



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

**AGENDA**

**For Wednesday, July 26 2023, 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:05 am E 39-23 Kurtis Hathaway – 28286 Duff Line, Municipality of Dutton Dunwich
  - 9:15 am E 40-23 Dan Froese – 55314 Jackson Line, Municipality of Bayham
  - 9:25 am E 41-23 David French – 22830 Kintyre Line, Municipality of West Elgin
  - 9:35 am E 42-23 Ryan Pereira – 10117 Talbotville Gore Road, Township of Southwold
  - E 43-23
  - E 44-23
  - 9:45 am E 45-23 Gerhard Blatz – 181 Elk Street, Town of Aylmer
  - 9:55 am E 46-23 John Nezezon – 46 Chapel Street, Municipality of Bayham
  - E 47-23
  - E 48-23
  - E 49-23
  - 10:05 am E 34-23 Adam McCallum – 27936 Chalmers Line, Municipality of Dutton Dunwich



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

11<sup>th</sup> Adjournment

Please click the link below to watch the Committee Meeting:

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

**Accessible formats are available upon request.**

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

**Minutes**

**June 28, 2023**

County of Elgin Land Division Committee met this 28<sup>th</sup> day of June, 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  
Susie Bury, Administrative Assistant

**1. CALL TO ORDER**

The meeting convened at 9:28 a.m.

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

A request was received from the applicant of E 27-23 that the application be withdrawn. A refund has been issued as per the Tarif of Fees By-law.

**3. ADOPTION OF MINUTES**

Moved by: Tom Marks

Seconded by: Bill Ungar

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		

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

RESOLVED THAT the minutes of the meeting held on May 26<sup>th</sup>, 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 28-23 to E 30-23 – 9:30 a.m.**  
**Stewart Findlater – 214 William Street**

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

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: Kim & John Robinson  
Agent: Stewart Findlater

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 applications E 28-23 to E 30-23 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 Central Elgin be included as conditions for consent for 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, the following conditions from the Municipality of Central Elgin be included as conditions for consent for 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, the following conditions from the Municipality of Central Elgin be included as conditions for consent for 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.

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

- Motion Carried.

**Application E 31-23 – 9:40 a.m.**  
**Jesse Froese – 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.

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: Jesse Froese was 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: Dugald Aldred  
Seconded by: John Seldon

RESOLVED THAT severance application E 31-23 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 by the municipality to the satisfaction of Elgin County.

Additionally, 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.

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

- Motion Carried.

**Application E 32-23 – 9:45 a.m.**

**Nicole Ooms – 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 676.7m<sup>2</sup> (0.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,395.9m<sup>2</sup> (0.35 acres) proposed to remain in residential use.

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

Owner:

Agent: Trevor Benjamins attended virtually

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

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

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

Moved by: Tom Marks  
Seconded by: John Andrews

RESOLVED THAT severance application E 32-23 be approved subject to the following conditions:

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

Additionally, 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;
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.

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

Aylmer	Bill Ungar		x	
Malahide	Dave Jenkins			
Dutton Dunwich	Ian Fleck	x		
TOTAL		5	1	

- Motion Carried.

**Application E 33-23 – 9:53 a.m.**  
**Allan Lovell – 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 5,607.66m<sup>2</sup> (1.38 acres) to create a new residential lot. The applicant is retaining a lot with an area of 18,288.308m<sup>2</sup> (4.5 acres) proposed to remain in residential use.

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

Owner:

Agent: Allan Lovell was present in-person

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

Submission		Comments
1	Municipality of Bayham	Recommends approval
2	Long Point Region	No Concerns
3	Elgin County Engineering Services	Not on a County Road.
4	Elgin County Planning Services	Recommends approval.

*(\*) 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 33-23 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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.

Additionally, 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.

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

- Motion Carried.

**Application E 34-23 – 10:02 a.m.**

**Adam McCallum – 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.

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

Owner:  
Agent: Adam McCallum was present in-person

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	Requests road widening.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews  
Seconded by: Bill Ungar

RESOLVED THAT severance application E 34-23 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 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.

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

- Motion Carried.

**Application E 35-23 – 10:07 a.m.**  
**Calvin Schouten – 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.

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

Owner:  
Agent: Calvin Shouten was present in-person

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of West Elgin	Recommends approval, subject to conditions.
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews  
Seconded by: Tom Marks

RESOLVED THAT severance application E 35-23 be approved, subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed 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.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred		x	
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins			
Dutton Dunwich	Ian Fleck		x	
<b>TOTAL</b>		<b>4</b>	<b>2</b>	

- Motion Carried.

**Application E 36-23 – 10:30 a.m.**  
**Dan McKillop – 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 7,466.795m<sup>2</sup> (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 426,681.79m<sup>2</sup> (105 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: Grant McMillian was present in-person  
Agent: Dan McKillop attended virtually

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval, subject to conditions.
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	No Concerns.
4	Elgin County Planning Services	Recommends approval, subject to conditions.

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

Moved by: Bill Ungar  
Seconded by: Tom Marks

RESOLVED THAT severance application E 36-23 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.

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 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.

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

- Motion Carried.

**Application E 37-23 – 10:35 a.m.**

**Eric Jensen & Lisa Veldman – 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.

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

Owner:

Agent: Eric Jensen was present in-person

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	No Concerns.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT severance application E 37-23 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.

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 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*.

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

- Motion Carried.

**Application E 38-23 – 10:40 a.m.**

**Mark Ross and Melanie Smith – 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 107.7m<sup>2</sup> (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 2,434.1m<sup>2</sup> (0.6 acres) proposed to remain in residential use.

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

Owner:

Agent: Melanie Smith attended in-person

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Not on a County Road.

4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
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*(\*) A copy of the comment package which includes all correspondence received is available upon request.*

Moved by: Tom Marks

Seconded by: John Andrews

RESOLVED THAT severance application E 38-23 be approved subject to the following conditions:

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

Additionally, 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.

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

Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

**Application E 106-22 – 10:45 a.m.**  
**Stewart Findlater – 15217 Imperial Road**

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.

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: Stewart Findlater attended virtually

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

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Concerns
3	Elgin County Engineering Services	Requests daylight triangle.
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 106-22 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. 15m x 15m daylight corner, property transfer to Elgin County at southwest corner of Imperial Road and Avon Drive.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the 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.

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

- Motion Carried.

**Application E 16-23 – 10:55 a.m.**  
**David Obar – 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.

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

Owner: David Obar attended in-person  
Agent:

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

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Concerns
3	Elgin County Engineering Services	No Concerns.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Tom Marks  
Seconded by: John Seldon

RESOLVED 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.

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	
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- Motion Carried.

**Application E 23-23 – 11:05 a.m.**  
**Nick Dyjack – 50942 Vienna Line**

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

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

Owner:

Agent: Nick Dyjack attended virtually

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

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

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

Moved by: John Andrews

Seconded by: Bill Ungar

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

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



4. That the requisite Official Plan Amendment to the Township of Malahide Official Plan is in full force and effect.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant 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.

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

- Motion Carried.

**10. CLOSE SESSION**

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT the Committee move to closed session to discuss matters concerning an identifiable individual

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

- Motion Carried.

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT the Committee rise and report and staff proceed as directed.

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

- Motion Carried.

## 11. ADJOURNMENT

Moved by: Dugald Aldred  
Seconded by: Tom Marks

RESOLVED THAT the Committee adjourn at 11:45 am on July 26 2023 to meet again at 9:00am on July 26, 2023.

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

- Motion Carried.

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Paul Clarke  
Secretary-Treasurer

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John "Ian" Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 39-23**

**LOT 7, CONCESSION 2  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 28286 DUFF LINE**

**TAKE NOTICE** that an application has been made by Kurtis Hathaway, 28204 Duff 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 28286 Duff Line.

The applicant proposes to sever a parcel with a frontage of 34.77m (114 feet), a depth of 51.51m (168 feet) and an area of 4,990m<sup>2</sup> (1.23 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 7.2ha (17.8 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:

**JULY 26, 2023 AT 9:05 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

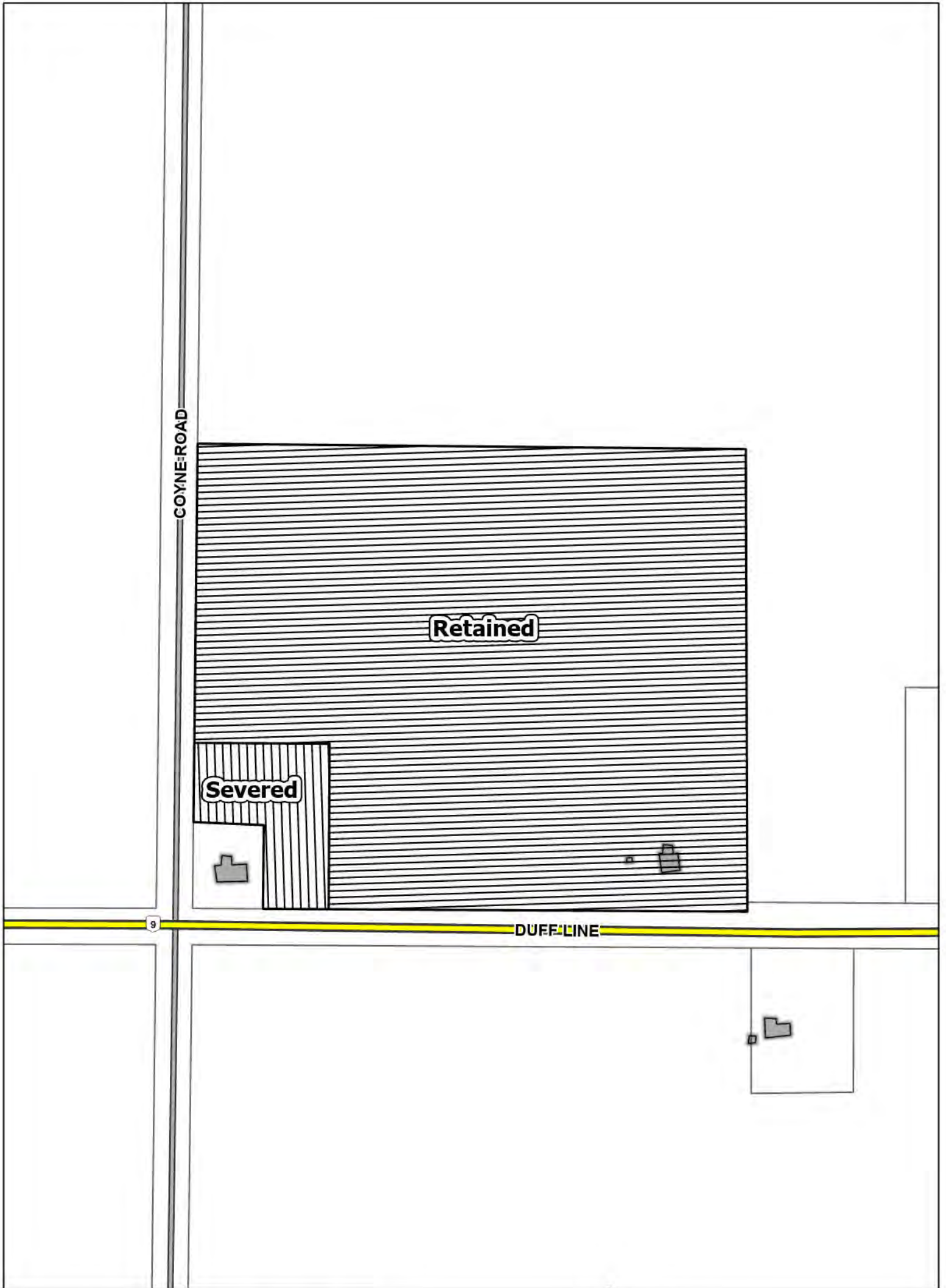
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 9<sup>th</sup> 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](http://www.progressivebynature.com)



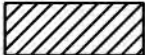




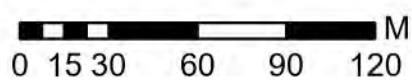
## Location Map

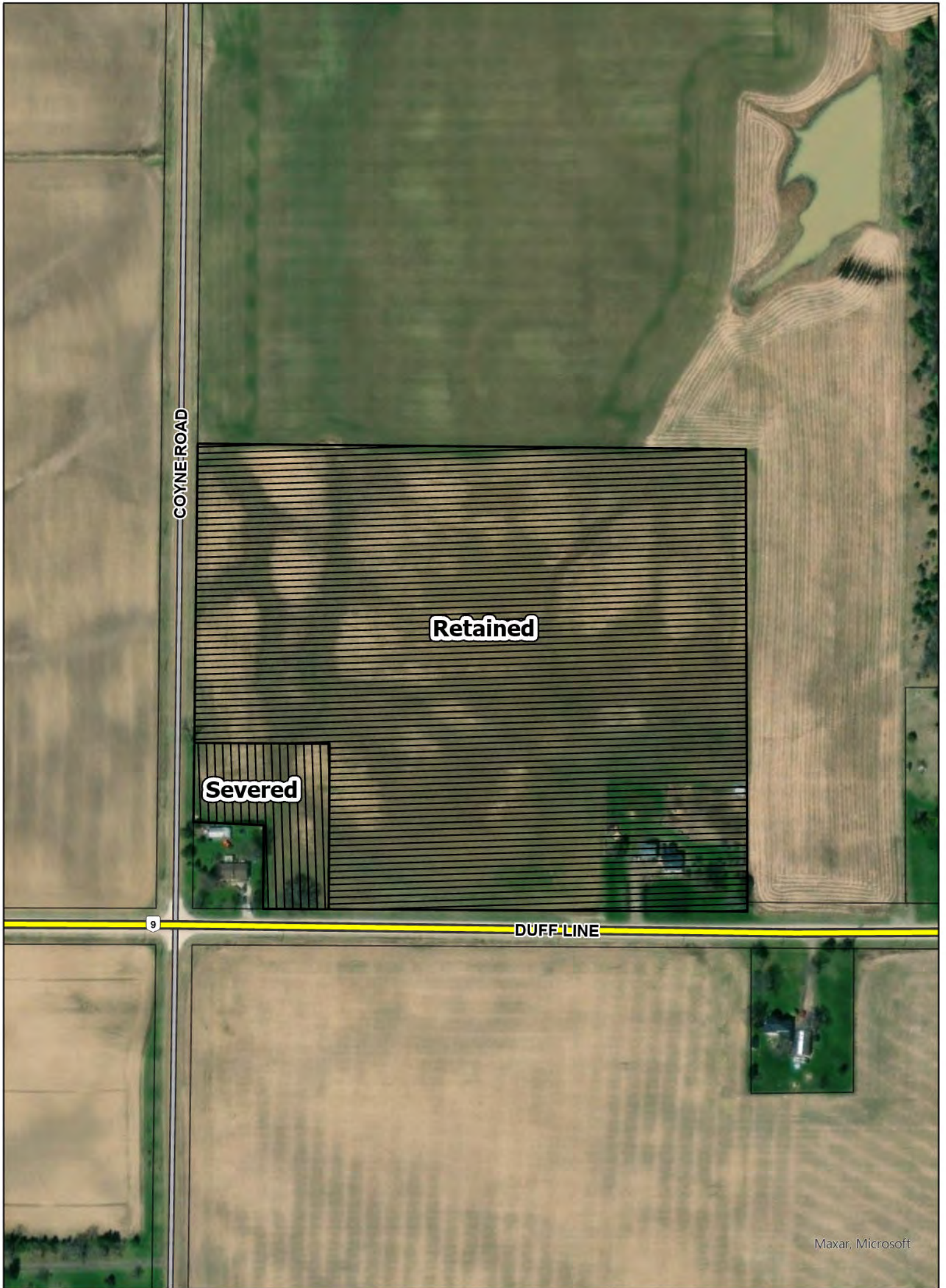
Subject Site: 28286 Duff Line  
 File Number: E 39-23  
 Owner: Nicole Doey  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of Dutton Dunwich



### Legend

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



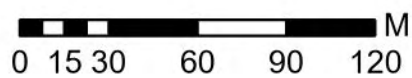


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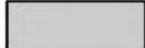
## Location Map

Subject Site: 28286 Duff Line  
 File Number: E 39-23  
 Owner: Nicole Doey  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of Dutton Dunwich

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



### Legend

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

June 20, 2023

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

Attn: **Paul Clark**

Re: **Consent Application (E 39-23)**  
**28286 Duff Line (Hathaway)**  
**Lot 7; Concession 2**  
**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



Connor Wilson  
Planner

## 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 39 23

Applicant Kurtis Hathaway

Location 28286 Duff Line

### OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan  
Policies: Section 8.3.5 permits lot line adjustments when no new lot is being created.

### 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 Rural Residential (RR) Zone to permit non-farm residential uses, which is the zoning of the subject lands the severed parcel is being merged with.

The retained parcel will be left in the Agricultural (A1) Zone. Relief to reduce the minimum lot area of the farm will be required as part of a site-specific amendment.

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:** July 18, 2023  
**SUBJECT:** Application for Severance (E 39/23), 28286 Duff Line, Municipality of Dutton Dunwich – Kurtis Hathaway

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**FOR INFORMATION:**

**Background**

The subject parcel is legally described as Concession 2 S Part Lot 7, and locally known as 28286 Duff Line, Municipality of Dutton Dunwich.

There are no drains that cross the subject lands. There are no woodlots located on the subject lands.

**Purpose of Application**

The applicant proposes to sever a parcel with a frontage of 34.77m (114 feet), a depth of 51.51m (168 feet) and an area of 4,990m<sup>2</sup> (1.23 acres) to be conveyed as an addition to an adjacent lot.

