147 Back Street, Iona, ON, N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 33159 Back Street.

The applicant proposes to sever a parcel with a frontage of 2.13m (7 feet), a depth of 50.47m (165.5 feet) and an area of 107.7m² (1,159.3 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,434.1m² (0.6 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:

**JUNE 28, 2023 AT 10:35 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

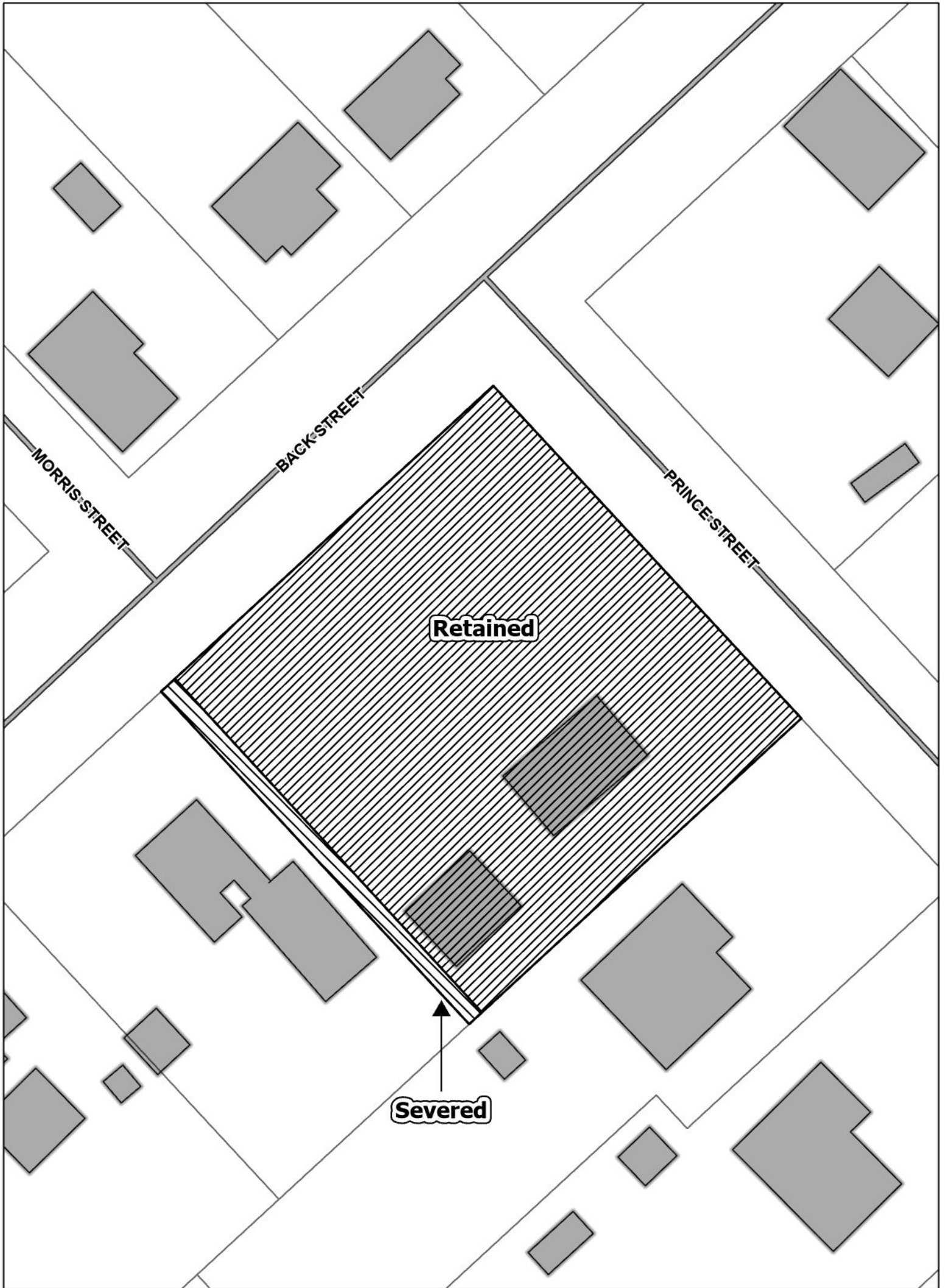
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

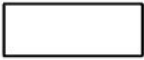

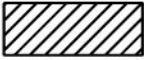




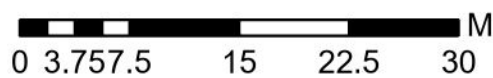
Location Map

Subject Site: 33159 Back Street
 File Number: E 38-23
 Owner: Roxann Visscher and Michael L. King
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 05/04/2023
 Municipality of Dutton Dunwich



Legend

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





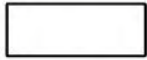

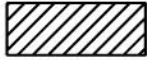

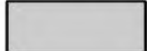
Elgin County, Maxar, Microsoft

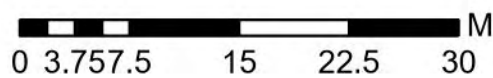
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-  Elgin Road Network
-  Buildings



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 E 38 23

Applicant Mark Ross and Melanie Smith on behalf of Roxann Visscher and Michael L King

Location 33159 Back Street

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Hamlet on Schedule 'A' Land Use Plan in the current Dutton Dunwich Official Plan (OP), as approved on July 6, 2021.

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

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: All HR zone regulations can be complied with.

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ()
 - (b) the dedication of highways ()
 - (c) the dedication of land for highway widening ()
 - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ()

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

9. Does the Municipality recommend the application? Yes (X) No ()
10. Does the Municipality have other concerns that should be considered by the Committee?

No Concerns. See STAFF MEMO attached (no council report required).

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: June 12, 2023
SUBJECT: Application for Severance (E 38/23), 33159 Back Street, Municipality of Dutton Dunwich – Mark Ross and Melanie Smith on behalf of Roxann Visscher and Michael L King

FOR INFORMATION:

Background

The subject parcel is legally described as PART OF LOT C, CONCESSION 8 AND LOTS 4 AND 5 ON REGISTERED PLAN No. 3, and locally known as 33159 Back Street, Municipality of Dutton Dunwich.

There are no drains that cross the subject lands.

There are no woodlots located on the subject parcel.

Purpose of Application

The applicant proposes to sever a parcel with a frontage of 2.13m (7 feet), a depth of 50.47m (165.5 feet) and an area of 107.7m² (1,159.3 sq. ft.) to be conveyed as an addition to an adjacent lot.

The severed portion will be merged with the abutting property.

The applicant is retaining a lot with an area of 2,434.1m² (0.6 acres) proposed to remain for residential use.

Department Comments

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

Departments	Comments received
Drainage	Reapportionment of the Deboer Drain. I don't think that there is a need for a mutual agreement drain in this instance unless there is a tile drain located in the 2.13 metre wide area of land being severed from one property to be added to the other property.
Building	No comments
Water	No comments
Sewer	No comments
Public Works	No concerns
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 rural settlement area.

Section 1.1.4.2 sets out that rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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

County of Elgin Official Plan

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

E1.2.3.2 sets out that consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

Comments: The proposed severed parcel will meet the above-noted criteria. No new lot is being created.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated Hamlet on Schedule ‘A’ Land Use Plan in the current Dutton Dunwich Official Plan (OP), as approved on July 6, 2021.

