



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, September 27, 2023, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 61-23 Simona Rasanu – 8231 Imperial Road, Township of Malahide
 - 9:15 am E 62-23 Simona Rasanu – 4844 Imperial Road, Township of Malahide
 - E 63-23
 - 9:25 am E 64-23 Simona Rasanu – 8483 Imperial Road, Township of Malahide
 - E 65-23
 - 9:35 am E 66-23 Lauren Balser – 8934 Iona Road, Township of Southwold
 - 9:45 am E 67-23 Deren Lyle – 39564 Fingal Line, Township of Southwold
 - 9:55 am E 68-23 Nancy Tolman – Pt. Lts. 3 and 4, East of Talbot Line, Municipality of Dutton Dunwich
- 10th Date of Next Meeting
- 11th Adjournment



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Corporation of the County of Elgin
Land Division Committee

Minutes

August 23, 2023

County of Elgin Land Division Committee met this 23rd day of August, 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
Tom Marks
John Seldon
Bill Ungar
Dave Jenkins
Dugald Aldred

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 9:00 a.m.

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

None.

3. ADOPTION OF MINUTES

Moved by: Bill Ungar

Seconded by: Dave Jenkins

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

Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		7	0	

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

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

Two letters were received. One from Joe Hentz of Learners and the second from Rod and Jan Nicholson. Both will be discussed in greater detail under their respective applications.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 50-23 – 9:03 am
Jacob Unger – 53579 Calton Line

The applicant proposes to sever a parcel with a frontage of 24.37m (80 feet), a depth of 67.82m (222 feet) and an area of 1,652.77m² (0.4 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,414.11m² (1.09 acres) to remain in residential use.

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

Owner: Jacob Unger was present in-person
Agent: None.

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Comments.
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 50-23 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.
4. That the owner dedicates lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Calton Line County Road 45 to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
5. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
2. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
3. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
4. That the owner provides a Planning Report fee payable to the Municipality.
5. The owner obtain a site-specific Zoning By-law Amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum on the retained parcel.
6. That the owner install an individual private well on the severed 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.
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lot.
8. That the owner provide written confirmation of a County road access approval for the severed lot from the County of Elgin.
9. That the owner purchases a civic number sign for the severed lot from the Municipality.

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

- Motion Carried.

Application E 51-23 & E 52-23 – 9:15 am
Simona Rasanu – 14648 & 14650 Currie Line

The applicant proposes to sever a parcel with a frontage of 48.6 (160 feet), a depth of 79.6m (261 feet) and an area of 3,884.1m² (0.96 acres) to sever a dwelling that is surplus to a farming operation. The applicant proposes to sever another parcel with a frontage of 77.6 (255 feet), a depth of 79.6m (261 feet) and an area of 5,925.8m² (1.46 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19.26ha (47.6 acres) to remain in agricultural use.

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

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

Owner: None present

Agent: Simona Rasanu attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval, subject to conditions.
2	Lower Thames Valley	Within Highly Vulnerable Aquifer and Significant Groundwater Recharge Area
3	Elgin County Engineering Services	Requests road widening.
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: Tom Marks

RESOLVED THAT severance applications E 51-23 & E 52-23 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.
4. That the owner dedicates lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Currie Road County Road 8 to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
5. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

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

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

- Motion Carried.

Application E 53-23 – 9:25 a.m.
Joseph Hentz – 6423 Plank Road

The applicant proposes to sever a parcel with a frontage of 36.8m (120 feet), a depth of 72m (236 feet) and an area of 2,800m² (0.7 acres) to create a new residential lot. The applicant is retaining a lot with an area of 53,700m² (13.27 acres) for future residential development.

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: Randall and Debrew Pettigrew were present in person

Agent: Joseph Hentz was present in person

Written submissions (*) were received from the following:

A letter was received from Joseph Hentz requesting Bayham conditions #4 & #5 be struck. Joseph Hentz and Randall Pettigrew both spoke to their request to remove conditions 4 and 5. Paul Clarke spoke to the County and Bayham's position that both conditions should remain in place as it is good planning to ensure that all properties are free of encumbrances and can be transferred in their current state on the day of stamping of the deeds and that a grading plan is necessary to ensure that drainage on the severed lands will not negatively effect the retained lands.

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Objections
3	Elgin County Engineering Services	Direct connection to legal outlet
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Tom Marks

Seconded by: Bill Ungar

RESOLVED THAT severance application E 53-23 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.
4. Direct connection to a legal outlet 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.

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

1. Connection of the existing dwelling to the municipal water service.
2. Connection of the existing dwelling to the municipal sanitary service.

3. Owner obtain zoning approval to remove the Holding ‘h2’ symbol for the severed land.
4. Owner remove any and all structures from the retained lands to the satisfaction of the Municipality.
5. Engineered storm water management, drainage/grading plan for the severed parcel to show that the neighbouring lands will not be negatively impacted by surface runoff to the satisfaction of the Municipality.
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal 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.
7. Payment of Cash in Lieu of Parkland Dedication fee as required in municipal By-law No. 2020-053.
8. Provide a digital copy of the registered plan of survey of the subject land and includes in the drawing package the requirements from the Planning Act Section 51(17).
9. Payment of the Planning Report fee to the Municipality.
10. Purchase of a civic number sign for the severed lot from the Municipality.

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

- Motion Carried.

Application E 54-23 – 9:49 a.m.
Courtney Sinclair – 239 Miller Road

The applicant proposes to sever a parcel with an area of 830m² (0.2 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 26,481.8225m² (6.5 acres) proposed to remain in use as a public school.

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

Owner: None present.

Agent: Courtney Sinclair was present in person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval subject to conditions
2	Lower Thames Valley	No Comments.
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: Dave Jenkins
Seconded by: Bill Ungar

RESOLVED THAT severance application E 54-23 be approved, subject to the following conditions:

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

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

1. That a Zoning By-law Amendment is in force and effect for the severed parcel;
2. That municipal drain re-apportionments have been completed;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
6. That the lots merge on title; and
7. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

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

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

- Motion Carried.

Application E 55-23 – 9:51 a.m.
Amy Dale – 51189 Broadway Street

The applicant proposes to sever a parcel with a frontage of 1.028m (3.37 feet), a depth of 40.131m (131.66 feet), and an area of 259m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 559.4m² (0.13 acres) proposed to remain in residential use.

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

Owner: None present
Agent: Amy Dale 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: Bill Ungar
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 55-23 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 Township of Malahide be included as conditions for consent:

1. That the applicant provide confirmation that the sanitary sewer connection and the storm sewer connection for the existing dwelling located at 51181 Broadway are located entirely within the boundaries of the proposed enlarged lot to the satisfaction of the Township of Malahide, and that any relocation of these connections will be at the sole expense of the applicant.
2. 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.
3. 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.
4. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy
5. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
6. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality
10. That the lands being conveyed be merged in the same name and title as the lands to which they are being added to.

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

- Motion Carried.

Application E 56-23 and E 57-23 – 10:04 a.m.

Kim Mulder – Lots 1, 2 and 3, Concession 3

The applicant proposes to sever two (2) parcels, both with a frontage of 45m (147 feet), a depth of 62m (203 feet), and an area of 2,790m² (0.69 acres), to create two (2) new residential lots. The applicant is retaining a lot with an area of 860,143m² (212.5 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: Kim Mulder 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	Lot grading and legal outlet required.
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 applications E 56-23 and E 57-23 be approved, subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lots is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. Lot grading plan is required for the severed lots.

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

1. That the owner provide storm water management, drainage and grading plans for the severed lots to the satisfaction of the Municipality.
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the County Rd. 43 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.
3. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
4. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
5. That the owner provides a Planning Report fee payable to the Municipality.
6. That the owner install an individual private well on the severed lots 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.
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lots.
8. That the owner provide written confirmation of County road access approval for the severed lots from the County of Elgin.
9. That the owner purchase a civic number sign for the severed lots from the Municipality.

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

Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 58-23 – 10:11 a.m.
Mike Klassen – 76 King Street

The applicant proposes to sever a parcel with a frontage of 12m (39.37 feet), a depth of 35.10m (115 feet), and an area of 421.2m² (0.1 acres) to create a new residential lot. The applicant is retaining a lot with an area of 570m² (0.14 acres) proposed to remain in residential use.

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

Owner: None present

Agent: None present

Written submissions (*) were received from the following:

Submission		Comments
1	Town of Aylmer	Recommends approval, subject to conditions.
2	Catfish Creek	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: John Andrews

Seconded by: Tom Marks

RESOLVED THAT severance application E 58-23 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, that the following conditions from the Town of Aylmer be included as conditions for consent:

1. That the Owners meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That, if necessary, a minor variance be in force and effect for the proposed severed parcel.
3. That the Owners make payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
4. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed severed and retained parcels. 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.
5. 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.
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 E58-23, 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.

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

TOTAL	7	0	
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- Motion Carried.

Application E 59-23 – 10:21 a.m.
Ted Halwa – 223 Prospect Street

The applicant proposes to sever a parcel with a frontage of 23.7m (77.75 feet), a depth of 41.2m (135 feet), and an area of 828.4m² (0.2 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,400.5m² (0.84 acres) proposed to remain in residential use.

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

Owner: None present
Agent: Ted Halwa was present in-person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval, subject to conditions.
2	Catfish Creek	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval, subject to conditions.
5	Rod Nicholson	Expressed concerns about parking within Right-of-Way due to lack of existing driveway

() 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 59-23 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, that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. The applicant shall obtain a minor variance for any zoning deficiencies, relative to the severed lot and retained lot;
2. The applicant shall remove the existing "OPEN LEAN-TO" on the severed lot, identified on the SKETCH (PROJECT: 20-16484SKETCH), prepared by Kim Husted Surveying LTD. and any other encroachments crossing the proposed common lot line of severed and retained lots, to the satisfaction of the Municipality of Central Elgin;
3. The applicant shall remove the existing parking area on the Franklin Drive municipal right-of-way and construct off-street parking within the limits of the retained lot, to the Satisfaction of the Municipality of Central Elgin;
4. The applicant shall demonstrate that the severed lot and retained lot have separate municipal services, which do not cross lot lines, to the satisfaction of the Municipality of Central Elgin;
5. The applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
6. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and;
7. The Municipality of Central Elgin be provided with a copy of the Reference Plan.
8. A drainage reassessment be done, if necessary, at the owner's expense

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

- Motion Carried.

Application E 60-23 – 10:32 a.m.
Jamie Robertson – 37362 Lake Line

The applicant proposes to sever a parcel with an area of 4,268.3m² (1.05 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with

an area of 11.7ha (28.9 acres) proposed to remain in agricultural use. The applicant is also proposing the creation of an easement for shared access with a frontage of 9.15m (30 feet).

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: Ken Gifford

Agent: Jamie Robertson attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval, subject to conditions.
2	Kettle Creek	No Concerns
3	Elgin County Engineering Services	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: Tom Marks

RESOLVED THAT severance application E 60-23 be approved, subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the 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 ensures that the severed parcel be deeded as a

- lot addition only, to adjacent lands to the south, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant's Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Township.
 5. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Township.
 6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Township.
 7. That the Applicant successfully apply to the Township for a Zoning By- law Amendment to rezone the retained and severed parcel 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 Township.
 8. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
 9. That the Applicant's Solicitor prepare an Easement Agreement between the severed parcel, retained parcel and owner of 37358 Lake Line (adjacent lands to the west) for the existing driveway and other services, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Township.
 10. 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.

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

- Motion Carried.

ADJOURNMENT

Moved by: Tom Marks

Seconded by: Bill Ungar

RESOLVED THAT the Committee adjourn at 10:39 am on August 23, 2023 to meet again at 9:00am on September 27, 2023.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John "Ian" Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 61-23**

**PART OF LOT 10, CONCESSION 5
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 8231 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Jamie Robertson (SBM Ltd.), 301-1599 Adelaide Street North, London, ON N5X 4E8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8231 Imperial Road.

The applicant proposes to sever a parcel with a frontage of 33.37m (110 feet), a depth of 74.25m (243.6 feet) an area of 0.25ha (0.62 acres) containing an existing residential dwelling and garage. The applicant is retaining a lot with an area of 1.19ha (2.94 acres) proposed to be used for a future residential dwelling and workshop.