The severed parcel will merge with the lands to the west, locally known as 28204 Duff Line.

The applicant is retaining a lot with an area of 7.2ha (17.8 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:

<b>Departments</b>	<b>Comments received</b>
Drainage	Reapportionment of the Donald McWilliam Drain

Departments	Comments received
	Mutual agreement drain – so that the residential lot can continue to use whatever private drainage they are using now on the retained lands
Building	No comments
Water	No issues
Sewer	No comments
Public Works	No comments
Fire	No comments

**PLANNING POLICY REVIEW:**

**Provincial Policy Statement**

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

Prime agricultural areas shall be protected for long-term use for agriculture (2.3.1).

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

The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with surplus dwelling policies (2.3.4.3).

The definition of “legal or technical reasons” *means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

**Comment:** The proposed severance application is consistent with the PPS, as it supports the overarching policy directions to protect prime agricultural areas, and no new lot is being created.

**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).

Consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created.

In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected (E1.2.3.2).

**Comment:** The proposed severed parcel and retained parcel are in conformity with the County policies.

No new lot is being created, the proposal does not affect the viability of the use of the properties, nor would the adjustment impact the viability of the agricultural parcels.

**Municipality of Dutton Dunwich Official Plan**

The subject lands are designated Agriculture on Schedule ‘A’ Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021.

Section 8.3.5 (a) of the OP states that lot adjustments are permitted in all designations for legal or technical reasons, such as for easements, correction of deeds, quit claims or boundary adjustments, which do not result in the creation of a new lot provided that:

- i. both parcels (newly consolidated lot and retained) comply with the provisions of the Zoning By-law, or such Minor Variances are approved through the approval authority;*
- ii. the conveyance does not lead to the creation of an irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used;*
- iii. the consent is granted conditional to Section 50(3) or (5) of the Planning Act; and*
- iv. the lands being conveyed will be registered in the same name and title as the lands to which they are being added.*

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

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Agricultural (A1) Zone on Map 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 Rural Residential (RR) Zone to permit non-farm residential uses, which is the zoning of the subject lands the severed parcel is being merged with.

The retained parcel will be left in the Agricultural (A1) Zone. Relief to reduce the minimum lot area of the farm will be required as part of a site-specific amendment.

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

<b>Zone Provision</b>	<b>A1 Requirement</b>	<b>Proposed (Farm)</b>	<b>RR Requirement</b>	<b>Proposed (Merged Lot)</b>	<b>Compliance</b>
Min. Lot Area	20.0 ha	7.2 ha	2,000 m <sup>2</sup>	4,990m <sup>2</sup> + 1,888.39m <sup>2</sup>	Relief Required to

Zone Provision	A1 Requirement	Proposed (Farm)	RR Requirement	Proposed (Merged Lot)	Compliance
				= 6,878.39 m <sup>2</sup>	reduce the minimum lot area of the retained farm.  The lot was below the required lot area already.
Max. Lot Area	N/A	N/A	N/A	N/A	Complies
Min. Lot Frontage	150.0 m	218.85m	30.0 m	75m	Complies
Max. Lot Depth	N/A	N/A	120.0 m	91.75m	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 minimum lot area of the proposed retained parcel of land.

**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 lots merge on title; 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

A handwritten signature in black ink, appearing to read 'Tracey Pillon-Abbs', with a stylized flourish extending to the right.

Tracey Pillon-Abbs, MCIP, RPP  
Planner

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 39-23

APPLICANT: Kurtis Hathaway

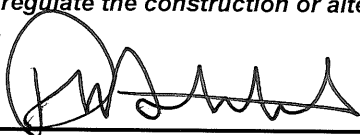
PROPERTY: LOT NO. 7 CONCESSION: 2  
 REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Dutton Dunwich

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 ...*5.182 m from severed and retained portions* 

*[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:** July 26, 2023  
**Application:** E 39-23

**Owner:**  
**Nicole Doey**  
28286 Duff Line, Dutton, ON N0L 1J0

**Agent:**  
**Kurtis Hathaway**  
28204 Duff Line, Dutton, ON N0L 1J0

**Location:** Lot 7, Concession 2. Municipally known as 28286 Duff Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 34.77m (114 feet), a depth of 51.51m (168 feet) and an area of 4,990m<sup>2</sup> (1.23 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 7.2ha (17.8 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agriculture

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of 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 0.5ha to be conveyed as an addition to an adjacent parcel. The parcel being severed is within the agricultural area and forms part of an existing agricultural operation, and the parcel being added to is an existing

residential lot. While lot creation for residential purposes is not permitted in prime agricultural areas, lot additions, where no new lots are created is permitted by the PPS.

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

The proposed severance will not create a new parcel and, as a condition of severance, the severed parcel must be consolidated with the adjacent lot municipally known as 28204 Duff Line.

#### 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 designated Agricultural Area in the CEOP. Severances for the purposes of a lot addition, where no new lot is being created, is permitted by the CEOP.

#### *Section E1.2.3.4*

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

#### 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 Municipality is requesting, as a condition of consent, a rezoning. The proposed zoning amendment will rezone the severed parcel to the same zone as the parcel to which it is being added (Rural Residential (RR)), the retained parcel will remain in the Agricultural (A1) zone, however a site-specific provision will be added to reflect the reduced lot area.

#### 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. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Plank Road County Road 19 to the County of Elgin for the purposes of a road widening if the right of way is not already to



that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 40-23**

**PART of LOT 122 AND SOUTH GORE LOT 14, CONCESSION 6 STR  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 55314 JACKSON LINE**

**TAKE NOTICE** that an application has been made by Dan Froese, 55121 Jackson Line, Straffordville, ON N0J 1Y0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 55314 Jackson Line.

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 83.144m (273 feet) and an area of 0.62ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 47.75ha (118 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:

**JULY 26, 2023 AT 9:15 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

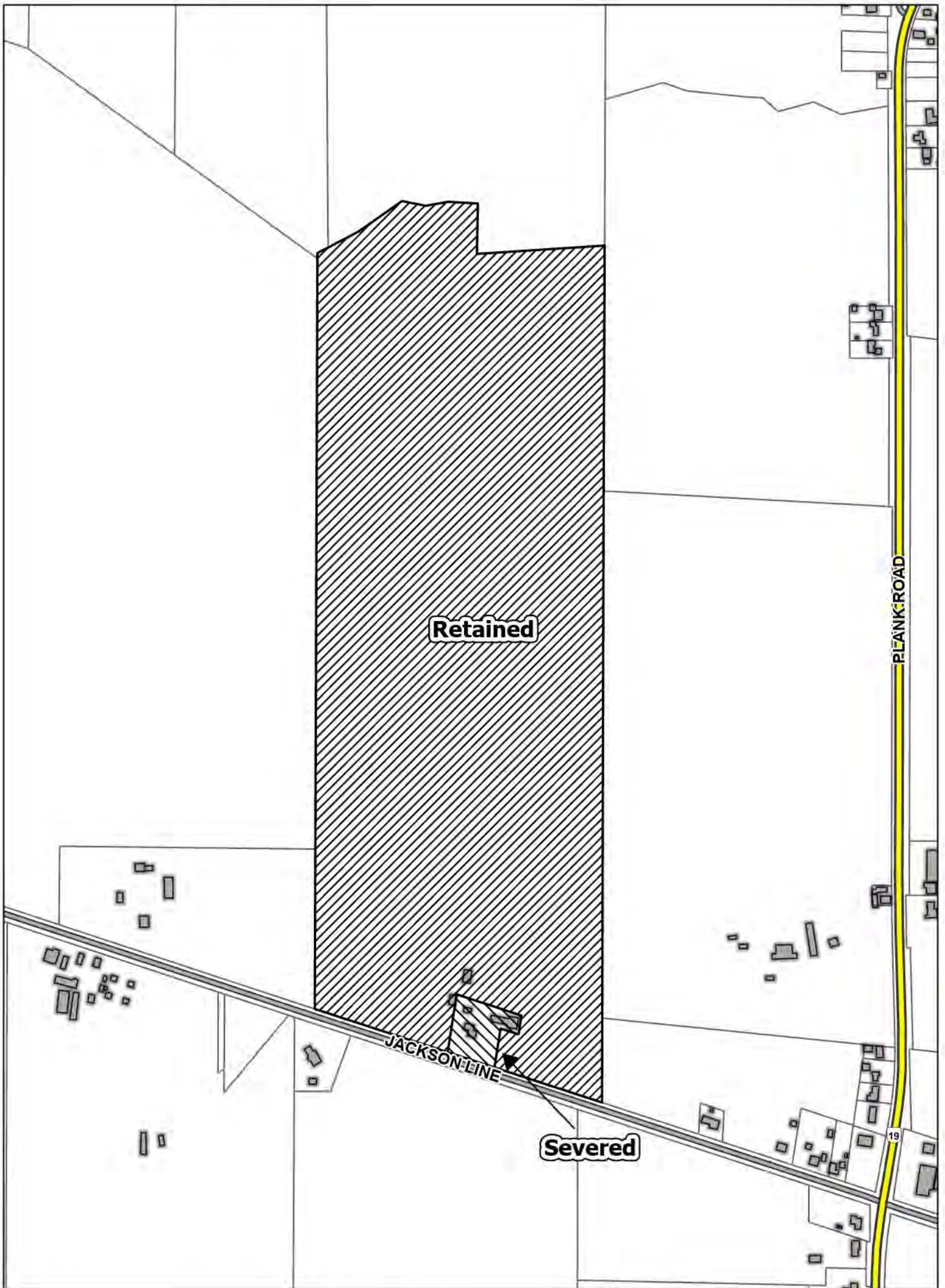
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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](http://www.progressivebynature.com)





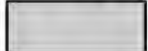


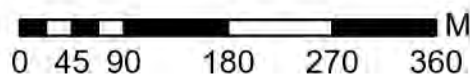
## Location Map

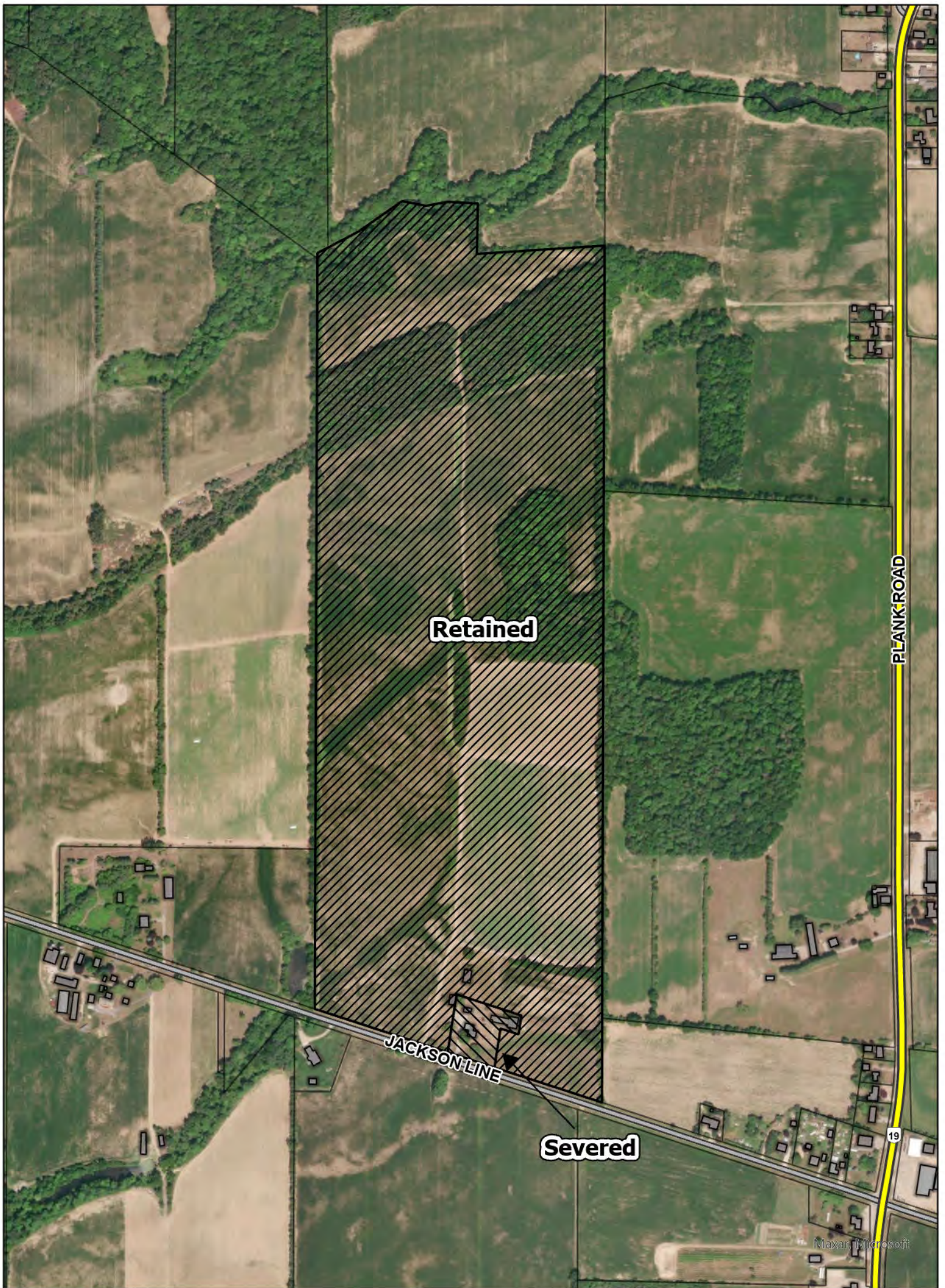
Subject Site: 55314 Jackson Line  
 File Number: E 40-23  
 Owner: Bonnefield Farmland Ontario IV Inc.  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of Bayham



### Legend

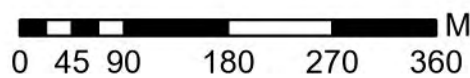
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings





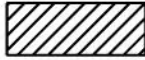

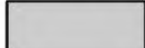


## Location Map

Subject Site: 55314 Jackson Line  
 File Number: E 40-23  
 Owner: Bonnefield Farmland Ontario IV Inc.  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of Bayham



### Legend

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



## Long Point Region Conservation Authority

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

Elgin County  
St. Thomas, ON

July 18, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application E 40-23 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 consent will permit the creation of a new residential lot.

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

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

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

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

- 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 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 subject property contains erosion hazards associated with an existing watercourse/slope and is partially within the area regulated by LPRCA under Ontario Regulation 178/06. The proposed retained parcel contains the regulated feature. The proposed severed parcel is not regulated.

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

Aisling Lavery, Resource Planner  
Long Point Region Conservation Authority  
519-842-4242 ext. 235 | [alavery@lprca.on.ca](mailto:alavery@lprca.on.ca)

Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



June 16, 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. E40-23 Bonnefield Farmland Ontario IV Inc.**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the June 15, 2023 meeting:

**THAT** Report DS-36/23 regarding the Consent Application E40-23 Bonnefield Farmland Ontario IV Inc. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E40-23 be granted subject to the following conditions and considerations:

1. The owner obtain Zoning By-law Amendment approval to change the zoning of the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings
2. The owner obtain Zoning By-law Amendment approval to change the zoning of the severed lands from Agricultural (A1-A) zone to a Rural Residential (RR) zone or a site-specific RR-xx Zone to permit an oversized accessory building and the prohibition of the keeping of livestock in the retained barn
3. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Arn 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.
4. Purchase of civic number sign for the retained parcel
5. Digital copy of the registered plan of survey
6. Planning Report fee payable to the Municipality

Municipal Appraisal Sheet and Staff Report DS-36/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,  
Planning Coordinator|Deputy Clerk

D09.BONN

cc: D. 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 E40-23

Applicant Bonnefield Farmland Ontario IV Inc.

Location Bayham – 55314 Jackson Line

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Gas Reservoir, Natural Heritage, Hazard Lands and Significant Woodlands

Policies: 2.1.7.1 Farm Consolidation

### 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

Rezoning required of both the retained and severed


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

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

6. Does the Municipality foresee demand for new municipal services? Yes ( 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-36/23 considered at Council meeting held June 15, 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

Z475-2004

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

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 m<sup>2</sup> 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 m<sup>2</sup>

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m<sup>2</sup>

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 15, 2023

**REPORT:** DS-36/23

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

**Roll # 3401-000-003-09800**

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**SUBJECT: Consent Application E40-23 Bonnefield Farmland Ontario IV Inc.  
55314 Jackson Line**

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### BACKGROUND

A consent application E40-23 was received from the Elgin County Land Division Committee submitted by Appointed Agent Dan Froese on behalf of owners Bonnefield Farmland Ontario IV Inc. proposing to sever a lot 0.6 hectares (1.6 acres) containing a dwelling and a barn and retain 47.8 hectares (118 acres) of land. The property is known municipally as 55314 Jackson 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' 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. 8 of the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on July 26, 2023.

### DISCUSSION

The proposed consent is for a farm dwelling deemed surplus to the Bonnefield farm operation. The planner's memorandum, dated June 8, 2023, analyzes the application subject to the Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

As per the provincial and municipal policies for surplus farm dwellings, rezoning is required to rezone the retained lands to prohibit new dwellings and rezone the severed parcel. Subject to Council's decision regarding the oversized barn, a site-specific zoning to acknowledge the size of the barn and to prohibit the keeping of livestock on the severed parcel may be required.

