



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, October 25, 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 69-23 Katelyn Crowley – 6501 Springfield Road, Township of Malahide
 - 9:15 am E 70-23 Simona Rasanu – 53008 Calton Line, Township of Malahide
 - 9:25 am E 71-23 Issak Wall – 11 and 9 Oak Street, Municipality of Bayham
 - 9:35 am E 72-23 Peter Donaldson (Dutton District Lions Club) – 1 Lion Street, Municipality of Dutton Dunwich
 - 9:45 am E 73-23 David Roe – 50783 Chalet Line, Township of Malahide,
 - 9:55 am E 74-23 Dan McKillop – 23625 Pioneer Line, Municipality of West Elgin
- 10th Date of Next Meeting
- 11th Adjournment



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Accessible formats are available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

September 27, 2023

County of Elgin Land Division Committee met this 27th day of September, 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
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 8:57 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: Tom Marks

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Dutton Dunwich	Ian Fleck	x		

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

RESOLVED THAT the minutes of the meeting held on August 23rd, 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

A document was received from Gary Ruckle detailing the nature of his objections immediately prior to the meeting. Due to the last minute submission the document was not included in the agenda package but copies were distributed to each Committee member.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 61-23 – 9:02 am

Jamie Roberston – 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.

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: Will Friesen attended in-person
Agent: Jamie Robertson attended virtually but due to technical difficulties was unable to be heard at the meeting.

A letter of objection was received by numerous neighbours, a copy of the letter has been included in the agenda package.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Comments.
3	Elgin County Engineering Services	Requests conditions.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
5.	Letter from neighbours	Letter of objection.

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

Gary Ruckle attended in person and made verbal statements in opposition to the application on behalf of a number of neighbours.

Moved by: Tom Marks
Seconded by: Bill Ungar

RESOLVED THAT severance application E 61-23 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. Lot grading plan is required for the severed lot.

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

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

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews		x	
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins			
Dutton Dunwich	Ian Fleck	x		
TOTAL		5	1	

- Motion Carried.

Application E 62-23 & E 63-23 – 9:27 am
Simona Rasanu – 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.

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

Owner: None present

Agent: Simona Rasanu attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval, subject to conditions.
2	Kettle Creek	No Comments.
3	Elgin County Engineering Services	Requests conditions
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 applications E 62-23 & E 63-23 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. 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, 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.
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.

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

Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar		x	
Malahide	Dave Jenkins			
Dutton Dunwich	Ian Fleck	x		
TOTAL		5	1	

- Motion Carried.

Application E 64-23 & E 65-23 – 9:38 a.m.
Simona Rasanu – 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.

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

Owner: None present
Agent: Simona Rasanu attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Comments
3	Elgin County Engineering Services	Requests conditions
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Dugald Aldred
Seconded by: Bill Ungar

RESOLVED THAT severance applications E 64-23 & E 65-23 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. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

Additionally, the following conditions from the 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.

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

- Motion Carried.

Application E 66-23 – 9:47 a.m.
Lauren Balsler – 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.

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

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval subject to conditions
2	Lower Thames Valley	No concerns.
3	Elgin County Engineering Services	Requests conditions.
4	Elgin County Planning Services	Recommends approval.

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

Moved by: John Andrews
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 66-23 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. 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 to be borne by the owner.
6. Lot grading plan is required for the severed lot.

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

1. That the Applicant meet all the requirements, financial and otherwise of the 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*.

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

- Motion Carried.

Application E 67-23 – 9:55 a.m.
Deren Lyle – 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.

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: Deren Lyle was present in person

Written submissions (*) were received from the following:

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

		conditions provided
2	Kettle Creek	No concerns
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Tom Marks
Seconded by: John Andrews

RESOLVED THAT severance application E 67-23 be approved subject to the following conditions:

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

Additionally, the following conditions from the 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*.

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

- Motion Carried.

Application E 68-23 – 10:01 a.m.

Nancy Tolman – South Parts 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.

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

Owner/Agent: Nancy Tolman attended in person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval, subject to conditions.
2	Long Point Region	No Concerns
3	Elgin County Engineering Services	Not on County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the

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

Moved by: John Andrews
Seconded by: Bill Ungar

RESOLVED THAT severance application E 68-23 be approved, subject to the following conditions:

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

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

1. That 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 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.

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

- Motion Carried.

ADJOURNMENT

Moved by: John Andrews
Seconded by: Tom Marks

RESOLVED THAT the Committee adjourn at 10:11 am on September 27, 2023 to meet again at 9:00am on October 25, 2023.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John "Ian" Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 69-23**

**PART OF LOT 20, CONCESSION 3
TOWNSHIP OF MALAHIDE
6501 SPRINGFIELD ROAD**

TAKE NOTICE that an application has been made by Katelyn Crowley (Zelinka Priamo kLtd.), 318 Wellington Road, London, ON N6C 4P4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 6501 Springfield Road.

The applicant proposes to sever a parcel with a frontage of 36.9m (121 feet), a depth of 90.44m (296 feet), and an area of 3,327.5m² (0.8 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 7,705.6m² (1.9 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:

**OCTOBER 25, 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.

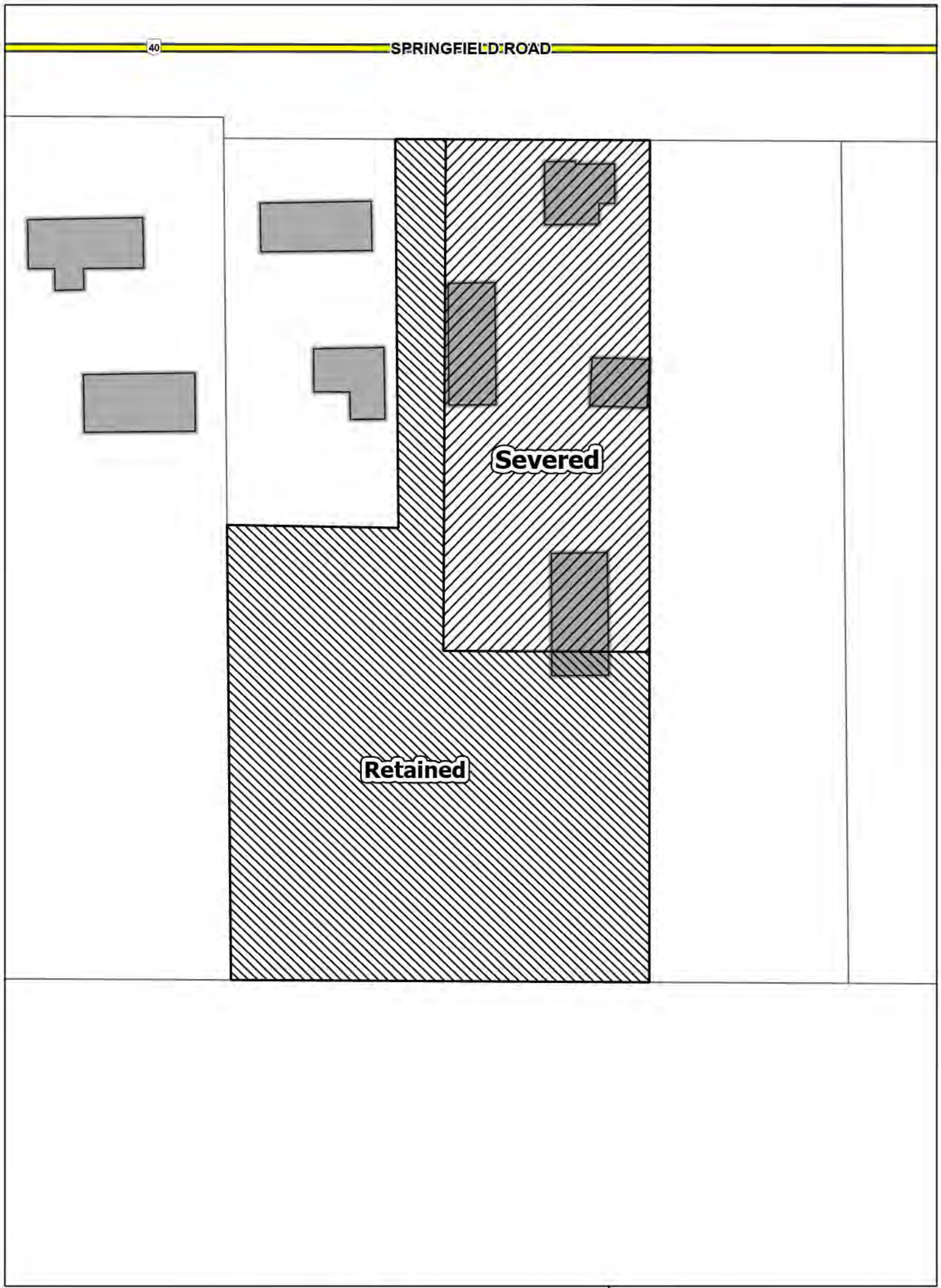
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of September, 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