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:

**SEPTEMBER 27, 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

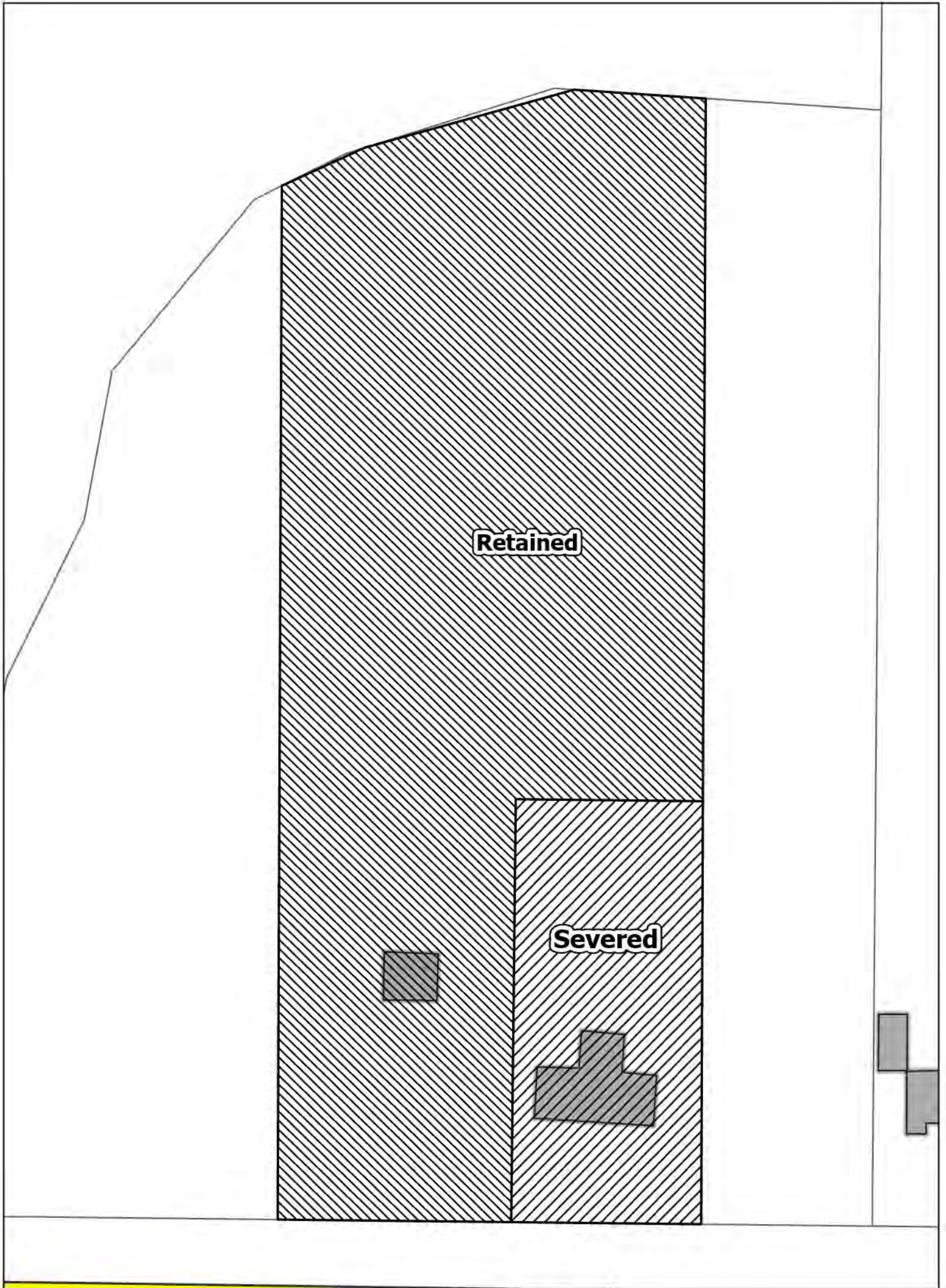
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

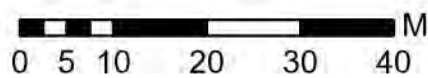
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com








Location Map

Subject Site: 8231 Imperial Road
 File Number: E 61-23
 Owner: Will Friesen
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide

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



Legend

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

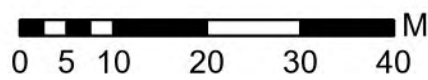


Elgin County, Maxar, Microsoft






Location Map

Subject Site: 8231 Imperial Road
 File Number: E 61-23
 Owner: Will Friesen
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide

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



Legend

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



September 22, 2023

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

Dear Committee Members:

RE: Land Severance Application E61-23 – Will Friesen (Strik Baldinelli Moniz) – 8231 Imperial, Part of Lot 10, Concession 5, Part 2 on Registered Plan 11R10017

The Malahide Township Council passed the following Resolutions on September 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E61-23 in the name of Will Friesen, relating to the property located Part of Lot 10, Concession 5, Part 2 on Registered Plan 11R10017, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
4. 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.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

We enclose Municipal Appraisal Form together with Municipal Report DS-23-27 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in cursive script that reads "A Adams".

ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy – Dave Jenkins
Will Friesen
Jamie Robertson, Strik Baldinelli Moniz, Ltd.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission

Applicant Will Friesen (Strik Baldinelli Moniz Ltd.)

Location 8231 Imperial Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Hamlet" on Schedule 'A1' (Land Use Plan) and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 4.3.3, 5.1 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The subject lands zoned "Hamlet Residential (HR)" on Key Map J of the Township's Zoning By-law. The proposed severed and retained lots would exceed both the minimum lot area of 1,850 m² and the minimum frontage of 25 m required under the Zoning by-law.

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

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

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



Report to Council

REPORT NO.: DS-23-27
DATE: September 21, 2023
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Will Friesen (Authorized Agent: SBM Consulting)**
LOCATION: Part of Lot 10, Concession 5, Part 2 on Registered Plan 11R10017 (Malahide)
(8231 Imperial Road)

Recommendation:

THAT Report No. DS-23-27 entitled “Application for Consent to Sever of Will Friesen (Authorized Agent: SBM Consulting) be received;

AND THAT the Application for Consent to Sever D10-E61-23 of Will Friesen relating to the property located at Part of Lot 10, Concession 5, Part 2 on Registered Plan 11R10017 (Malahide), and known municipally as 8231 Imperial Road, be supported for the reasons set out in this Report;

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

Background:

The application for Consent to Sever (the “Application”) has been submitted by SBM Consulting, on behalf of the owners, to sever a new residential lot in the Hamlet of South Gore.

The Application relates to the property located at Part of Lot 10, Concession 5, Part 2 on Registered Plan 11R10017 (Malahide) and known municipally as 8231 Imperial Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 27, 2023.

Comments/Analysis:

The subject lands are approximately 14,431 m² (1.44 hectares) in area and have approximately 74.1 metres of frontage on Imperial Road. The subject lands contain an existing single detached dwelling located towards the northern portion of the parcel, as well as an existing accessory garage. The western portion of the property consists of a pine plantation originally planted for commercial harvesting. The parcel is bounded by residential uses to the north and south, agricultural lands to the west, and Imperial Road to the east.

Based on the information provided in the application, the owners are proposing to sever the existing dwelling on a new residential lot with an area of approximately 2,500 m² (0.25 ha) and approximately 33.3 metres of frontage on Imperial Road. The existing accessory garage is proposed to be relocated within the boundaries of the proposed severed parcel.

The retained parcel is proposed to have an area of approximately 11,931 m² (1.19 hectares) and approximately 41 metres of frontage on Imperial Road. A new dwelling and accessory building are proposed to be constructed on the retained parcel.

Provincial Policy Statement (PPS)

The PPS directs growth and development to existing settlement areas and promotes the efficient use of land (s. 1.1.3.1, 1.1.3.2). The PPS also supports development on individual private services where full municipal services are not available (s. 1.6.6.4). There are no municipal services available in the hamlet of South Gore. A functional servicing report was submitted with the application and determined that the proposed severed and retained lots were of sufficient size to accommodate private wells and septic systems.

County of Elgin Official Plan

The subject lands are designated "Tier 3 Settlement Area" on Schedule 'A', Land Use Plan. In addition to the above, the subject property is identified as having frontage along a "Minor Arterial Road" on Schedule 'B', "Transportation Plan".

The County Official Plan permits the creation of new lots provided that the proposed severed and retained lots have frontage on a public road, will not cause a traffic hazard, can be adequately serviced, will not have negative impacts on drainage, will not negatively impact water quality or quantity, or natural hazard process, and will not restrict development on the retained lands.

The proposed severed and retained lots will have frontage on a public road (Imperial Road) and are not anticipated to create a traffic hazard. A servicing report and hydrogeological report were submitted with the application and determined that the lots could be adequately serviced and there would be no negative impacts on groundwater quantity and quality.

The subject lands are within 120 metres of a designated Significant Woodland. The County Official Plan considers woodlands 10 hectares or greater as significant woodlands. However, County staff have confirmed that the natural heritage feature is less than 10 hectares and as a result, would not meet the criteria of being a Significant Woodland.

Malahide Official Plan

The subject property is designated ‘Hamlet’ on Schedule ‘A1’ (Land Use Plan) and a small portion at the west end of the property is designated as “Hazard Lands” on Schedule ‘A2’ (Constraints Plan).

The Official Plan permits residential lot creation provided there will be no undue extension of services, the proposed severed and retained lots have frontage on a public road, the proposed severed and retained lots are of an appropriate size, and there is no traffic hazard created (Section 4.3.3). There are no municipal services available in the hamlet of South Gore. A functional servicing report was submitted with the application and determined that the proposed severed and retained lots were of sufficient size to accommodate private wells and septic systems. The severed and retained lots would have frontage on Imperial Road and it is not anticipated that a traffic hazard would be created.

The Official Plan does not permit development within Hazard Lands unless approval has been granted by the Conservation Authority. No development is proposed within designated Hazard Lands and the Conservation Authority has raised no concerns with the application.

Malahide Zoning By-law No. 18-22

The subject lands zoned “Hamlet Residential (HR)” on Key Map J of the Township’s Zoning By-law. The proposed severed and retained lots would exceed both the minimum lot area of 1,850 m² and the minimum frontage of 25 m required under the Zoning by-law.

General Comments

The Development Services Staff has also considered comments provided (if any) by other internal departments:

- The Catfish Creek Conservation Authority (CCCA) (dated September 6, 2023) has no objections to the application.

Submitted by:	Reviewed by:	Approved by:
Eric Steele, BES Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants, Vice President, Principal Planner	Adam Boylan Interim Chief Administrative Officer

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: Road CR 73

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

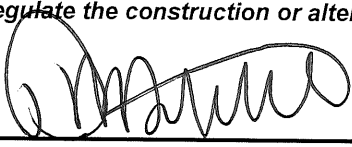
APPLICATION NO.: E-61-23
APPLICANT: Will Friesen

PROPERTY: LOT NO. _____ CONCESSION: _____
REG'D PLAN: _____ MUNICIPALITY: Malahide

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

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

To the Elgin County Land Division Committee

We the neighbouring property owners adjacent and connecting to 8231 Imperial Rd in Malahide Township have recently learned that there is an application to sever the property to allow for construction of a new home. We are very concerned with this proposal and how it is going to affect our current properties privacy, value, wildlife and most importantly the landscape of trees that connects all the property owners backyards along this area.

There will be a huge number of trees removed to allow for this construction affecting the eco system and green space in this area. The trees are our beautiful backyards and it will be devastating to have them cut down and lose the beauty of our scenic properties. The previous owners severed the original property in such a way that would protect the beauty of the trees and nature that they created with many many years of work grooming them to their natural beauty we see as our backyards today. The trees on our lots are adding to the fresh air and making our properties a beautiful place to live and are an integral part of our well being that makes us healthier and happy. These trees are homes to hundreds of birds like orioles, hummingbirds, cardinals, bluejays, chickadees, red breasted grosbeak, doves, blackbirds that we feed and enjoy on a daily basis and this proposal will affect their nesting habits and possibly eliminate some species. Amongst the birds the wildlife that thrives in the woods are wild mushrooms, deer, wild turkey and rabbits.

The proposed buildings will be constructed in direct view of our backyards eliminating our privacy. There is a large number of homes built along Imperial Rd coming out of Aylmer and they have been set back at the same distance from the road so they are not interfering with neighbouring properties. The current homes at our location are spaced enough to allow for good quality privacy and the new proposal will mean building many fences to try and gain some privacy back. We currently have a natural fence of beautiful trees with an open concept and we would prefer not to be building fences to gain what we already have.

Our country homes and properties do not feel like you are in a town it gives us space and the freedom to enjoy the property, trees, outdoors, wildlife and this will change under this proposal.

Malahide Township has a Greening Malahide document on their website that states, the rural lifestyle and quality of natural environment are highly valued by its residents. Strong emphasis is placed on sustaining agricultural lands, forests, wetlands and the connection to water. Maintaining the integrity of the land is thus seen as a priority particularly when planning the growth of Malahide's communities. There are numerous natural areas dispersed across Malahide, situated on public and private lands. All residents, organizations and agencies have a role in nurturing our environmental lands as individual green spaces collectively make up the larger ecosystems and watersheds.

<https://www.malahide.ca/en/business-and-development/greening-malahide.aspx>

Respectfully Elgin county also has a Woodlands Conservation By-law.

<https://www.kettlecreekconservation.on.ca/bylaw0503/>

[#:~:text=The%20Elgin%20County%20Woodlands%20Conservation,aware%20of%20the%20By%2Dlaw](#)

The Elgin County Woodlands Conservation By-law is intended, "to restrict and regulate the destruction of trees by cutting, burning, bulldozing, application of chemicals or other means." All woodlot owners must be aware of the By-law. A woodlot is considered anything greater in size than one half (1/2) acre (0.2 hectares). The Elgin County Tree Commissioner is an appointed official of the County of Elgin. It is the Tree Commissioner's responsibility to ensure that the cutting of trees in Elgin County woodlots is consistent with the goals set out in the Elgin County Woodlands Conservation By-law.

With the large amount of trees that would need to be removed under this proposal the neighbouring trees will lose their strength in numbers during a significant wind storm causing many of them damage and falling to the ground especially onto the proposed severance area. Trees that are planted close together can survive powerful storms and survive wind damage by supporting each other. The protection of our trees is very important to us, the eco system, the wildlife and we hope you will

understand our concern.

Also there is a pond directly behind this property that is used to water the crops and building a home closer to this pond creates a concern with the property owners and possible noise complaints while running irrigation equipment all hours of the night from the new owners of the proposed severance.