Standard conditions include: civic numbering signage for the retained lands, survey and the

planning report fee. The subject land is within the watershed for the Arn Municipal drain requiring a reassessment of the maintenance schedule to adjust for the severed parcel.

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

## ATTACHMENTS

1. Consent Application E40-23
2. Aerial Map – 55314 Jackson Line - farm
3. Aerial Map – 55314 Jackson Line – severed lot
4. Arcadis Memorandum, dated June 8, 2023

## RECOMMENDATION

**THAT** Report DS-36/23 regarding the Consent Application E40-23 Bonnefield Farmland Ontario IV Inc. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E40-23 be granted subject to the following conditions and considerations:

1. The owner obtain Zoning By-law Amendment approval to change the zoning of the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings
2. The owner obtain Zoning By-law Amendment approval to change the zoning of the severed lands from Agricultural (A1-A) zone to a Rural Residential (RR) zone or a site-specific RR-xx Zone to permit an oversized accessory building and the prohibition of the keeping of livestock in the retained barn
3. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Arn 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.
4. Purchase of civic number sign for the retained parcel
5. Digital copy of the registered plan of survey
6. Planning Report fee payable to the Municipality

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 ext. 63008

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	June 8, 2023
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-900
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Bonnefield Farmland Ontario IV Inc. – 55314 Jackson Line – Application for Consent E40-23		

1. We have completed our review of Consent application E40/23, submitted by Bonnefield Farmland Ontario IV Inc. for lands located at 55314 Jackson Line, north side and west of Plank Road. The applicant is requesting consent for severance of 0.6 hectares (1.6 acres) of land and to retain 47.8 hectares (118 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. 8 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 70 metres (230 feet) and lot depth of 83 metres (272 feet) and comprises a single-detached dwelling, an accessory building and barn. The retained lands have lot frontage of 357 metres (1,171 feet) and lot depth of 1,170 metres (3,839 feet). The lands to be retained contain a barn proposed to be demolished. There is an existing driveway to be devoted to the dwelling and based on recent aerial photos there appears to be an active farm access to the west of the proposed severed lot which could serve the retained lands. The surrounding uses are agricultural and there is a single-detached dwelling lot across Jackson Line.
3. Elgin County Official Plan (hereafter, 'Elgin OP') policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 New Lots by Consent. Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

Municipality of Bayham – June 8, 2023

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 Jackson Line.
- b. Provincial/County Road Access: Jackson Line is a local road.
- c. Traffic hazard: based on a desktop review, Jackson Line is flat and straight at the frontage and existing driveway and traffic for one existing residential unit would not create additional traffic, therefore, no traffic hazard is anticipated with the proposed consent.
- d. Size and Frontage: the severed and retained lots provide adequate frontage and lot area in accordance with the Municipality of Bayham Zoning By-law, as well as adequate yard setbacks.

The proposed lot area is larger than necessary to provide for private services, however, the application indicates that the farmer does not want to keep the barn and the future owner of the dwelling would like to repurpose the barn. The barn would be used as an accessory building to the residential use for boat and RV storage. Including these barn lands leads to increased lot area above the typical 0.4 ha lot for these types of Consents.

- e. Zoning amendment or variance: the owners will be required to rezone the severed lands from an Agricultural (A1-A) zone to a site-specific Rural Residential (RR-xx) zone, the site-specific zoning would be required to recognize the oversized nature of the barn with floor area of approximately 200 m<sup>2</sup> (2,150 ft<sup>2</sup>) whereas 95 m<sup>2</sup> (1,022 ft<sup>2</sup>) is the permitted maximum; and to rezone the retained lands from an A1-A zone to a Special Agricultural (A2) zone (to prohibit new dwellings as per Provincial and Municipal policy).
- f. Water and Sewer Services: the owners have provided supporting private water and sewer servicing information as part of the complete application. There is an existing well and septic system for the dwelling. Hayden Water Wells provided a letter stating that the well and broader area should provide adequate water capacity. A water test provided with the application indicates that the water quality is adequate. Clear Lines provided a letter stating that the septic system is in satisfactory condition.
- g. Drainage Patterns: there are no physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

Municipality of Bayham – June 8, 2023

- h. Potential restriction of future development and/or access: the proposed lot configuration would not impact future development or access to the retained lands.
- 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 1,000 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 1,000 metres from the identified hazard lands to the north 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.

- 4. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, including that a land use conflict shall not be created; only one dwelling can be severed from the original farm parcel; and the farm operation owns another dwelling within the Bayham. The proposed consent is consistent to these policies.
- 5. Bayham OP Section 2.1.7.2 to 2.1.7.4 provide considerations for the approval and requirements for consent for surplus farm dwellings, to which the following points address:

Section 2.1.7.2 Severed Lot:

- a) Limited size: the lot is larger than necessary to accommodate the existing private water and sewer services, however, this is due to the future owner wishing to retain the existing barn for accessory residential purposes (RV and boat storage).

Municipality of Bayham – June 8, 2023

b) there are no livestock operations identified in the area warranting MDS concerns

c) the owner will be required to rezone the severed lands to a Rural Residential (RR) zone, and should Council and the ELDC be comfortable with an oversized barn being retained then the zoning amendment should include the owner obtaining a site-specific RR-xx zone to permit the oversized accessory building.

#### Section 2.1.7.3 Severed Lot:

a) oversized farm buildings being retained with severed surplus farm dwellings should only be approved if Council determines that no land use conflict will result. The barn is suitably removed from the road and is not in proximity to any other residential or sensitive uses.

b) Farm buildings as accessory buildings are only permitted if the lands are rezoned to prohibit the keeping of livestock. The site-specific zoning by-law amendment shall include the prohibition of the keeping of livestock for the severed lands.

#### Section 2.1.7.4 Retained Lot:

a) the retained lands have adequate lot area

b) the owner will be required to rezone the retained lands to a Special Agricultural (A2) zone to prohibit new dwellings to protect farmlands.

Notwithstanding the slightly increased lot area to accommodate retaining the barn with the residential lot, the proposed consent is in conformity to the Municipality of Bayham Official Plan following the clearing of Conditions.

6. The severed parcel must be rezoned to a Rural Residential (RR) zone or site-specific RR-xx zone to permit the oversized accessory building and the prohibition of the keeping of livestock in the barn to protect drinking water, 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.

7. Based on the above review of consent application E40/23 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, aside from a minor objection to the proposal to keep the barn with the dwelling lands which increases the lot area

Municipality of Bayham – June 8, 2023

beyond the minimum size required to accommodate private water and sewer services, 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 or a site-specific RR-xx zone to permit an oversized accessory building and the prohibition of the keeping of livestock in the retained barn.
- 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 provides a Planning Report Fee payable to the Municipality of Bayham.
- d) That the owner provides a digital copy of a survey of the subject lands.
- e) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

*Paul Riley*

Arcadis  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

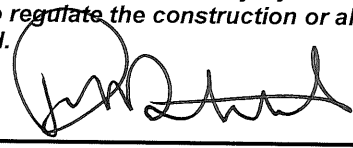
APPLICATION NO.: E 40-23  
APPLICANT: Bonnefield Farmland Ontario IV Inc.  
Dan Froese - agent

PROPERTY: LOT NO. Pt Lot 122 and Con SG CONCESSION: 6 STR  
REG'D PLAN: RP11R6751 Part MUNICIPALITY: Bayham  
1

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:** July 26, 2023  
**Application:** E 40-23

**Owner:**  
**Bonnefield Farmland Ontario IV Inc.**  
510-141 Adelaide Street West, Toronto, ON  
M5H 3L5

**Agent:**  
**Dan Froese**  
55121 Jackson Line, Staffordville, ON  
N0J 1Y0

**Location:** Part of Lot 122 and South Gore Lot 14, Concession 6 STR. Municipally known as 55314 Jackson Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 83.144m (273 feet) and an area of 0.62ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 47.75ha (118 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agriculture, Natural Gas  
Reservoir, Natural Heritage,  
Hazard Lands and  
Significant Woodlands

**Local Municipality Zoning  
By-law**  
Agricultural

**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 proposes to sever a parcel of approximately 1.6 acres which will contain the existing single detached dwelling and two outbuildings. The retained farmland will be approximately 118 acres in area. The creation of new lots in prime agricultural areas is permitted by the PPS to sever a dwelling that is surplus to a farming operation.

*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 designated Agricultural Area in the CEOP. New lot creation within the agricultural area is generally discouraged but is permitted for the purposes of severing a dwelling which is surplus to a farming operation. The proposed severed parcel is approximately 1.6-acres in area and does not include any cultivated land.

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 consent is not anticipated to create any deficiencies with the Zoning By-law provisions. Bayham staff are recommending a condition to rezone the retained lands to Special Agricultural (A2) which prohibits residential dwellings, and rezone the severed lot to Rural Residential site-specific exception to permit an oversized accessory building.

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 the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
2. The owner obtain Zoning By-law Amendment approval to change the zoning of the severed lands from Agricultural (A1-A) zone to a Rural Residential (RR) zone or a site-specific RR-xx Zone to permit an oversized accessory building and the prohibition of the keeping of livestock in the retained barn.
3. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Arn 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.
4. Purchase of civic number sign for the retained parcel.
5. Digital copy of the registered plan of survey.
6. Planning Report fee payable to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 41-23**

**PART OF LOT 10, CONCESSION 4  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 22830 KINTYRE LINE**

**TAKE NOTICE** that an application has been made by David French, 55 Forest Street South, Suite N, Chatham, ON N7L 1Z9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 22830 Kintyre Line.

The applicant proposes to sever an irregular parcel with an area of 0.7538ha (1.86 acres) containing a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 173ha (428 acres) proposed to remain in agricultural use. The applicant also proposes to create two easements for an existing well servicing the dwelling and a geothermal bed.

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:

**JULY 26, 2023 AT 9:25 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

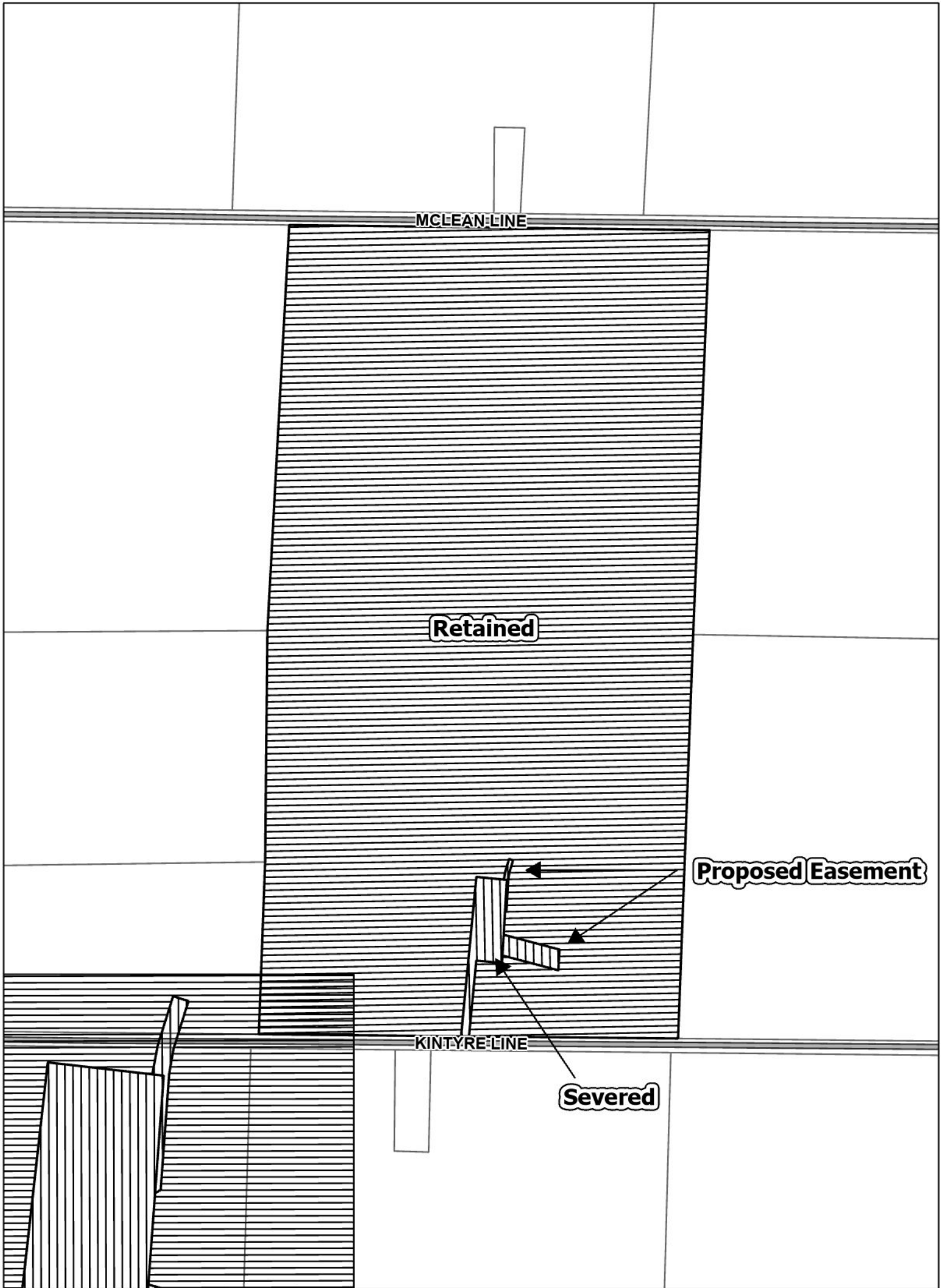
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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](http://www.progressivebynature.com)



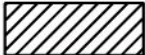

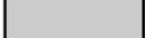


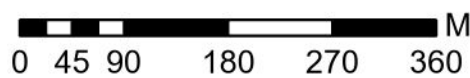
## Location Map

Subject Site: 22830 Kintyre Line  
 File Number: E 41-23  
 Owner: Forbestfarm Inc.  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of West Elgin



### Legend

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

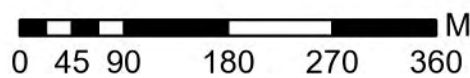






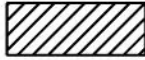

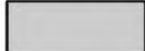
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 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 06/05/2023  
 Municipality of West Elgin

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



## Legend

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

June 19, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 41-23)**  
**22830 Kintyre Line (French)**  
**Part Lot 10; Concession 4**  
**Municipality of West Elgin**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area are the Fleming Creek tributaries and their associated ravine systems, the natural watercourses, the Roach Drain, the Wismer No. 2 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 tributaries, the natural watercourses, and drains will be required to any proposed works / structure(s) / site alteration.

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

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

Yours truly

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

Connor Wilson  
Planner

**Planning Report 2023-31: Severance Report E41-23 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E41-23 Conditions**

Severance Application E41-23 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 26, 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

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**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-06-27  
**Subject:** Severance Application E41-23 – Comments to Elgin County – Recommendation Report – (Planning Report 2023-31)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-41-23 – Comments to Elgin County (Planning Report 2023-31).

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for Severance application, File E-41-23, 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 E41-23, 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 22830 Kintyre Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E41-23
<b>Owner/Applicant</b>	Forbestfarm Inc.
<b>Legal Description</b>	Part Lot of 10, Concession 4 WD
<b>Civic Address</b>	22830 Kintyre Line
<b>Entrance Access</b>	Kintyre Line
<b>Services</b>	Private on-site septic system & water well
<b>Existing Land Area</b>	70.75 ha (174.8 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
<b>E41-23</b>	15.354 m (50.37 ft.)	irregular	0.7538 ha (1.86 ac)	585 m (1,919 ft.)	1,150 m (3,773 ft.)	70 ha+/- (173 ac.)

The Public Hearing is scheduled for July 26, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.