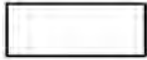



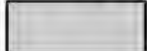


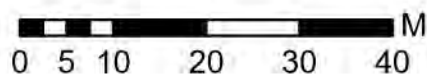
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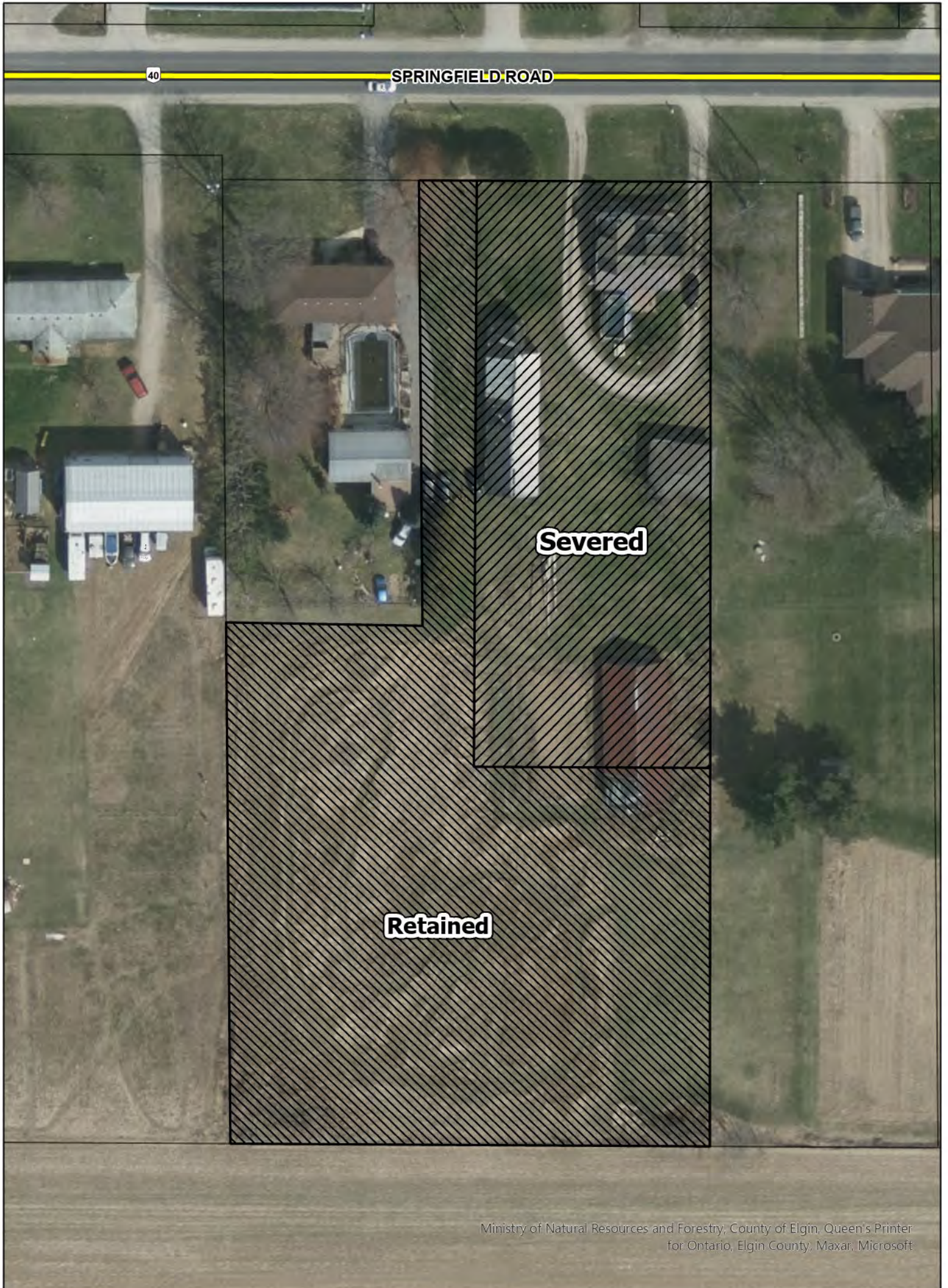


Subject Site: 6501 Springfield Road
 File Number: E 69-23
 Owner: Will and Eva Dyck
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide

Legend

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





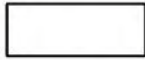

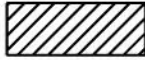


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

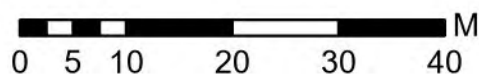
Location Map



Subject Site: 6501 Springfield Road
 File Number: E 69-23
 Owner: Wil and Eva Dyck
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide

Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: September 18, 2023 9:32 AM
To: Paul Clarke
Subject: RE: E 69-23 Notice of Application

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

Hello,

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

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: September-15-23 11:09 AM

[REDACTED]
[REDACTED]
[REDACTED]

Subject: E 69-23 Notice of Application

Good morning,

Please see the attached notice of application for severance application E 69-23. If you wish to provide comments on this application, please do so no later than **Tuesday, October 17th**.

Thanks,

Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land
Division Committee



October 12, 2023

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

Dear Committee Members:

RE: Land Severance Application E69-23 – Will & Eva Dyck (c/o Zelinka Priamo) – 6501 Springfield Road, Part of Lot 20, Concession 3 (Malahide)

The Malahide Township Council passed the following Resolutions on October 5, 2023:

THAT Report No. DS-23-29 entitled “Application for Consent to Sever of Wilhelm & Eva Dyck” be received;

AND THAT the Application for Consent to Sever of Wilhelm & Eva Dyck on behalf of Wilhelm & Eva Dyck, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as 6501 Springfield Road, be supported for the reasons set out in the Report;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration, including 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. The applicant will be required to comply with By-Law 08-59 for the dumping of fill, removal of topsoil, and alteration of grades when a building permit or other site works are completed. The need for a certified grading plan and/or municipal drain connection will be determined at that time.

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 applicant initiate and assume all planning costs associated with the required Minor Variance 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 this condition being deemed fulfilled.
7. 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.
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 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.
11. 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-23-29 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy – Dave Jenkins
Will & Eva Dyck
Katelyn Crowley, Zelinka Priamo

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 & Eva Dyck (c/o Zelinka Priamo)

Location 6501 Springfield 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: A minor variance application would be required to permit a reduced lot frontage of 18.7 metres whereas the By-law requires a minimum lot frontage of 25 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-23-29
DATE: October 5, 2023
ATTACHMENT: Report Photo, Application, Site Plan, Recommended Conditions
SUBJECT: **Application for Consent to Sever of Wilhelm & Eva Dyck
 (Authorized Agent: Zelinka Priamo Ltd. c/o Katelyn Crowley)**
LOCATION: Part of Lot 20, Concession 3 (Malahide) (6501 Springfield Road)

Recommendation:

THAT Report No. DS-23-29 entitled “Application for Consent to Sever of Wilhelm & Eva Dyck” be received;

AND THAT the Application for Consent to Sever of Wilhelm & Eva Dyck on behalf of Wilhelm & Eva Dyck, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as 6501 Springfield 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 subject application for Consent to Sever (the “Application”) has been submitted by Zelinka Priamo Ltd. (c/o Katelyn Crowley), on behalf of Wilhelm & Eva Dyck in order to create one new vacant parcel. The Application relates to the property known municipally as 6501 Springfield Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 25th, 2023.

Comments/Analysis:

A previous application consent application had been submitted to the County of Elgin in 2021 to sever a residential lot from the subject lands. The application had been deferred by the Land Division Committee on August 25, 2021, to allow for the applicant to

address comments raised by Township staff. The consent application lapsed, and a new application has been submitted.

The subject lands are approximately 11,000 m² (2.7 acres) in area, have approximately 55.6 metres of frontage along Springfield Road, and contains an existing dwelling, as well as two accessory structures. The subject lands are adjacent to residential uses to the north, east, and south, and agricultural lands to the west.

The proposed severed parcel has an area of approximately 0.33 hectares (0.82 acres), approximately 36.9 metres of frontage along Springfield Road, and would contain the existing dwelling. The two existing accessory buildings are proposed to be demolished.

The proposed retained parcel has an area of approximately 7,705 m² (1.9 acres), has approximately 18.76 m² of frontage along Springfield Road, and is currently vacant. A future residential dwelling is proposed to be constructed on the retained lands.

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 infill 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 Mount Salem. A hydrogeological study 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 property is designated "Tier 3 - Mount Salem" on Schedule 'A', Land Use Plan, and is identified as having frontage along a "County Collector" on Schedule 'B', "Transportation Plan". The subject property has no noted areas on Schedule 'C' (Aggregate and Petroleum Resources) or Appendix 1 (Environmental Resource Areas) of the County Official 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 (Springfield Road) and are not anticipated to create a traffic hazard. A hydrogeological report was submitted with the application that determined that the lots could be adequately serviced and there would be no negative impacts on groundwater quantity and quality.

Malahide Official Plan

The subject property is designated "Hamlet" on Schedule 'A1' (Land Use Plan). No noted areas on the subject property are identified 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 Mount Salem. A hydrogeological report was submitted with the application that confirmed 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. It is noted that Springfield Road is under the jurisdiction of the County and the County would provide any comments or requirements pertaining to road access.

Malahide Zoning By-law No. 18-22

The subject property is within the “Hamlet Residential (HR) Zone” on Key Map L of Schedule “A” to the Township’s Zoning By-law No. 22-18. The “Hamlet Residential (HR) Zone” zone requires the following regarding minimum lot area and frontage:

HR Zone	Required	Proposed Severed	Proposed Retained
Min. Lot Area	1,850 m ²	3,327.5 m ²	7,705.6 m ²
Min. Lot Frontage	25 m	36.9 m	18.76 m

A minor variance application would be required to permit a reduced lot frontage of 18.7 metres whereas the By-law requires a minimum lot frontage of 25 metres.

General Comments

As previously noted, the previous consent application was deferred due to comments raised from staff at the August 12, 2023, Council Meeting regarding additional information including:

1. Planning justification for a proposed reduced lot size for the severed parcel.

A servicing report was submitted with the application that evaluated the suitability of the proposed severed lot to accommodate private septic systems and private wells. The application has been revised to increase the size of the proposed severed lot to 3,327.5 m² to comply with the minimum lot size recommended in the servicing report of 3,300 m².