We the land owners are praying for your understanding in not wanting this proposal to move forward and destroy the natural beauty of our trees and neighbouring properties.

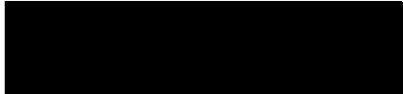
Property owners at 8095, 8207, 8247 and 8251 Imperial Rd oppose this proposal and have signed below.

Thank you kindly for your consideration.

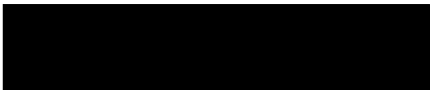
Fred Bozso



Deb Bozso



Gary Ruckle



Donna Ruckle



Jake Wiebe



Pam Wiebe



Lisa McCabe



Shawn Chilcott





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: September 27, 2023
Application: E 61-23

Owner:
Will Friesen
8231 Imperial Road, Aylmer, ON N5H 2R2

Agent:
Jamie Robertson
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: Part of Lot 10, Concession 5. Municipally known as 8231 Imperial Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 33.37m (110 feet), a depth of 74.25m (243.6 feet) an area of 0.25ha (0.62 acres) containing an existing residential dwelling and garage. The applicant is retaining a lot with an area of 1.19ha (2.94 acres) proposed to be used for a future residential dwelling and workshop.

**County of Elgin Official
Plan**
Tier 3 Settlement Area

**Local Municipality Official
Plan**
Hamlet

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

Letter of Objection signed by multiple neighbours.

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 proposes to sever a lot with an area of 0.25ha which contains an existing dwelling and garage, the retained parcel will be approximately 1.2ha in area and be used for future residential development. The subject lands are located within the settlement area of South Gore, south of Aylmer; therefore, the policies of Section 1.1.3 of the PPS regarding residential development in settlement areas apply:

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 3 Settlement Area in the CEOP. This consent application proposes the creation of a new residential parcel in an existing settlement area. The CEOP directs that settlement areas should be the focus of growth and development, and that Tier 3 Settlement Areas should be primarily residential. Staff have reviewed this application against the general consent criteria and found no deficiencies.

The subject land is located near a wooded area. According to a report from Lincoln Environmental Consulting submitted by the agent, the subject land and adjacent area contains mostly coniferous tree species and appear originally to have been planted for commercial purposes, though there is no commercial tree farm currently in operation. The environmental report indicates a clear delineation between the former commercial pine plantation and the adjacent wooded areas, and that due to the clear demarcation between the plantation on the subject land and the surrounding areas, the subject property should not be considered a significant woodland. In the opinion of LEC, the limited scope of work on the

subject property should not have any negative effect on the watercourse in the surrounding area.

Elgin County does have a Woodlands Conservation By-law, compliance with all applicable By-laws and provisions is required for all development.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Agricultural and Residential in the Township of Malahide Official Plan. A portion of the subject land is within the Hazard Lands designation; however, no development is proposed within the Hazard Lands and the scale of proposed development is not anticipated to have a negative effect on the hazard lands.

RECOMMENDATION:

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

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

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in

accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.

4. 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.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification, all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 62-23 & 63-23**

**NORTH PART OF LOT 11, CONCESSION 1
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 4844 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Simona Rasanu (SBM Ltd.), 301-1599 Adelaide Street North, London, ON N5X 4E8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 4844 Imperial Road.

The applicant proposes to sever two (2) parcels. The first parcel will have a frontage of 37.5m (123 feet), a depth of 68.6m (225 feet) an area of 2,038.9m² (0.5 acres) for a proposed residential dwelling. The second parcel will have a frontage of 37.5 (123 feet), a depth of 68.6m (225 feet) an area of 2,038.9m² (0.5 acres) for a proposed residential dwelling. The applicant is retaining a lot with an area of 17.38ha (42.95 acres) proposed to remain in agricultural use.

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

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

**SEPTEMBER 27, 2023 AT 9:15 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

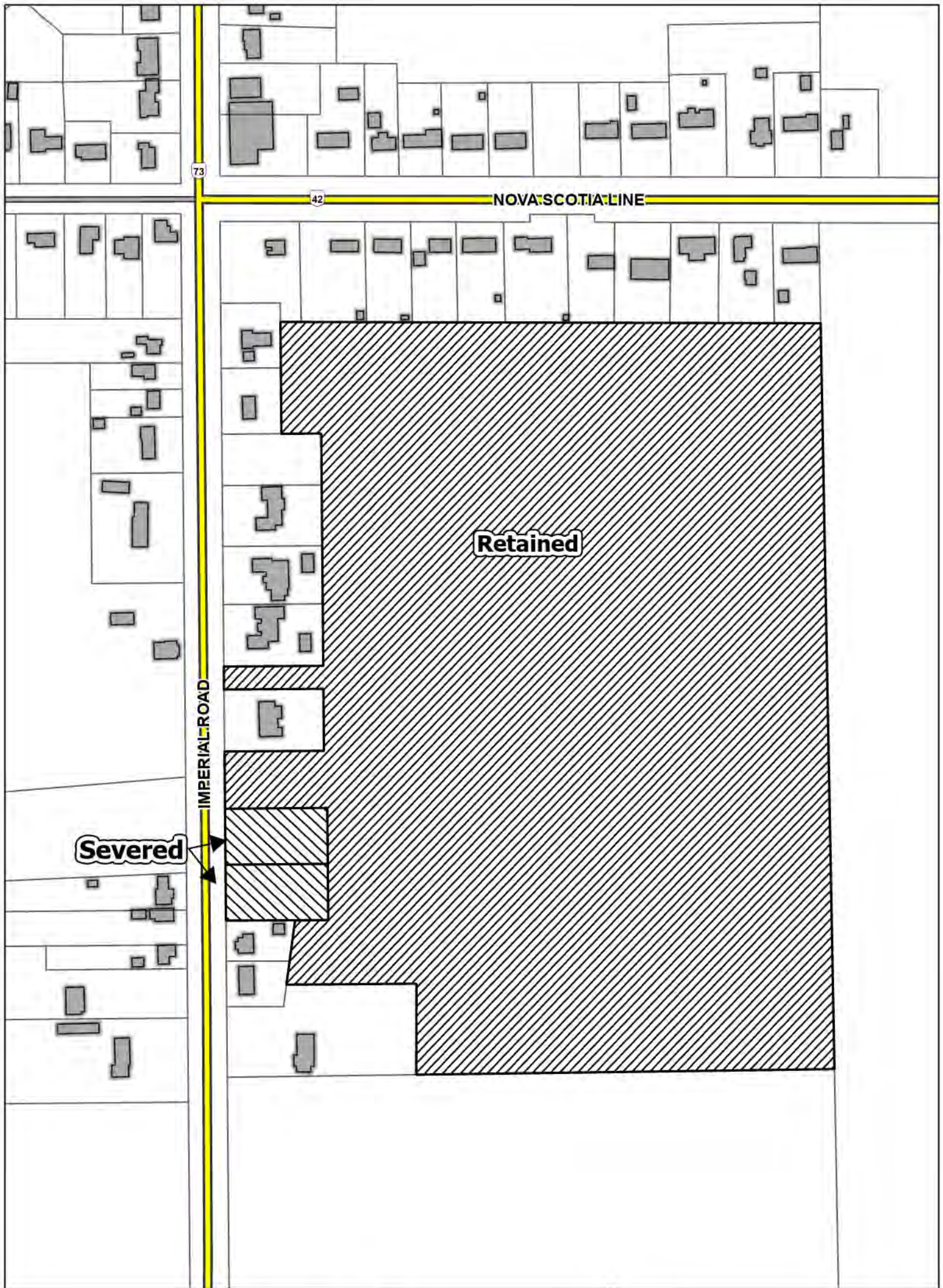
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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





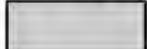


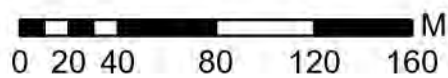
Location Map

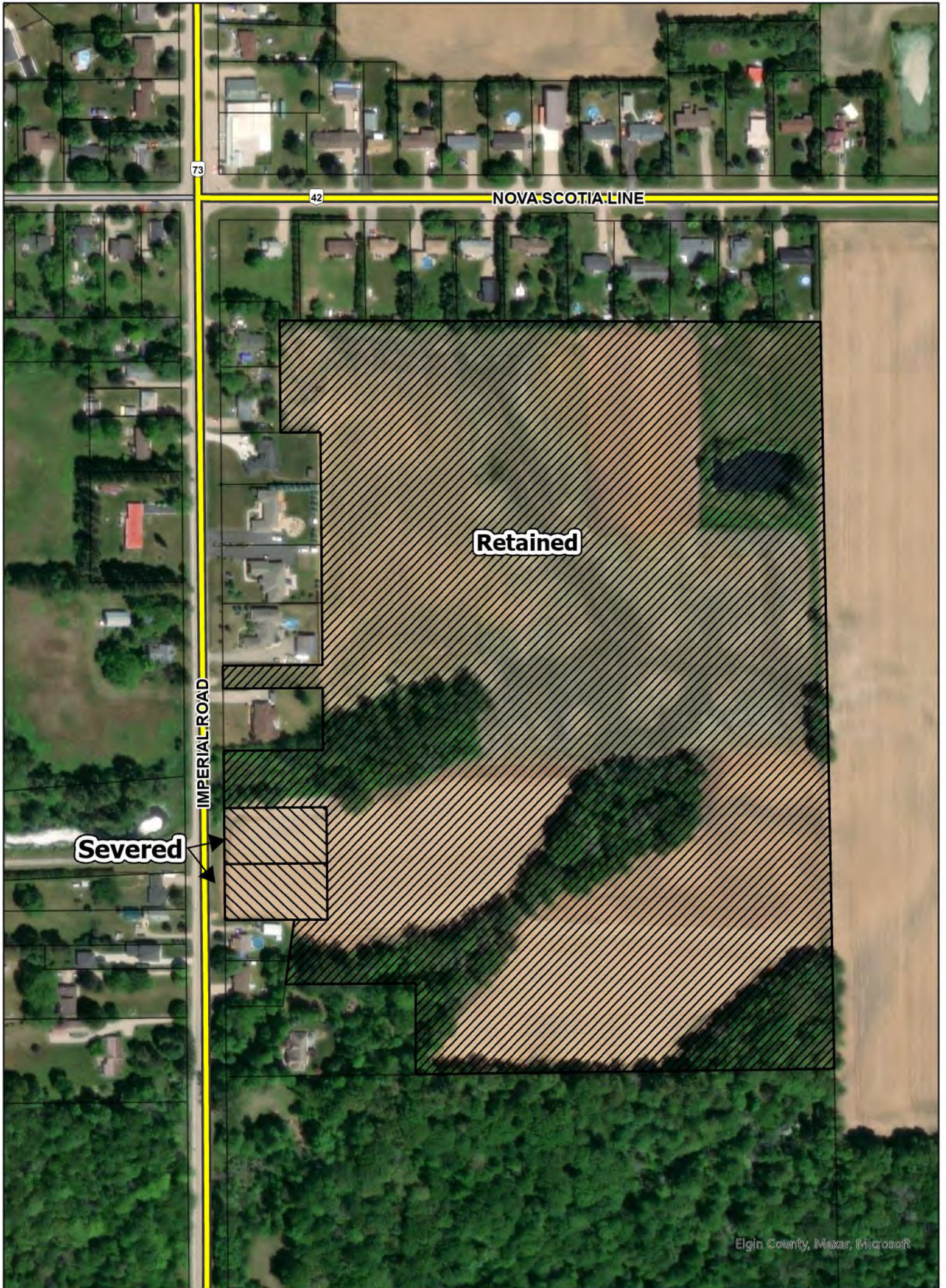
Subject Site: 4844 Imperial Road
 File Number: E 62-23 & E 63-23
 Owner: Dan Versnick
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide



Legend

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



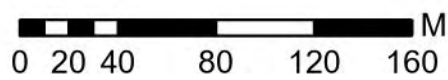


Elgin County, Maxar, Microsoft



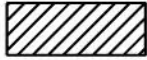

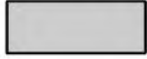
Location Map

Subject Site: 4844 Imperial Road
 File Number: E 62-23 & E 63-23
 Owner: Dan Versnick
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide

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



Legend

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



September 22, 2023

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

Dear Committee Members:

RE: Land Severance Application E62-23 – Dan Versnick (c/o Strik Baldinelli Moniz Ltd.) – 4844 Imperial Road, North Part of Lot 11, Concession 1, Part 8 of Registered Plan 11R7973

The Malahide Township Council passed the following Resolutions on September 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E62-23 in the name of Dan Versnick, relating to the property located North Part of Lot 11, Concession 1, Part 8 of Registered Plan 11R7973, Township of Malahide, subject to the following conditions:

1. 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.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment and 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect

to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

8. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-25 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in cursive script that reads "A Adams".

ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy – Dave Jenkins
Simona Rasanu, Strik Baldinelli Moniz Ltd.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission

Applicant Dan Versnick (c/o Strik Baldinelli Moniz Ltd.)

Location 4844 Imperial Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture" and "Hamlet" on Schedule 'A1' (Land Use Plan) and "" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 4.3.3, 4.1.4.5, 8.2.1.4 of the Malahide Official Plan. A concurrent Official Plan Amendment submitted to permit a settlement area boundary adjustment.