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

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

Comment: The proposed severance application conforms to the OP. The proposed severed parcel will meet the above-noted criteria. There is no new lot being created.

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 Hamlet Residential (HR) Zone on Map 1, Schedule ‘E’.

A review of the HR zone requirements is as follows:

Zone Provision	HR Zone Requirement	Proposed (Retained)	Proposed (Severed and Merged Lot)	Compliance
Min. Lot Area	1,000 m ²	2,434.1 m ²	1,622.85 m ²	Complies
Min. Lot Frontage	25.0 m	48.13 m	32.27 m	Complies
Min. Side Yard (Accessory Structure)	1.0 m	2.03 m	N/A	Complies

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

All zone regulations can be complied with.

RECOMMENDATION:

Administration supports approval of the application to the LDC for the proposed severance application with the following recommended conditions:

1. That septic system review for the severed parcel has been completed;
2. That municipal drain re-apportionments have been completed;
3. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
4. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
5. That taxes are to be paid in full;
6. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
7. That a 911 sign be established for the severed and retained parcels;

8. That the lots merge on title; and
9. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

Respectfully Submitted



Tracey Pillon-Abbs, MCIP, RPP
Planner

May 23, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 38-23)**
33159 Back Street (Ross and Smith)
Part Lot C, Lots 4 & 5; Concession 8
Municipality of Dutton Dunwich

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the area is not subject to the Authority's regulations.

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

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 38-23

APPLICANT: Mark Ross and Melanie Smith

PROPERTY: LOT NO. 4 and 5 CONCESSION: 8 Part Lo C and Plan 3
REG'D PLAN: _____ MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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: June 28, 2023
Application: E 38-23

Owner:
Roxann Visscher and Michael L. King
39734 Fingal Line, St. Thomas, ON N5P 3S5

Agent:
Mark Ross and Melanie Smith
33147 Back Street, Iona, ON N0L 1P0

Location: Part of Lot C, Concession 8 and Lots 4 and 5 on Registered Plan No. 3

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 2.13m (7 feet), a depth of 50.47m (165.5 feet) and an area of 107.7m² (1,159.3 sq. ft.) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,434.1m² (0.6 acres) proposed to remain in residential use.

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

**Local Municipality Official
Plan**
Hamlet

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

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever a parcel of approximately 107m² to create a residential lot and construct a new single detached dwelling. The subject lands are designated as a settlement area within the County Official Plan. The PPS directs that settlement areas be the

focus of growth and development and contain a mix of land uses and densities, as appropriate.

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

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are within a Tier 2 Settlement Area. Tier 2 Settlement Areas are smaller than Tier 1, and generally have partial municipal services. The lands subject to this application have access to municipal water services but will require a private septic tank. A variety of land uses, including single detached residential homes and the creation of new lots are permitted in Tier 2 Settlement Areas. Staff have reviewed this application against the CEOP general consent criteria and found no issue.

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 consent is not anticipated to create any deficiencies with the Zoning By-law provisions.

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.



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

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 Dutton Dunwich be included as conditions for consent:

1. That septic system review for the severed parcel has been completed;
2. That municipal drain re-apportionments have been completed;
3. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
4. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
5. That taxes are to be paid in full;
6. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
7. That a 911 sign be established for the severed and retained parcels;
8. That the lots merge on title; and
9. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 106-22**

**LOT 13, CONCESSION 7
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 15217 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Stewart Findlater, 30 Village Gate Crescent, Dorchester, ON N0L 1G3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 15217 Imperial Road, Malahide.

The applicant proposes to sever a parcel with a frontage of 867 metres (2,844.5 feet) and a depth of 600 metres (1,968.5 feet) and an area of 28ha (69.2 acres) to create a new agricultural parcel. The applicant is retaining a lot with a frontage of 514 metres (1,686.35 feet), and an area of 52ha (128.495 acres), proposed to remain in agricultural use.

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

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

**WEDNESDAY JUNE 28th AT 10:45AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

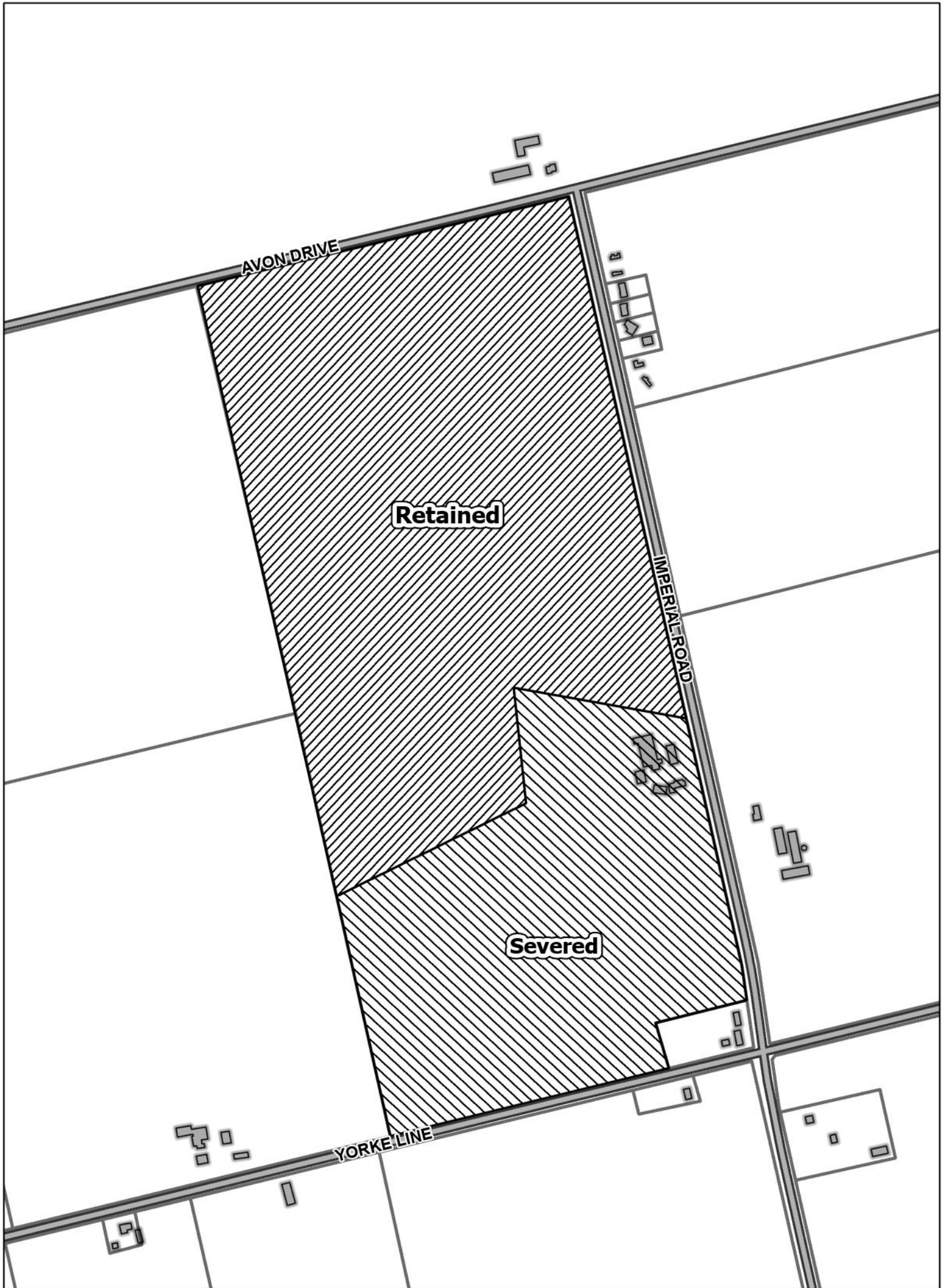
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 15th day of May, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