2. Information confirming that the proposed retained lot can accommodate future development.

The servicing report demonstrated that the proposed retained lot can accommodate a future development serviced by a private septic system and well. Additionally, the applicant has confirmed that a future Minor Variance application would be submitted to address the proposed reduced lot frontage of the retained lot. Staff have included this requirement as a recommended condition of any consent approval.

3. The provision of a concept plan for the retained lands to illustrate how these lands are to be developed.

A conceptual plan for the development of the proposed severed and retained lots was provided, including potential locations of septic systems and wells that would meet Zoning and Building Code requirements.

4. Planning justification that assesses how the proposed severance conforms to the Malahide Official Plan and evaluates matters relating to the “flag” shape of the proposed retained lot, soil suitability, the provision of vehicle access to the subject lands, and a plan for the retained vacant parcel.

The application included planning justification that supports the proposed lot configuration based on the existing irregular lot shape and surrounding context, the ability of the lots to be supported by private services, confirmation that the vehicle access would be addressed through any requirements by the County, and that the proposed retained lot would be able to accommodate future development.

The applicant has provided additional information to address the above comments, including increasing the size of the proposed severed lot. A detailed summary of the applicant’s response is included in the application submission attached to this report. Staff have reviewed the supplementary information and are satisfied that the previous staff comments have been addressed.

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.

Submitted by:	Reviewed 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
Approved by:	
Nathan Dias, Chief Administrative Officer	

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Springfield Road CR 40

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E-69-23

APPLICANT: Will and Eva Dyck

PROPERTY: LOT NO. Pt Lot 20 CONCESSION: 3
REG'D PLAN: 11R8425 Parts 1 & 2 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.....

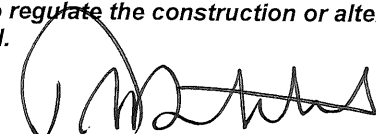
- 10) The County has no concerns.....

- 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: October 25, 2023
Application: E 69-23

Owner:
Will and Eva Dyck
6501 Springfield Road, Aylmer, ON N5H 2R5

Agent:
Katelyn Crowley (Zelinka Priamo Ltd.)
318 Wellington Road, London, ON
N6C 4P4

Location: Part of Lot 20, Concession 3. Municipally known as 6501 Springfield Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 36.9m (121 feet), a depth of 90.44m (296 feet), and an area of 3,327.5m² (0.8 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 7,705.6m² (1.9 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 Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. 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 residential parcel within a settlement area to create a new lot with an area of approximately 7,700m². The existing area is a mix of residential single detached homes and agricultural land to the west of the subject land. The

subject parcel is located within the settlement area of Mount Salem, southeast of the Town of Aylmer.

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. The CEOP permits new lot creation for residential purposes within all settlement areas, and directs that settlement areas be the focus of growth and development in the County. This application would be considered infilling, which is encouraged by the CEOP. Staff have reviewed this application against the general consent criteria and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the 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. Township staff have noted that a minor variance is required for the lot area and frontage and have requested that as a condition of consent.

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. 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.

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. The applicant will be required to comply with By-Law 08-59 for the dumping of fill, removal of topsoil, and alteration of grades when a building permit or other site works are completed. The need for a certified grading plan and/or municipal drain connection will be determined at that time.
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 applicant initiate and assume all planning costs associated with the required Minor Variance 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 this condition being deemed fulfilled.
7. 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.
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.



County of Elgin
450 Sunset Drive
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Phone: 519-631-1460
Fax: 519-633-7661
www.elgincounty.ca

10. 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.
11. 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 70-23**

**PART OF SOUTH ½ OF LOT 33, CONCESSION 4, AS IN E295562 SAVE & EXCEPT
PART 1 ON PLAN 11R-10982
TOWNSHIP OF MALAHIDE
53008 CALTON LINE**

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 53008 Calton Line.

The applicant proposes to sever a parcel with a frontage of 64.16m (210 feet), a depth of 60.62m (198 feet), and an area of 3,881.31m² (0.95 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 3,936.63m² (0.97 acres) proposed to remain in residential and 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:

**OCTOBER 25, 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.

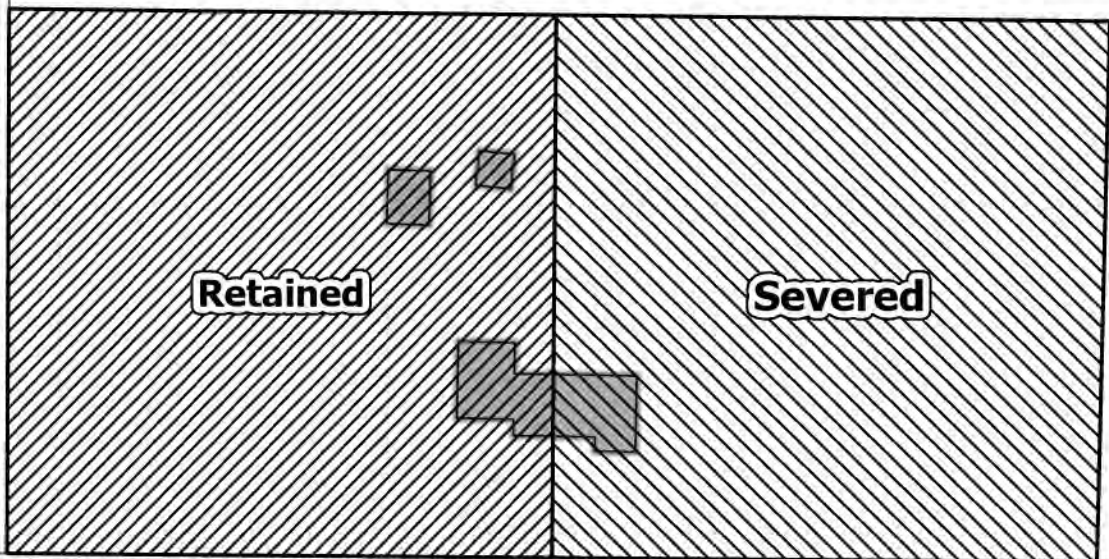
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of September, 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



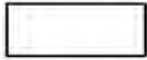



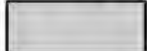
45 CALTON LINE

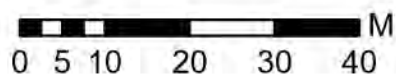
Location Map

Subject Site: 53008 Calton Line
 File Number: E 70-23
 Owner: Henry Hiebert
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide



Legend

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





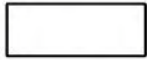

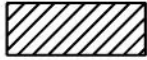

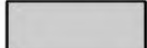
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

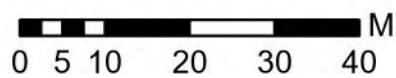
Location Map

Subject Site: 53008 Calton Line
 File Number: E 70-23
 Owner: Henry Hiebert
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: September 22, 2023 12:00 PM
To: Paul Clarke
Subject: RE: E 70-23 Notice of Application

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

Hello,

CCCA has no comments or concerns with the above noted application.

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: September-15-23 11:09 AM
To: [REDACTED]

Subject: E 70-23 Notice of Application

Good morning,

Please see the attached notice of application for severance application E 70-23. If you wish to provide comments on this application, please do so no later than **Tuesday, October 17th**.

Thanks,

Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land
Division Committee



October 20, 2023

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

Dear Committee Members:

RE: Land Severance Application E70-23 - Hiebert (c/o Strik Baldinelli Moniz Ltd.) – 53008 Calton Line, Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982

The Malahide Township Council passed the following Resolutions on October 19, 2023:

THAT Report No. DS-23-31 entitled “Application for Consent to Sever of Henry Hiebert (c/o Strik Baldinelli Moniz Ltd.)” be received;

AND THAT the Application for Consent to Sever No. E70-23 of Henry Hiebert (c/o Strik Baldinelli Moniz Ltd.), relating to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982, (Malahide), and known municipally as 53008 Calton Line, not 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.

We enclose Municipal Appraisal together with Municipal Report DS-23-31 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

Copy – Dave Jenkins
Henry Hiebert
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 Henry Hiebert (c/o Strik Baldinelli Moniz Ltd.)

Location 53008 Calton Line

PART 1 - OFFICIAL PLAN

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

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

Policies: The policies of Section 2.1.1, 2.1.2, 2.1.6 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 ()

Comments: Please see attached Report DS-23-31.

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



Report to Council

REPORT NO.: DS-23-31

DATE: October 19, 2023

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E70-23 OF HENRY HIEBERT (AUTHORIZED AGENT: SIMONA RASANU)**

LOCATION: Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982 (53008 Calton Line)

Recommendation:

THAT Report No. DS-23-31 entitled “Application for Consent to Sever No. E70-23 of Henry Hiebert.” be received;

AND THAT the Application for Consent to Sever No. E70-23 of Henry Hiebert, relating to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982, and known municipally as 53008 Calton Line, not be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Strik Baldinelli Moniz, on behalf of Dan and Henry Hiebert, to sever a new residential lot.

The Application relates to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982 and known municipally as 53008 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 25, 2023.

Comments/Analysis:

The subject lands are approximately 7,818 square metres (1.93 acres) in area, with approximately 128 metres of frontage along Calton Line and contains an existing single detached dwelling and two accessory sheds. The surrounding land uses primarily consist of agricultural farm operations, with several existing rural residential lots with surplus farm dwellings.

A previous severance to permit a lot boundary adjustment was submitted for the subject lands, with provisional approval on September 28, 2022, to convey an 1,840 square metre portion of land from 53008 Calton Line to 53052 Calton Line. The legal conveyance of this property occurred on February 23, 2023.