PART 2 - ZONING

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

Comments: The Zoning By-law Amendment proposes to rezone the proposed severed parcels from "Hamlet Residential – Holding (HR-H-1)" to "Hamlet Residential (HR)" and rezone the proposed retained lands from "Hamlet Residential – Holding (HR-H-1)" to "General Agriculture – Special (A1-22)" including a site-specific provision to permit a reduced lot area of 50 metres on Imperial Road.

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

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

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



September 22, 2023

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

Dear Committee Members:

**RE: Land Severance Application E63-23 – Dan Versnick (c/o Strik Baldinelli Moniz Ltd.) –
4844 Imperial Road, North Part of Lot 11, Concession 1, Part 8 of Registered Plan
11R7973**

The Malahide Township Council passed the following Resolutions on September 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E62-23 in the name of Dan Versnick, relating to the property located North Part of Lot 11, Concession 1, Part 8 of Registered Plan 11R7973, Township of Malahide, subject to the following conditions:

1. 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.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment and 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect

to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

8. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-25 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy – Dave Jenkins
Simona Rasanu, Strik Baldinelli Moniz Ltd.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission

Applicant Dan Versnick (c/o Strik Baldinelli Moniz Ltd.)

Location 4844 Imperial Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture" and "Hamlet" on Schedule 'A1' (Land Use Plan) and "" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 4.3.3, 4.1.4.5, 8.2.1.4 of the Malahide Official Plan. A concurrent Official Plan Amendment submitted to permit a settlement area boundary adjustment.

PART 2 - ZONING

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

Comments: The Zoning By-law Amendment proposes to rezone the proposed severed parcels from "Hamlet Residential – Holding (HR-H-1)" to "Hamlet Residential (HR)" and rezone the proposed retained lands from "Hamlet Residential – Holding (HR-H-1)" to "General Agriculture – Special (A1-22)" including a site-specific provision to permit a reduced lot area of 50 metres on Imperial Road.

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

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

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



Report to Council

REPORT NO.: DS-23-25

DATE: September 21, 2023

ATTACHMENT: OPA Application, ZBA Application, Consent Application, Site Plan, Public Comments, Official Plan Amendment, Draft Zoning By-law, Recommended Conditions

SUBJECT: **OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, & CONSENT APPLICATIONS OF DAN VERSNICK, (AUTHORIZED AGENT: SIMONA RASANU C/O SBM LIMITED)**

LOCATION: North Part of Lot 11, Concession 1, Part 8 of RP;11R7973 (4844 Imperial)

Recommendation:

THAT Report No. DS-23-25 entitled “OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, & CONSENT APPLICATION OF DAN VERSNICK.” be received;

AND THAT the Official Plan Amendment Application No. D09-OPA03-23 of Dan Versnick, relating to the property located at North Part of Lot 11, Concession 1, Part 8 of RP;11R7973 and known municipally as 4844 Imperial Road, BE ADOPTED for the reasons set out in this Report.

AND THAT Zoning By-law Amendment Application No. D14-Z07-23 of Dan Versnick, relating to the property located at North Part of Lot 11, Concession 1, Part 8 of RP;11R7973, and known municipally as 4844 Imperial Road, BE APPROVED for the reasons set out in this Report.

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Official Plan Amendment has been received to the satisfaction of the Township of Malahide.

AND THAT the Application for Consents to Sever D10-E62-23 & D10-E63-23 of Dan Versnick, relating to the property located at North Part of Lot 11, Concession

1, Part 8 of RP;11R7973, and known municipally as 4844 Imperial Road, be supported for the reasons set out in this Report;

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

Background:

The Applications for an Official Plan Amendment, Zoning By-law Amendment, and Consents relate to the properties located at North Part of Lot 11, Concession 1, Part 8 of RP;11R7973, and known municipally as 4844 Imperial Road.

The Applications have been submitted by SBM Consulting, on behalf of the owners, to facilitate the creation of two new residential lots in the Hamlet of Copenhagen. The Official Plan Amendment proposes to reallocate approximately 146 m² of land designated “Hamlet” to an area along Imperial Road to provide a sufficient lot area for the proposed residential lots. The Zoning By-law Amendment proposes to rezone the proposed severed parcels from “Hamlet Residential – Holding (HR-H-1)” to “Hamlet Residential (HR)” and rezone the proposed retained lands from “Hamlet Residential – Holding (HR-H-1)” to “General Agriculture – Special (A1-22)” including a site-specific provision to permit a reduced lot area of 50 metres for an existing access on Imperial Road.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

Comments/Analysis:

The subject lands are approximately 17.5 hectares (42.7 acres) in size with a broken frontage of 113 metres and 15.3 metres along Imperial Road. The lands are currently used for agricultural purposes with a portion of the lot being located within the Copenhagen settlement boundary. Based on the information provided, the owners are looking to sever two residential lots on the portion of the subject lands designated “Hamlet”.

The proposed retained farm parcel is approximately 17.3 hectares in size and has approximately 53.3 metres of frontage on Imperial Road. The lands would continue to be used for agricultural purposes.

The two lots proposed to be severed are both 2038.9 m² (0.5 acres) in size and have approximately 37.5 metres of frontage on Imperial Road. The lands are currently vacant, and each lot would contain a single detached dwelling.

Provincial Policy Statement (PPS)

A planning authority may identify a settlement area or permit the expansion to a settlement area through the comprehensive review process. However, Section 1.1.3.9 of the PPS permits adjustments to settlement area boundaries outside of a comprehensive review, provided certain criteria are met, including there would be no net

increase in land within the settlement area, the adjustment would support intensification, the lands are not comprised of a specialty crop area, alternative locations that avoid prime agricultural areas have been considered, and the lands can be appropriately serviced.

The applications propose to take 146 m² of 'Hamlet' designated lands on the property and reallocate it to one of the proposed severed parcels, resulting in no net increase in lands located within the settlement area and would support the creation of two residential infill lots. The subject lands do not consist of a specialty crop area and lands surrounding the settlement of Copenhagen are primarily designated as prime agricultural lands, providing no alternative location for the lands to be added to other areas of the settlement area that avoids prime agricultural areas. The settlement of Copenhagen is partially serviced by municipal water and private septic disposal. A functional servicing report submitted with the application confirmed that the lots would be serviced by municipal water and are of sufficient size to support private septic systems.

County of Elgin Official Plan

The subject lands are designated "Tier 3 Settlement Area" and "Agriculture" on Schedule 'A', Land Use Plan. In addition to the above, the subject property is identified as having frontage along a "Minor Arterial Road" on Schedule 'B', "Transportation Plan".

Section B2.8.4 of the County Official Plan does not require an amendment to the Plan to permit that provides for a minor settlement area boundary adjustment.

The County Official Plan permits the creation of new lots provided that the proposed severed and retained lots have frontage on a public road, will not cause a traffic hazard, can be adequately serviced, will not have negative impacts on drainage, will not negatively impact water quality or quantity, or natural hazard process, and will not restrict development on the retained lands.

The proposed severed and retained lots will have frontage on a public road (Imperial Road) and are not anticipated to create a traffic hazard. A servicing report and hydrogeological report were submitted with the application and determined that the lots could be adequately serviced and there would be no negative impacts on groundwater quantity and quality. The proposed retained lands are designated as "Agriculture" and therefore would not be subject to future residential development.

Malahide Official Plan

The subject lands are designated "Agriculture", "Hamlet", on Schedule 'A1' (Land Use Plan) and "Provincially Significant Woodland" on Schedule 'A2' (Constraints Plan).

Section 4.1.4.5 of the Official Plan permits settlement area adjustments provided the criteria under the PPS are met, which is discussed previously in this report.

The Official Plan permits residential lot creation provided there will be no undue extension of services, the proposed severed and retained lots have frontage on a public road, the proposed severed and retained lots are of an appropriate size, and there is no

traffic hazard created (Section 4.3.3). The proposed lots would be serviced by existing water services along Imperial Road which would not result in an undue extension of services. The proposed lots are of sufficient size to accommodate individual private septic systems. The severed and retained lots would have frontage on Imperial Road and it is not anticipated that a traffic hazard would be created.

A portion of the subject lands is designated as “Provincially Significant Woodland” in the Official Plan. The proposed severed lots are located greater than 120 metres from these designated lands and as a result, it is not anticipated that there will be any negative impacts on natural heritage features.

Malahide Zoning By-law No. 18-22

The subject lands are zoned “Hamlet Residential – Holding (HR-H-1)” and on Key Map N of Schedule “A” to the Township’s Zoning By-law No. 18-22. The Zoning By-law Amendment proposes to rezone the retained farm parcel from “Hamlet Residential – Holding (HR-H-1)” to “General Agriculture – Special (A1-22)”. The retained parcel was previously located in the Hamlet settlement area. However, during the Malahide Official Plan Review, the lands that comprise the retained farm parcel were reallocated to Springfield. The proposed Zoning Amendment would align the zoning of the property with the current Official Plan designation, as well as permit a reduced lot frontage of 50 metre for the retained parcel from Imperial Road.

The Zoning By-law Amendment proposes to rezone the proposed severed parcels from “Hamlet Residential – Holding (HR-H-1)” to “Hamlet Residential”. The holding symbol was applied to require development of the larger land holding to take place through a plan of subdivision. The holding symbol was likely applied when the entire parcel was within the settlement boundary. Through the 2021 Official Plan Review, the majority of the subject lands were removed from the settlement area, except for the land where the proposed severed lots are located. Since the majority of the parcel is no longer in the Copenhagen settlement area, it is appropriate that the subdivision of land take place by way of consent.

Public/Agency Comments Received

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

- The Catfish Creek Conservation Authority (CCCA) (dated September 6, 2023) has no objections to the application.
- Public Works: The Port Burwell Area Secondary Water Supply system is located in the subject area (12" Watermain). The system does not have in place a requirement to connect. The system has available capacity to service the proposed development should the proponent wish to connect.
- Drainage Superintendent: This portion of property is not assessed into a municipal drain and will be required to connect.
- Hydro One: No comments.
- Public comments have been received from one resident in support of the application; however, the resident noted a concern regarding water pressure in the area.

- Public Works staff have confirmed commented that the water pressure in this area is considered to be relatively low. The topography of the area is such that the pressure is lower at higher elevations while in the low-lying areas (Port Bruce) pressure is much higher. It is recommended that any new home directly connecting to the PB secondary transmission main install a pressure system within their dwelling to boost the water pressure if they wish to do so. It is not required and is up to the homeowner to decide if they wish to install a pressure system.
-

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

One of the goals that supports the “Our Land” Strategic Pillar is “Promote growth in a responsible manner”. By ensuring new development meets “good planning” principles, the Council is achieving this goal.

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

Approved by:
Adam Boylan, Treasurer, Interim Chief Administrative Officer

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: Road CR 73

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E- 62/63-23
APPLICANT: Dan Versnick
PROPERTY: LOT NO. _____ CONCESSION: _____
REG'D PLAN: _____ MUNICIPALITY: Malahide

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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: September 27, 2023
Application: E 62-23 & E 63-23

Owner:
Dan Versnick
4844 Imperial Road

Agent:
Simona Rasanu
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: North Part of Lot 11, Concession 1. Municipally known as 4844 Imperial Road.

PROPOSAL

The applicant proposes to sever two (2) parcels. The first parcel will have a frontage of 37.5m (123 feet), a depth of 68.6m (225 feet) an area of 2,038.9m² (0.5 acres) for a proposed residential dwelling. The second parcel will have a frontage of 37.5 (123 feet), a depth of 68.6m (225 feet) an area of 2,038.9m² (0.5 acres) for a proposed residential dwelling. The applicant is retaining a lot with an area of 17.38ha (42.95 acres) proposed to remain in agricultural use.

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

**Local Municipality Official
Plan**
Agricultural / Hamlet

**Local Municipality Zoning
By-law**
Hamlet Residential – Holding
(HR-h1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish 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 proposes to sever two parcels with similar dimensions to create new residential lots. The parcels will be located in an existing settlement area on a municipal road that has access to public water services. The development is a logical extension of the existing residential development in the area, filling in gaps between existing houses on Imperial Road.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area and Agricultural Area in the CEOP. This consent application proposes the creation of two new residential parcels in an existing settlement area. The CEOP directs that settlement areas should be the focus of growth and development. Tier 2 Settlement Areas generally feature a mixture of public and private services, as with these applications. Each lot will have municipal water access but requires a private septic system.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Agricultural and Hamlet in the Township of Malahide Official Plan. The proposed severed lands are within the Hamlet designation, while the retained lands are Agricultural. The proposed development is not anticipated to have a negative effect on the surrounding agricultural operations. Township staff are recommending a condition that the

applicants apply for a rezoning, the purpose of the rezoning is to rezone the retained lands to General Agricultural – Special (A1-22), which will align the zoning of the subject land with the most recent Malahide Official Plan land use schedules. Furthermore, the rezoning is required to remove the holding symbol from the severed lands to permit the development of the newly created parcels.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.
4. Direct connection to a legal outlet is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

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

1. 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.
 2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
 3. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment and 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.



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4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect prior to the condition being deemed fulfilled.
8. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 64-23 & 65-23**

**PART OF LOT 10, CONCESSION SOUTH GORE
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 8483 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Simona Rasanu (SBM Ltd.), 301-1599 Adelaide Street North, London, ON N5X 4E8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8483 Imperial Road.