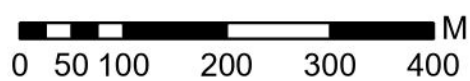
Location Map

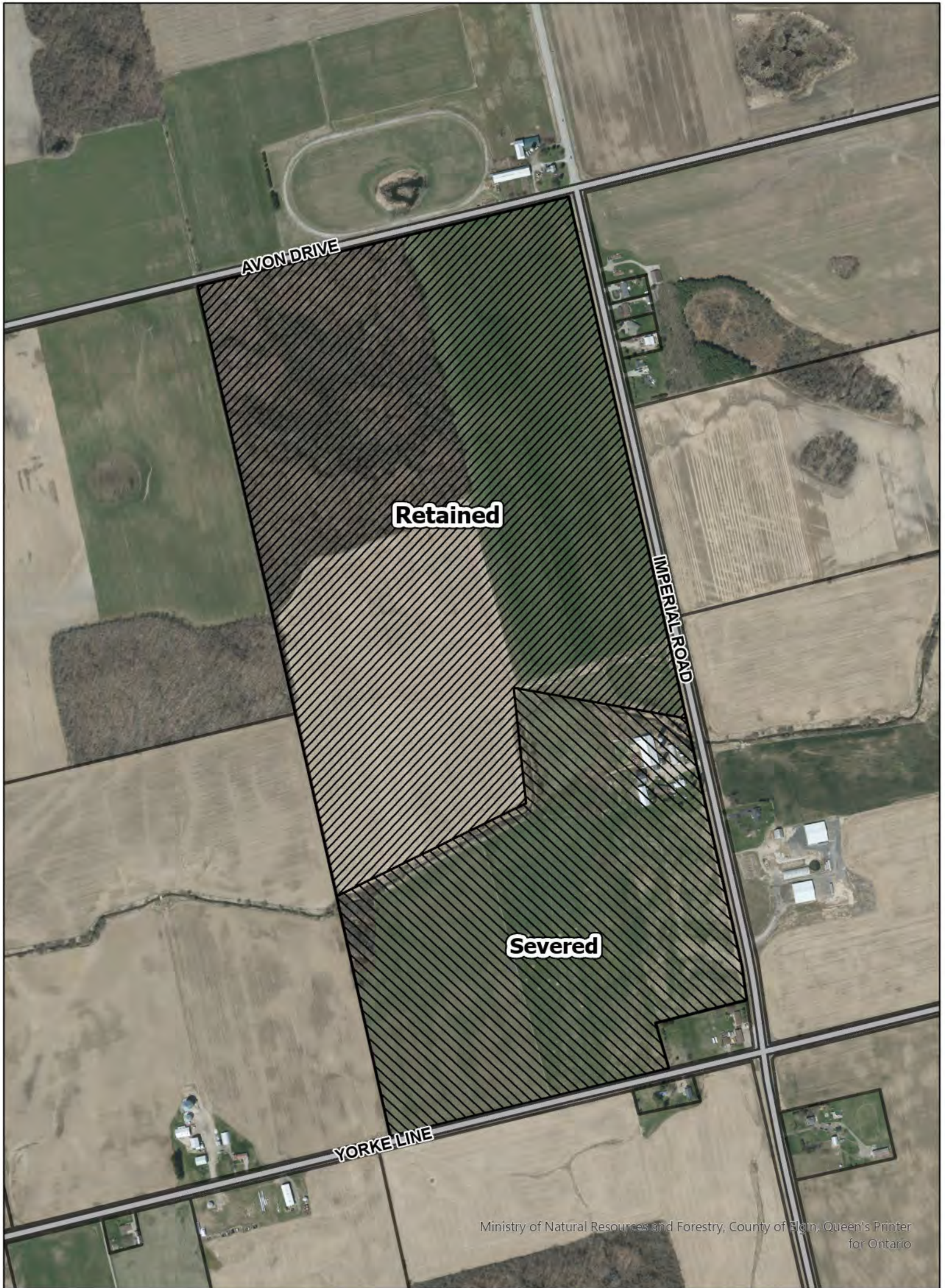
Subject Site: 15217 Imperial Road
 File Number: E 106-22
 Owner: Blake Allen Bennett and Brenda Lee Coleman, Trustees
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Township of Malahide



Legend

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





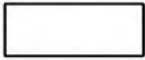

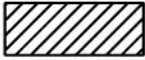

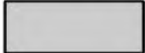
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map

Subject Site: 15217 Imperial Road
 File Number: E 106-22
 Owner: Blake Allen Bennett and Brenda Lee Coleman, Trustees
 Planner: Unknown
 CA: Kettle Creek Conservation Area
 Created By: PC
 Date: 01/19/2022
 Township of Malahide



Legend

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





Report to Council

REPORT NO.: DS-22-62

DATE: May 18, 2023

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER OF BLAKE BENNETT & BRENDA LEE COLEMAN (AUTHORIZED AGENT: STEWART FINDLATER)**

LOCATION: Concession 7, Part of Lot 13 (15217 Imperial Road)

Recommendation:

THAT Report No. DS-22-62 entitled “Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman” be received;

AND THAT the Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road, be SUPPORTED for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Stewart Findlater, on behalf of Blake Bennett & Brenda Lee Coleman, in order to sever an agricultural farm parcel.

The Application relates to the property located at CON 7 PT LOT 13, and known municipally as 15217 Imperial Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on **June 28th, 2023**.

Comments/Analysis:

The subject property is approximately 82.3 hectares (203.5 acres) in area, has approximately 1,306 metres of frontage along Imperial Road, approximately 604 metres of frontage along Avon Drive, and approximately 453 metres of frontage along Yorke Line. The subject lands currently contain a dairy operation, single detached dwelling, and several accessory structures, and are bisected by the Kettle Creek municipal drain that runs east-west. The subject lands are bounded by Yorke Line to the south, Imperial Road to the east, Avon Drive to the north, and agricultural lands to the west.

Based on the information provided by in the application, the owners are proposing to sever approximately 28 hectares (70 acres) of land on the south side of the municipal drain. The severed lands would contain the existing dairy operation and associated single detached dwelling. The proposed retained parcel is approximately 52 hectares (128 acres). The owners are proposing to convey the severed lands to their children for the purposes of farm succession.