The applicant is now proposing to sever the subject property into two parcels. The retained lands would have an area of approximately 3,936 square metres (0.96 acres) and approximately 64 metres of frontage along Calton Line. The severed lands would have an area of approximately 3,881 square metres (0.93 acres) and approximately 64 metres of frontage along Calton Line. The owner is proposing to demolish the existing single detached dwelling and construct a new dwelling on both the severed and retained parcels.

Provincial Policy Statement (PPS) 2020

The PPS directs that prime agricultural areas are to be protected for long-term use of agriculture, which include areas where prime agricultural lands associated with Canada Land Inventory Lands 1, 2, and 3 predominate. The subject lands are designated as 'Agriculture' within the County of Elgin and Township of Malahide Official Plans.

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation only for the following purposes (Section 2.3.4.1):

- a) *“agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*
 1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. 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; and*
- d) *infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”*

The Planning Justification Report submitted with the application indicates that the proposed severed and retained parcels would be used for both residential and agricultural uses, as the Zoning By-law permits a single detached dwelling and a limited range of agricultural uses. However, the PPS requires that lots for agricultural uses are of an appropriate size for the types of agricultural uses common in the area and are sufficiently large enough to maintain flexibility for future uses. It is noted that the Township's Zoning By-law requires a minimum lot area of 20 hectares (50 acres) for the A1 and A2 zones, as well as 40 hectares (100 acres) for the A3 zone which are applied to farm lots within the Township. It is also noted that the size of farm lots in the surrounding area ranges from approximately 18.6 hectares (46 acres) to 46 hectares (115 acres). The severed lot is proposed to have an area of 0.39 ha (0.96 acres) and the retained lot is proposed to have an area of 0.38 ha (0.93 acres). As a result, the proposed lot sizes would not be consistent with lot sizes for agricultural uses found in the area and would not be of a size to allow for flexibility in future agricultural uses, particularly after the construction of a dwelling and private well and septic system.

The proposed consent application would also not be considered for the purposes of severing an agriculture-related use, a residence surplus for a farming operation, or for the infrastructure.

Section 2.3.4.3 of the PPS states that "the creation of new residential lots in prime agricultural areas shall not be permitted except in accordance with policy 2.3.4.1 (c)". Given the proposed size of the lots and the subject lands being currently used for primarily residential purposes, the proposed application would effectively result in two new residential building lots. The PPS provides direction to focus new growth and development to settlement areas to utilize infrastructure and efficient use of land and resources (s. 1.1.3).

The proposed severance is not consistent with the Provincial Policy Statement.

County of Elgin Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A' of the County Official Plan, which is applied to all lands not designated as within a Settlement Area and these lands are considered to be the County's prime agricultural area.

Lot creation is permitted for lands within this designation for the following purposes (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 or,*
- b) *the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation; or,*
- c) *the lot is required for an agriculture-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

As listed above, the County Official Plan permits lot severances for new farm lots where those farm lots have a lot area of about 40 hectares; or as established in the local planning documents. The subject lands are currently used primarily for residential purposes and the application would effectively be creating two residential building lots, which is not permitted under the Official Plan. Additionally, it was noted that the required minimum lot size for farm lots in the Township ranges from 20 ha to 40 ha, whereas the proposed area of the severed and retained lots is 0.39 ha and 0.38 ha.

The County Official Plan seeks to protect the County's prime agricultural area from fragmentation, development, and land uses that are unrelated to agriculture (s. C2.1c)). It is the intent of these policies to protect prime agricultural lands from potentially incompatible uses or uses that would limit the viability of farm operations in the future. The introduction of further residential uses in the area would have the potential to impact the flexibility or viability of future changes to agricultural uses in the area and would further fragment the agricultural land base.

Additionally, it is noted that the application is not proposed to sever a surplus farm dwelling and does not fulfill the requirements for an agricultural-related use.

The proposed consent does not conform to the policies of the County Official Plan.

Malahide Official Plan

The subject property is designated 'Agriculture' on Schedule A1 of the Malahide Official Plan. The Official Plan states that the agricultural character of the Township is to be maintained and all other land uses are intended to be supportive of the Official Plan's direction to maintain the agricultural land base (s. 2.1.1.1).

Section 2.1.6a of the Official Plan permits the creation of new farm lots provided the lots are of a size appropriate for the type of agricultural uses common for the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units or will contribute to agricultural viability by means of farm consolidation. As previously discussed within this report, the proposed lots would not be of a size that is consistent or appropriate for the type of agricultural uses common in the area, nor would they be of sufficient size to permit flexibility in farming operations due to their limited size. The proposed lots would result in further land fragmentation and introduce a land use that may impact the viability of agricultural operations in the area and would not result in any farm consolidation.

The proposed consent does not conform to the policies of the Malahide Official Plan.

Malahide Zoning By-law No. 18-22

The subject property is currently zoned "Small Lot Agricultural (A4) Zone", on Key Map 77 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted above, the A4 zone is typically applied to existing lots designated 'Agriculture' that are between one and 2.5 acres in size, as well as to lots that are severed to dispose of a

surplus farm dwelling and is used to identify lots in the rural area that are primarily residential in nature. While the proposed severed and retained lot comply with the minimum lot area requirement for the A4 zone of 2,000 m² and minimum lot frontage of 30 metres required under the By-law, the proposed lots would not meet the minimum lot area and frontage requirements under the Township's By-law for the A1 or A3 zones that are typically applied to farm lots required.

The proposed consent does not maintain the general intent and purpose of the Malahide Zoning By-Law.

General Comments

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

It is noted that, while staff are not supportive of the application, staff have provided recommended conditions should the Land Division Committee approve the application.

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.

Submitted by:	Reviewed 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

Approved by:
Nathan Dias, Chief Administrative Officer

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Calton Line CR 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E-70-23

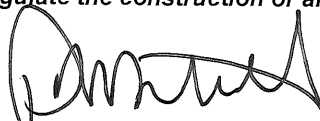
APPLICANT: Dan Hiebert

PROPERTY: LOT NO. Part South 1/2 Lot 33 CONCESSION: 4
REG'D PLAN: 11R10982 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: October 25, 2023
Application: E 70-23

Owner:
Henry Hiebert
54701 Vienna Line, Port Burwell, ON N0J 1T0

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

Location: Part of South ½ of Lot 33, Concession 4, As In E295562, Save & Except Part 1 on Plan 11R-10982, municipally known as 53008 Calton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 64.16m (210 feet), a depth of 60.62m (198 feet), and an area of 3,881.31m² (0.95 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 3,936.63m² (0.97 acres) proposed to remain in residential and agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Small Lot Agricultural (A4)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends that the application not be approved.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. 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 not consistent with the PPS.

The applicant proposes to sever a parcel with an area of approximately 3,800m² to create a new residential parcel. The subject lands are designated Agricultural Area within the both

the County of Elgin Official Plan and the Township of Malahide Official Plan. As such, the policies of Section 2.3 of the PPS applies to this proposal.

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;*
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. 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; and*
 - d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.**

2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).

The Provincial Policy Statement does not permit the creation of new residential lots within prime agricultural areas. The planning report submitted by the agent on this application identifies the application as being consistent with the PPS as a farm split severance. Based on the size of the parcel proposed to be created, this cannot be considered an agricultural parcel as it would be significantly smaller than any agricultural parcel in the area. The applicant's agent states on page 4 of their planning justification report (PJR) "Although the A4 zone, where the lot area can be as small as 2,000 square metres (0.5 acres), is not of a sufficient size to accommodate the type of farming (mostly commercial cash crop farming) prevalent in the local area." The PPS requires that new lots created for agricultural uses be of sufficient size to accommodate the agricultural uses in the area. As this severance does not meet the criteria of being a surplus farm dwelling, nor is the size of the proposed severed lot large enough to accommodate agricultural uses common in the area while maintaining flexibility for future changes in the type or size of agricultural operations, staff believe the proposal is inconsistent with the PPS.

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It is the opinion of County planning staff that this application

does not conform to the CEOP. The subject lands are designated Agricultural Area in the CEOP. Lot creation in the Agricultural Area is restricted to surplus farm dwellings, agricultural lot creation where each agricultural parcel is at least 40ha in area, and agricultural-related uses as outlined in Section C2.6 of the CEOP. Based on the criteria established in the OP, this proposal does not conform with the CEOP.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application does not conform to the Municipal Official Plan. The PJR attempts to justify the classification of these lands as agricultural due to the present zoning as Small Lot Agricultural (A4); however, while the PJR says the A4 zone permits agricultural uses, the 2023 consolidation identifies that agricultural uses are not permitted; however restricted agricultural uses are. Restricted agricultural uses would be more in line with a hobby farm than a standard agricultural operation. The Township of Malahide Zoning By-law (2023 Consolidation) states on page 57: "The A4 zone also applies to lots created by consent to dispose of a surplus farm dwelling where the size of the lot is greater than 1 hectare. As a means of identifying lots in the rural area which are primarily residential in nature, it essentially replaces the Agricultural Residential (AR) Zone of the Township's former Zoning By-law". The Council of the Township of Malahide passed a resolution on October 19, 2023, that recommended the Land Division Committee not approve this application.

RECOMMENDATION:

This application is inconsistent with the Provincial Policy Statement (2020), and does not comply 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 should be denied.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 71-23**

**LOT 8 ON PLAN 54
MUNICIPALITY OF BAYHAM
11 AND 9 OAK STREET**

TAKE NOTICE that an application has been made by Issak Wall, 53604 Harmony Acres Line, Aylmer, ON N5H 2R3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11 and 9 Oak Street.