The applicant proposes to sever two (2) parcels. The first parcel will have a frontage of 24.89m (82 feet), a depth of 67.02m (220 feet) an area of 0.17ha (0.42 acres) for a proposed residential dwelling. The second parcel will have a frontage of 25.59 (84 feet), a depth of 67.02 (220 feet) an area of 0.17ha (0.42 acres) for a proposed residential dwelling. The applicant is retaining a lot with an area of 1,738.5m² (0.43 acres) proposed to remain in residential use.

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

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

**SEPTEMBER 27, 2023 AT 9:25 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

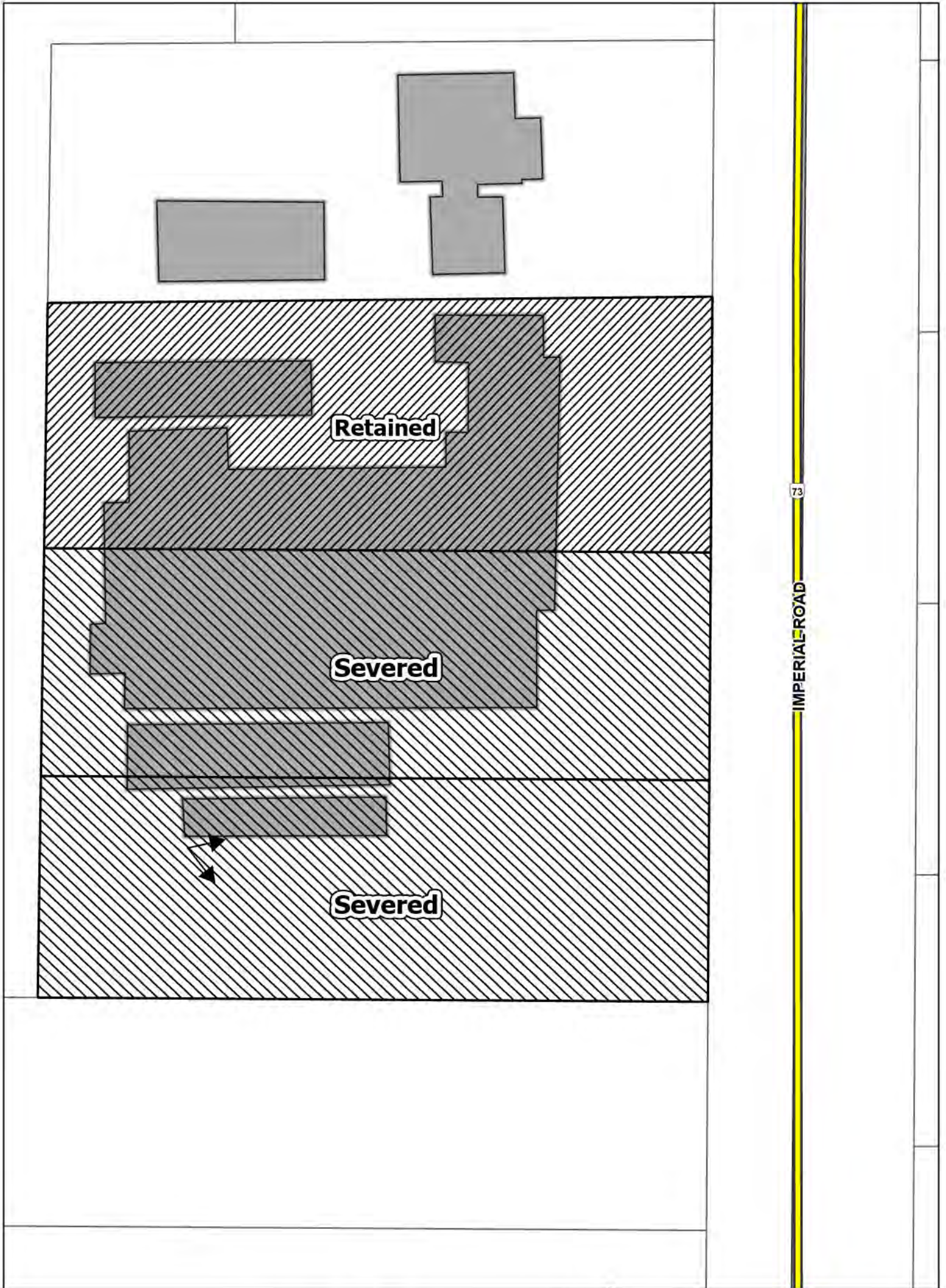
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








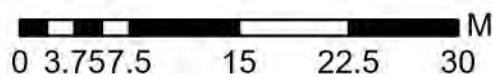
Location Map

Subject Site: 8483 Imperial Road
 File Number: E 64-23 & E 65-23
 Owner: Ben Fehr
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide



Legend

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







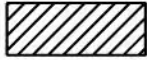


Location Map

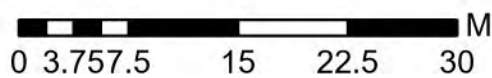
Subject Site: 8483 Imperial Road
 File Number: E 64-23 & E 65-23
 Owner: Ben Fehr
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Malahide

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



Legend

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





September 22, 2023

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

Dear Committee Members:

RE: Land Severance Application E65-23 – Ben Fehr (c/o Strik Baldinelli Moniz Ltd.) – 8483 Imperial, Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962

The Malahide Township Council passed the following Resolutions on September 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E64-23 in the name of Ben Fehr relating to the property located Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain
3. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
4. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
5. 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.
6. 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.

7. Confirmation that the existing 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.
8. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification all of which are to be fully executed.
9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. 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.
12. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-26 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy – Dave Jenkins
Ben Fehr
Simona Rasanu, Strik Baldinelli Moniz Ltd.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission

Applicant Ben Fehr (c/o Strik Baldinelli, Moniz Ltd.)

Location 8483 Imperial Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Hamlet" on Schedule 'A1' (Land Use Plan).

Policies: The policies of Section 4.3.3 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The Zoning By-law Amendment proposes to rezone the proposed severed lots from "Hamlet Commercial – Site Specific (HC-1)" to "Hamlet Residential – Site Specific (HR-5) to permit a reduced lot area of 1,700 m² and reduced lot frontage of 24 metres. The Amendment also proposes to rezone the proposed retained parcel from "Hamlet Commercial – Site Specific (HC-1)" to "Hamlet Residential – Site Specific (HR-6) to permit a reduced lot area of 1,700 m², reduced lot frontage of 24 metres, and recognize an existing interior side yard setback of 1.2 metres.

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

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

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



Report to Council

REPORT NO.: DS-23-26

DATE: September 21, 2023

ATTACHMENT: Report Photo, Application, Recommended Conditions, By-law

SUBJECT: **ZONING BY-LAW AMENDMENT, & CONSENT APPLICATIONS OF BEN FEHR, (AUTHORIZED AGENT: SIMONA RASANU C/O SBM LIMITED)**

LOCATION: Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962 (Malahide) (8483 Imperial Road)

Recommendation:

THAT Zoning By-law Amendment Application No. D14-Z08-23 of Ben Fehr, relating to the property located at Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962 (Malahide), and known municipally as 8483 Imperial Road, BE APPROVED for the reasons set out in this Report.

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Consent application has been received to the satisfaction of the Township of Malahide.

AND THAT the Applications for Consent to Sever D10-E64-23 & D10-E65-23 of Ben Fehr, relating to the property located at Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962 (Malahide), and known municipally as 8483 Imperial Road, be supported for the reasons set out in this Report;

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

Background:

The Applications for Zoning By-law Amendment and Consents relate to the properties located at Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962 (Malahide) and known municipally as 8483 Imperial

Road.

The Applications have been submitted by SBM Consulting, on behalf of the owners, to facilitate the creation of two new residential lots in the Hamlet of South Gore. The Zoning By-law Amendment proposes to rezone the proposed severed lots from “Hamlet Commercial – Site Specific (HC-1)” to “Hamlet Residential – Site Specific (HR-5) to permit a reduced lot area of 1,700 m² and reduced lot frontage of 24 metres. The Amendment also proposes to rezone the proposed retained parcel from “Hamlet Commercial – Site Specific (HC-1)” to “Hamlet Residential – Site Specific (HR-6) to permit a reduced lot area of 1,700 m², reduced lot frontage of 24 metres, and recognize an existing interior side yard setback of 1.2 metres.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

The County Land Division Committee has scheduled a Public Hearing for Consent applications E64-23 and E65-23 to be considered on September 27, 2023.

Comments/Analysis:

The subject lands are approximately 5,213 m² in area and have approximately 76.2 metres of frontage on Imperial Road. The subject lands were the site of a former greenhouse. The use has since been discontinued and the property currently contains an existing single detached dwelling and accessory structure. The parcel is bounded by residential uses to the north and south, agricultural lands to the west, and Imperial Road to the east.

Based on the information provided in the application, the owners are proposing to sever two new residential lots. The severed lots are proposed to have an area of approximately 1,700 m² and a lot frontage of approximately 24.8 metres and are both currently vacant.

The proposed retained parcel is approximately 1,738 m² in area and has approximately 25.9 metres of frontage on Imperial Road. The retained parcel contains the existing dwelling and accessory structure.

Provincial Policy Statement (PPS)

The PPS directs growth and development to existing settlement areas and promotes the efficient use of land (s. 1.1.3.1, 1.1.3.2). The PPS also supports development on individual private services where full municipal services are not available (s. 1.6.6.4). There are no municipal services available in the hamlet of South Gore. A functional servicing report was submitted with the application and determined that the proposed severed and retained lots were of sufficient size to accommodate private wells and septic systems.

County of Elgin Official Plan

The subject lands are designated “Tier 3 Settlement Area” on Schedule ‘A’, Land Use Plan. In addition to the above, the subject property is identified as having frontage along a “Minor Arterial Road” on Schedule ‘B’, “Transportation Plan”.

The County Official Plan permits the creation of new lots provided that the proposed severed and retained lots have frontage on a public road, will not cause a traffic hazard, can be adequately serviced, will not have negative impacts on drainage, will not negatively impact water quality or quantity, or natural hazard process, and will not restrict development on the retained lands. The proposed severed and retained lots will have frontage on a public road (Imperial Road) and are not anticipated to create a traffic hazard. A servicing report and hydrogeological report were submitted with the application and determined that the lots could be adequately serviced and there would be no negative impacts on groundwater quantity and quality.

The County Official Plan requires that sites with the potential for contamination have an Environmental Site Assessment (ESA) to be completed (s. D3.8). An ESA was submitted with the application to determine whether there was any contamination from the previous commercial use and the study determined that there were no identified sources of contamination on-site and that a Record of Site Condition was not required.

Malahide Official Plan

The subject property is designated ‘Hamlet’ on Schedule ‘A1’ (Land Use Plan). The Official Plan permits residential lot creation provided there will be no undue extension of services, the proposed severed and retained lots have frontage on a public road, the proposed severed and retained lots are of an appropriate size, and there is no traffic hazard created (Section 4.3.3). There are no municipal services available in the hamlet of South Gore. A functional servicing report was submitted with the application and determined that the proposed severed and retained lots were of sufficient size to accommodate private wells and septic systems. The severed and retained lots would have frontage on Imperial Road and it is not anticipated that a traffic hazard would be created.

Malahide Zoning By-law No. 18-22

The subject lands zoned “Hamlet Residential (HR)” on Key Map J of the Township’s Zoning By-law. The Zoning By-law Amendment proposes to rezone both severed lots from “Hamlet Commercial – Site Specific (HC-1)” to “Hamlet Residential – Site Specific (HR-5) to permit a reduced lot area of 1,700 m² whereas the By-law requires a minimum lot area of 1,850 m², and a reduced lot frontage of 24 metres whereas the By-law requires a minimum lot frontage of 25 m.

The Amendment also proposes to rezone the retained parcel from “Hamlet Commercial – Site Specific (HC-1)” to “Hamlet Residential – Site Specific (HR-6) to permit a reduced lot area of 1,700 m² whereas the By-law requires a minimum lot area of 1,850 m², and a reduced lot frontage of 24 metres whereas the By-law requires a minimum lot frontage of 25 m. The HR-6 zone will also recognize the interior side yard setback to the existing dwelling of 1.2 metres whereas the By-law requires a minimum interior side yard of 2 metres.

The previous commercial use is no longer in operation and has been discontinued on the subject lands. The subject lands are surrounded by residential uses to the north, east, and south and so the proposed residential use would be compatible with the adjacent land uses. The application supports the creation of infill development and housing within the community.

The purpose of the minimum lot area provision is to ensure adequate area is available to accommodate any buildings, structures, and private services associated with a land use. As noted, the Zoning by-law Amendment application proposes a minimum lot area of 1,700 m². A functional servicing report was submitted with the application that determined the lot size was sufficient to accommodate private well and septic services. While the lots in the surrounding area are slightly larger, ranging from 1,900 m² to 2,000 m², the proposed lots would be consistent with the general character of the community.

The purpose of the minimum lot frontage requirement is to ensure that lots have adequate space for ingress and egress to the property, as well as ensure there are no impacts to the public roadway. The proposed reduction in frontage of 0.5 metres for the proposed lots is considered minor and not anticipated to impact the provision of access to the roadway. It is noted that Imperial Road is a County highway, and the County would provide comments on any concerns with access to the roadway.

General Comments

The Development Services Staff has also considered comments provided (if any) by other internal departments:

- The Catfish Creek Conservation Authority (CCCA) (dated September 6, 2023) has no objections to the application.
- Public comments have been received comments from two members of the public objecting to the proposed applications. The comments raised concerns of the size of the proposed lots, impacts on wells and stormwater management in the surrounding area, as well as impacts on property values.