Provincial Policy Statement (PPS)

The PPS permits the creation of new lots for agricultural uses, provided the lots are of a size that is appropriate for the type of agricultural uses common in the area and are of a suitable size to ensure flexibility of agricultural operations. The owner is proposing to sever the subject lands along the municipal drain, as opposed to dividing the parcel in half, as there is no access currently existing over the drain. The planning justification included with the application notes that including all of the lands on the north side of the drain would have greater utility being farmed as one contiguous parcel, as opposed to requiring a 12 hectare portion of land along the north side of the drain remain with the severed parcel to the south to maintain a lot area of 40 hectares.

The proposed retained parcel would meet the requirements of the A3 zone. The proposed severed parcel would be required to be rezoned the A1 zone to permit the proposed lot area and frontage. The proposed lots would both be of a size that is consistent with numerous other farm parcels in the area. Both the severed and retained lot would continue to be used for agricultural purposes, specifically field crop production and the continued use of the existing dairy operation.

The subject lands are located on the adjacent lands of a natural heritage feature. The PPS does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts to the natural heritage features. Given that the purpose of the proposed severance divide an agricultural lot with no new uses or buildings proposed and the severance would not fragment the natural heritage feature, it is not anticipated that the proposed lot creation would have any impact on adjacent natural heritage features.

County of Elgin Official Plan

The subject lands are designated as 'Agriculture' under the County of Elgin Official Plan. This designation permits a range of agricultural uses. The proposed severed and retained parcels are proposed to continue to be used for the agricultural purposes, primarily crop production and the raising of livestock.

The County Official Plan permits the creation of new agricultural lots provided the proposed severed and retained lots each have a lot area of generally 40 hectares or meet the lot area requirements of the local Official Plan (Section E1.2.3.4). The Malahide Official Plan contains separate requirements for agricultural lot sizes and is discussed further in this report, below. It is recommended that the proposed severed parcel be required to be rezoned to A1 Zone to permit the proposed lot area and frontage.

The subject lands are located on the adjacent lands of a designated 'Significant Woodland'. The Official Plan does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts. Given that the purpose of the proposed severance is to divide an agricultural lot and that no new uses or buildings are proposed and the severance would not fragment the natural heritage feature, it is not anticipated that there would be any impact of the proposed lot creation on adjacent natural heritage features.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses. The Official Plan does not contain minimum lot area requirements for agricultural lots, but directs that these requirements will be stipulated in the Zoning By-law (Section 2.1.6). The Official Plan allows for agricultural lots to be created that deviate from the minimum lot size prescribed in the Zoning By-law provided both the severed and retained lots shall be for agricultural uses; the lots are of a size appropriate for the type of agricultural uses common in the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units (Section 2.1.6).

The size of the proposed severed lots would be consistent with other parcels zoned A1 in the surrounding area and would be of a size that would be able to accommodate the proposed agricultural uses including crop production and the raising of livestock. The application would comply with Minimum Distance Separation requirements.

A portion of the subject lands around the Kettle Creek Drain are designated as 'Hazard Lands'. Development is not permitted on Hazard Lands without approval of the conservation authority. No buildings or structures, or uses other than those existing are proposed. It is noted that any future development or site alteration within the Hazard Lands would require approval from the Conservation Authority.

Malahide Zoning By-law No. 18-22

The subject property is within the "Large Lot Agricultural (A3) Zone", on Key Map 4 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the parcel located within the "Hazard Lands" Overlay. The proposed retained parcel would meet the minimum lot and frontage requirements of the A3 zone. It is recommended that the requirement for a Zoning By-law Amendment be included as a condition of approval of the consent to rezone the proposed severed parcel to the "General Agricultural (A1)"

zone to permit the proposed lot area and frontage. The severed parcel is capable of meeting the requirements of the A1 zone.

Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- There have been no comments received from agencies or the general public as of the date of writing this report.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

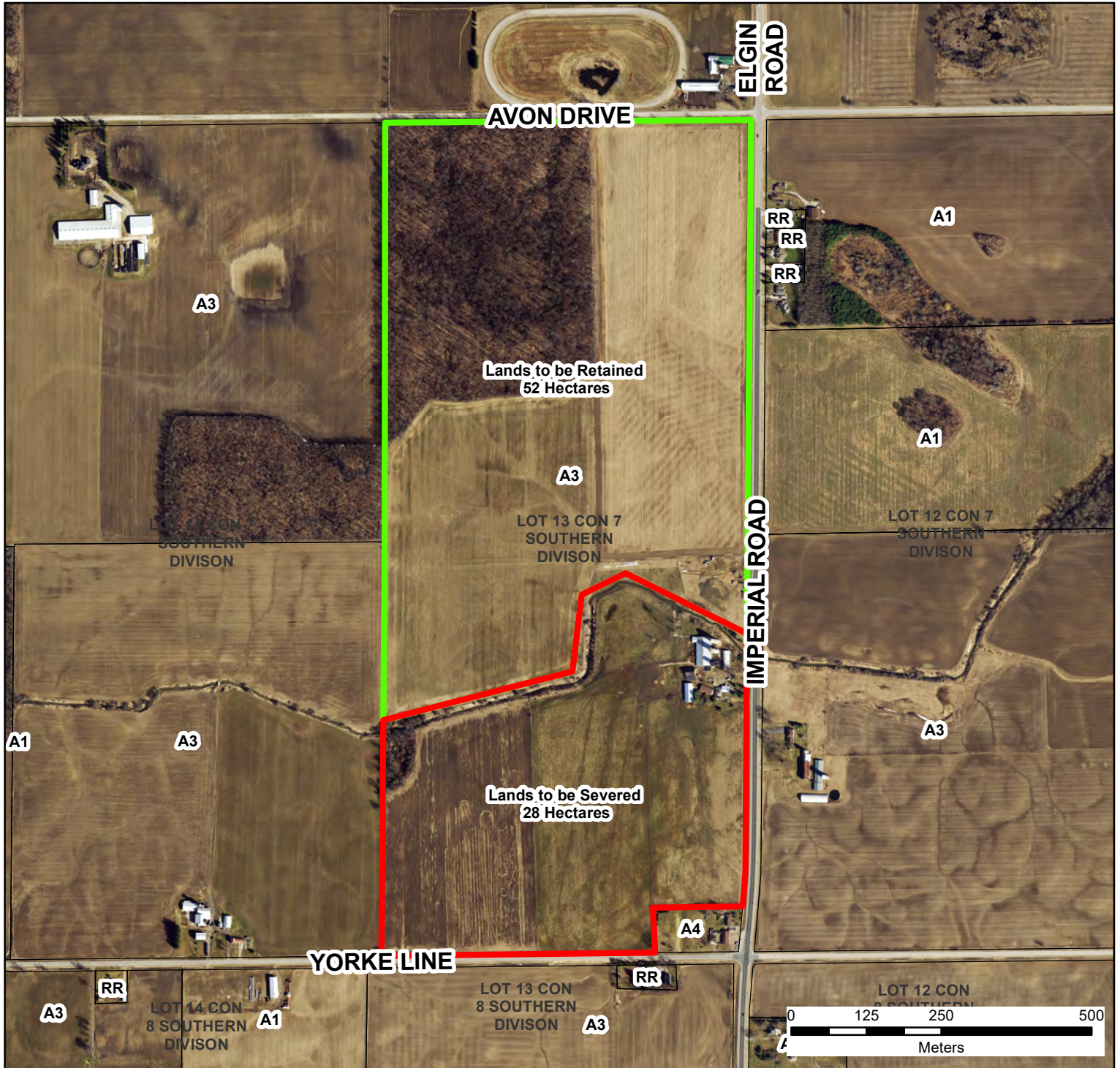
One of the goals that support the “Our Land” Strategic Pillar is “Protect & Enhance Malahide’s Agricultural Character”. By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