The applicant proposes to sever a parcel with a frontage of 10.0585m (33 feet), a depth of 40.593m (134 feet), and an area of 408.30m² (0.1 acres) to sever one half of a semi-detached dwelling. The applicant is retaining a lot with an area of 408.30m² (0.1 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:

**OCTOBER 25, 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.

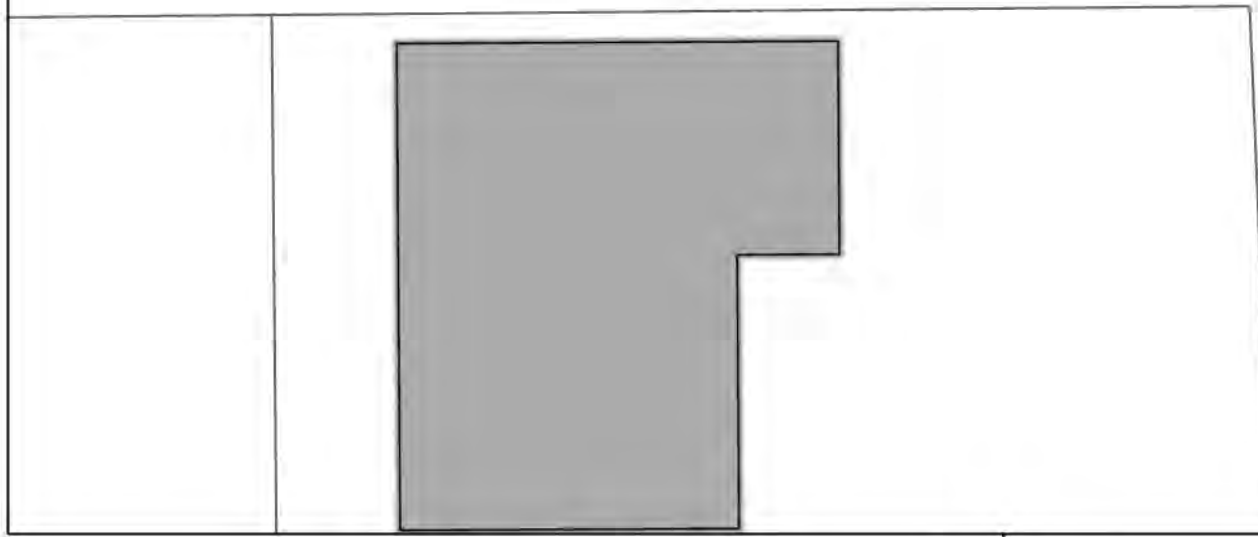
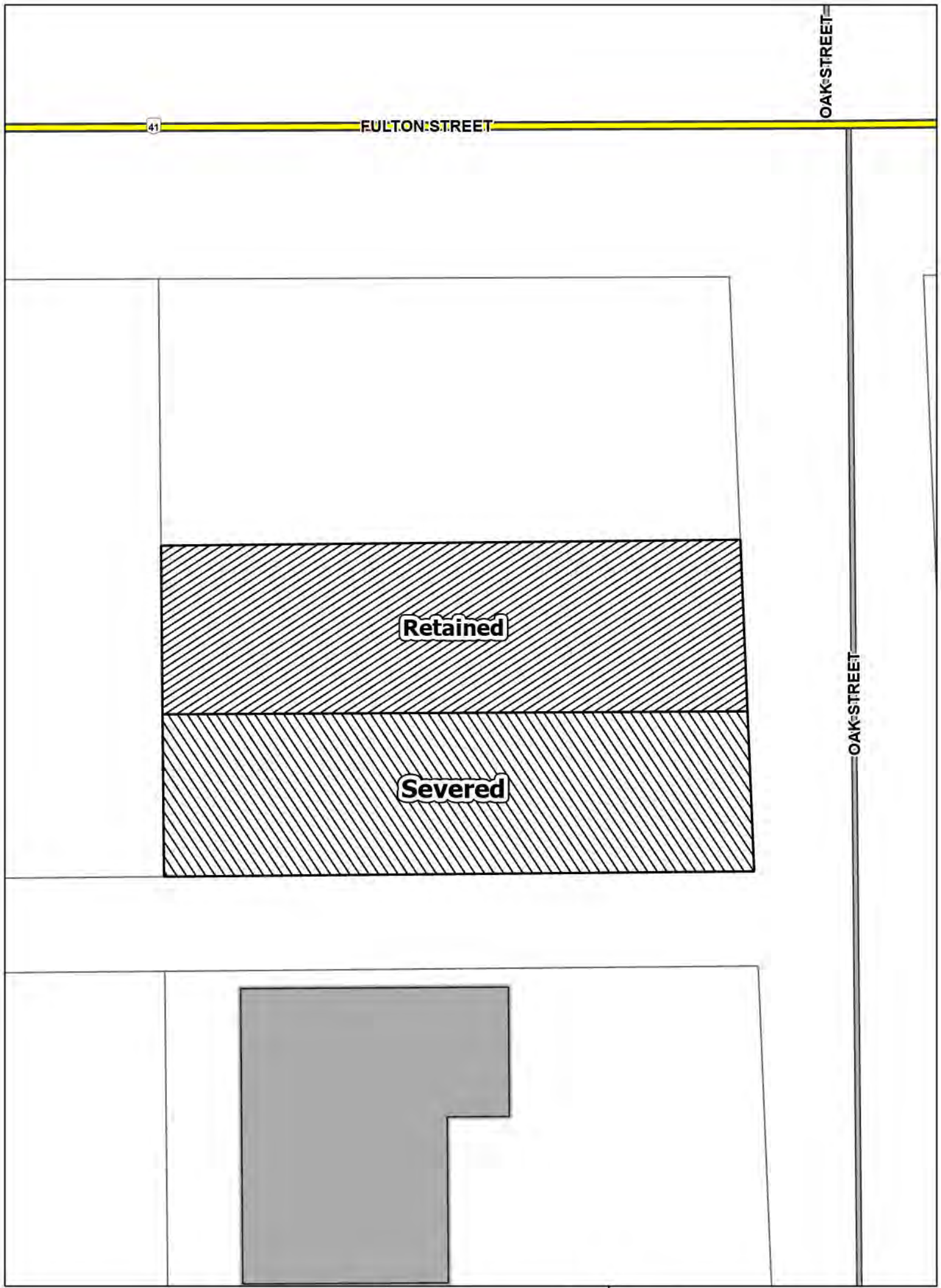
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of September, 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








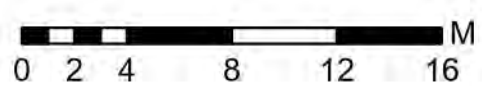
Location Map

Subject Site: 11 and 9 Oak Street
 File Number: E 71-23
 Owner: 1000381089 Ontario Inc.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 08/30/2023
 Municipality of Bayham



Legend

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





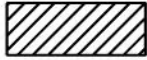

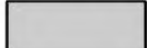


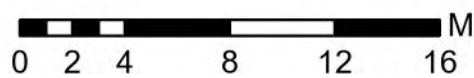
Location Map

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 File Number: E 71-23
 Owner: 1000381089 Ontario Inc.
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 Created By: PC
 Date: 08/30/2023
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



October 10, 2023

Paul Clarke, Secretary-Treasurer
Elgin County Land Division Committee
450 Sunset Drive
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Mr. Clarke

Re: Application for Consent No. E71-23 1000381098 Ontario Inc.

Please be advised that the Council of the Municipality of Bayham passed the following resolution at the October 5, 2023 meeting:

THAT Report DS-56/23 regarding Consent Application E71-23 submitted by 1000381098 Ontario Inc, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E71-23 be granted subject to the following conditions and considerations:

1. That the Owner provides an engineered grading and storm water management plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality
2. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
3. Planning Report fee payable to the Municipality
4. Provide a digital copy of the registered plan of survey

The Municipal Appraisal Sheet and Staff Report DS-56/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.WALL

cc: Issak Wall (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 71-23

Applicant 1000381098 Ontario Inc.

Location Bayham – 9 & 11 Oak Street, Vienna

PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL

Policies: Section 8.7.2.1,

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: Zoning: Village Residential 1 (R1) Zone Regulations

Rezoning is not required

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

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

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

See Letter attached with listed conditions revised from original.

See Staff Report DS-56/23 considered at Council meeting held October 5, 2023



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: October 5, 2023
REPORT: DS-56/23 **FILE NO. C-07 / D09.23 1000381098 ONT**
Roll # 3401-004-001-15700

SUBJECT: Consent Application E71-23, 1000381098 Ontario Inc.
9 & 11 Oak Street, Vienna

BACKGROUND

Consent application E71-23 was received from the Elgin County Land Division Committee, as submitted by 1000381098 Ontario Inc., proposing to sever 408.3 sq. m. (0.1 ac) parcel of land and retain 408.3 sq. m. (0.1 ac) of land with the intent to divide a semi-detached residential dwelling.

The subject lands are designated "Residential" as per Schedule 'C' of the Municipality of Bayham Official Plan and zoned as Village Residential 1 (R1) as per Schedule 'H' – Vienna in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on October 25, 2023.

DISCUSSION

The semi-detached dwelling is constructed and serviced with municipal sewer and water. The Owner wishes to divide the semi-detached to create two separated dwelling units. The planner's memorandum, dated September 28, 2023, analyzes the applications subject to the Municipality of Bayham Official Plan and Zoning By-law.

In regards to specific conditions, staff are concerned with drainage and include in the recommended conditions the requirement for an engineered grading and storm water management plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street.

Staff and planner recommend Council's support of the application E71-23 with the recommended conditions to permit the severance of a semi-detached dwelling on a residential lot in Vienna.