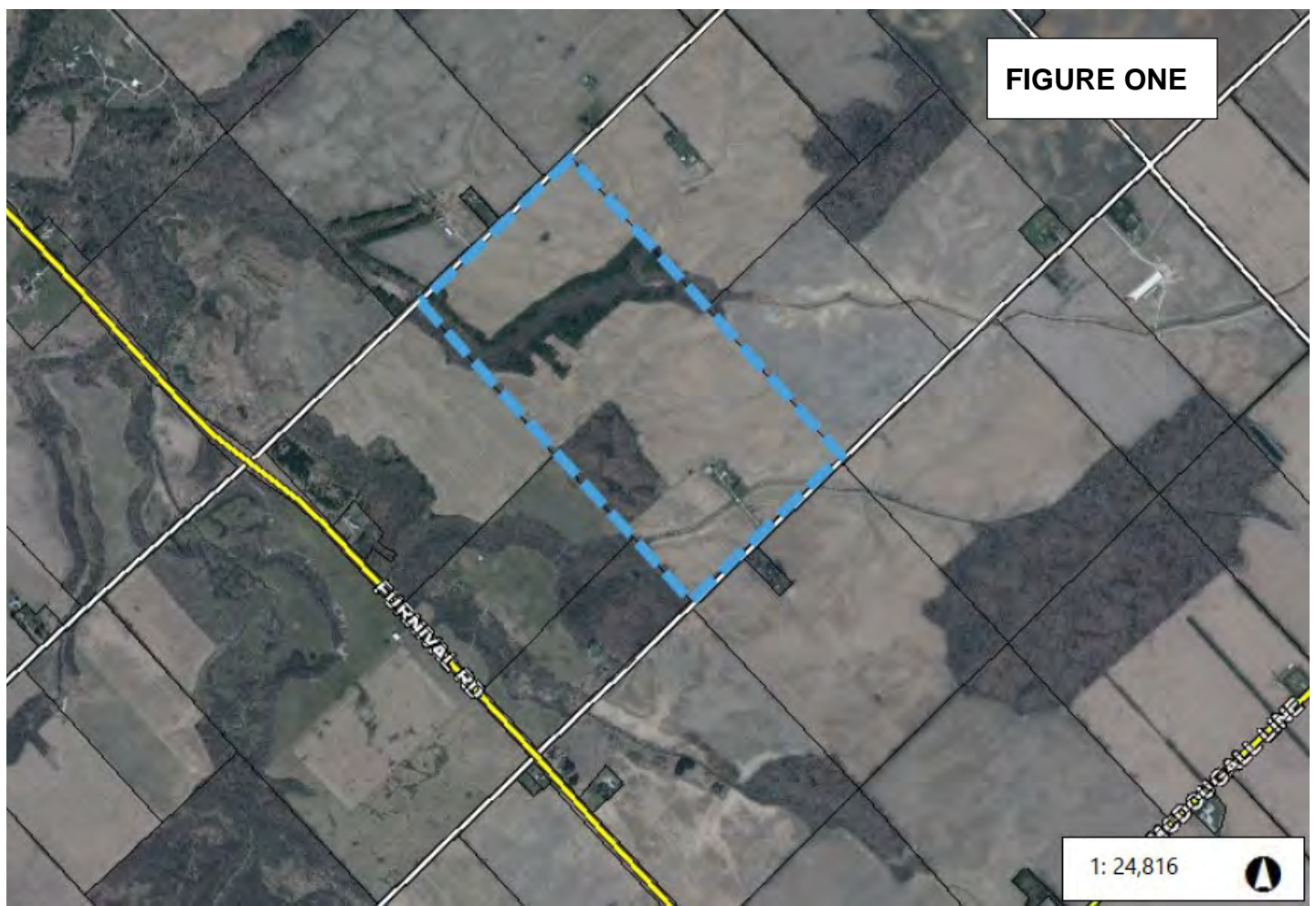
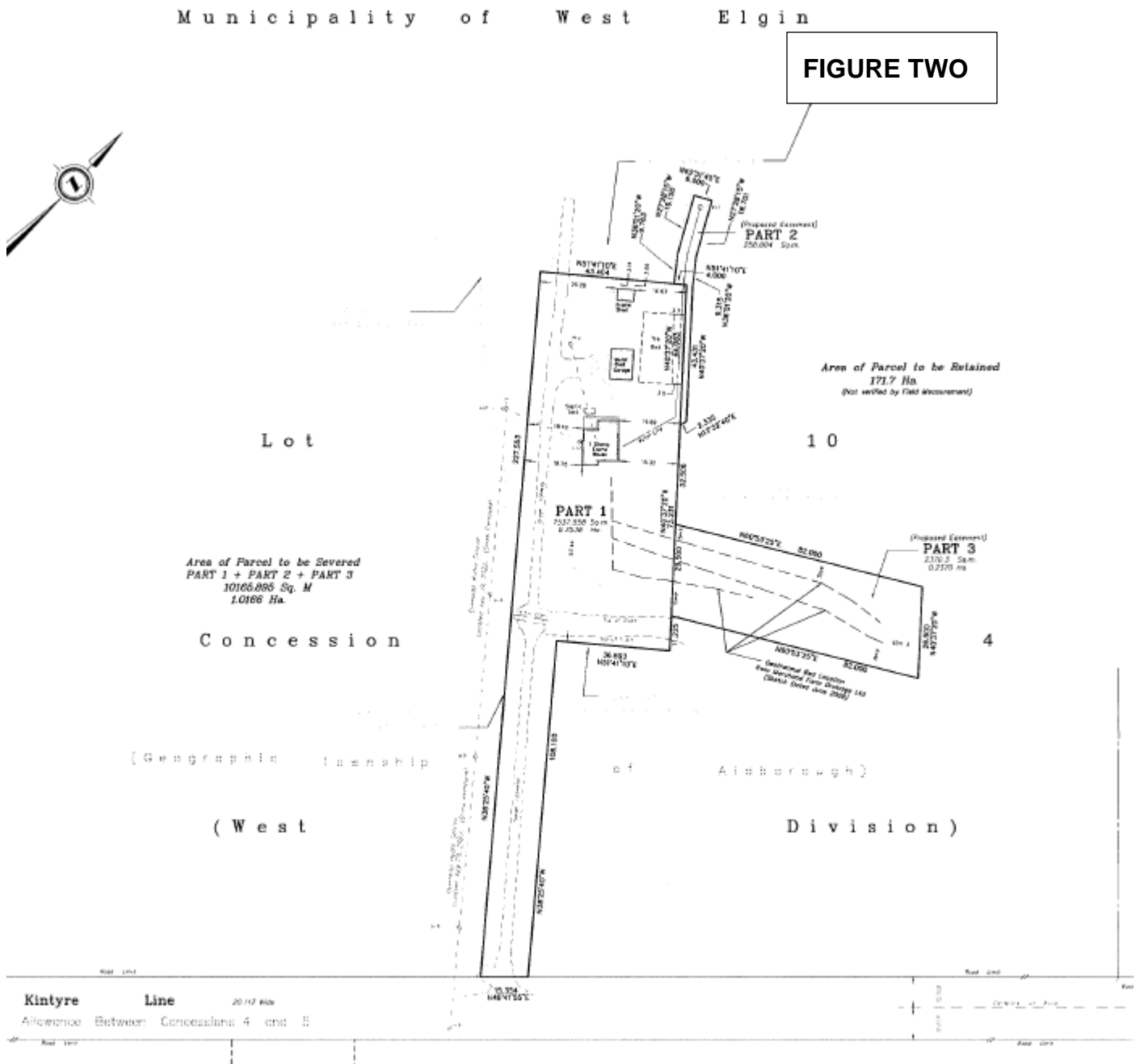




Figure Two below is the draft reference plan prepared for the proposed surplus dwelling severance.



**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 no livestock facilities within close proximity of the proposed lot.

The property does contain a natural heritage feature in the form of woodlands located to the northwest of the proposed lot. The dwelling and outbuildings are existing and approximately 100 m plus away from the nearest wooded area. 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, a site visit was undertaken to confirm, and is surplus to the owner's farming operations. The residence is serviced by a private water well and private individual on-site septic system.

All existing development is outside the natural heritage feature on the subject property and no development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

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 no livestock operation within close proximity 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. Two easements are proposed for access to and maintenance of the existing water well to the north of the lot and for the existing geothermal supply lines that run partially out into the field at the south end of the lot; and
- There are no older farm buildings which are deteriorated, derelict or abandoned for consideration of removal.

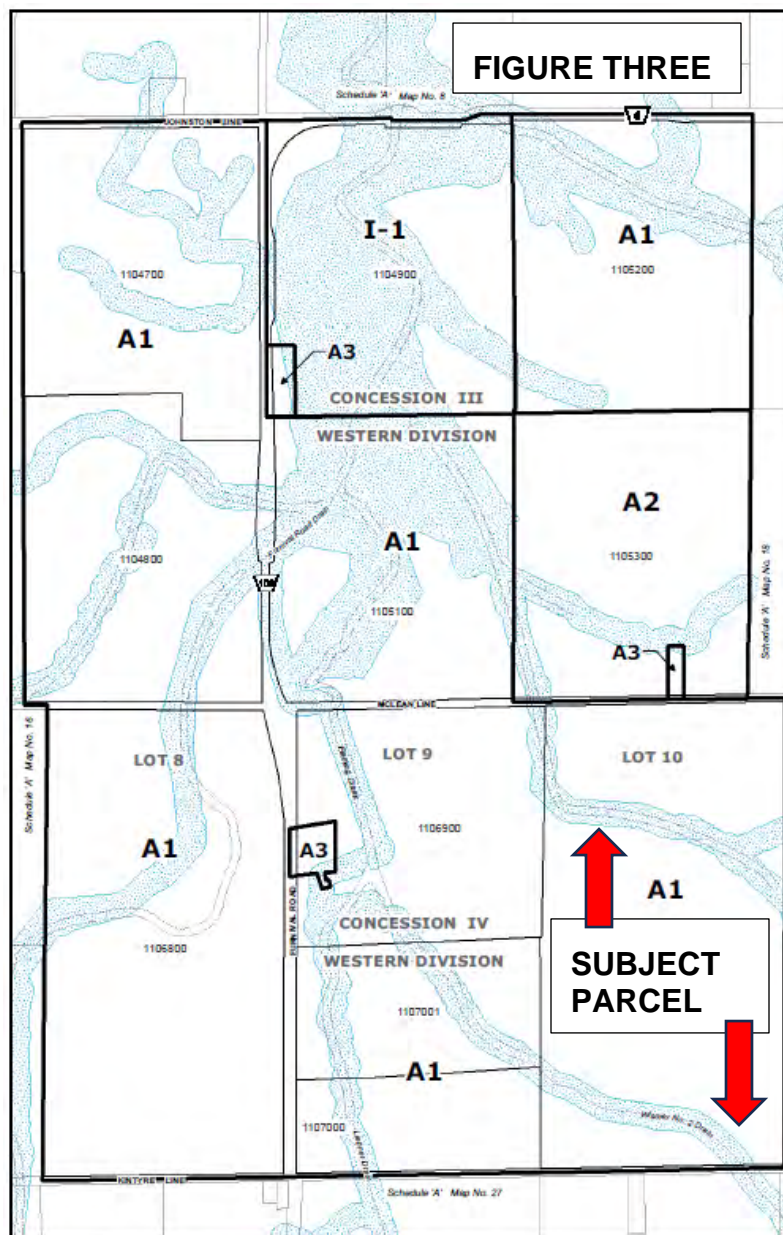
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms 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 17 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.

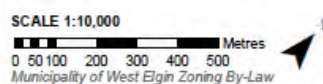
The proposed severed parcel area is 0.7538 ha (1.86 ac.), with a lot frontage of 15.354 m (50.37 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural Special Regulation 8 (A3-8) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The site-specific zoning on the severed parcel will need to recognize the reduced lot frontage created by the proposed lot configuration. 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"



Map No. 17

**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 drainage reapportionment will be addressed as a condition of approval.

**Public Works:**

- If any entrance modifications are needed, an entrance permit would be required. There is however access to each of the various farm fields created by the bisecting drains.

**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 E41-23 - Comments to Elgin County - Recommendation Report - 2023-31-Planning.docx
Attachments:	
Final Approval Date:	Jul 12, 2023

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

Terri Towstiuć

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 41-23

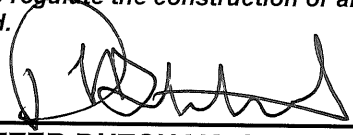
APPLICANT: Forbestfarm Inc. (FBF) David French - agent

PROPERTY: LOT NO. Pt of Lot 10 CONCESSION: 4  
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:** July 26, 2023  
**Application:** E 41-23

**Owner:**  
**Forbestfarm Inc.**  
322 Rte. 223, l'Île-aux-Noix, Quebec, J0J 1G0

**Agent:**  
**David French (Storey Samways  
Planning Ltd.)**  
55 Forest Street, Suite N, Chatham, ON  
N7L 1Z9

**Location:** Part of Lot 10, Concession 4. Municipally known as 22830 Kintyre Line.

#### PROPOSAL

The applicant proposes to sever an irregular parcel with an area of 0.7538ha (1.86 acres) containing a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 173ha (428 acres) proposed to remain in agricultural use. The applicant also proposes to create two easements for an existing well servicing the dwelling and a geothermal bed.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

#### REVIEW & ANALYSIS:

##### Public and Agency Comments

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

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No objections.

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 proposes to sever a parcel of approximately 1.9-acres which will contain the existing single detached dwelling and two outbuildings. The applicant is also proposing to create two easements, one which will allow access to the existing well and water line, and the second to accommodate a geothermal bed.

#### *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*

#### *2.3.4.2*

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

#### 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 designated Agricultural Area in the CEOP. Severances are permitted in the Agricultural Area provided they are to sever a habitable dwelling from an existing farm operation and are a minimum size needed to accommodate the home and private services. The creation of easements, and technical severances are also permitted in the Agricultural Area. Given the creation of the easements is required to accommodate the servicing needs of the proposed severed parcel containing the surplus residence, staff are of the opinion that it conforms to the CEOP.

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

Staff have reviewed the application against the policies of the Municipality of West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. West Elgin staff are recommending a condition to rezone the retained farmland to one which does not permit residential development. The severed lot will be rezoned with a site-specific exception to address the reduced lot frontage.

#### 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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.
4. That documents necessary for the transfer of the severed lot and the creation of the two easements be presented to the Secretary-Treasurer simultaneously.

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 26, 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 42-23**

**LOT 58, CONCESSION SENBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10117 TALBOTVILLE GORE ROAD**

**TAKE NOTICE** that an application has been made by Ryan Pereira, 4064 Sugarmaple Crossing, London, ON N6P 0H5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10117 Talbotville Gore Road.

The applicant proposes to sever a parcel with a frontage of 36m (118 feet), a depth of 21.22m (70 feet) and an area of 852.929m<sup>2</sup> (0.21 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

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:

**JULY 26, 2023 AT 9:35 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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](http://www.progressivebynature.com)



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 44-23**

**LOT 58, CONCESSION SENBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10117 TALBOTVILLE GORE ROAD**

**TAKE NOTICE** that an application has been made by Ryan Pereira, 4064 Sugarmaple Crossing, London, ON N6P 0H5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10117 Talbotville Gore Road.

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 20.844 (68 feet) and an area of 376.895 m<sup>2</sup> (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

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:

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Dated at the Municipality of Central Elgin this 9<sup>th</sup> day of June, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
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**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 43-23**

**LOT 58, CONCESSION SENBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 10117 TALBOTVILLE GORE ROAD**

**TAKE NOTICE** that an application has been made by Ryan Pereira, 4064 Sugarmaple Crossing, London, ON N6P 0H5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10117 Talbotville Gore Road.

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 21.032m (69 feet) and an area of 380.282m<sup>2</sup> (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

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:

**JULY 26, 2023 AT 9:35 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

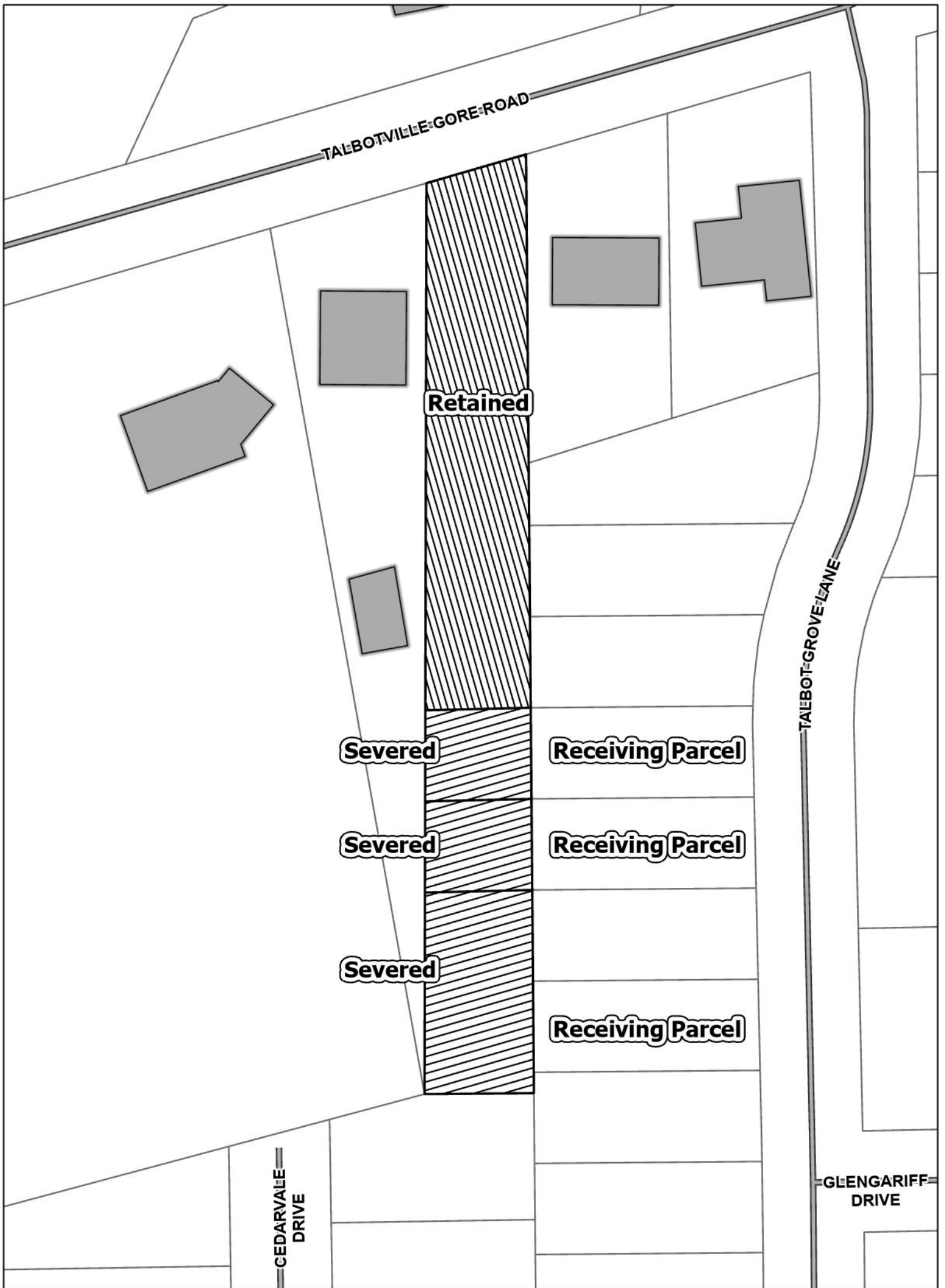
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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](http://www.progressivebynature.com)