As noted in the report, the proposed lots would be of sufficient size to accommodate private well and septic services and are not anticipated to impact adjacent wells in the area. Additionally, the functional servicing report submitted with the application confirmed that stormwater management would be able to be accommodated by the municipal drain located at the southern edge of the property and post-development stormwater flows would not exceed pre-development flows. Impacts to property values are not considered a land use planning matter and are not included further in this report.

Submitted by:	Reviewed by:	Approved by:
Eric Steele, BES Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants, Vice President, Principal Planner	Adam Boylan Interim Chief Administrative Officer



September 22, 2023

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

Dear Committee Members:

RE: Land Severance Application E64-23 – Ben Fehr (c/o Strik Baldinelli Moniz Ltd.) – 8483 Imperial, Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962

The Malahide Township Council passed the following Resolutions on September 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E64-23 in the name of Ben Fehr relating to the property located Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain
3. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
4. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
5. 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.
6. 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.

7. Confirmation that the existing 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.
8. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification all of which are to be fully executed.
9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. 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.
12. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

We enclose Municipal Appraisal together with Municipal Report DS-23-26 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



ALLISON ADAMS, – H.BA Political Science, AMP
Manager of Legislative Services/Clerk

Copy – Dave Jenkins
Ben Fehr
Simona Rasanu, Strik Baldinelli Moniz Ltd.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission

Applicant Ben Fehr (c/o Strik Baldinelli, Moniz Ltd.)

Location 8483 Imperial Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Hamlet" on Schedule 'A1' (Land Use Plan).

Policies: The policies of Section 4.3.3 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The Zoning By-law Amendment proposes to rezone the proposed severed lots from "Hamlet Commercial – Site Specific (HC-1)" to "Hamlet Residential – Site Specific (HR-5) to permit a reduced lot area of 1,700 m² and reduced lot frontage of 24 metres. The Amendment also proposes to rezone the proposed retained parcel from "Hamlet Commercial – Site Specific (HC-1)" to "Hamlet Residential – Site Specific (HR-6) to permit a reduced lot area of 1,700 m², reduced lot frontage of 24 metres, and recognize an existing interior side yard setback of 1.2 metres.

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

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: Road CR 73

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E- 64/65-23

APPLICANT: Ben Fehr

PROPERTY: LOT NO. _____ CONCESSION: _____
REG'D PLAN: _____ MUNICIPALITY: Malahide

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

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

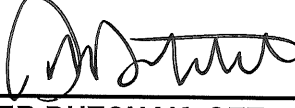
- 10) The County has no concerns.....

- 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: September 27, 2023
Application: E 64-23 & E 65-23

Owner:
Ben Fehr
8483 Imperial Road, Malahide, ON N5H 2R2

Agent:
Simona Rasanu
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: Part of Lot 10, Concession South Gore. Municipally known as 8483 Imperial Road.

PROPOSAL

The applicant proposes to sever two (2) parcels. The first parcel will have a frontage of 24.89m (82 feet), a depth of 67.02m (220 feet) an area of 0.17ha (0.42 acres) for a proposed residential dwelling. The second parcel will have a frontage of 25.59 (84 feet), a depth of 67.02 (220 feet) an area of 0.17ha (0.42 acres) for a proposed residential dwelling. The applicant is retaining a lot with an area of 1,738.5m² (0.43 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**
Tier 3 Settlement Area

**Local Municipality Official
Plan**
Hamlet

**Local Municipality Zoning
By-law**
Hamlet Commercial – Site
Specific (HC-1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish 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 proposes to sever two parcels with similar dimensions to create new residential lots, each of which is proposed to contain a future single detached dwelling. The parcels will be located in an existing settlement area and require private on-site water and wastewater services. The existing subject land contains a dwelling and numerous ancillary structures, the surrounding land uses include a mix of agricultural, and residential along Imperial Road. The proposed development is considered infill within an existing settlement area.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 3 Settlement Area and Agricultural Area in the CEOP. This consent application proposes the creation of two new residential parcels in an existing settlement area. The CEOP directs that settlement areas should be the focus of growth and development. Tier 3 Settlement Areas generally are the smallest in the County and rely on private water and wastewater services, as is the case here. The development is a form of infill within an existing settlement area along a County Road which contains primarily single detached dwellings in a form and scale similar to what is being proposed.

An Environmental Site Assessment (ESA) was submitted as part of the application to confirm that there was any contamination from the previous commercial use on the subject land. The ESA confirmed identified no contamination and a Record of Site Condition is not required.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Hamlet Residential in the Township of Malahide Official Plan. The Township is requesting the applicants apply for a Zoning Amendment to rezone both severed lots from Hamlet Commercial – Site Specific (HC-1) to Hamlet Residential – Site Specific (HR-5) to permit a reduced lot area and lot frontage. Additionally, the proposed rezoning will rezone the retained lands to Hamlet Residential – Site Specific (HR-6) to address the lot area of the retained lot and the non-compliant interior side yard setback.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

Additionally, it is recommended that the following conditions from the 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

3. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
4. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
5. 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.
6. 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.
7. Confirmation that the existing 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.
8. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification all of which are to be fully executed.
9. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
11. 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.
12. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 66-23**

**LOT 4, PLAN 3 EAST OF TALBOT LINE
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 8934 IONA ROAD**

TAKE NOTICE that an application has been made by Lauren Balsler, 8934 Iona Road, Iona Station, ON N0L 1P0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8934 Iona Road.

The applicant proposes to sever a parcel with a frontage of 24.984m (82 feet), a depth of 80.467m (264 feet) an area of 2,013.509m² (0.5 acres) for a single detached dwelling currently under construction. The applicant is retaining a lot with an area of 2,020.525m² (0.5 acres) proposed to be vacant land.

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:

**SEPTEMBER 27, 2023 AT 9:35 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

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

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








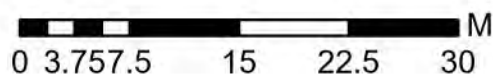
Location Map



Subject Site: 8934 Iona Road
 File Number: E 66-23
 Owner: Lauren Balser and Linda Easton (Estate)
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Southwold

Legend

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







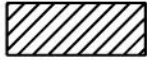

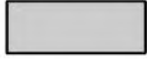
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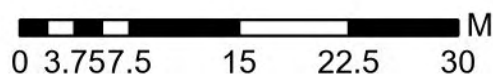
Location Map



Subject Site: 8934 Iona Road
 File Number: E 66-23
 Owner: Lauren Balser and Linda Easton (Estate)
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 07/27/2023
 Township of Southwold

Legend

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



MUNICIPAL APPRAISAL SHEET

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

Submission: E66-23

Owner/Applicant: Balser/Easton

Location: 8934 Iona 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: Hamlet Settlement

Policies: Section 5.2.2.2

ZONING

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

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

Comments: No Comments

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

OTHER

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

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

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

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

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

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

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

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

Planning Report PLA 2023-27

Appendix Two: Severance Application E66-23

Consent Applications E66-23 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise 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 deed for the severed and retained parcels once the transaction has occurred.
4. That the existing dwelling on the retained parcel be demolished to the satisfaction of the Township. A demolition permit is required from the Township prior to any demolition work taking place.
5. The newly created lot will be subject to Development Charges, and Cash-in-Lieu of Parkland.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township.
7. That driveway entrance permit and 911 sign be obtained, if required.
8. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
9. 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.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

VIA EMAIL ONLY

August 21, 2023

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E66-23

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 14, 2023 Council Meeting and passed the following resolution:

PLA 2023-27 Consent Application E66-23 Balsler/Easton, 8934 Iona Road
2023-250

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E66-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-27

CARRIED

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

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



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: August 14, 2023

PREPARED BY: Josh Mueller MCIP, Planner

REPORT NO: PLA 2023-27

SUBJECT MATTER: Consent Application E66-23- Comments to the County of Elgin

Recommendation(s):

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E66-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-27.

Purpose:

The applicant is proposing to sever an existing residential property to create two residential building lots. There is a dwelling under construction on the lot proposed to be severed. The retained lot contains a dwelling that is to be demolished.

Background:

Below is a background information, in a summary chart:

Application	E66-23
Owners/Applicants	Lauren Balser/Linda Easton
Agent	Yulia Rodionova
Legal Description	PLAN 3 LOT 3, AND 4 ETL
Civic Address	8934 Iona Road
Entrance Access	Iona Road
Water Supply	Municipal Water
Sewage Supply	Municipal Sewage System
Existing Land Area	0.40 Hectares (1.0 Acres)
Buildings (Severed)	Existing Single Detached Dwelling Unit
Buildings (Retained)	Existing Single Detached Dwelling Unit (To Be Demolished)

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

Severed Parcel

Frontage	Depth	Area
24.98 m (81.95 ft)	80.47 m (264.00 ft)	2013.50 sq m (0.497 ac)

Retained Parcel

Frontage	Depth	Area
25.16 m (82.54 ft)	80.47 m (264.00 ft)	2020.52 sq m (0.499 ac)

Figure One below, depicts the subject parcel at 8934 Iona Road



The consent sketch, showing E66-23 is attached to this report as Appendix One for reference purposes.

Planning Policy Review:

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

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

The property is Designated as Tier 2 Settlement Area in the CEOP. The lands are Designated Hamlet Settlement Area on Schedule '4E' Settlement Area Boundaries in the OP. The lands are zoned Residential 1 (R1) Zone in the ZB. The planning analysis is summed up in the chart below.

Legislation	Section(s)	Relevance To Application	In Compliance
<u>Provincial Policy Statement</u>	1.1.3.1	Settlement areas shall be the focus of growth and development.	Yes. Parcel is in Settlement Area
<u>County of Elgin Official Plan</u>	B2.6	General criteria that must be satisfied prior to any new development in existing settlement areas.	Yes. Because all criteria will be satisfied
<u>Township of Southwold Official Plan</u>	5.2.2.2	Types of development permitted in a Settlement Area.	Yes. Because the proposed development is permitted
<u>Township of Southwold Zoning Bylaw</u>	8.2	In accordance with Section 8.2 the Regulations of the Residential 1 (R1) Zone apply.	Yes. Parcel meets all R1 Zoning Criteria

Circulation of the Application:

Township Department Comments

Treasury Department Comments

With the creation of a new lot, cash in lieu of parkland and DCs will apply.

Additional Comments:

The recommended Township conditions for consent application E66-23 are attached to this report as Appendix Two for reference purposes.

Financial Implications:

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

Strategic Plan Goals:

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

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

Summary/Conclusion:

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

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

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

Approved for submission by:
Lisa Higgs
CAO/Clerk
"Approved Electronically"

Appendices:

1. Appendix One: Consent Sketch E66-23
2. Appendix Two: Consent Conditions

August 28, 2023

Township of Southwold
35663 Fingal Line
Fingal, ON N0L 1K0

Attn: **Paul Clarke**

Re: **Consent Application (E 66-23)**
8934 Iona Road (Lauren Balsler)
Lot 4, Plan 3 ETL
Township of Southwold

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,



Robert Guo
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: Road CR 14

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 66-23

APPLICANT: Lauren Balsler and Linda Easton (Estate)

PROPERTY: LOT NO. 3 and 4 CONCESSION:

REG'D PLAN: 11PL3 MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

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

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

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

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

- 7) Technical Reports

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

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

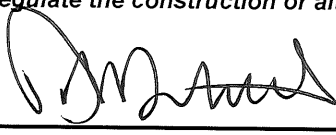
- 10) The County has no concerns.....

- 11) Not on County Road

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

- 13) Other...

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



PETER DUTCHAK, CET
Manager of Transportation Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: September 27, 2023
Application: E 66-23

Owner: Lauren Balser and Linda Easton (Estate)
8934 Iona Road, Iona Station, ON N0L 1P0
Agent: None.
Location: Lot 4, Plan 3, East of Talbot Line. Municipally known as 8934 Iona Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 24.984m (82 feet), a depth of 80.467m (264 feet) an area of 2,013.509m² (0.5 acres) for a single detached dwelling currently under construction. The applicant is retaining a lot with an area of 2,020.525m² (0.5 acres) proposed to be vacant land.

County of Elgin Official Plan	Local Municipality Official Plan	Local Municipality Zoning By-law
Tier 2 Settlement Area	Hamlet Settlement Area	Residential 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a lot with an area of 0.25ha and retain a parcel of 0.5ha. There is currently a single detached dwelling under construction on the severed land and an existing single detached dwelling on the retained land which is proposed to be demolished. The subject land is located within the Southwold side of the settlement of Iona.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. This consent application proposes the creation of a new residential parcel in an existing settlement area. The CEOP directs that settlement areas should be the focus of growth and development. Staff have reviewed this consent against the general consent criteria in the Official Plan 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 subject land is designated as Hamlet Settlement Area in the Township of Southwold Official Plan. Residential development is permitted in the Hamlet Settlement Area by the Official Plan and the proposed parcel meets the provisions of the Residential 1 (R1) zone. The Township is requesting a condition that the dwelling on the retained lot be demolished.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lot is require – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs to be borne by the owner.
6. Lot grading plan is required for the severed lot.