STRATEGIC PLAN

Not applicable.

ATTACHMENTS

1. Consent Applications E71-23
2. IBI Memorandum dated September 28, 2023

RECOMMENDATION

THAT Report DS-56/23 regarding Consent Application E71-23 submitted by 1000381098 Ontario Inc, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E71-23 be granted subject to the following conditions and considerations:

1. That the Owner provides an engineered grading and storm water management plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality
2. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
3. Planning Report fee payable to the Municipality
4. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

Memorandum

To/Attention	Municipality of Bayham	Date	September 28, 2023
From	Christian Tsimenidis, BES	Project No	3404 - 916
cc	William Pol, MCIP, RPP		
Subject	1000381098 Ontario Inc. - 9 Oak Street & 11 Oak Street, Vienna- Application for Consent E71/23		

1. We have completed our review of Consent Application E71/23 submitted by 1000381098 Ontario Inc. for lands located at 9 & 11 Oak Street, west side, north of Plank Road in the Village of Vienna. The applicant is requesting Consent to sever an approximate lands area of 408.3 square metres (0.1 acres) and to retain 408.3 square metres (0.1 acres) of land to create one additional residential lot. The subject lands are designated as a 'Residential' land use as per Schedule 'C' of the Municipality of Bayham Official Plan and are zoned Village Residential 1 (R1) on Schedule 'H' of Zoning By-law Z456-2003.
2. The subject lands currently contain a semi-detached residential building, with two residential dwellings of identical area and design. One residential dwelling unit, which comprises of half the existing semi-detached dwelling, is located on the proposed severed lands, while the other is located on the proposed retained lands. The proposed severance would have the effect of splitting the subject lands in half with one residential unit from the existing semi-detached dwelling in each half. Both the proposed severed and retained lands would have a lot frontage of 10.1 metres (33.1 feet) onto Oak Street and a depth of 40.6 metres (133.2 feet). The surrounding uses are residential in each direction.
3. Section 8.7.2.1 of the Municipality of Bayham Official Plan states that "*A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered*". The proposed use of the severed lands is residential and therefore in conformity with the Official Plan. The proposed lot conforms to the minimum lot area and minimum frontage requirements of the Zoning By-law. A plan of subdivision will not be required for the proposed severance, as only one new lot is being created, access onto a public road is maintained, and no extension of municipal water or sewer services will be required.
4. The subject lands are located within the Village Residential (R1) zone as per the Bayham Zoning By-law Z456-2003. The existing semi-detached dwelling unit on the

Municipality of Bayham – September 28, 2023

lands to be severed and retained is a listed permitted use for this zone. The configuration of the proposed lot is adequate to accommodate the existing semi-detached dwelling unit and would comply with the regulations of the R1 zone, including minimum lot area and frontage, minimum setbacks, etc. The other existing half of the semi-detached dwelling is also located in the R1 zone. The proposed retained lot would continue to comply with the minimum lot area and frontage requirements. No side yard setback is required from an internal lot line for a semi-detached dwelling. The proposed lots comply with the applicable provisions of the Zoning By-law.

5. Based on the above review of Consent Application E71/23, we have no objection to approval of the proposed consent subject to the following conditions:
 - a) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - b) That the owner provides a survey of the subject lands.
 - c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - d) That the owner provides an engineered grading and storm water management plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.



Arcadis Professional Services (Canada) Inc.
Christian Tsimenidis, BES

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Oak Street – Not a CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 71-23

APPLICANT: _____

PROPERTY: LOT NO. 8 CONCESSION: _____
REG'D PLAN: _____ MUNICIPALITY: Bayham

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

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

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



PETER DUTCHAK, CET
Manager of Transportation Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: October 25, 2023
Application: E 71-23

Owner:
1000381098 Ontario Inc.

53604 Harmony Acres Line, Aylmer, ON N5H
2R3

Location: Lot 8 on Plan 45. Municipally known as 11 and 9 Oak Street.

Agent:

Issak Wall

53604 Harmony Acres Line, Aylmer, ON
N5H 2R3

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10.0585m (33 feet), a depth of 40.593m (134 feet), and an area of 408.30m² (0.1 acres) to sever one half of a semidetached dwelling. The applicant is retaining a lot with an area of 408.30m² (0.1 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 3 Settlement Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Village Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. 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 residential parcel within a settlement area to create a new lot with an area of approximately 408m². The subject land is within the settlement area of Vienna, in the Municipality of Bayham.

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 1 Settlement Area in the CEOP. The CEOP permits new lot creation for residential purposes within all settlement areas, and directs that settlement areas be the focus of growth and development in the County. This application is to sever an existing semi-detached dwelling so each unit can be conveyed separately. Staff have reviewed this application against the general consent criteria and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject lands are within an existing settlement area and designated Residential in the Bayham OP. The lands are presently zoned Village Residential (R1) and the semi-detached dwelling meets the zone provisions in place, thus no rezoning is required.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing 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 Bayham be included as conditions for consent:

1. That the Owner provides an engineered grading and storm water management plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality.
2. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053.
3. Planning report fee payable to the Municipality.
4. Provide a digital copy of the registered plan of survey.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION No. E 72-23**

**PART OF LOT 12, CONCESSION a
MUNICIPALITY OF DUTTON DUNWICH
1 LIONS ROAD**

TAKE NOTICE that an application has been made by Peter Donaldson (Dutton & District Lions Non-Profit Housing Inc.), 29475 Pioneer Line, Dutton, ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 1 Lions Road.

The applicant proposes to sever a parcel with a frontage of 19.75m (64.8 feet), a depth of 43.67m (143 feet), and an area of 4,100m² (1 acres) for a future 33-unit retirement facility. The applicant is retaining a lot with an area of 8,534.02m² (2.1 acres) proposed to remain in use as a retirement facility.

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:

**OCTOBER 25, 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 15th day of September, 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





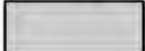


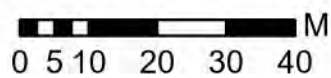
Location Map

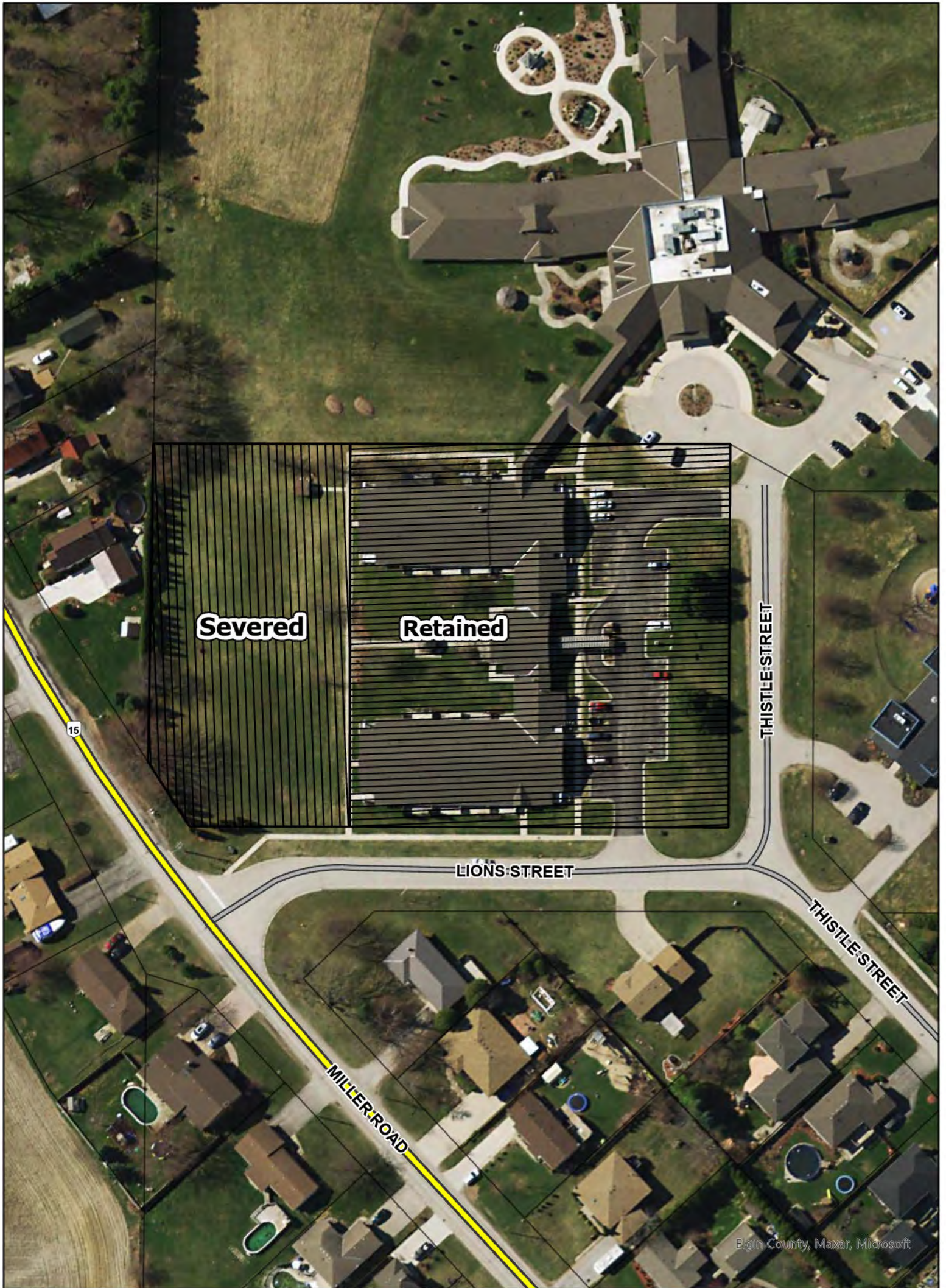
Subject Site: 1 Lions Road
 File Number: E 72-23
 Owner: Dutton & Dunwich Lions Non-Profit Housing Inc.
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 08/30/2023
 Municipality of Dutton Dunwich



Legend

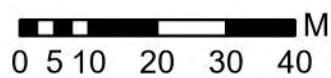
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings





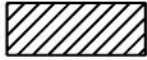

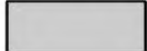


Location Map

Subject Site: 1 Lions Road
 File Number: E 72-23
 Owner: Dutton & Dunwich Lions Non-Profit Housing Inc.
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 08/30/2023
 Municipality of Dutton Dunwich



Legend

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

MUNICIPAL APPRAISAL SHEET

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

Submission E 75-23

Applicant Dutton & District Lions Non-Profit Housing Inc.