## Location Map

Subject Site: 10117 Talbot Gore Road  
 File Number: E 42-23, E 43-23 & E 44-23  
 Owner: Ryan Pereira  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 06/06/2023  
 Township of Southwold



### Legend

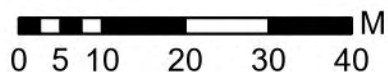
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings








## Location Map

Subject Site: 10117 Talbot Gore Road  
 File Number: E 42-23, E 43-23 & E 44-23  
 Owner: Ryan Pereira  
 Planner: Unknown  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 06/06/2023  
 Township of Southwold

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



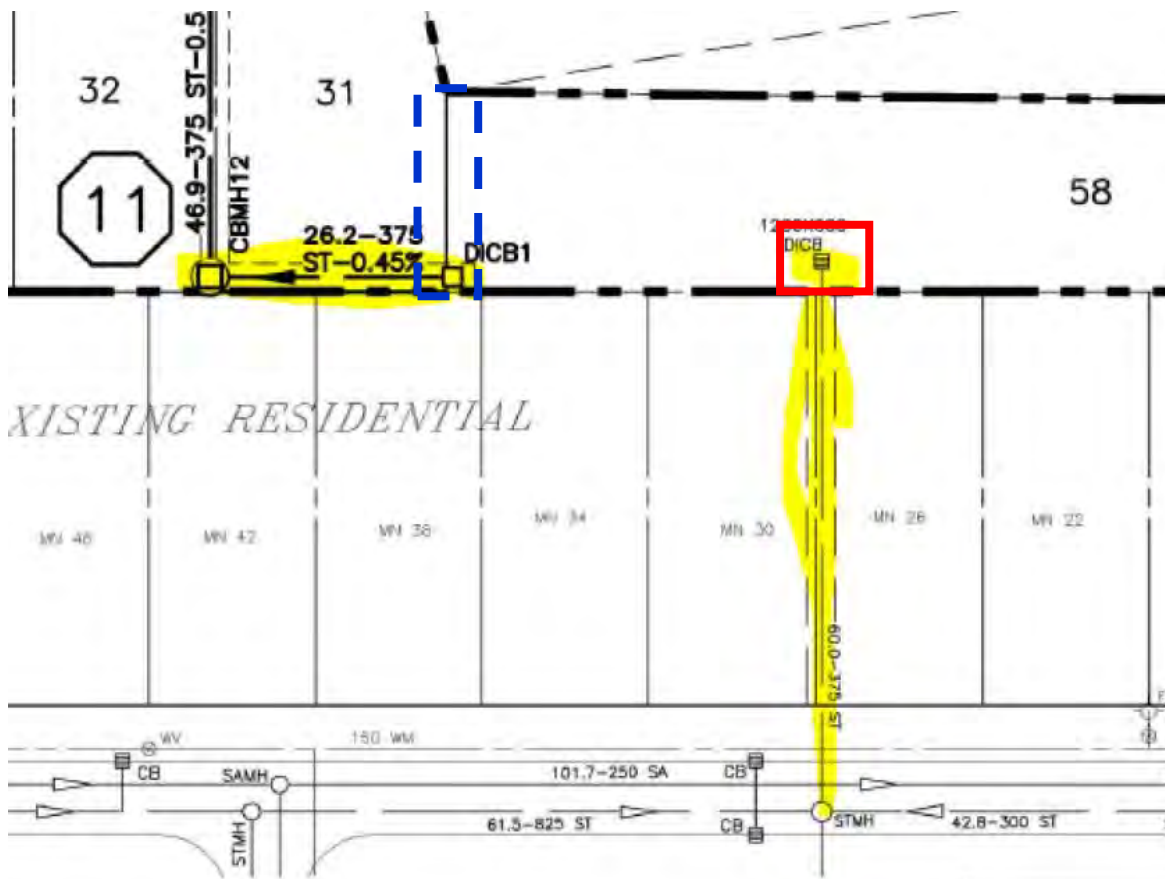
### Legend

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

## Appendix Two: Severance Applications E42-23, E 43-23, E44-23

Consent Applications E42 -23, E 43-23, E 44-23 Conditions:

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
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 Township.
3. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deeds for the severed parcels once the transaction has occurred.
4. That the Applicant register on title two 3 metre drainage easements.
  - a) From DICB 1 (see dashed blue line below) create a 3-meter easement contained wholly in lot 58 to the northerly property line to maintain existing drainage conditions from Mun. 10141.
  - b) Extend the highlighted easement between Mun 30 and 26 to 3 metres north of the DICB for maintenance purposes (see red box below).





5. That prior to the issuance of a building permit the Applicant submits a lot grading plan to the satisfaction of the Township.
6. That a driveway entrance permit and 911 sign be obtained, if required.
7. That the Applicant's Solicitor provide a request for clearance of conditions to the Township, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
8. That prior the final approval of the County, the County is advised in writing by the Township 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*.

VIA EMAIL ONLY

June 27, 2023

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

**RE: Township of Southwold Consent Applications - Comments to the County of Elgin**  
**County File Numbers: E42-23 E43-23 E44-23**

Please be advised that the Township of Southwold has reviewed the above-noted applications, at the June 26, 2023 Council Meeting and passed the following resolution:

**PLA 2023-22 Consent Applications E 42-23, E43-23 and E44-23 R. Pereira, 10117 Talbotville Gore Road**

**2023-214**

**THAT** Council recommends approval to the Land Division Committee of the County of Elgin for consent applications, E42-23, E43-23 and E44-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-22.

**CARRIED**

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

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

Yours truly,

*Josh Mueller*

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

**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.

Submissions: E42-23 E43-23 E44-23

---

Owner/Applicant: Ryan Pereira

---

Location: 10117 Talbotville Gore 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: Settlement Areas

Policies: Section 5.2

---

ZONING

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

Comments: No Comments

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

OTHER

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

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

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

10. Does the municipality have other concerns that should be considered by the Committee?  
All local municipal interests are contained in the conditions imposed by the Township. Please refer to

Planning Report PLA 2023-22

---

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 42-23 E 43-23 E 44-23

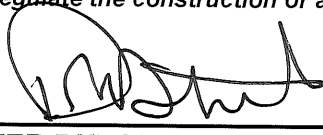
APPLICANT: Ryan Pereira - Rutledge

PROPERTY: LOT NO. 58 CONCESSION: SENBRT Pt Lot 40  
REG'D PLAN: 11M-245 MUNICIPALITY: Southwold Talbotville

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:** July 26, 2023  
**Application:** E 42-23 to E 44-23

**Owner:**  
**Ryan Pereira**  
4064 Sugarmaple Crossing, London, ON N6P  
0H5

**Agent:**  
**Todd Rutledge**  
380 Wellington Street, London, ON N6P  
0H5

**Location:** Lot 58, Concession SENBTR. Municipally known as 10117 Talbotville Gore Road.

PROPOSAL

E 42-23:

The applicant proposes to sever a parcel with a frontage of 36m (118 feet), a depth of 21.22m (70 feet) and an area of 852.929m<sup>2</sup> (0.21 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

E 43-23:

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 21.032m (69 feet) and an area of 380.282m<sup>2</sup> (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

E 44-23:

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 20.844 (68 feet) and an area of 376.895 m<sup>2</sup> (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m<sup>2</sup> (0.53 acres) for a future single detached dwelling.

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

**Local Municipality Official  
Plan**  
Settlement Area

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – No concerns.



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

*Kettle Creek Conservation Authority – No comments.*

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

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

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

The applicant is applying to sever three parcels for the purposes of lot additions. The subject land was previously being used as a construction access to the adjacent plan of subdivision. This access is no longer required and so the applicant is applying to sever three parcels from the land and add them to adjacent residential properties to extend the depth of the existing backyards. This is a simple lot boundary adjustment within an existing settlement area, no new parcels are being created by this severance, and it is not anticipated to have a negative effect on surrounding land uses; therefore, these applications are consistent with the PPS.

#### County of Elgin Official Plan

County Staff has reviewed the application for conformity with the policies outlined in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. Technical severances, including those for minor lot boundary adjustments and additions, are permitted in all land use designations. Staff have reviewed this application against the general consent criteria in the CEOP and found no deficiencies.

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

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed consent is not anticipated to create any deficiencies with the Zoning By-law provisions. Southwold Staff are requesting conditions to create easements to maintain existing drainage features on the subject land. Confirmation that these easements have been registered on title will need to be provided to Township staff prior to Southwold clearing their conditions.

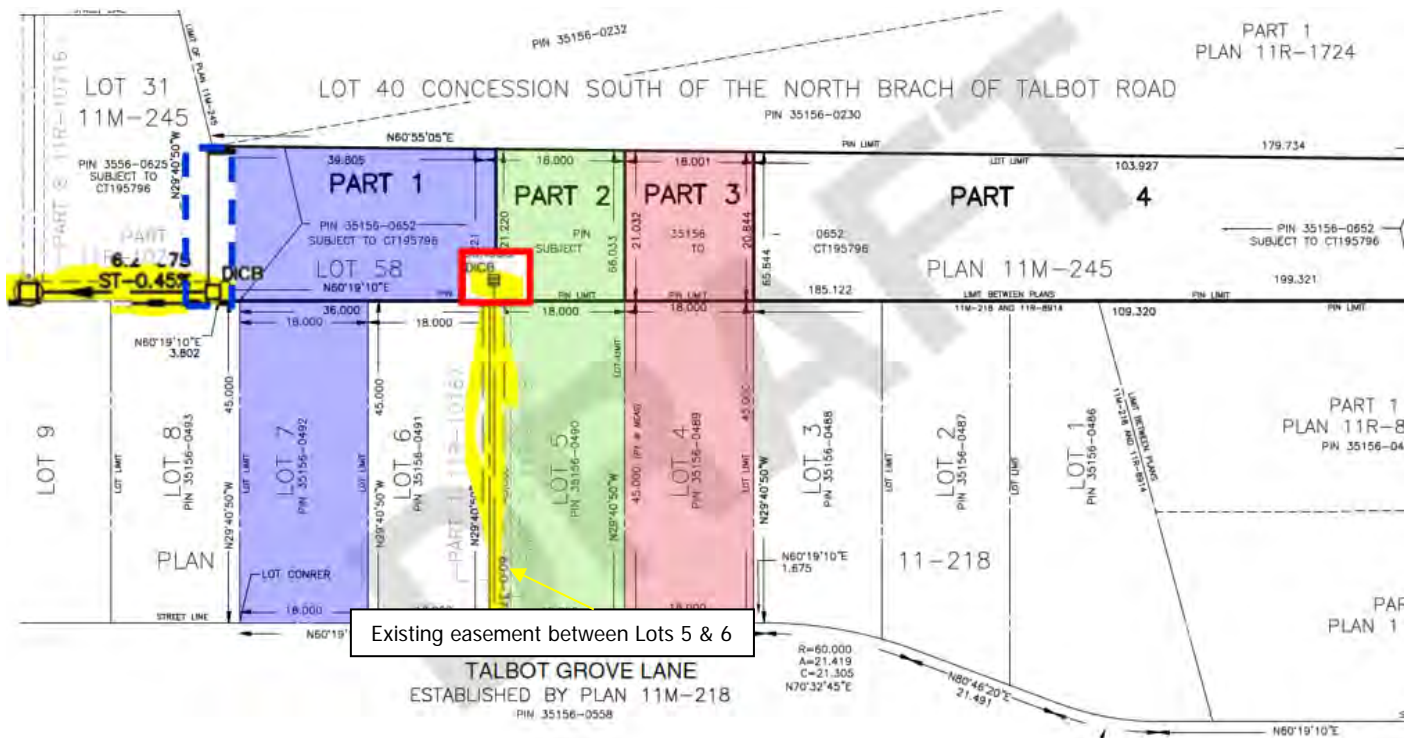


Figure 1 - An image overlay showing the proposed easement locations

**RECOMMENDATION:**

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

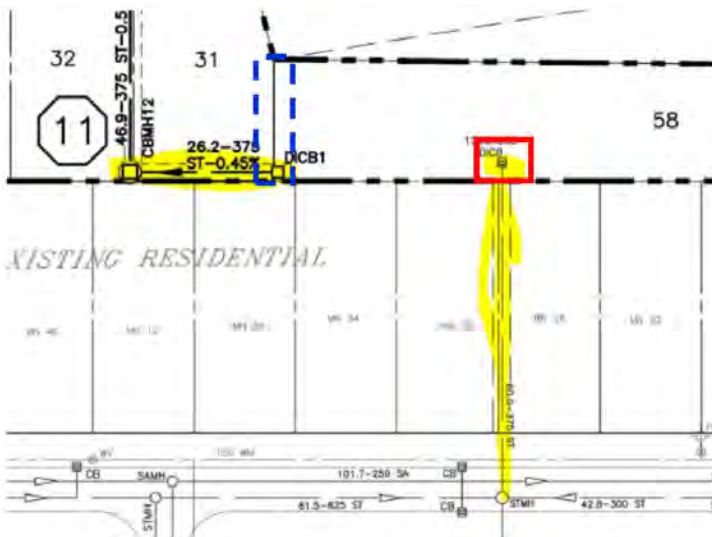
1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That Subsection 3 or 5 of Section 50 of the Planning Act,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

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
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 Township.



3. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deeds for the severed parcels once the transaction has occurred.
4. That the Applicant register on title two 3 metre drainage easements.
  - a) From DICB 1 (see dashed blue line below) create a 3-meter easement contained wholly in lot 58 to the northerly property line to maintain existing drainage conditions from Mun. 10141.
  - b) Extend the highlighted easement between Mun 30 and 26 to 3 metres north of the DICB for maintenance purposes (see red box below).



5. That prior to the issuance of a building permit the Applicant submits a lot grading plan to the satisfaction of the Township.
6. That a driveway entrance permit and 911 sign be obtained, if required.
7. That the Applicant's Solicitor provide a request for clearance of conditions to the Township, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
8. That prior the final approval of the County, the County is advised in writing by the Township how the above-noted conditions have been satisfied.
9. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 45-23**

**PART OF LOT 86, CONCESSION STR  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 181 ELK STREET**

**TAKE NOTICE** that an application has been made by Jacob and Annie Woelke, 181 Elk Street, Aylmer, ON N5H 1S8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 181 Elk Street.

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 30.18m (100 feet) and an area of 386.304m<sup>2</sup> (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 617.7846m<sup>2</sup> (0.15 acres) 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:

**JULY 26, 2023 AT 9:45 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

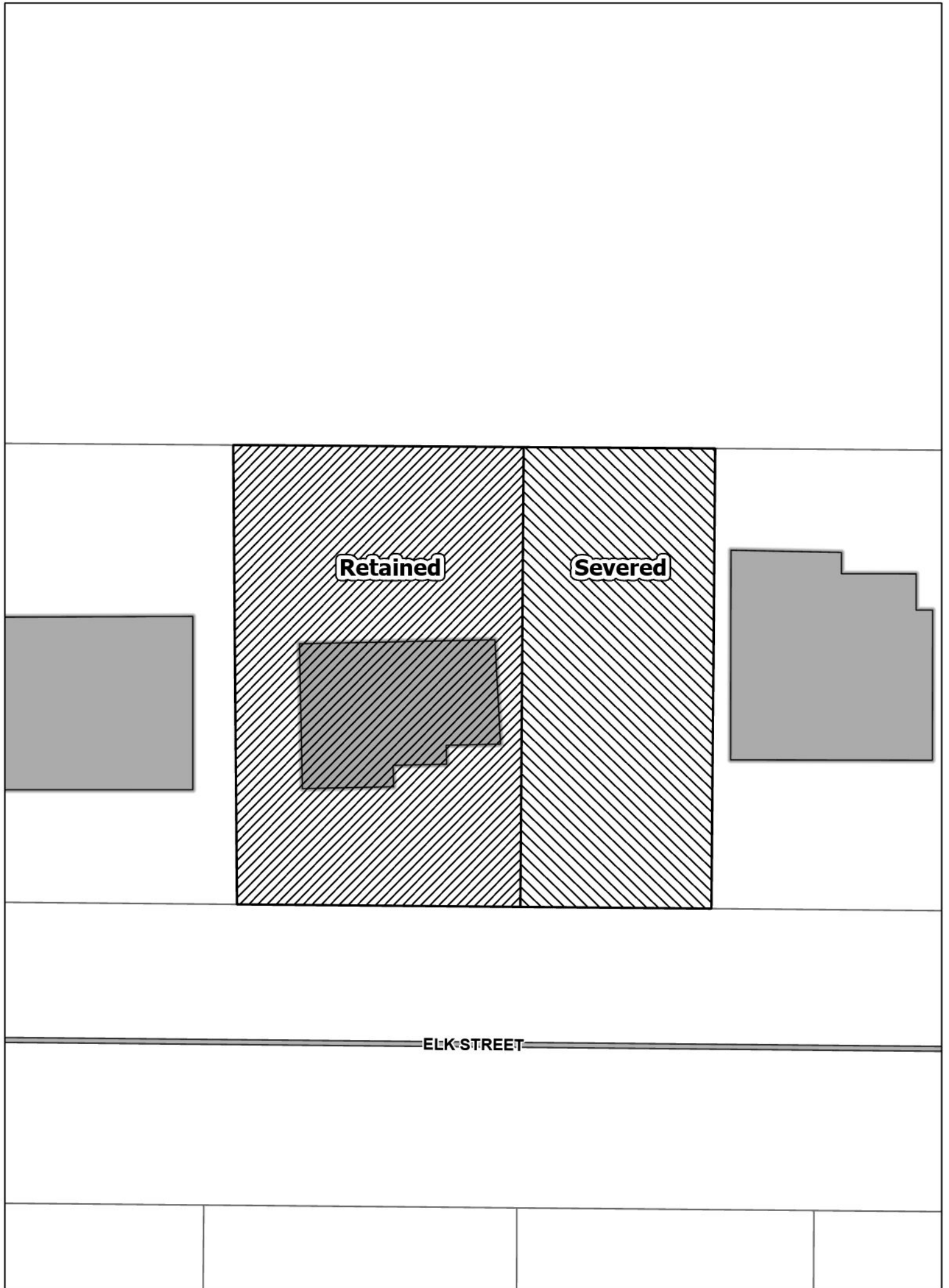
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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  
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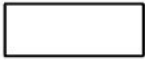

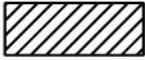

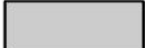


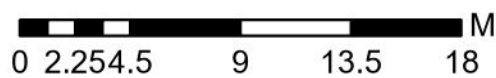
## Location Map

Subject Site: 181 Elk Street  
 File Number: E 45-23  
 Owner: Jacob Woelke and Annie Froese Woelke  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 06/06/2023  
 Town of Aylmer



### Legend

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










Elgin County, Maxar, Microsoft

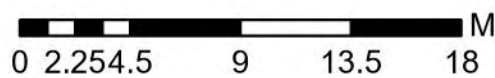
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 File Number: E 45-23  
 Owner: Jacob Woelke and Annie Froese Woelke  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 06/06/2023  
 Town of Aylmer



### Legend

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



## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** June 19, 2023 10:22 AM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: E 45-23 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.