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

1. That the Applicant meet all the requirements, financial and otherwise of the 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 deed for the severed and retained parcels once the transaction has occurred.
4. That the existing dwelling on the retained parcel be demolished to the satisfaction of the Township. A demolition permit is required from the Township prior to any demolition work taking place.
5. The newly created lot will be subject to Development Charges, and Cash-in-Lieu of Parkland.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township.
7. That driveway entrance permit and 911 sign be obtained, if required.
8. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
9. 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.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 67-23**

**PART OF LOTS 41 & 42, NORTH TALBOT ROAD EAST
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 39564 FINGAL LINE**

TAKE NOTICE that an application has been made by Deren Lyle, 39564 Fingal Line, St. Thomas, ON N5P 3S5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 39564 Fingal Line.

The applicant proposes to sever a parcel with a frontage of 81.6m (268 feet), a depth of 106m & 119.4 (347 feet & 392 feet) an area of 0.89ha (2.2 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 16.69ha (41.24 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:

**SEPTEMBER 27, 2023 AT 9:45 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

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

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

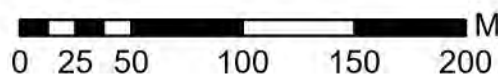
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com








Location Map

Subject Site: 39564 Fingal Line
 File Number: E 67-23
 Owner: Deren and Heather Lyle
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 08/29/2023
 Township of Southwold

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



Legend

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



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



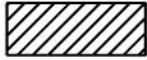

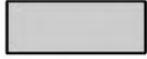
Location Map

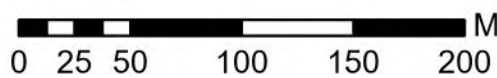
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 Owner: Deren and Heather Lyle
 Planner: Unknown
 CA: Kettle Creek Conservation
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 Date: 08/29/2023
 Township of Southwold

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



Legend

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



MUNICIPAL APPRAISAL SHEET

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

Submission: E67-23

Owner/Applicant: Lyle

Location: 8934 Iona Road,

OFFICIAL PLAN

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

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

Land Use Designation: Agricultural

Policies: Section 7.23.4 e)

ZONING

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

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

Comments: No Comments

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

OTHER

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

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

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

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

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

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

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

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

Planning Report PLA 2023-28

Appendix Two: Severance Application E67-23

Consent Applications E67-23 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 deed for the severed parcels once the transaction has occurred to the Township.
4. That the Applicant successfully apply to the Township for a Zoning By-law Amendment and to rezone retained parcel 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 Township.
5. That the Applicant have a drainage reapportionment of the Luton Drain and Treadwell Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township.
8. That driveway entrance permit and 911 sign be obtained, if required.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Township, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

VIA EMAIL ONLY

August 21, 2023

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

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E67-23

Please be advised that the Township of Southwold has reviewed the above-noted application, at the August 14, 2023 Council Meeting and passed the following resolution:

PLA 2023-28 Consent Application E67-23 Lyle, 39564 Fingal Line
2023-254

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E67-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-28.

CARRIED

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

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

Yours truly,



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: August 14, 2023

PREPARED BY: Josh Mueller MCIP, Planner

REPORT NO: PLA 2023-28

SUBJECT MATTER: Consent Application E67-23- Comments to the County of Elgin

Recommendation(s):

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E67-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-28.

Purpose:

The proposal is to sever a dwelling excess to a farming operation and retain an agricultural lot. The retained parcel would be rezoned to Agricultural 3 (A3) Zone to prohibit further residential development. The proposed severed lot is larger in area than what is allowable for lots created by consent in the Agricultural 1 (A1) Zone. A site specific zoning bylaw amendment will be required to allow the proposed severed lot to be created.

Background:

Below is a background information, in a summary chart:

Application	E67-23
Owners/Applicants	Deren/Brian Lyle
Agent	Deren Lyle
Legal Description	CON NTRE S PT LOTS 41,42
Civic Address	35964 Fingal Line
Entrance Access	Fingal Line
Water Supply	Municipal Water
Sewage Supply	Private Septic System
Existing Land Area	17.51 Hectares (43.27 Acres)
Buildings (Severed)	Existing Single Detached Dwelling Unit
Buildings (Retained)	None Vacant Land to be continued use as farm parcel

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

Severed Parcel

Frontage	Depth	Area
81.6 m (267.71 ft)	119.4 m (391.73 ft)	0.89 ha (2.19 ac)

Retained Parcel

Frontage	Depth	Area
204.7 m (671.58 ft)	639.71 m (2098.78 ft)	16.69 ha (41.24 ac)

Figure One below, depicts the subject parcel at 35694 Fingal Line



The consent sketch, showing E67-23 is attached to this report as Appendix One for reference purposes.

Planning Policy Review:

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

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

The property is Designated as Agricultural Area in the CEOP. The lands are Designated Agricultural on Schedule '1' in the OP. The lands are zoned Agricultural 1 (A1) Zone in the ZB. The planning analysis is summed up in the chart below.

Legislation	Section(s)	Relevance To Application	In Compliance
<u>Provincial Policy Statement</u>	2.3.4.1.c)	Residence surplus to a farming operation as a result of farm consolidation	<u>Yes</u> . Because this criteria will be satisfied
<u>County of Elgin Official Plan</u>	E1.2.3.4 b)	Lot is to be created to accommodate a habitable residence that has become surplus to a farming operation	Yes. Because this criteria will be satisfied
<u>Township of Southwold Official Plan</u>	7.23.4 e)	A habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation,	Yes. Because this criteria will be satisfied
<u>Township of Southwold Zoning Bylaw</u>	5.1	In accordance with Section 5.1 the Regulations of the Agricultural 1 (A1) Zone apply. Proposal exceeds the allowable maximum area for lot created by consent.	Does not comply; hence reason for ZBA

Circulation of the Application:

Township Department Comments

Drainage Department

Apportionment of the Luton Drain and the Treadwell municipal Drains.
Mutual agreement drain.

Additional Comments:

The recommended Township conditions for consent application E67-23 are attached to this report as Appendix Two for reference purposes.

Financial Implications:

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

Strategic Plan Goals:

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

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

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed consent to sever an excess farm dwelling would appear to be consistent with the PPS, conforms to the CEOP and

conforms to the OP, and with a site specific ZBA would comply with the ZBL and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

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

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

Approved for submission by:
Lisa Higgs
CAO/Clerk
"Approved Electronically"

Appendices:

1. Appendix One: Consents Sketch E67-23
2. Appendix Two: Consent Conditions

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: August 14, 2023 9:23 AM
To: Paul Clarke
Subject: RE: E 67-23 Notice of Application

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

Good morning Paul

Please accept this email as confirmation that KCCA staff have reviewed the following notice and that based on our mandatory programs and services, we have no objection to its approval:

- E67-23_39564 Fingal Line (Subject property is not affected by Conservation Authority regulations)

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

Manager of Planning and Development
Kettle Creek Conservation Authority

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: Thursday, August 10, 2023 11:31 AM
To: Deren Lyle <dlyle@cjdleng.com>
Cc: Elgin Farmers <elginfarmers@gmail.com>; Joe Gordon <joe@kettlecreekconservation.on.ca>; Susie Bury <sbury@ELGIN.ca>; Aaron VonOorspronk <development@southwold.ca>; Josh Mueller <planning@southwold.ca>; June McLarty <jmclarty@southwold.ca>; Lisa Higgs <cao@southwold.ca>
Subject: E 67-23 Notice of Application

Good morning,

Please see the attached notice of application for E 67-23. If you wish to provide comments on this application, please send them to me no later than **Tuesday September 19th, 2023.**

Thanks,



Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land
Division Committee



(519) 631-1460 x170



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

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: Road CR 16

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E-67-23

APPLICANT: Brian Lyle (Deren Lyle authorized agent)

PROPERTY: LOT NO. Part Lots 41 and 42 CONCESSION: North Talbot Road East

REG'D PLAN: _____ MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

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

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

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

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

- 7) Technical Reports

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

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

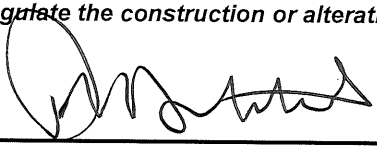
- 10) The County has no concerns.....

- 11) Not on County Road

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

- 13) Other...

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



PETER DUTCHAK, CET
Manager of Transportation Services



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: September 27, 2023
Application: E 67-23

Owner: Deren and Heather Lyle
Agent: None.

39564 Fingal Line, St. Thomas, ON N5P 3S5

Location: Part of Lots 41 & 42, North Talbot Road East. Municipally known as 39564 Fingal Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 81.6m (268 feet), a depth of 106m & 119.4 (347 feet & 392 feet) an area of 0.89ha (2.2 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 16.69ha (41.24 acres) proposed to remain in agricultural use.

County of Elgin Official Plan

Agricultural Area

Local Municipality Official Plan

Agricultural

Local Municipality Zoning By-law

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a lot with an area of 0.89ha to sever a dwelling that is surplus to a farming operation. The applicants propose to retain a parcel with an area of 41ha, which will remain in agricultural production. The PPS permits limited consents in prime

agricultural areas, including for the purposes of severing a dwelling which is surplus to a farming operation.

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

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

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

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. The CEOP permits consents in the prime agricultural area to sever existing habitable dwellings from farming operations where the dwelling is surplus to the needs of a farmer. The proposed severed lot is a size sufficient to accommodate the existing dwelling, septic system and ancillary structures. Furthermore, the proposed severed lot does not include any actively cultivated land.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Agricultural Area in the Township of Southwold Official Plan. The parcel is presently zoned Agricultural (A1) in the Southwold Zoning By-law.

RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the 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 deed for the severed parcels once the transaction has occurred to the Township.
4. That the Applicant successfully apply to the Township for a Zoning By-law Amendment and to rezone retained parcel 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 Township.
5. That the Applicant have a drainage reapportionment of the Luton Drain and Treadwell Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township.
8. That driveway entrance permit and 911 sign be obtained, if required.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Township, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 68-23**

**SOUTH PARTS OF LOTS 7, 8 AND 9, CONCESSION 8
MUNICIPALITY OF DUTTON DUNWICH**

TAKE NOTICE that an application has been made by Nancy Tolman, 5 Gooding Street, St. Thomas, ON N5P 3S5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as the south part of lots 7, 8 and 9, concession 8.

The applicant proposes to sever a parcel with a frontage of 777.2m (2,549.9 feet), a depth of 635.6m (2,085.3 feet) an area of 49ha (121 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 44.2ha (110 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:

**SEPTEMBER 27, 2023 AT 9:55 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

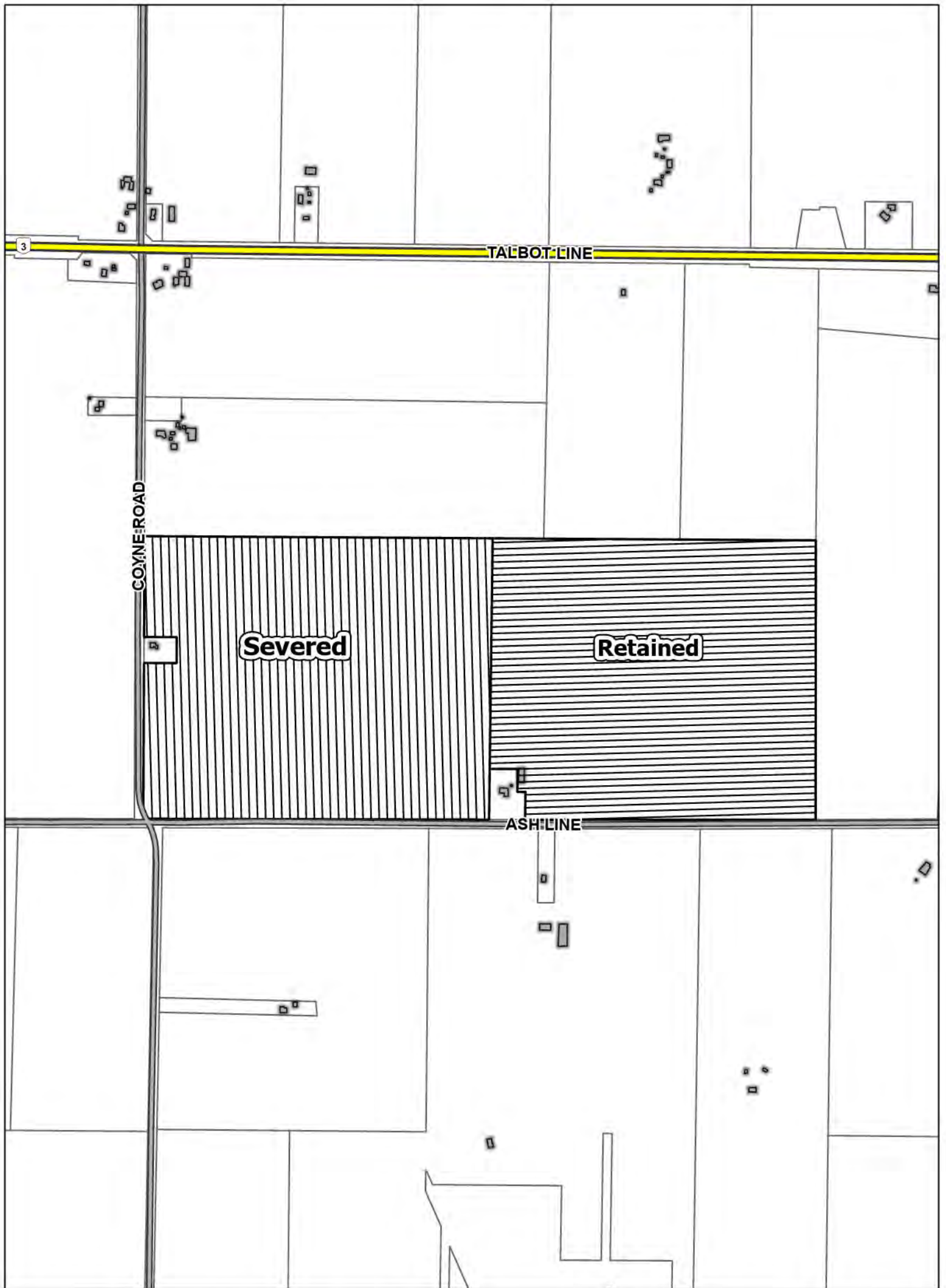
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 10th day of August, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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