Location Dutton & District Lions Non-Profit Housing Inc.

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 Residential on Schedule 'D' Land Use Plan of the current Official Plan (OP), as approved on July 6, 2021.

Policies: Section 7.2.2 sets out that the goals for the Residential designation are a) to promote sustainable, efficient and diverse residential neighbourhoods; and b) to provide a diverse range of housing types and densities.

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 subject lands are zoned Exception Village Residential 2-1 (VR2-1) Zone on Map 1, Schedule 'B'. As a condition of severance, a zoning by-law amendment will be required for both the severed and retained lots to address min rear yard depth of the existing building and max height of the new building.

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 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).



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: October 16, 2023
SUBJECT: Application for Severance (E 72/23), 1 Lions Road, Municipality of Dutton Dunwich – Dutton & District Lions Non-Profit Housing Inc.

FOR INFORMATION:

Background

The subject parcel is legally described as Concession A Part Lot 12 RP 11R5013; Part 4, and locally known as 1 Lions Road, Municipality of Dutton Dunwich.

The subject parcel currently is used for residential with an apartment building for senior citizens (retirement facility) with municipal water and sewer services.

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

There are no natural or cultural heritage features that impact the subject parcel.

Purpose of Application

The applicant proposes a severance to split the subject lands into two (2) in order to construct a new apartment building for senior citizens.

The applicant proposes to sever a parcel with a frontage of 19.75m (64.8 feet), a depth of 43.67m (143 feet), and an area of 4,100m² (1 acre) for a future 33-unit retirement facility.

The applicant is retaining a lot with an area of 8,534.02m² (2.1 acres) proposed to remain in use as a retirement facility.

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 Lions Road Drain Mutual agreement drain or municipal drain to ensure that the retained parcel maintains its current outlet to the Lions Road Drain
Building	I would like to see the fire access route dimensioned if the building is proposed to be un-sprinklered. I have no concerns with the severance application otherwise but the access route may impact the proposed site plan.
Water	No comments
Sewer	No comments
Public Works	The only concern I can see from PW would be the distance of the driveway to the intersection of Miller Road and whether it would meet the county's minimum distance. That is already a unique intersection with the angles involved. Measurement should be shown on the site plan to confirm.
Fire	No comments

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 the settlement area of Dutton.

Healthy, liveable and safe communities are sustained by a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (1.1.1).

Settlement areas shall be the focus of growth and development (1.1.3.2).

An appropriate range and mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents are required, including special needs requirements and needs arising from demographic changes (1.4.3 b)1).

Comment: The proposed severance application is consistent with the PPS. The proposed severance will result in a new retirement facility.

County of Elgin Official Plan (OP)

The subject lands are designated Tier 1 Settlement Area on Schedule ‘A’ Land Use of the County of Elgin Official Plan (COP).

According to Section B2.5, the COP directs the majority of new growth to Tier 1 settlement areas.

Section C1.1.1 states that it is the objective of residential areas to c) promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate; and d) encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development.

Comment: The proposed severance conforms to the COP. Development is encouraged within the existing settlement area.

Municipality of Dutton Dunwich Official Plan (OP)

The subject lands are designated Residential on Schedule 'D' Land Use Plan of the Dutton Dunwich Official Plan (OP), as approved on July 6, 2021.

Section 7.2.2 sets out that the goals for the Residential designation are a) to promote sustainable, efficient and diverse residential neighbourhoods; and b) to provide a diverse range of housing types and densities.

The division of land will only be permitted if the proposed lots conform to the policies of this Plan and comply with the provisions of the Zoning By-law, which shall establish minimum lot frontages and areas in accordance with Provincial, County, and municipal requirements established at the time of approval of this Plan (8.3.1 b).

Comments: The proposed severance application conforms to the OP. The proposed development supports the OP's goal of providing for residential intensification. A Zoning By-law amendment will be required to address regulations.

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

In the Municipality of Dutton Dunwich Zoning By-Law (ZBL) #2022-50, the subject lands are zoned Exception Village Residential 2-1 (VR2-1) Zone on Map 1, Schedule 'B'.

Permitted uses in the VR2-1 zone include an apartment building - senior citizen dwelling. (13.3.1).

DWELLING, SENIOR CITIZEN, shall mean a multiple housing unit for the elderly, which is owned and managed by a privately owned business, public housing authority or nonprofit organization or charitable institution and which may be associated with a place of worship or service club.

The VR2-1 zone also provides a site-specific regulation for minimum lot frontage, parking and buffer strip. All other zone provisions will be subject to the VR2 zone (13.1.3).

An evaluation of the VR2-1 Zone regulations has been completed, as follows.

Regulations (Apartment Dwellings)	Requirement VR2-1 and VR2 Zones	Proposed Severed (west side/vacant)	Proposed Retained (east side/existing dwelling)	Compliance
Min. Lot Area	1,200 m ²	4,100 m ²	8,534.02 m ²	Complies
Min. Lot Frontage	19.0 m (along County Rd 15) 30.0 m	19.75 m (along County Rd 15)	91.44 m (Thistle St)	Complies Complies (frontage is the shortest length when on a corner lot)
Min. Lot Depth	40.0 m	43.67 m	93.37 m (Lions St)	Complies
Max. Lot Coverage	40 %	22.98 %	25.20 %	Complies
Max. Building Height	12.0 m	12.2 m	>12.0 m (existing)	Relief is required for the proposed dwelling height
Min. Floor Area	80 m ²	2,876.91 m ²	2,103.04 m ²	Complies
Min. Front Yard Depth	7.5 m	>7.5 m (southwest side - Miller Road)	38.13 m (east side - Thistle St)	Complies
Min. Interior Side Yard Depth	6.0 m	20.46 m (west side) 7.74 m (east side)	7.7 m (north side)	Complies
Min. Exterior Side Yard Depth	4.5 m	21.63 m (south side - Lions St)	7.65 m (south side - Lions St)	Complies
Min. Rear Yard Depth	7.5 m	14.96 m (north side)	5.50 m (west side)	Relief is required for the west side of the existing dwelling
Min. Landscaped Open Space	35%	37.22 %	57.75 %	Complies

Regulations (Apartment Dwellings)	Requirement VR2-1 and VR2 Zones	Proposed Severed (west side/vacant)	Proposed Retained (east side/existing dwelling)	Compliance
Min. Buffer Strip	1.2 m in width shall be provided along the west side lot line	1.50 m	5.50 m	Complies
Min. Parking	1 space per dwelling unit 1x33 = 33 proposed 1x25 = existing	34	28	Complies
Driveway Regulations	the minimum distance between a driveway access and an intersection of street lines, measured along the street line, shall be 9.0 m;	>9.0 m	>9.0 m	Complies

Comments: The proposed severance application shall comply with the permitted uses and all regulations as set out in the ZBL, with the exception of the maximum height of the proposed building and the minimum rear yard depth of the existing building lot.

As a condition of severance, a zoning by-law amendment will be required for both the severed and retained lots.

RECOMMENDATION:

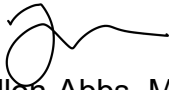
The Dutton Dunwich Council has delegated administrative authority to Administration (By-law 2023-09) to provide recommendations.

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

- 1) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- 2) That Municipal drain re-apportionments have been completed;

- 3) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- 4) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- 5) That taxes are to be paid in full;
- 6) Parkland fees, as set out in the Fees By-law;
- 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 and/or municipal address be established for the severed and retained parcels;
- 9) Entrance permit or clearance letter to be issued by the road authority;
- 10) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

Respectfully Submitted



Tracey Pillon-Abbs, MCIP, RPP
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Pioneer Line CR 2

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 72-23

APPLICANT:

PROPERTY: LOT NO. Part Lot 12 CONCESSION: Pt Concession A
REG'D PLAN: _____ MUNICIPALITY: Dutton Dunwich

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

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

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

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

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

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

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

- 7) Technical Reports

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

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

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

- 11) Not on County Road

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

- 13) Other... No direct access to Miller Road

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



PETER DUTCHAK, CET
Manager of Transportation Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: October 25, 2023
Application: E 72-23

Owner: Dutton & District Lions Club Non-Profit Housing Inc.
29475 Pioneer Line, Dutton, ON N0L 1J0
Agent: Peter Donaldson
29475 Pioneer Line, Dutton, ON N0L 1J0
Location: Part of Lot 12, Concession A. Municipally known as 1 Lions Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 19.75m (64.8 feet), a depth of 43.67m (143 feet), and an area of 4,100m² (1 acres) for a future 33-unit retirement facility. The applicant is retaining a lot with an area of 8,534.02m² (2.1 acres) proposed to remain in use as a retirement facility.