Hello,

Catfish Creek Conservation Authority has no concerns or comments with the above noted application.

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:** June-19-23 9:28 AM  
**To:** doufeelluckpunk@hotmail.com  
**Cc:** Susie Bury <sbury@ELGIN.ca>  
**Subject:** E 45-23 Notice of Application

Good morning,

Please see the attached notice of application for severance application E 39-23. If you wish to provide comments on this application please submit them no later than **Tuesday July 18**.

Thanks,

**Paul Clarke**, CPT

Planning Technician / Secretary-Treasurer of the Land  
Division Committee



(519) 631-1460 x170

## 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 E45-23

Agent Gerhard Blatz on behalf of landowners Jacob Woelke and Annie Froese Woelke

Location 181 Elk Street

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: Low Density Residential

Policies: Land Severances: 5.1.2

### PART 2 - ZONING

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

Comments:

The subject lands comply with the Zoning By-law

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

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

6. Does the Municipality foresee demand for new municipal services? Yes (X) No ( )
7. If so, is the Municipality prepared to provide those services?  
*At the expense of the applicants* Yes (X) No ( )
8. Does the Municipality wish the Committee to impose conditions? Yes (X) No ( )

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner make payment of cash-in-lieu or conveyance of land for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
3. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed retained parcel. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
4. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the owners, to the satisfaction of the Town of Aylmer.
5. That the Owners coordinate the required municipal water supply and sanitary sewer servicing for the proposed severed parcel with the Associate Director of Infrastructure and Operations prior to construction of the Elk Street Capital Project and that such servicing be installed either prior to or during the Elk Street Capital Project.

- 6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
- 7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E45-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
- 8. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
- 9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
- 10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

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

---

**Council Resolution**

At their Regular Meeting of Council on June 21, 2023, the Council of the Town of Aylmer passed the below resolution:

That Council of the Town of Aylmer receive Report PLAN20-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E45-23;

That the Application for Consent to Sever No. E45-23 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 181 Elk Street, be supported in principle with the recommended conditions for reasons set out in this report, and;

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



Alternative formats and communication support available upon request. Please contact [clerks@town.aylmer.on.ca](mailto:clerks@town.aylmer.on.ca) or 519-773-3164 for assistance.

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Date	June 13, 2023
To	Council – June 21, 2023
From	Heather James, Manager of Planning and Development
Report No.	PLAN 20-23
Report Title	Planning Evaluation Report: Application for Consent to Sever No. E45-23

---

## **Recommendation**

**That Council of the Town of Aylmer receive Report PLAN 20-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E45-23;**

**That the Application for Consent to Sever No. E45-23 relating to the property legally described as Part of Lot 86, Concession South of Talbot Road, and known municipally as 181 Elk Street, be supported in principle with the recommended conditions for reasons set out in this report, and;**

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

## **Purpose**

The purpose of this Application for Consent is to sever the subject lands into two residential parcels for low density residential use.

## **Background**

<b>Application</b>	E45-23
<b>Associated Applications</b>	None



<b>Owners</b>	Jacob Woelke and Annie Froese Woelke
<b>Agent</b>	Gerhard Blatz
<b>Legal Description</b>	Part of Lot 86, Concession South of Talbot Road

<b>Frontage: Proposed Severed Parcel</b>	12.8 metres (42.0 feet)
<b>Frontage: Proposed Retained Parcel</b>	20.47 metres (67.16 feet)
<b>Depth: Proposed Severed Parcel</b>	30.18 metres (99.02 feet)
<b>Depth: Proposed Retained Parcel</b>	30.18 metres (99.02 feet)
<b>Area: Proposed Severed Parcel</b>	386.3 square metres (4,158.14 square feet)
<b>Area: Proposed Retained Parcel</b>	617.79 square metres (6,649.78 square feet)

**Buildings and/or structures: Proposed Severed Parcel** Single detached dwelling

**Buildings and/or structures: Proposed Retained Parcel** Single detached dwelling

**Services: Proposed Severed Parcel** Full municipal services

**Services: Proposed Retained Parcel** Full municipal services

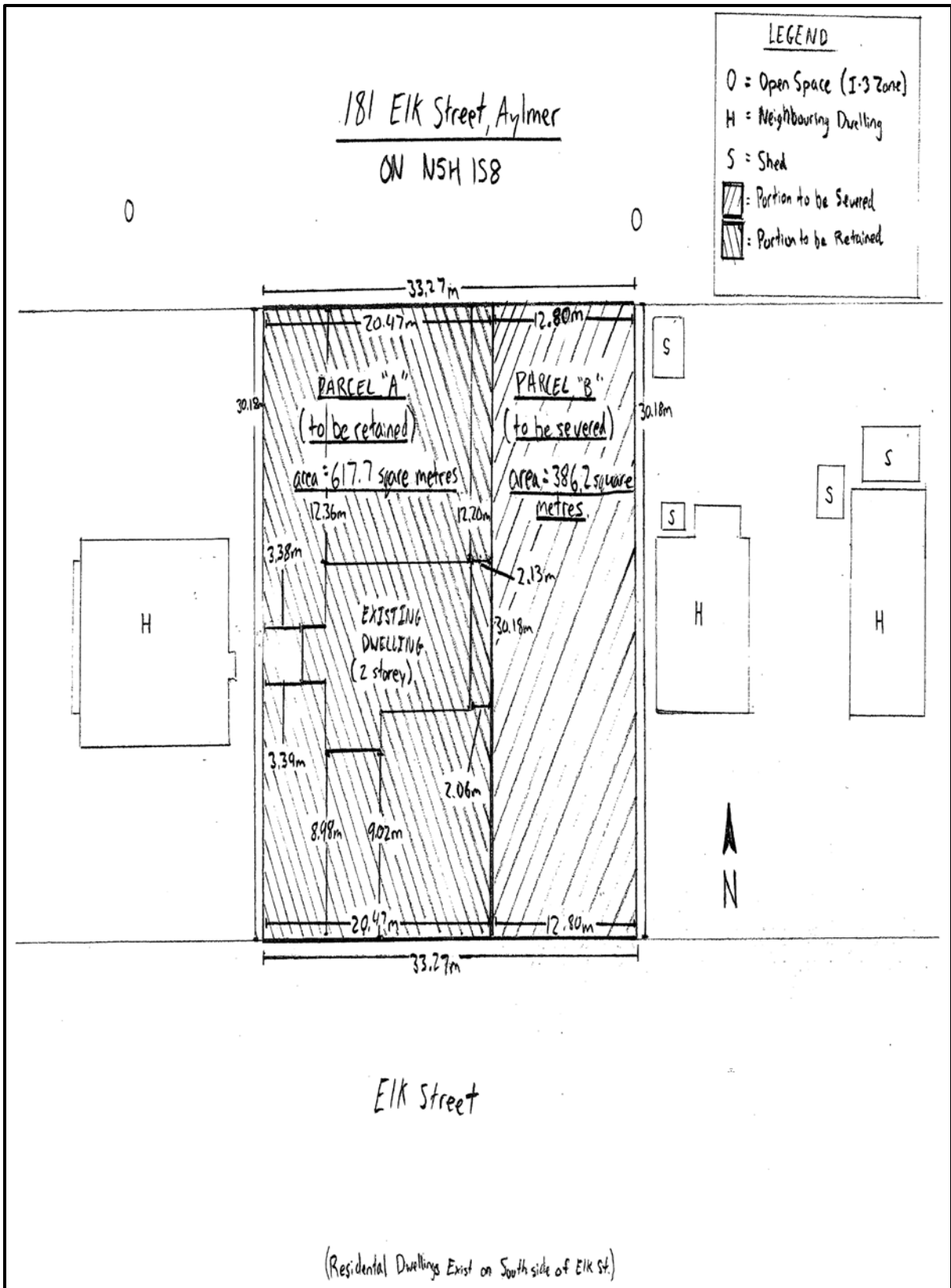
**Surrounding Land Uses: Proposed Severed Parcel** Recreation (fair grounds) and low density residential

**Surrounding Land Uses: Proposed Retained Parcel** Recreation (fair grounds) and low density residential

Figure One below depicts aerial photo the subject lands taken in 2020.



Figure Two below depicts the proposed severance.



# **Planning Evaluation and Analysis**

## **Provincial Policy Statement, 2020 (PPS, 2020)**

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

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

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

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

## **County of Elgin Official Plan**

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

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

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

## **Town of Aylmer Official Plan**

The subject lands are designated Low Density Residential in the Town's Official Plan. The Low-Density Residential designation supports the development of single detached, semi-detached, duplex, converted dwelling types.

Section 4.2.2(3) states an objective of this Plan is to promote intensification and redevelopment of vacant and underutilized lands in existing residential areas. Redevelopment proposals will, to the satisfaction of Council, ensure that the

residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

This proposed consent to sever is appropriate for the lands as the property has a long-standing low density residential use. The proposed severed parcel is located within an area of solely low-density residential uses. The residential character of the area will be maintained. The balance of the lands will continue to be used for low-density residential use.

Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria; the proposed Application for Consent to Sever meets the criteria.

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

### **Town of Aylmer Zoning By-Law No. 57-99**

The subject lands are zoned Residential Type 2 (R2) within the Town's Zoning By-law. The R2 Zone permits low density residential use such as single detached dwelling, semi-detached dwelling, duplex dwelling and additional residential units (up to a total of three units).

The proposed severed and retained parcels meet all R2 Zone regulations.

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

### **Other Issues/Matters**

None.

### **Consultation**

The application was circulated internally to Town staff. The following comments were submitted:

#### Director of Operations

*'The standard conditions for the developer to connect to water and sewer as well as the requirement for lot grading plan satisfactory to the Town (i.e. it must outlet to a legal and adequate outlet.) apply.'*

**Comment:** The comments submitted by the Director of Operations have been provided to the agent and are included as conditions of severance.

## Associate Director of Infrastructure and Operations

The following comments were submitted:

- *'Elk Street is fully serviced with sanitary, storm and watermain in the Municipal ROW.*
- *There is a Capital project proposed on Elk Street, from Victoria Street to John Street within the next two years.*
- *The Capital project will include the installation of new underground services to the Municipal right-of-way (property line).*
- *The proposed severed parcel can be provided with private services to the property line through the Capital project.*
- *The owner shall coordinate the required servicing for the lot with the Associate Director of Infrastructure and Operations prior to construction of the Capital Project to avoid a potential road cut in the new Town infrastructure.*
- *It is acceptable for the owner to proceed with the required servicing of the lot prior to the completion of the Capital project.'*

**Comment:** The comments submitted by the Associate Director of Infrastructure and Operations have been provided to the agent. The agent is in agreement with servicing the proposed severed parcel prior to the construction of the Capital Project. The comments received have been incorporated into the severance conditions.

## **Financial Impact**

Not applicable.

## **Strategic Priorities**

This report supports the goals and objectives set out in [Council's Strategic Pillars](#). The goal(s) it supports includes: Pillar One – Dynamic, Inclusive Community and Pillar Two – Planning for the Future.

## **Conclusion**

Planning staff have reviewed the application against the PPS 2020 and applicable County of Elgin and Town of Aylmer Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support in principle for the application to the Land Division Committee, subject to the Committee's standard conditions, in addition to the following recommended conditions of approval:

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner make payment of cash-in-lieu or conveyance of land for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.

3. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed retained parcel. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
4. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the owners, to the satisfaction of the Town of Aylmer.
5. That the Owners coordinate the required municipal water supply and sanitary sewer servicing for the proposed severed parcel with the Associate Director of Infrastructure and Operations prior to construction of the Elk Street Capital Project and that such servicing be installed either prior to or during the Elk Street Capital Project.
6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E45-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,

Heather James

Manager of Planning and Development

Reviewed by Josh Brick, Director of Corporate/Legislative Services/Clerk

Reviewed by Andy Grozelle, Chief Administrative Officer

# Appendix

## Attachments

None.

## Follow Up

In adopting this report, what follow up action is required?

By-law

Agreement(s)/document(s) to be signed by Mayor and/or Clerk

Social media/Website update or communication

Other communication – Specify:

Applicable severance documents to be forwarded to the Secretary-Treasurer for the County of Elgin Land Division Committee prior to the public meeting scheduled for July 26, 2023.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023

ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 45-23

APPLICANT: Woelke – Blatz agent

PROPERTY: LOT NO. Part Lt 86

REG'D PLAN: \_\_\_\_\_

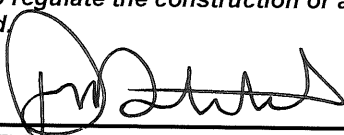
CONCESSION: CON STR Malahide

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:** July 26, 2023  
**Application:** E 45-23

---

**Owner:**  
**Jacob Woelke and Annie Froese Woelke**  
181 Elk Street, Aylmer, ON N5H 1S8

**Agent:**  
**Gerhard Blatz**  
212 Elk Street, Aylmer, ON N5H 1S9

**Location:** Part of Lot 86, Concession STR. Municipally known as 181 Elk Street.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 30.18m (100 feet) and an area of 386.304m<sup>2</sup> (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 617.7846m<sup>2</sup> (0.15 acres) to remain in residential use.

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

**Local Municipality Official  
Plan**  
Low-Density Residential

**Local Municipality Zoning  
By-law**  
Residential Type 2 (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Town of Aylmer – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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

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

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

The applicant is applying to sever a new residential lot from an existing residential parcel. The applicant proposes to create a new 386m<sup>2</sup> residential lot and proposes to construct one new single detached dwelling on the severed lot. The subject land is located within the Town

of Aylmer, a Tier 1 Settlement Area. The PPS encourages a wide variety of land uses and densities in settlement areas, where services can accommodate the development, and also encourages intensification and redevelopment of underutilized land.

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

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

The subject land has access to full municipal services and is not anticipated to have a negative effect on existing traffic or infrastructure in the area.

County of Elgin Official Plan

County Staff has reviewed the application for conformity with the policies outlined in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest settlement areas in the County, and should be the focus of growth and development. This application represents the redevelopment of an existing underutilized lot which is wider than what is common in the area. Staff have reviewed this application against the general consent criteria and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Town of Aylmer Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated Low-Density Residential and redevelopment and intensification of underutilized land is encouraged in this designation. 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 Town of Aylmer Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner make payment of cash-in-lieu or conveyance of land for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
3. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed retained parcel. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
4. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the owners, to the satisfaction of the Town of Aylmer.
5. That the Owners coordinate the required municipal water supply and sanitary sewer servicing for the proposed severed parcel with the Associate Director of Infrastructure and Operations prior to construction of the Elk Street Capital Project and that such servicing be installed either prior to or during the Elk Street Capital Project.
6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E45-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the 'proposed severed parcel' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 46-23, E 47-23, E 48-23 & E 49-23**

**PART OF LOT G SOUTH, PLAN 54  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 46 CHAPEL STREET**

**TAKE NOTICE** that an application has been made by John Nezezon, 46 Chapel Street, Vienna, ON N0J 1Z0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 46 Chapel Street.