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

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER
Owners: Blake Bennett & Brenda Lee Coleman
Authorized Agent: Stewart Findlater
15217 Imperial Road
Concession 7, Lot 13
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A3 Large Lot Agricultural



LANDS TO BE RETAINED



LANDS TO BE SEVERED



May 19, 2023

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

Dear Committee Members:

**RE: Land Severance Application E106-22 – Blake Bennett & Brenda Lee Coleman
(Stewart Findlater) – 15217 Imperial Road, Concession 7, Part Lot 13**

The Malahide Township Council passed the following Resolutions on May 18, 2023:

THAT Report No. DS-22-62 entitled “Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman” be received;

AND THAT the Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road, be SUPPORTED for the reasons set out in this Report;

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment, as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-22-62 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink that reads "A Adams". The signature is written in a cursive, slightly slanted style.

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

Copy – Blake Bennett & Brenda Lee Coleman
Stewart Findlater

COUNTY OF ELGIN ROAD SYSTEM

DATE: June 16, 2023 ELGIN COUNTY ROAD NO.: Imperial Road CR 73

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 106- 22

APPLICANT: Blake Bennett and Brenda Coleman,
Trustees

PROPERTY: LOT NO. 13 CONCESSION: 7
REG'D PLAN: _____ MUNICIPALITY: _____

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.....

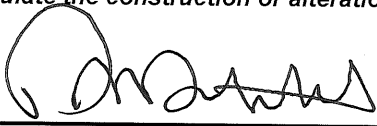
- 10) The County has no concerns.....

- 11) Not on County Road

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

- 13) 15 m x 15 m daylight corner, property transfer to County at Southwest Corner of Imperial Road and Avon Drive.

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: June 28, 2023
Application: E 106-22

Owner:
Blake Allen Bennett & Brenda Lee Coleman,
Trustees
15217 Imperial Road, Belmont, ON N0L 1B0

Agent:
Stewart Findlater
30 Village Gate Crescent, Dorchester,
ON N0L 1G3

Location: Lot 13, Concession 7. Municipally known as 15217 Imperial Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 867 metres (2,844.5 feet) and a depth of 600 metres (1,968.5 feet) and an area of 28ha (69.2 acres) to create a new agricultural parcel. The applicant is retaining a lot with a frontage of 514 metres (1,686.35 feet), and an area of 52ha (128.495 acres), proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural

**Local Municipality Official
Plan**
Agriculture, Natural Heritage

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to sever an existing agricultural parcel to create a new agricultural parcel. The retained lot will also continue to be used for agricultural purposes. The proposed boundary between the severed and retained lots follows an existing drainage feature that bisects the lot. Lot creation in the agricultural area is restricted by the PPS for one of three reasons, agricultural uses, agriculture-related uses and surplus farm dwellings.

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are within the Agricultural Area. The purpose of this application is to sever an existing agricultural parcel. The OP permits lot creation for new agricultural parcels, subject to the following:

Section E1.2.3.4 (a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Malahide Official Plan permits the creation of new agricultural lots with no minimum size required, so long as the lots are of a size appropriate for the type of agricultural uses common in the area. The proposed retained land will meet the requirements of the A3 zone and Township staff are recommending a condition to rezone the severed parcel to A1 to reflect its reduced size.

RECOMMENDATION:

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

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

3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. 15m x 15m daylight corner, property transfer to Elgin County at southwest corner of Imperial Road and Avon Drive.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment, as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION No. E 16-23**

**SOUTH PART OF LOT 23, CONCESSION 9
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 11643 PLANK ROAD**

TAKE NOTICE that an application has been made by David John Obar and Jessica Jane Cain, 11643 Plank Road, Eden, ON N0J 1H0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11643 Plank Road.

The applicant proposes to sever a parcel with a frontage of 22.97m (75 feet) and a depth of approximately 89.44m (293 feet) and an area of 0.23 hectares (0.56 acres.) to create a new residential lot. The applicant is retaining a lot with an area of 0.60 hectares (1.48 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:

**JUNE 28, 2023 AT 10:55 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 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 2nd day of June, 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.elgincounty.ca





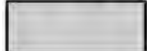


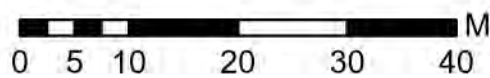
Location Map

Subject Site: 11643 Plank Road
 File Number: E 16-23
 Owner: David John Obar and Jessica Jane Cain
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 02/23/2023
 Municipality of Bayham



Legend

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










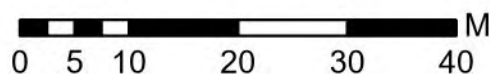
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 Municipality of Bayham



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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: June 28, 2023
Application: E 16-23

Owner:
David John Obar and Jessica Jane Cain
11643 Plank Road, Eden, ON, N0J 1H0

Agent:
None.

Location: South Part of Lot 23, Concession 9, Part S and Part 1 on 11R-4217.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 22.97m (75 feet) and a depth of approximately 89.44m (293 feet) and an area of 0.23 hectares (0.56 acres.) to create a new residential lot. The applicant is retaining a lot with an area of 0.60 hectares (1.48 acres), proposed to remain in residential use.

This is an amendment to an application which was granted provisional consent at the April LDC meeting. The applicant has applied to slightly alter the proposed property boundaries to reflect a sketch prepared by Kim Husted Surveying Ltd. The planning merits of the application are unaffected by this minor amendment.

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

**Local Municipality Official
Plan**
Hamlet

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No concerns.

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

The subject land is also the subject of another consent application (File E 74-22) which was granted provisional consent last year.

Planning Act and Provincial Policy Statement (PPS)

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

The applicant is applying to create a new residential lot in a settlement area. The proposed severed lot will be approximately 2,050m² in area with frontage on Plank Road. The PPS supports lot creation in settlement areas, and directs that settlement areas be the focus of development. The PPS supports a variety of land uses and densities which efficiently use land and resources, subject to Section 1.1.3.2.

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 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*

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 a Tier 2 Settlement Area, which are smaller than Tier 1 Settlement Areas and usually have access to partial municipal services. The proposed severed lot will have access to a municipal sanitary system but will require an individual well. Lot creation is permitted in settlement areas for various purposes. County Staff has reviewed the application against the overall requirements of Section E1.2.3.1 and has determined that it adheres to all pertinent policies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severance meets the policies of the Bayham Official Plan and the proposed lot meets the requirements of the Hamlet Residential (HR) zone.

RECOMMENDATION:



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

That the decision on severance application E 16-23 be amended to reflect the updated lot measurements in this report, and that Section 53(26) of the Planning Act, R.S.O., as amended applies as the change to the decision is minor.