Location Map

Subject Site: South Part of Lots 7, 8 and 9, Concession 8

File Number: E 68-23

Owner: Nancy Tolman, Richard Hentz, Donna Hentz, Kathy Small, Randall Hentz, Wendy Hentz, Estate of June Hentz

Planner: Unknown

CA: Lower Thames Valley Conservation

Created By: PC

Date: 08/09/2023



Legend



Subject Site



Severed



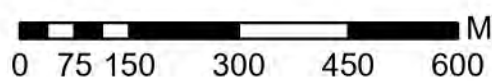
Retained

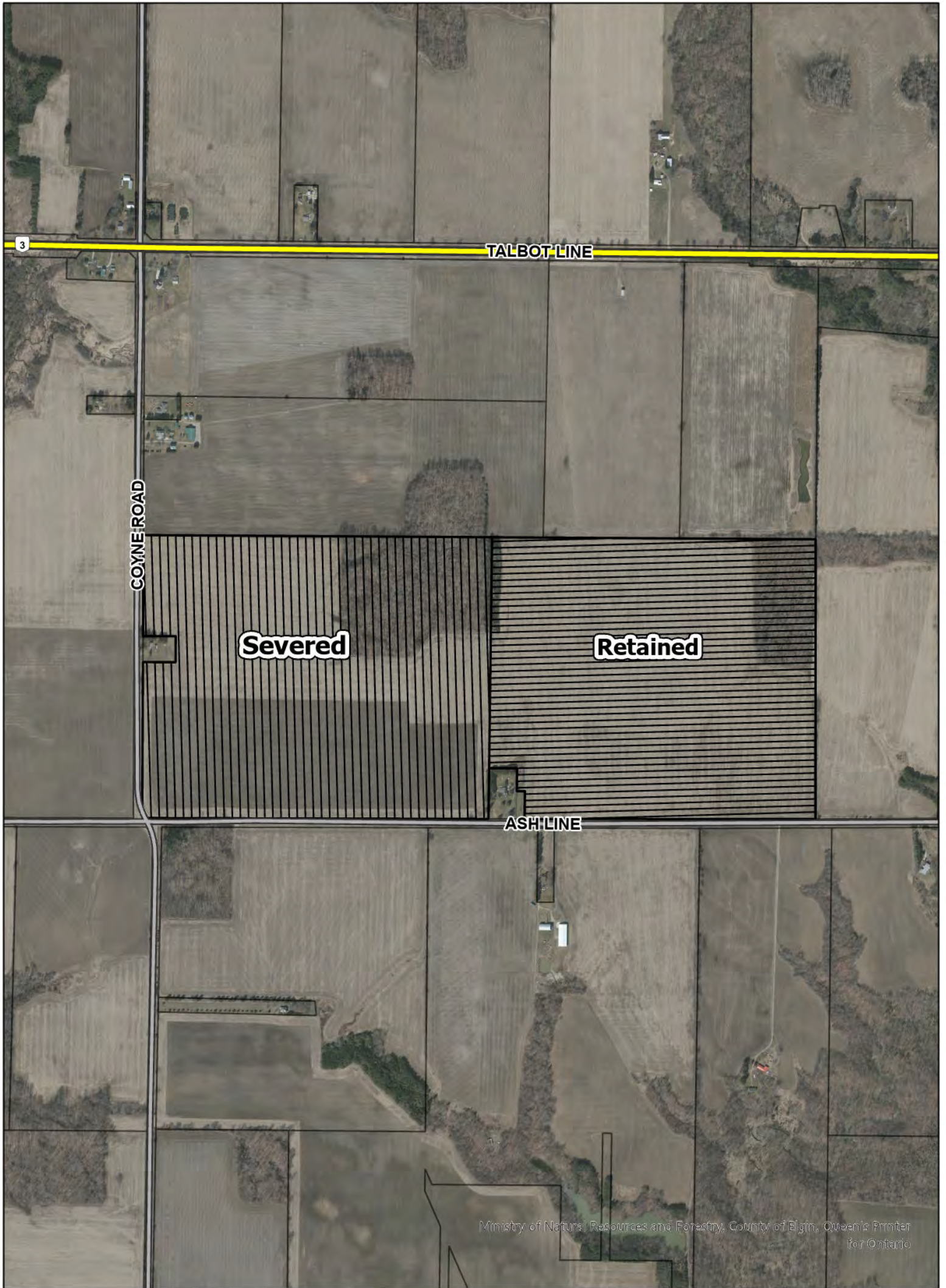


Elgin Road Network



Buildings





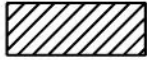

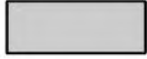


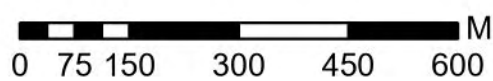
Location Map

Subject Site: South Part of Lots 7, 8 and 9, Concession 8
 File Number: E 68-23
 Owner: Nancy Tolman, Richard Hentz, Donna Hentz, Kathy Small, Randall Hentz, Wendy Hentz, Estate of June Hentz
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 08/09/2023



Legend

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



MUNICIPAL APPRAISAL SHEET

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

Submission E 68-23

Applicant Nancy Tolman

Location CON 8 S PT LOTS 7,8,9, and locally known as vacant land located on the northeast corner of Coyne Road and Ash 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 Agriculture on Schedule 'A' Land Use Plan of the current Official Plan (OP), as approved on July 6, 2021.

Policies: Section 8.3.4 states that the assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted.

ZONING

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

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

Comments: The Subject lands are zoned Exception Special Agricultural (A2-5) Zone on Map 14, Schedule 'A' and complies with the zone provisions

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

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: September 18, 2023
SUBJECT: Application for Severance (E 68/23), vacant land located on the northeast corner of Coyne Road and Ash Line, Municipality of Dutton Dunwich – Nancy Tolman

FOR INFORMATION:

Background

The subject parcel is legally described as Concession 8 South Part Lots 7, 8, and 9, and locally known as vacant land located on the northeast corner of Coyne Road and Ash Line, Municipality of Dutton Dunwich.

The subject parcel currently is used for agriculture with 1 accessory structure (Quonset Hut) with municipal water service and no private septic services.

There is one (1) drain that crosses the subject lands.

There are two (2) woodlots located on the subject parcel.

Purpose of Application

The applicant proposes a farm split.

The proposed sever parcel will have an area of 49 ha with a depth of 777.2 m along Ash Line and a frontage of 635.6 m along Coyne Road.

The proposed retained parcel will have an area of 44.2 ha with a frontage of 633.3 m along Ash Line and a depth of 635.6 m.

Department Comments

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

Departments	Comments received
Drainage	Reapportionment of the Lyons Drain Mutual agreement drain for any private tile drains that may cross the new property line.
Building	No concerns
Water	No concerns
Sewer	No comments
Public Works	No concerns
Fire	No concerns

PLANNING POLICY REVIEW:

Provincial Policy Statement (PPS)

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

The subject property is within a rural area.

Section 2.3.1 sets out that prime agricultural areas shall be protected for long-term use for agriculture.

Section 2.3.4.1 permits lot creation in prime agricultural areas provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

Comment: The proposed farm sizes are appropriate. The proposed severance application is consistent with the PPS.

County of Elgin Official Plan (OP)

The subject lands are designated Agricultural Area on Schedule ‘A’ Land Use of the County of Elgin Official Plan with a portion subject to Natural Heritage Features and Areas on Appendix #1.

Section C2.1 b) sets out that it is the objective of this land use designation to protect the County’s prime agricultural area from fragmentation, development and land uses unrelated to agriculture.

Section E1.2.3.4 set out that lot creation is permitted if the local Official Plan supports their creation and if a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents.

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

Comment: Both the proposed severed and retained parcels of land are greater than the minimum 40 ha. No development is proposed in the woodlands area. The proposed severance conforms to the COP.

Municipality of Dutton Dunwich Official Plan (OP)

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

Section 7.1.2 sets out the goal to preserve prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource and to support a viable agricultural community.

Section 8.3.4 states that the assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted.

In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

- i. the need to discourage the unwarranted fragmentation of farmland;
- ii. the agricultural capability of the land;
- iii. the type of agricultural activity engaged in and proposed to be engaged in;
- iv. both the severed and retained parcels must be sufficiently large enough to permit flexibility in the type or size of farming operation, in order to meet changing economic conditions;
- v. the severed and retained parcels are both suitable for the type of agriculture in the area and the farm size is appropriate to the type of agriculture proposed;
- vi. the Minimum Distance Separation Formula I;
- vii. the requirements of the Planning Act;
- viii. the minimum farm parcel size is of 40 hectares;
- ix. and the Municipality shall discourage severances that contravene or undermine existing, approved Nutrient Management Plans, or agreements thereto, as may be in effect pursuant to a Nutrient Management By-law.

Comments: Both the proposed severed and retained parcels of land are greater than the minimum 40 ha. The proposed severance conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL)

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50, the subject lands are zoned Exception Special Agricultural (A2-5) Zone on Map 14, Schedule 'A'.

Permitted uses in the site specific A2-5 Zone include agricultural use and accessory uses. No residential uses are permitted.

Section 6.3.5 sets out that no livestock can be housed in the barns. The minimum side yard is 4.0 m, and the minimum lot area is 40 ha.

A review of the A2-5 Zone requirements is as follows:

Zone Provision	A2-5 Zone Requirement	Proposed (Retained)	Proposed (Severed)	Compliance
Min. Lot Area	40 ha	44.2 ha	49 ha	Complies
Min. Lot Frontage	150.0 m	633.3 m	635.6 m	Complies
Min. Side Yard	4.0 m	N/A	Existing	Complies

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

RECOMMENDATION:

The Dutton Dunwich Council has delegated administrative authority to Administration (By-law 2023-09) to provide recommendations.

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

- 1) That Municipal drain re-apportionments have been completed;
- 2) 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;
- 3) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- 4) That taxes are to be paid in full;
- 5) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- 6) That a 911 sign be established for the severed and retained parcels;
- 7) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official; and
- 8) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

Respectfully Submitted



Tracey Pillon-Abbs, MCIP, RPP
Planner

August 28, 2023

Municipality of Dutton Dunwich
199 Currie Road
Dutton, ON N0L 1J0

Attn: **Paul Clarke**

Re: **Consent Application (E 68-23)**
Parts of Lots 7,8,9 Concession 8 (Nancy Tolman)
Community of Dunwich
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 as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland 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,



Robert Guo
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: September 13, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E-68-23

APPLICANT: Nancy Tolman

PROPERTY: LOT NO. Parts of 7, 8 & 9 CONCESSION: 8
REG'D PLAN: _____ MUNICIPALITY: Dutton

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.....

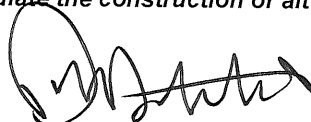
- 10) The County has no concerns.....

- 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: September 27, 2023
Application: E 68-23

Owner: Nancy Tolman, Richard Hentz, Donna Hentz,
Agent: None.
Kathy Small, Randall Hentz, Wendy Hentz &
June Hentz

5 Gooding Street, St. Thomas, Ontario N5P 3S5

Location: South Part of Lots 7, 8 and 9, Concession 8.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 777.2m (2,549.9 feet), a depth of 635.6m (2,085.3 feet) an area of 49ha (121 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 44.2ha (110 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agricultural

**Local Municipality Zoning
By-law**

Exception Special
Agricultural (A2-5)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames 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 proposes to sever an existing agricultural parcel. The severed lot is proposed to be 49 hectares in area with the retained parcel measuring 44.2 hectares. The PPS permits

the severance of agricultural parcels for agricultural and agricultural-related uses, provided the severed and retained lots are of sufficient size for their continued agricultural operation.

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

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations

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. The CEOP permits consents in the prime agricultural area for the purposes of agricultural lot creation. Section E1.2.3.4(a) of the CEOP establishes the minimum size of lots created by consent in the Agricultural Area for farm splits to be 40 hectares. Both parcels are proposed to remain in agricultural production and this farm split is not anticipated to have any effect on existing surrounding agricultural operations.

Section E1.2.3.4(a)

the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Agricultural Area in the Municipality of Dutton Dunwich Official Plan. Similarly to the CEOP, the Dutton Dunwich OP requires a minimum lot size of 40ha for farm split severances. The subject lands are currently zoned Agricultural – Special Exception (A2-5); municipal staff have reviewed the application and found that the proposed parcel fabric complies with the zone provisions.

RECOMMENDATION:

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

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



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

2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.

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

1. That Municipal drain re-apportionments have been completed;
2. 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;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
6. That a 911 sign be established for the severed and retained parcels;
7. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official; and
8. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.