The applicant proposes to sever four (4) residential parcels. The first parcel (Parcel A) will have a frontage of 63.88m (210 feet), a depth of 47.94m (157 feet) and an area of 0.30ha (0.74 acres). The second parcel (Parcel B) will have a frontage of 63.84m (210 feet), a depth of 47.57m (156 feet) and an area of 0.30ha (0.74 acres). The third parcel (Parcel C) will have a frontage of 63.35m (207 feet), a depth of 47.2m (154 feet) and an area of 0.30ha (0.74 acres). The fourth parcel (Parcel D) will have a frontage of 64.90m (212 feet), a depth of 46.83m (153 feet) and an area of 0.30ha (0.74 acres). The applicant is retaining a lot with an area of 15.81ha (39 acres) 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:

**JULY 26, 2023 AT 9:55 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

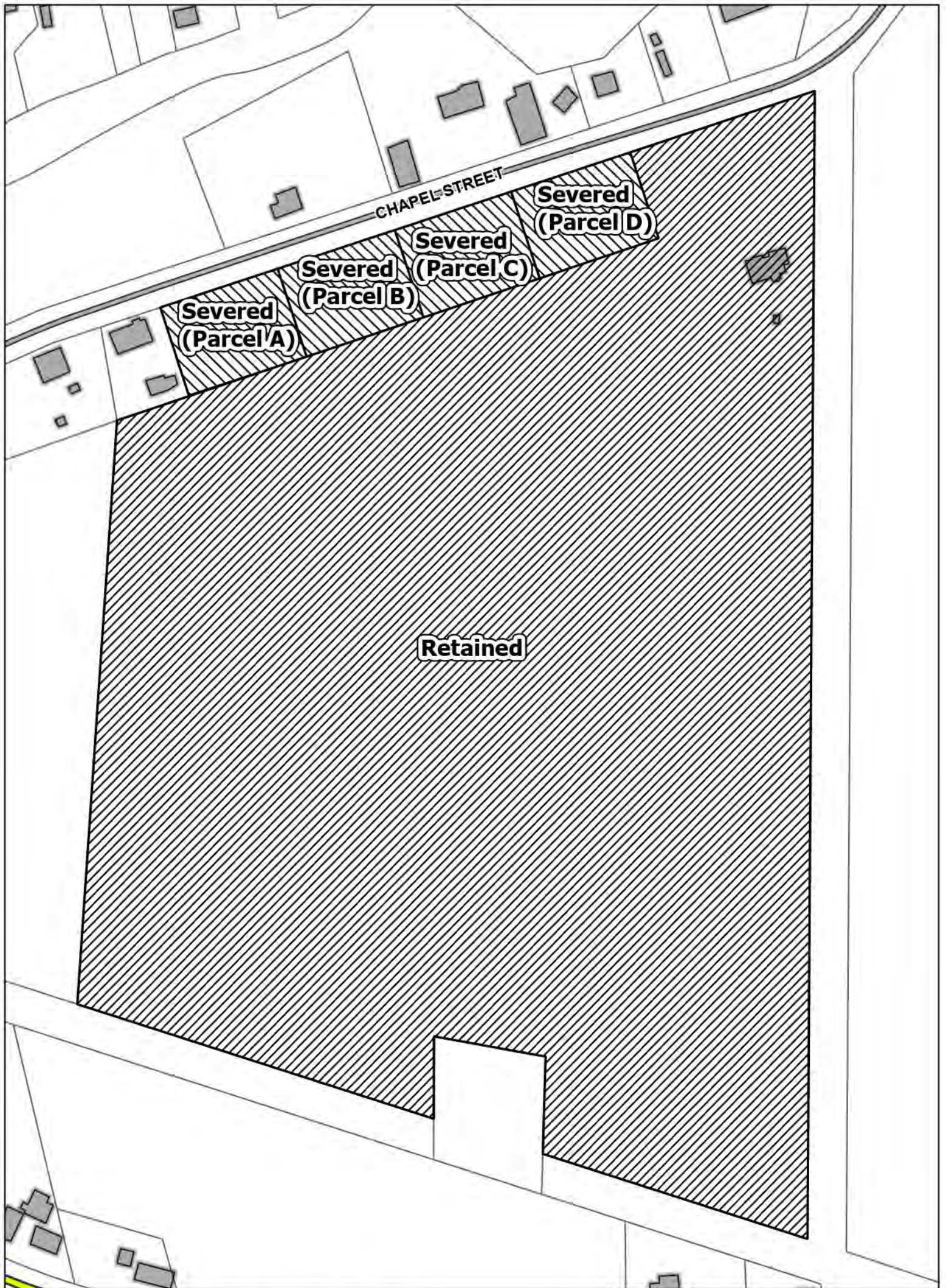
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9<sup>th</sup> 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](http://www.progressivebynature.com)





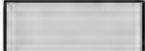


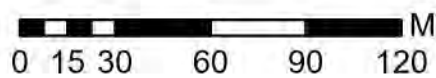
## Location Map

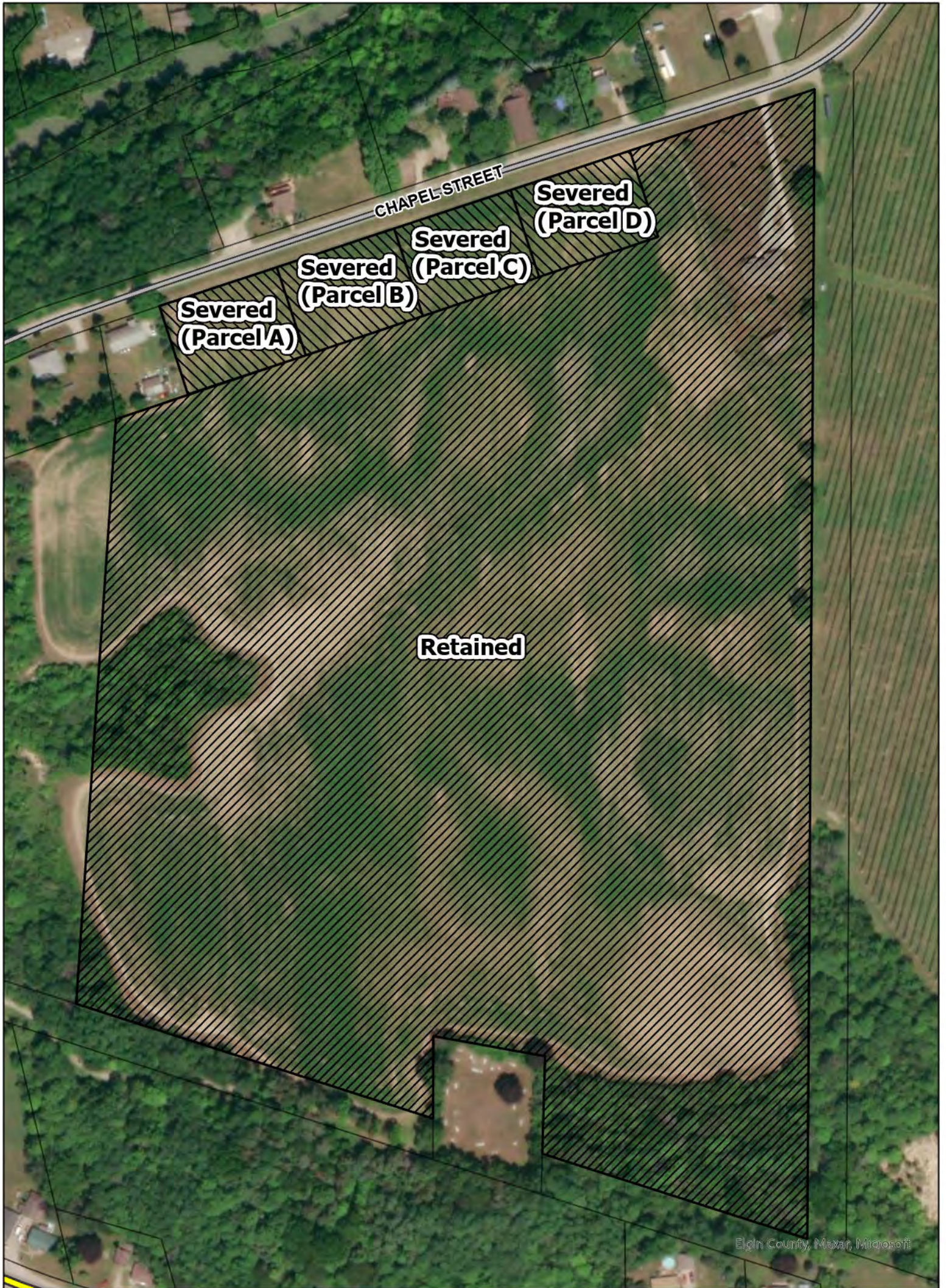
Subject Site: 46 Chapel Street  
 File Number: E 46-23, E 47-23, E 48-23 & E 49-23  
 Owner: John Nezezon  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 06/06/2023  
 Municipality of Bayham



### Legend

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





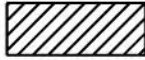

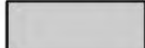


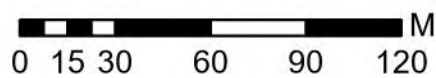
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Subject Site: 46 Chapel Street  
 File Number: E 46-23, E 47-23, E 48-23 & E 49-23  
 Owner: John Nezezon  
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 Created By: PC  
 Date: 06/06/2023  
 Municipality of Bayham



### Legend

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





## Long Point Region Conservation Authority

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

Elgin County  
St. Thomas, ON

July 18, 2023

Attention: Paul Clarke

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review applications E 46-23, E 47-23, E 48-23, and E 49-23 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 applications for consent will facilitate the creation of four new residential lots.

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

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

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

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

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

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

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

Staff can advise that the proposed applications are 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 four proposed lots are located outside of the area regulated by LPRCA under Ontario Regulation 178/06.

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

Aisling Lavery, Resource Planner  
Long Point Region Conservation Authority  
519-842-4242 ext. 235 | [alavery@lprca.on.ca](mailto:alavery@lprca.on.ca)



Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



June 16, 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. E46-23 to E49-23 Nezezon and Howlett**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the June 15, 2023 meeting:

**THAT** Report DS-37/23 regarding the Consent Applications E46-23 to E49-23 Nezezon and Howlett be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49-23 be granted subject to the following conditions and considerations:

1. That the owner install/construct adequate extension of municipal water services and installation of a public fire hydrant to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
2. That the owner install/construct adequate extension of municipal sanitary sewer services to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
3. That the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, roadway surface widening and ditch/drainage works. The extent of the upgrades will be determined subsequent to detailed review of the owner's professional design plans for the development, and prior to the signing of the Development Agreement in consultation with the Municipality, and/or Municipal Engineering Consultants, and the owner's Professional Engineering Consultant.
4. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Chapel Street 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. That the owner obtain Removal of a Holding Symbol zoning approval subsequent to entering into a Development Agreement with the Municipality for any municipal servicing upgrades for the development.
7. That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of

Parkland.

8. That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
10. To satisfy the required road dedication of 20.0 metres minimum local road, this property is subject to a widening of one half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft) in width across the entirety of the lot frontage on Chapel Street. The extent of the road widening lands shall be determined by the owner by way of providing a 'reference plan' from a legal land surveyor confirming the extent of the road widening, with all costs and applications associated with the transfer of the lands to the Municipality to be the responsibility of the owner. The reference plan describing the widening to be transferred must be pre-approved by the Municipality.

Municipal Appraisal Sheet and Staff Report DS-37/23 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.NEZE  
cc: J. Nezezon (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 E46-23 to E49-23

Applicant John Nezezon and Danielle Howlette

Location Bayham – 46 Chapel Street, Vienna

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL

Policies: Section 4.2 general residential policies in settlement areas and 4.5.2 Residential Uses in Villages and Section 4.5.2.8 for new residential units, Section 5.2.4 Road Allowance Widths

### 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: Holding – Village Residential (R1(h1/h4))

Section 3.3 Rezoning required to remove the Holding Symbol subsequent to entering into a Development Agreement for municipal servicing upgrades

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

Application required

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

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

See Letter attached with listed conditions revised from original.

See Staff Report DS-37/23 considered at Council meeting held June 15, 2023

## **SECTION 4 SETTLEMENT AREA POLICIES**

### **4.1 OBJECTIVE**

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

### **4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS**

#### **4.2.1 All Development Forms**

4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.

4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

#### 4.2.2 **Residential Uses**

4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.

4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.

4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60<sup>th</sup> percentile) or is at or below the average rental price of rental units in the regional market area.

#### 4.2.3 **Employment Uses**

4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.

4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.

4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.

4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

- 4.5.1.3 The three "Residential" designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.
- 4.5.1.4 The "Commercial", "Industrial", "Institutional" and "Open Space" policies apply to those areas within the villages where each specific development occurs or is planned for future development.
- 4.5.1.5 The policies for "Conservation Lands" (Section 3.9) and "Hazard Lands" (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.
- 4.5.1.6 The "Floodway/Flood Fringe" policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

#### **4.5.2 Residential**

- 4.5.2.1 Within the areas designated "Residential" on Schedule "B", "C" and "D", the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the "Residential" designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.
- 4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the "Residential" designation where such lands are being underutilized. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.
- 4.5.2.3 Land uses other than residential will be permitted in the "Residential" designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:
- Small scale professional offices which occupy less than 93 m<sup>2</sup> (1000 ft<sup>2</sup>);
  - Small scale institutional uses such as churches;
  - Home occupations.

4.5.2.4 All such uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. As a general rule, no more than two similar complementary uses shall be situated within a two-block radius of each other.

4.5.2.5 Home occupations may be permitted if they are clearly secondary to a residential use, and comply with the standards and regulations as prescribed by the Zoning By-law.

4.5.2.6 In order to maintain and strengthen the development of the "Commercial" designation and in order to maintain the character of areas designated "Residential", the establishment of commercial uses will not be permitted (with the exception of those described in subsection 4.5.2.3) in the "Residential" designation.

4.5.2.7 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the "Residential" areas shall be permitted in accordance with Section 4.5.3 provided they comply with the standards and regulations of the Zoning By-law.

4.5.2.8 Proposals for new single unit and two unit dwellings in the designated "Residential" areas shall meet the following criteria:

- a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
- b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
- c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
- d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.8.

## **5.2 TRANSPORTATION**

### **5.2.1 General**

This section should be read in conjunction with Schedules "A1", "B", "C" and "D" to this Plan, which shows the general classification of roads in the Municipality.

### **5.2.2 Road System**

The road system serving the Municipality of Bayham is comprised of a Provincial Highway, County Roads and Municipal Roads. With the exception of new roads created as a result of a plan of subdivision and/or a site plan agreement for a major development, the existing County and Municipal road system is considered adequate to meet the needs of the Municipality over the planning period. No significant changes apart from normal maintenance and improvements are expected or considered necessary.

### **5.2.3 Road Classifications**

5.2.3.1 The Provincial Highway is designated as such and County roads are arterial roads on Schedules "A1", "B", "C" and "D". Both the Provincial Highway and the County roads are designed to connect the major traffic generating areas of the Municipality and to be capable of carrying large to medium volumes of traffic within and through the Municipality. All other roads are local roads which are intended to provide access to abutting properties, to serve destination as opposed to through traffic, and to act as feeders to the arterial road system.

5.2.3.2 Provincial Highways – In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's (MTO) permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.

### **5.2.4 Road Allowance Widths**

The required road allowance of a road or highway shall be determined by the authority having jurisdiction. Generally, arterial roads shall have a right-of-way ranging from 20 metres to 30



metres. Local roads shall have a right-of-way ranging from 20 metres to 26 metres. In some cases, such as cul-de-sacs and short streets, consideration may be given to road allowances that are less than 20 metres in width; however, in no case shall a road allowance be created that is less than 15 metres in width.

#### 5.2.5 **Neighbouring Municipalities**

The road system of the Municipality shall be compatible and co-ordinated with the road system of neighbouring municipalities.

#### 5.2.6 **Subdivisions**

New roads created as a result of a consent or plan of subdivision shall be constructed to the standards of the Municipality prior to assumption by the Municipality. When new roads intersect Provincial Highways or County Roads, standards of construction at these intersections shall be subject to the approval of the Ontario Ministry of Transportation or the County of Elgin as the case may be.

#### 5.2.7 **Railways**

5.2.7.1 All proposed development within 300 metres of a railway right-of-way shall be required to undertake noise studies, to the satisfaction of the municipality and in consultation with the appropriate railway. Noise studies shall be completed in accordance with provincial guidelines. The proponent shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

5.2.7.2 All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Municipality and the appropriate railway. The proponent shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

5.2.7.3 All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.

#### 5.2.8 **Impacts on Heritage Resources**

In the case of extensions to roads and other necessary road improvements in general, including realignment and road widening, consideration will be given to the impact of such extensions or improvements on heritage resources, especially on the character of streetscapes and major crossroads or intersections.

### 3.3 Holding Zones

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

Z611-2012

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

Z655-2016

Z701-2020

### 3.4 Application of Regulations

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

### 3.5 Defined Areas

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

## **SECTION 3      ZONES AND ZONING MAP**

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### **3.1    Establishment of Zones**

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

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

### **3.2    Use of Zone Symbols**

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



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** June 15, 2023  
**REPORT:** DS-37/23 **FILE NO. C-07 / D09.23NEZE**  
**Roll # 3401-000-002-04900**

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**SUBJECT:** Consent Applications E46-49-23 Nezezon and Howlett  
46 Chapel Street, Vienna

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### BACKGROUND

Consent applications E46-23 to E49-23 were received from the Elgin County Land Division Committee submitted by John Nezezon and Danielle Howlett proposing to sever four lots each approximately 0.30 hectares (0.74 ac) in the village of Vienna and retain 15.81 hectares (39.06 ac) outside of the village boundaries. The property is known municipally as 46 Chapel Street.

The subject land is designated "Residential" on Schedule "C" Vienna: land Use and Constraints of the Official Plan. Lands are zoned Holding - Village Residential (R1(h1/h4)) on Schedule "H" Vienna in Municipality of Bayham Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on July 26, 2023.

### DISCUSSION

The planner's memorandum dated, June 8, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law. The four (4) proposed lots may be considered to be infilling in a settlement area.