**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 2,945m² (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:

**JUNE 28, 2023 AT 11:05 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

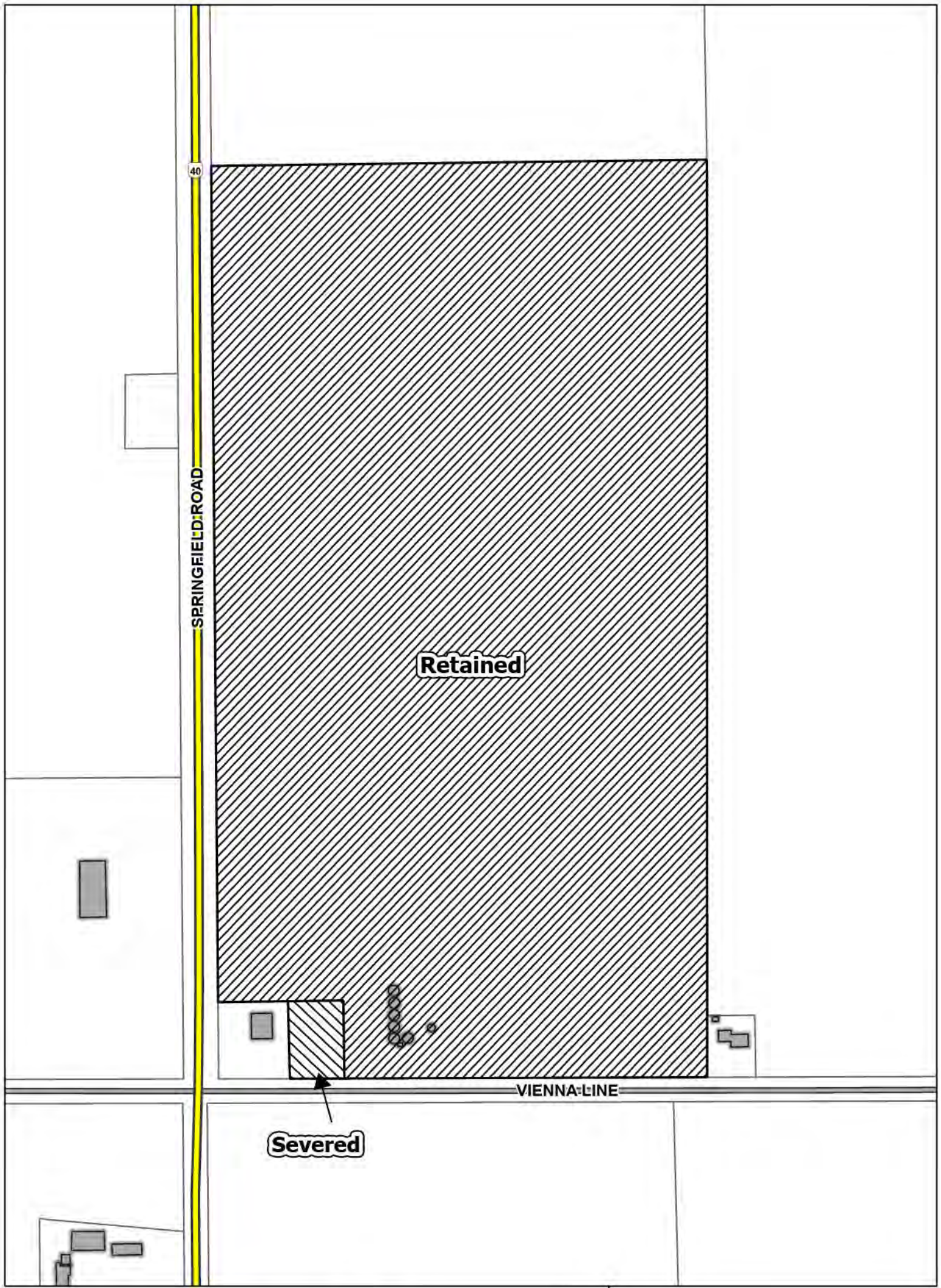
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 2nd day of June, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



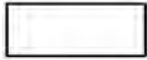



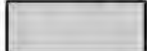
Location Map

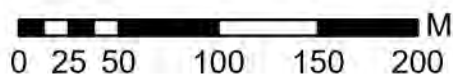
Subject Site: 50942 Vienna Line
 File Number: E 23-23
 Owner: Jeff Barbier Inc.
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 04/05/2023
 Township of Malahide

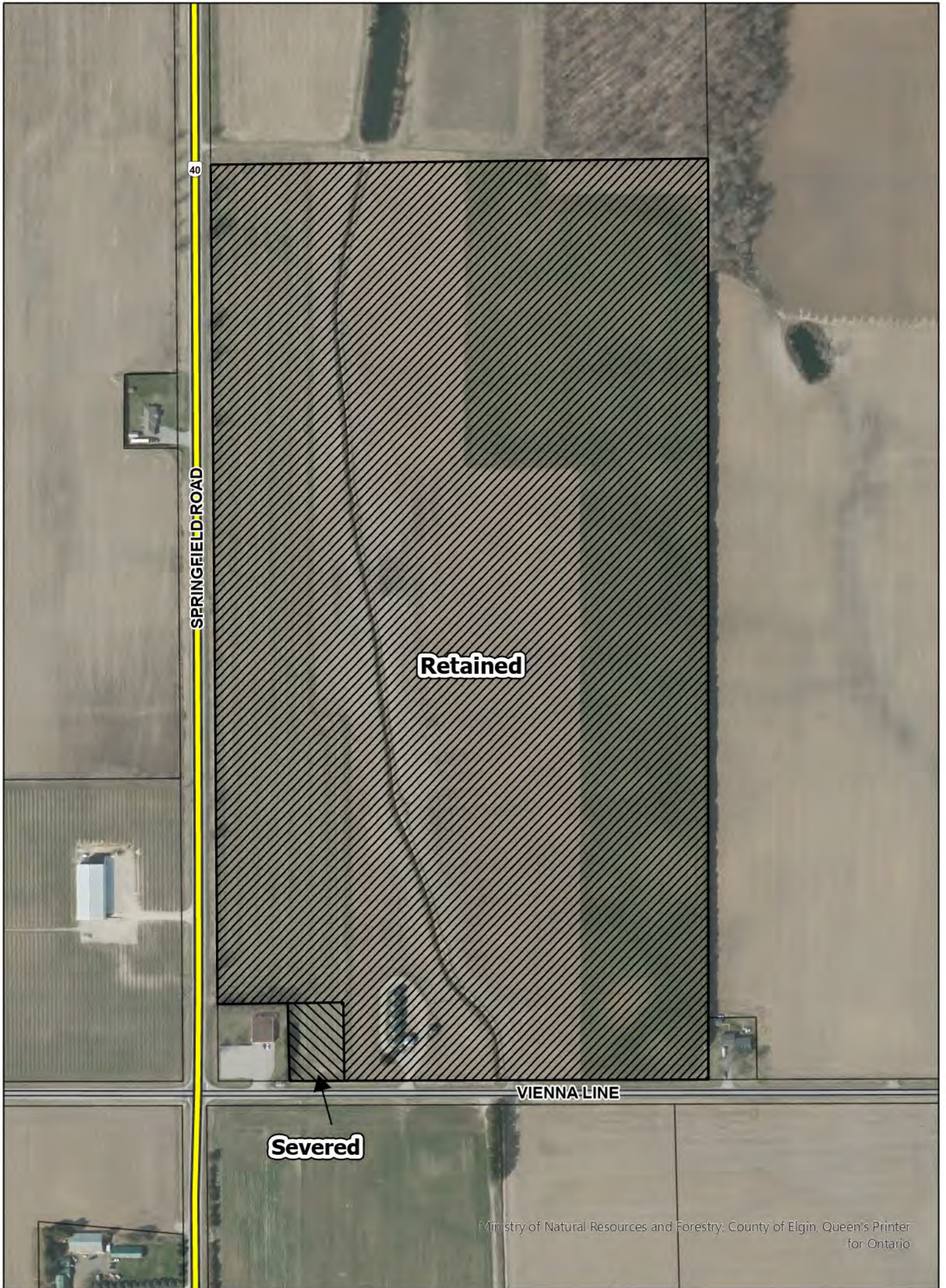
The Corporation of the County Elgin
 Prepared By: Planning and Development



Legend

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



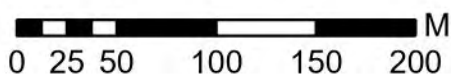


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario



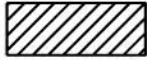

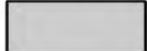
Location Map

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 Owner: Jeff Barbier Inc.
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 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



June 16, 2023

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

Dear Committee Members:

RE: Land Severance Application E23-23 - PH Engineering Solutions Inc. c/o Moe Hajara (Nick Dyjach c/o Strik, Baldinelli, Moniz) - 50896 & 50942 Vienna Line, Part of Lot 21, Concession 3 South

The Malahide Township Council passed the following Resolutions on :

THAT the Malahide Township Council has no objection to the Land Severance No. E23-23 in the name of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the property located Part of Lot 21, Concession 3 South, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain; or that the applicant provide a preliminary storm water management design brief prepared by a professional engineer demonstrating how they intend to store or discharge surface runoff.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the lands being conveyed be merged in the same name and title as the lands to which they are being added to.

We enclose Municipal Appraisal together with Municipal Report for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink that reads "A Adams". The signature is written in a cursive, slightly slanted style.

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

Copy – Dave Jenkins
PH Engineering Solutions Inc. c/o Moe Hajara
Nick Dyjach c/o Strik, Baldinelli, Moniz

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission

Applicant PH Engineering Solutions Inc. c/o Moe Hajara(Nick Dyjach c/o Strik, Baldinelli, Moniz)

Location 50896 & 50942 Vienna Line (Part of Lot 21, Concession 3 South)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 2.1.2.4, 3.4.4.5, and 8.7.1.7 of the Malahide Official Plan

Comments: A concurrent Official Plan Amendment has been adopted by Malahide Council to re-designate the subject lands from 'Agriculture' to 'Specific Policy Area 14'. The Official Plan Amendment is to be forwarded to the County of Elgin for consideration and approval.

PART 2 - ZONING

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

Comments: A concurrent Zoning By-law Amendment has been approved by Malahide Council to rezone the lands proposed to be conveyed through this Consent application from 'General Agriculture (A1)' to 'Rural Commercial – Site Specific (RC-16)'. The passing of the By-law is to be withheld until the approval of the Official Plan Amendment.

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

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

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

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

N/A



Report to Council

REPORT NO.: DS-23-18

DATE: June 15, 2023

ATTACHMENT: Application, By-law, Site Plan, Recommended Conditions

SUBJECT: **APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS, AND CONSENT TO SEVER OF PH ENGINEERING SOLUTIONS INC. C/O MOE HAJARA**

(AUTHORIZED AGENT: Nick Dyjach c/o Strik, Baldinelli, Moniz)

LOCATION: South Part of Lot 21, Concession 3 (50896 & 50942 Vienna Line)

Recommendation:

THAT Report No. DS-23-18 entitled “Applications for Official Plan and Zoning By-law Amendments, and Consent to Sever of PH Engineering Solutions Inc. c/o Moe Hajara” be received;

AND THAT the Official Plan Amendment Application No. D09-OPA02-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the property located at South Part of Lot 21, Concession 3, and known municipally as 50896 & 50942 Vienna Line, BE ADOPTED for the reasons set out in this Report;

AND THAT Zoning By-law Amendment Application No. D14-Z04-23 of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the previously-noted property BE APPROVED for the reasons set out in this Report;

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Official Plan Amendment has been received to the satisfaction of the Township of Malahide;

AND THAT the Application for Consent to Sever of PH Engineering Solutions Inc. c/o Moe Hajara, relating to the previously-noted property BE SUPPORTED for the reasons set out in this Report;

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

Background:

The Applications for an Official Plan Amendment and Zoning By-law Amendment relate to the properties located at Lot 21, Concession 3 South, and known municipally as 50896 & 50942 Vienna Line, while the associated Consent Application relates only to the property located at 50942 Vienna Line.

The Applications have been submitted by SBM Consulting, on behalf of PH Engineering Solutions Inc. (c/o Moe Hajara), to facilitate the expansion of the existing automation and robotics integration office use located at 50896 Vienna Line onto the abutting lands to the east. The Consent application proposes a lot boundary adjustment to convey approximately 2,945 m² of land from the agricultural parcel (50942 Vienna Line) to 50896 Vienna Line to provide land to construct a 945 m² building, as well as resolve an encroachment of an existing septic system that is partially located on the farm parcel.

The Official Plan Amendment proposes to re-designate 50896 Vienna Line and the land proposed to be conveyed from 'Agriculture' to 'Special Policy Area 14' to permit the expansion of the existing use. The Zoning By-law Amendment proposes to rezone the lands to be conveyed from 'General Agriculture (A1)' to 'Rural Commercial – Site Specific – Holding (RC-16-H5)' to extend the site-specific zoning on the receiving lands (50896 Vienna Line) to permit the expansion of the automation and robotics integration office use.

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

Comments/Analysis:

The farm parcel located at 50942 Vienna Line is approximately 30.6 hectares in size with approximately 345.3 metres of frontage on Vienna Line and approximately 696.8 metres of frontage along Springfield Road. The lands are currently used agricultural crop production and contain several grain elevators clustered at the south end of the property. Based on the information provided within the application, PH Engineering Solutions Inc. is a local controls system design company that provides automation solutions to commercial, agricultural and industrial companies, specializing in advanced technology and robotics integration. The owner is proposing to expand the existing business by purchasing 2,945 m² of land from the adjacent farm parcel and constructing a new 945 m² building. Additionally, the proposed lot addition would also resolve an encroachment of the existing septic system for the existing rural commercial business that is partially located on the adjacent farm parcel.

The retained farm lands are approximately 30.3 hectares in area and have approximately 299.5 metres of frontage along Vienna Line and 696.8 metres of frontage on Springfield Road. The lands would continue to be used for agricultural purposes.

The lands proposed to be severed and conveyed have an area of approximately 2,945 m² and have approximately 45.8 metres of frontage along Vienna Line. The lands are currently vacant and used for field crop production.

If the consent is approved, the enlarged lot at 50896 Vienna Line would have an area of approximately 6,675.2 m² and have approximately 104.6 metres of frontage along Vienna Line and 64.3 metres of frontage along Springfield Road.