The planner's memorandum does note the fact that the proposed lot areas are substantially larger than the minimum lot areas for R1 parcels. If the lot sizes were made smaller, there is potential for more residential lots along this stretch. The OP Section 8.6.1.1 states: "*The creation of lots may only be granted for up to four (4) lots per parcel of land, exclusive of the retained lot (four severed and one retained). Further lots from the original parcel of land existing as of the date of approval of this Official Plan, shall be reviewed under a plan of subdivision or condominium process to assess, among other matters, the feasibility of municipal sewer and water services and the cumulative environmental impact of the development.*"

Water service on Chapel Street - there is a 6" water line that runs up to 26 Chapel Street, houses between 26 Chapel and 49 Chapel, inclusive of the latter, are on a 2" water line with specific capacity considerations. Houses beyond 49 Chapel to 65 Chapel are on a service line from Chute Line. Based on staff and engineering discussions, staff cannot support additional development on the existing 2" line that runs between 26 and 49 Chapel Street, being along the frontage of the subject lands. The existing 2" line is near maximum capacity for demand having multiple houses already connected to the line. Any further development along that stretch of Chapel St would put the volume requirement over available capacity of the line and potentially jeopardize the existing connections.

Sanitary service on Chapel Street - the existing sanitary service line ends at 31 Chapel Street. An extension of the sanitary sewer line would be required for this four-lot proposal.

The options to consider regarding servicing are to not proceed with development as staff would not be able to support additional development on the existing 2" water line and without an extension of the sanitary sewer, or the developer enter in to a Development Agreement with the Municipality to construct and pay all costs associated with the upgrade to a 6" water line and the extension of the sanitary sewer line (approx. frontage of 280 metres). Any proposal for private or partial servicing would not be appropriate in this instance as the development is within the boundaries of Vienna and necessitates full servicing for water and sewer.

Staff also recommend the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, road widening, roadway surface widening and ditch/drainage works. This would be subject to the engineer's final design plans for the entire development.

Included in the recommendation is a condition to enter into a Development Agreement with the Municipality for the installation of the municipal services with all costs associated with both installations the responsibility of the Developer. It is the Developer's responsibility to contract an engineer to a) design both services, b) assist with the required applications for municipal service extensions to the Ministry of the Environment, Conservation & Parks (MECP) and c) assist with the hiring of a qualified contractor to install.

Additional conditions include: engineered storm water management, drainage/grading plans, survey, cash in lieu payment for the creation of building lots and the planning report fee. The lots front on Chapel Street and will be subject to road access permits from the municipality at the time of building permit. It appears as though the subject land is within the Chapel Street Drain watershed requiring a reassessment of the maintenance schedule to add the new lots.

Staff and municipal planner do not fully agree with the larger lot sizes and the inefficient use of the land, however, do support the applications with the recommended conditions listed.

## **ATTACHMENTS**

1. Consent Application E46-23 in full with pages 5 & 6 each of Applications E47-E49
2. Aerial Map – 46 Chapel Street four lots
3. Aerial Map – 46 Chapel Street retained lands
4. Arcadis Memorandum dated June 8, 2023

## RECOMMENDATION

**THAT** Report DS-37/23 regarding the Consent Applications E46-23 to E49-23 Nezezon and Howlett be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Applications E46-49-23 be granted subject to the following conditions and considerations:

1. That the owner install/construct adequate extension of municipal water services and installation of a public fire hydrant to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
2. That the owner install/construct adequate extension of municipal sanitary sewer services to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
3. That the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, roadway surface widening and ditch/drainage works. The extent of the upgrades will be determined subsequent to detailed review of the owner's professional design plans for the development, and prior to the signing of the Development Agreement in consultation with the Municipality, and/or Municipal Engineering Consultants, and the owner's Professional Engineering Consultant.
4. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Chapel Street 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. That the owner obtain Removal of a Holding Symbol zoning approval subsequent to entering into a Development Agreement with the Municipality for any municipal servicing upgrades for the development.
7. That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
8. That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
10. To satisfy the required road dedication of 20.0 metres minimum local road, this property is subject to a widening of one half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft) in width across the entirety of the lot frontage on Chapel Street. The extent of the road widening lands shall be determined by the owner by way of providing a 'reference plan' from a legal land surveyor confirming the extent of the road widening, with all costs and applications associated with the transfer of the lands to the Municipality to be the responsibility of the owner. The reference plan describing the widening to be transferred must be pre-approved by the Municipality.

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	June 8, 2023
<b>From</b>	Paul Riley, CPT	<b>Project No</b>	3404-901
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	John Nezezon and Danielle Howlett - 46 Chapel Street, Vienna - Application for Consent E46/23 - E49/23		

1. We have completed our review of Consent Application E46/23 – E49/23 submitted by John Nezezon and Danielle Howlett for lands located at 46 Chapel Street, south side, east of North Street in the village of Vienna. The applicant is requesting Consent to sever four lots each with approximate land area of 0.3 ha (0.74 acres) and to retain 15.8 ha (39 ac) of land with the intent to create residential dwelling lots. The subject lands are designated 'Residential' on Schedule 'C' of the Municipality of Bayham Official Plan and are zoned Holding - Village Residential (R1(h1/h4)) on Schedule 'H' of Zoning By-law Z456-2003.
2. The proposed parcels would have frontage/access on Chapel Street and include the following lot configuration information:
  - Parcel 'A' (E46/23) lot frontage 63.88 m (209.58 ft), lot depth 47.94 m (157.28 ft)
  - Parcel 'B' (E47/23) lot frontage 63.84 m (209.45 ft), lot depth 47.57 m (156.07 ft)
  - Parcel 'C' (E48/23) lot frontage 63.35 m (207.84 ft), lot depth 47.20 m (154.86 ft)
  - Parcel 'D' (E49/23) lot frontage 64.90 m (212.93 ft), lot depth 46.83 m (153.64 ft)
  - Retained – lot frontage 99.78 m (327.36 ft), lot depth 594 (1,948.8 ft)

The retained lands comprise a single-detached dwelling and accessory building with the remainder being farmlands. Surrounding land uses are agricultural to the east, residential to the north and west, and residential, open space (Big Otter Creek) and institutional (cemetery) to the south.
3. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas, indicate that the highest priority is development on lands in settlement areas with access to full municipal services and such uses are permitted for infilling vacant lands in an existing built-up area. The creation of four new lots by Consent, representing infilling in a settlement area with connection to municipal sewer and water is in conformity to the Official Plan general residential policies.
4. Official Plan Section 4.5.2 Residential designation uses in Villages indicates that the primary use of land in settlement areas is intended for single-detached dwellings or



Municipality of Bayham – June 8, 2023

other low-density types of dwellings. Section 4.5.2.1 indicates that proposals for new dwelling lots should target a gross density of 20 units per hectare (uph) and shall be serviced with municipal sewer and water. The proposed gross density of the severed lands would be 3.3 uph based on the 3,000 m<sup>2</sup> proposed lot area. The lands could yield up to 15 lots or 12.5 uph (it appears difficult to reach a 20 uph density based on the minimum 800 m<sup>2</sup> lot area in the R1 zone, which should be addressed in the upcoming Official Plan 5-Year Review). The lands could be utilized more efficiently and the owner could start developing by reducing the size of the 4 lots and retaining more land/frontage for future Plan of Subdivision development. Notwithstanding the inefficient lot size which would require a Plan of Subdivision for creating more than 4 lots, the proposed consents are generally consistent to the Bayham OP.

5. Bayham OP Section 4.5.2.8 criteria for new residential units includes:
- a) Lot frontage, depth and size: shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. As discussed above, the lot sizes appear to be oversized for efficient use of the land. The surrounding residential lots vary in size. The lot to the immediate west of the subject lands is approximately 1,700 m<sup>2</sup>, and the lot west of that is approximately 3,500 m<sup>2</sup>. The 2 lots across the road are oversized due to inclusion of undevelopable open space lands along the Creek. The residential lots located between Plank Road, North Street and Chapel Street range from approximately 800 m<sup>2</sup> to 2900 m<sup>2</sup> and average approximately 1,600 m<sup>2</sup> lot area. The proposed lots appear to be an inefficient use of land.
  - b) Natural Features: There are no sensitive natural features identified on the Bayham OP Schedule for the subject lands.
  - c) Design: the applicant has not provided any specific design features for the homes, specifically for energy efficiency and location on the lot to optimize natural light, however, no design plans have been submitted due to the preliminary nature of the development / consent application.
  - d) Open space: Parkland dedication in accordance to the municipal Parkland By-law will be required as a Condition of Consent approval as there are identified lands within the subject lands for public parks.
  - e) Adjacent and surrounding land use: the proposed uses is compatible with the surrounding, predominantly single-detached dwelling lots, in the area.
  - f) Facilities and services: the applicant/owner will be required to extend municipal sewer and water services, drainage, roadway surface upgrades, street lighting, or other services as required by municipal public works to service the new lots. The Municipality requires that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring

Municipality of Bayham – June 8, 2023

these services or facilities up to the appropriate standard. According to the municipal Water and Wastewater Operations Manager, the existing water line does not have adequate capacity to service the proposed lots, therefore, the owner is required to construct a new water service line; and the municipal sewer line needs to be extended by the owner to service the development, to the applicable standards to the satisfaction of the municipality or other approval authority. The development will also require the installation of a fire hydrant as part of the water servicing upgrades to ensure adequate fire safety.

- g) Storm drainage: the applicant/owner is responsible for adequate provision of stormwater management/drainage and surface runoff subject to the requirements of the Municipality, including the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- h) Vehicular access: based on a review of recent aerial imagery, Chapel Street is generally flat and straight along the subject lands frontage. The proposed lots would have driveway access directly to Chapel Street and road access permits from the Municipality will be required. A direct access to the retained farmlands is necessary and may require a municipal road access permit. There is approximately 25 m (82 ft) of frontage on Chapel Street between the proposed lots and the landscaped area of the retained dwelling lands which could provide access to the farmlands.
- i) The Planning Act: the applicant/owner is responsible to ensure compliance for all matters contained within Section 50 and 51 of the Planning Act as amended.

The proposed consents are consistent to the Official Plan criteria subsequent to the clearing of Conditions, however, the lots appear to be large in nature so it is recommended that lots be reduced in size to allow for future Plan of Subdivision to add additional lots where the lands are in a settlement area and have access to municipal services.

- 6. Bayham OP Schedule 'A1' indicates that Chapel Street is classified as a 'Local Road'. Section 5.3.2.1 indicates that local roads *are intended to provide access to abutting properties, to serve destination as opposed to through traffic, and to act as feeders to the arterial road system.*

Furthermore, Bayham Official Plan Section 5.2.4 Road Allowance Widths indicates that local roads shall have a right-of-way (ROW) ranging from 20 metres to 26 metres. Based on available GIS data the Chapel Street ROW appears to be approximately 18.3 m (60 ft), therefore, the owner shall dedicate for road widening half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft) in width across the entirety of the lot frontage.

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7. The subject lands are within the Holding - Village Residential (R1(h1/h4)) zone and the Agricultural (A1) Zone. A single-detached dwelling is a listed permitted use in the R1 zone and agricultural uses and existing dwellings are permitted in the A1 zone. As per Zoning By-law Section 3.3 Holding Zones, the Holding 'h1' symbol indicates that in order for the Municipality to ensure public health and safety the Conditions of Consent would need to include that the owner shall "address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol."

Section 3.3 Holding Zones indicates that the 'h4' symbol indicates that to ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol. This appears to be an error since the property has public road access to Chapel Street. The applicant/owner will not need to demonstrate consistency to the 'h4' holding zone and the symbol can be removed, which could happen at the time of application for the removal of the 'h1' symbol.

8. Based on the above review of Consent Application E46/23 – E49/23, that aside from the slightly oversized nature and inefficient use of land, we have no objection to the proposed consents with the following recommended conditions for Consent:
  - a) That the owner install/construct adequate extension of municipal water services and installation of a public fire hydrant to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
  - b) That the owner install/construct adequate extension of municipal sanitary sewer services to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
  - c) That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
  - d) That the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, roadway surface widening and ditch/drainage works. The extent of the upgrades will be determined subsequent to detailed review of the owner's professional design plans for the development, and prior to the signing of the Development Agreement in consultation with the Municipality, and/or Municipal Engineering Consultants, and the owner's Professional Engineering Consultant.
  - e) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in

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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.

- f) That the owner obtain Removal of a Holding Symbol zoning approval subsequent to entering into a Development Agreement with the Municipality for any municipal servicing upgrades for the development.
- g) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- h) That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
- i) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- j) To satisfy the required road dedication of 20.0 metres minimum local road, this property is subject to a widening of one half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft) in width across the entirety of the lot frontage on Chapel Street. The extent of the road widening lands shall be determined by the owner by way of providing a 'reference plan' from a legal land surveyor confirming the extent of the road widening, with all costs and applications associated with the transfer of the lands to the Municipality to be the responsibility of the owner. The reference plan describing the widening to be transferred must be pre-approved by the Municipality.

*Paul Riley*

Arcadis  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: July 20, 2023

ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 46-23 47-23 48-23 49-23


APPLICANT: John Nezezon

PROPERTY:	LOT NO. <u>G S/S (or15)</u>	CONCESSION: <u>3</u>
	REG'D PLAN: <u>54</u>	MUNICIPALITY: <u>Bayham</u>

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** July 26, 2023  
**Application:** E 45-23

**Owner:**  
**John Nezezon and Danielle Howlett**  
46 Chapel Street, Vienna, ON N0J 1Z0

**Agent:**  
**E. Wayne Farhood**  
510-20 Erb Street West, Waterloo, ON  
N2L 1T2

**Location:** Part of Lot G South, Plan 54. Municipally known as 46 Chapel Street.

**PROPOSAL**

The applicant proposes to sever four (4) residential parcels. The first parcel (Parcel A) will have a frontage of 63.88m (210 feet), a depth of 47.94m (157 feet) and an area of 0.30ha (0.74 acres). The second parcel (Parcel B) will have a frontage of 63.84m (210 feet), a depth of 47.57m (156 feet) and an area of 0.30ha (0.74 acres). The third parcel (Parcel C) will have a frontage of 63.35m (207 feet), a depth of 47.2m (154 feet) and an area of 0.30ha (0.74 acres). The fourth parcel (Parcel D) will have a frontage of 64.90m (212 feet), a depth of 46.83m (153 feet) and an area of 0.30ha (0.74 acres). The applicant is retaining a lot with an area of 15.81ha (39 acres) to remain in agricultural use.

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

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Village Residential – Holding  
(R1(h1/h4))

**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 four (4) new residential lots for future development. The portion of the subject land that is being severed is within a settlement area, while the retained land is designated Agricultural. The PPS encourages a wide variety of land uses and densities in settlement areas, where services can accommodate the development, and also encourages intensification and redevelopment of underutilized land.

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

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

The proposed severed lots will each have access to full municipal services and are not anticipated to have a negative effect on existing traffic or infrastructure in the area. Furthermore, considering the existing residential development in the immediate vicinity, this development is not anticipated to have a negative impact on existing agricultural operations in the area.

County of Elgin Official Plan

County Staff has reviewed the application for conformity with the policies outlined in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest settlement areas in the County, and should be the focus of growth and development. This application will see the creation of four (4) new residential lots within the existing settlement area along a Chapel Street, which is primarily residential in this area. The retained land which is designated agricultural will remain in agricultural use.

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 noted concerns with respect to servicing. The existing waterline in the area cannot accommodate additional residences, to address this Bayham staff are proposing a condition

that the applicant enter into a development agreement with the Municipality to pay all costs associated with upgrading the line to a larger diameter pipe to accommodate the increased demand. Presently, the land is subject to a holding zone, prior to residential development on the proposed severed lots, the applicant will need to apply to the Municipality to remove the holding symbol. With the exception of the holding zone, the proposed parcel fabric complies with the zoning provisions of the R1 zone.

#### RECOMMENDATION:

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

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

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

1. That the owner install/construct adequate extension of municipal water services and installation of a public fire hydrant to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
2. That the owner install/construct adequate extension of municipal sanitary sewer services to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
3. That the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, roadway surface widening and ditch/drainage works. The extent of the upgrades will be determined subsequent to detailed review of the owner's professional design plans for the development, and prior to the signing of the Development Agreement in consultation with the Municipality, and/or Municipal Engineering Consultants, and the owner's Professional Engineering Consultant.
4. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Chapel Street Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.



6. That the owner obtain Removal of a Holding Symbol zoning approval subsequent to entering into a Development Agreement with the Municipality for any municipal servicing upgrades for the development.
7. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
8. That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
10. To satisfy the required road dedication of 20.0 metres minimum local road, this property is subject to a widening of one-half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft.) in width across the entirety of the lot frontage on Chapel Street. The extent of the road widening lands shall be determined by the owner by way of providing a 'reference plan' from a legal land surveyor confirming the extent of the road widening, with all costs and applications associated with the transfer of lands to the Municipality to be the responsibility of the owner. The reference plan describing the widening to be transferred must be pre-approved by the Municipality.



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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** 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:

RECOMMENDATION:

This application was originally heard at the June 28<sup>th</sup> LDC meeting and was granted provision consent. Staff are bringing this back to LDC to amend the decision and include 5 additional conditions which were not included on the original decision. The applicant has been made aware of these amendments, and, as they are minor, Section 53(26) of the Planning Act can apply, avoiding the need for a second appeal period. The amended conditions from the Municipality of Dutton Dunwich will read (amended conditions italicized):

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.*