Provincial Policy Statement (PPS)

Section 2.3.6 of the PPS permits non-agricultural uses in prime agricultural areas for limited non-residential uses, subject to certain criteria. This includes the land does not comprise a specialty crop area; the proposed use complies with minimum distance separate (MDS) formulae; there is an identified need for land to accommodate the proposed use; and there are no reasonable alternative locations which avoid prime agricultural areas or agricultural areas with lower priority agricultural lands.

The subject lands are not located in a specialty crop area and there are no major livestock operations identified in the vicinity of the subject lands. In 2022, Official Plan Amendment 20 was approved which included the addition of 'Industrial' designated lands intended to accommodate future industrial development within the Township. While new industrial development would typically be directed to the settlement area it is noted that the lands where industrial land uses were recently added to the settlement area generally consist of large parcels that have not yet been subdivided and are currently zoned for agricultural uses, which would not be able to accommodate immediate industrial development and would require the abandonment and sale of the current facility and reconstruction of those already existing and improved facilities at a new location.

The subject lands are assigned a Class 3 rating in the Canada Land Inventory (Agricultural Information Atlas, OMAFRA) and are considered to be situated within a 'Prime Agricultural Area'. It is noted that a majority of lands within the Township of Malahide are considered to be Class 1, 2, and 3 soils and as a result, there would be few alternatives for lower priority agricultural lands. The proposed boundary adjustment would represent a minimal amount of land removed from production of 0.29 ha or less than 1% of the farm parcel. The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons (s. 2.3.4.2). The proposed lot boundary adjustment would also resolve an encroachment of the septic system that services the existing rural commercial business on the neighbouring lands.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan. In addition to the above, the subject property is identified as having frontage along a "Local, County Collector" on Schedule 'B', "Transportation Plan".

Section C2.9 of the County Official Plan permits non-agricultural uses within agricultural areas subject to certain criteria including there is need for the proposed use within the planning horizon; the lands do not comprise a specialty crop area; there are no reasonable alternative locations which avoid prime agricultural areas or agricultural

areas with lower priority agricultural lands; the proposed use complies with minimum distance separate formulae; the proposed use will not impact the expansion of urban settlement areas; and any impacts on surrounding lands are mitigated to the extent feasible.

The subject lands do not comprise a specialty crop area and there are no major livestock operations identified in the vicinity of the subject lands. Alternative locations outside of settlement areas and for lower priority agricultural lands have been considered and no suitable locations have been identified recognizing the existing industrial use and zoning on the subject lands. The proposed use is not in close proximity to a settlement area and would not impact any expansion to an urban area.

The proposed lot boundary adjustment is intended to sever only 0.3 ha of agricultural land to be removed from production, with the retained 30.3 ha would be sufficient to support the ongoing agricultural operation. The adjustment would facilitate the expansion of an existing commercial use and would rectify an existing encroachment on the current septic tile bed.

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands" on Schedule 'A2' (Constraints Plan). Sections 2.1.2.4 and 3.4.4.5 of the Official Plan allow for new or altered non-agricultural uses within prime agricultural areas subject to criteria similar to the PPS and the County Official Plan, including that the lands do not comprise a specialty crop area; there being no appreciable loss of prime agricultural lands; there are no reasonable alternative locations which avoid prime agricultural areas or agricultural areas with lower priority agricultural lands; the proposed use complies with MDS setbacks; non-agricultural uses employ the skills of the local labour force; and the proposed use is adequately buffered from surrounding land uses so that there are no adverse effects due to noise, vibration, odours, smoke, or dust.

As previously identified, the subject lands do not comprise a specialty crop area, no lands are proposed to be removed from active agricultural production, the subject lands are already predominantly zoned to permit a rural commercial use, and alternative locations outside of settlement areas and for lower priority agricultural lands have been considered and no suitable locations have been identified. The proposed use complies with MDS Implementation Guidelines and the business would employ local skilled workers.

The nearest single detached dwellings are located approximately 300 m to the west, 250 m to the south and 350 m east of the existing rural commercial building that presently operates within the former municipal fire hall. All commercial operations occur indoors and there is no outdoor storage or manufacturing proposed on site. It is noted that the rural commercial use has been in operation for several years and no negative impacts have been identified from its operation. It is also noted that the adjacent parcel contains a grain elevator which would be more inclined to produce fugitive emissions. A Holding zone is proposed to be applied to the subject lands which would require a site plan agreement to be entered into prior to development taking place.

The Official Plan permits minor lot boundary adjustments for legal or technical reasons. The adjustment would address an existing encroachment of the current septic tile bed. Additionally, a minimal amount of land is proposed to be removed from agricultural production and is not anticipated to have any appreciable impact on the existing farm parcel that would continue to be used for agricultural purposes.

Malahide Zoning By-law No. 18-22

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 18-22. The Zoning By-law Amendment proposes to rezone the subject lands to apply the RC-16 zone to permit the expansion of the existing business. The RC-16 zone would also be amended to permit a reduced local road setback of 17.3 metres where the By-law requires a setback of 28 metres. No concerns have been raised from public works staff regarding the proposed reduction. A Holding provision is also proposed that would require Site Plan Approval to be obtained before development can proceed on the subject lands.

Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- Catfish Creek Conservation Authority (CCCA) has provided comments on May 29, 2023 and has no concerns with the proposed applications.
- There have been no comments received from the general public as of the date of writing this report.

Financial Implications to Budget:

The full cost of the consent and applications are at the expense of the Applicant and have no implications to the Township’s Operating Budget.

Relationship to Cultivating Malahide:

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

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

One of the goals that support the “Our Economy” Strategic Pillar is “Promoting Business Retention & Expansion”. By permitting the expansion of an existing rural commercial use where there are no anticipated impacts on the surrounding agricultural lands, the Council is achieving this goal.

Submitted by:	Reviewed by:

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

Approved by:
Adam Betteridge, Chief Administrative Officer

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 16th**.

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: June 28, 2023
Application: E 23-23

Owner:
Jeff Barbier Inc.
50942 Vienna Line, Aylmer

Agent:
Nick Dyjack (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 2,945m² (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. Section 2.3.6 of the PPS permits limited non-agricultural uses in agricultural areas subject to the following:

1. *the land does not comprise a specialty crop area;*
2. *the proposed use complies with the minimum distance separation formulae;*
3. *there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and*
4. *alternative locations have been evaluated, and*
 - i. *there are no reasonable alternative locations which avoid prime agricultural areas; and*
 - ii. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

Section 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.

Section C2.9 – Recreational and Other Non-Agricultural Uses permits limited non-agricultural uses within the agricultural area. Given that the use of the parcel be added to is an existing use and that the subject land does not comprise a specialty crop area and complies with the MDS Formulae, staff are of the opinion that the application conforms to the CEOP.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. This application was deferred at the May LDC meeting pending decisions on requisite Official Plan and Zoning By-law Amendments. The Official Plan amendment will see the subject land re-designated to Special Policy Area 14 to permit the expansion of the existing use.

RECOMMENDATION:

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

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

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain; or that the applicant provide a preliminary storm water management design brief prepared by a professional engineer demonstrating how they intend to store or discharge surface runoff.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the lands being conveyed be merged in the same name and title as the lands to which they are being added to.