County of Elgin Official Plan

Tier 1 Settlement Area

Local Municipality Official Plan

Residential

Local Municipality Zoning By-law

Village Residential 2-1 (VR2-1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 parcel within a settlement area to create a new lot with an area of approximately 4,100m² for a future 33-unit retirement facility. The subject land is within the settlement area of Dutton, in the Municipality of Dutton Dunwich.

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 1 Settlement Area in the CEOP. The CEOP permits new lot creation purposes within all settlement areas, and directs that settlement areas be the focus of growth and development in the County. Tier 1 Settlement areas permit a variety of land uses and densities. Within settlement areas, the CEOP encourages the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires.

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. Permitted uses of the Village Residential 2 – 1 Zone permit apartment buildings – senior citizens dwellings. An analysis of the zone provisions reveals two deficiencies in the maximum building height and the rear yard depth, both of these issues can be resolved through a zoning by-law amendment.

RECOMMENDATION:

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

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

4. That the owner acknowledges that there shall be no direct access to Miller Road

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

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That Municipal drain re-apportionments have been completed;
3. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
4. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
5. That taxes are to be paid in full;
6. Parkland fees, as set out in the Fees By-law;
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 and/or municipal address be established for the severed and retained parcels;
9. Entrance permit or clearance letter to be issued by the road authority;
10. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 73-23**

**LOT 19, CONCESSION 5
TOWNSHIP OF MALAHIDE
50783 CHALET LINE**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON N4G 0C6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 50783 Chalet Line.

The applicant proposes to sever a parcel with a frontage of 58.1m (190 feet), a depth of 59.69m (195 feet), and an area of 0.35ha (0.86 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 39.67ha (98 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:

**OCTOBER 25, 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.

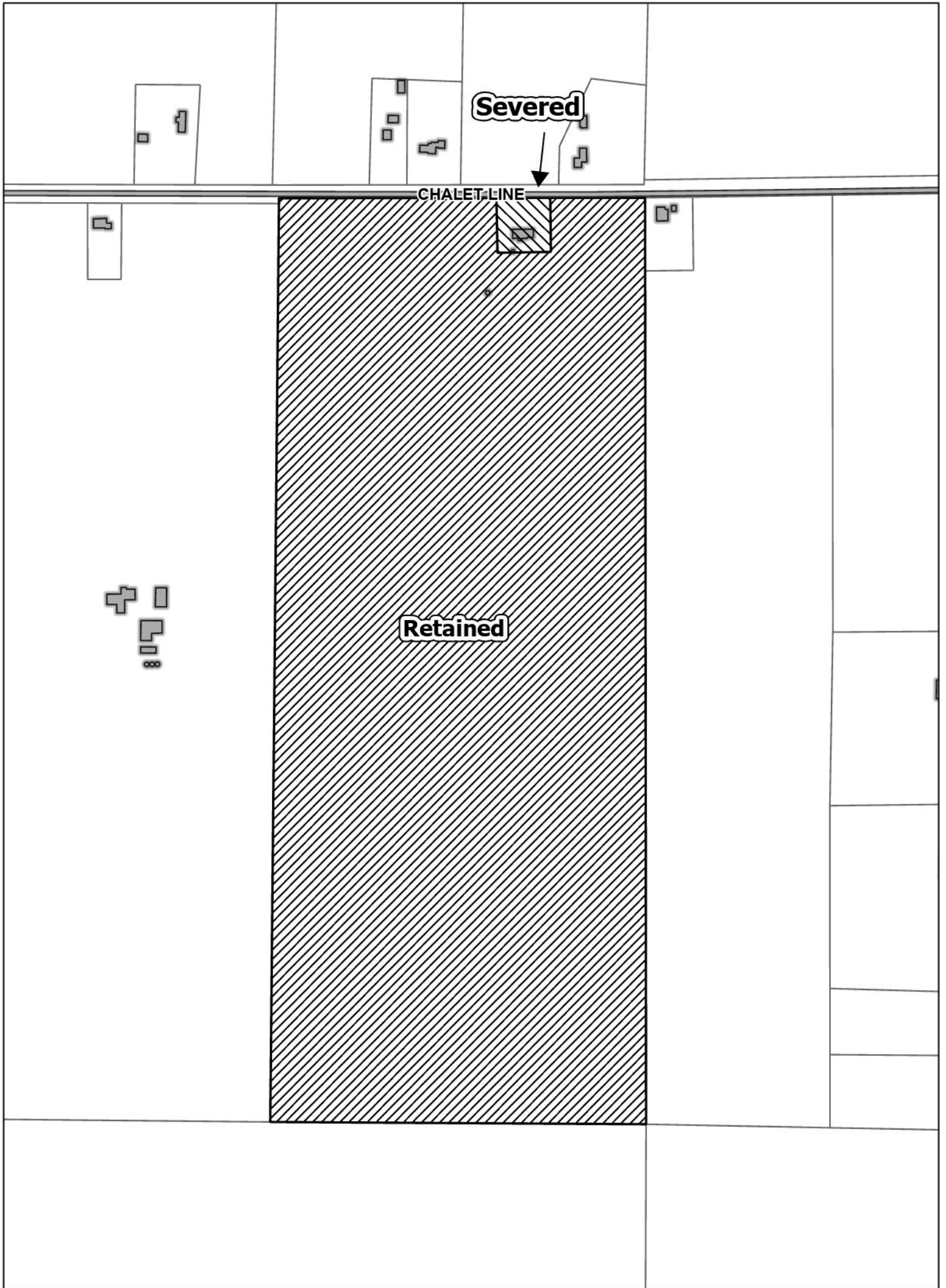
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of September, 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

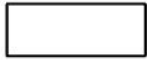

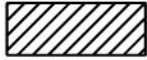




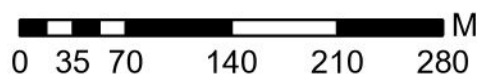
Location Map

Subject Site: 50783 Chalet Line
 File Number: E 73-23
 Owner: B & AM Reymmer Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide



Legend

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







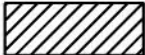

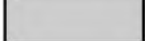
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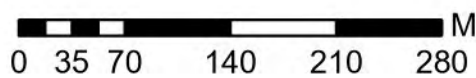
Location Map

Subject Site: 50783 Chalet Line
 File Number: E 73-23
 Owner: B & AM Reyrer Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 08/30/2023
 Township of Malahide



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: September 22, 2023 12:46 PM
To: Paul Clarke
Subject: RE: E 73-23 Notice of Application

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

Hello,

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

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: September-15-23 11:09 AM

[Redacted]

Subject: E 73-23 Notice of Application

Good morning,

Please see the attached notice of application for severance application E 73-23. If you wish to provide comments on this application, please do so no later than **Tuesday, October 17th**.

Thanks,

Paul Clarke, CPT



October 12, 2023

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

Dear Committee Members:

RE: Land Severance Application E73-23 – B & AM Reymer (Civic Planning Solutions) – 500783 Chalet Line, Concession 5, Part Lot 19

The Malahide Township Council passed the following Resolutions on October 5, 2023:

THAT Report No. DS-23-30 entitled “Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd.” be received;

THAT the Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd., relating to the property located at Concession 5, Part Lot 19 (Malahide), and known municipally as 50783 Chalet Line, be supported for the reasons set out in this Report;

AND THAT the report be forwarded to the Land Division Committee for its review and consideration, including 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 all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
3. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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. The applicant will be required to comply with By-Law 08-59 for the dumping of fill, removal of topsoil, and alteration of grades when a building permit or other site works are completed. The need for a certified grading plan and/or municipal drain connection will be determined at that time.
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 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 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.

We enclose Municipal Appraisal together with Municipal Report DS-23-30 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy – Dave Jenkins
David Roe, Civic Planning Solutions

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 B & AM Reymer Ltd. (c/o Civic Planning Solutions)

Location 50783 Chalet Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture", "Natural Heritage", "Natural Gas Reserve", and "Mineral Aggregate Resources" on Schedule 'A1' (Land Use Plan) and "Provincially Significant Woodland" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 2.1.3 and 2.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The proposed retained farm lot will be placed into the "Special Agricultural (A2) Zone" zone and the proposed severed lot would be placed in the "Small Lot Agriculture (A4)" Zone.

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

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

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



Report to Council

REPORT NO.: DS-23-30
DATE: October 5, 2023
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E73-23 OF B & AM REYMER LTD. (AUTHORIZED AGENT: DAVID ROE)**
LOCATION: Concession 5, Part Lot 19 (50783 Chalet Line)

Recommendation:

THAT Report No. DS-23-30 entitled “Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd.” be received;

AND THAT the Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd., relating to the property located at Concession 5, Part Lot 19 (Malahide), and known municipally as 50783 Chalet Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Civic Planning Solutions, on behalf of B & AM Reymer Ltd., to sever an existing dwelling that has become surplus as a result of a farm consolidation.

The Application relates to the property located at Concession 5, Part Lot 19 (Township of Malahide), and known municipally as 50783 Chalet Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 25, 2023.

Comments/Analysis:

The subject farm property is approximately 40.2 hectares (98.9 acres) in area, has approximately 398 metres of frontage along Chalet Line and contains an existing single

detached dwelling and accessory shed. The subject property is surrounded by agricultural lands in all directions, with Chalet Line bounding the parcel to the north.

Based on the information provided in the application, the owners also own multiple farm parcels, including the agricultural parcel to the east. The existing dwelling on the subject lands has become surplus to their needs and they are proposing to sever the dwelling from the surrounding farmland. The proposed severed lot has an area of approximately 0.35 hectares (0.86 acres) and approximately 58.1 metres of frontage along Chalet Line. The proposed severed lot would contain the existing dwelling and accessory structure.

The proposed retained farm lot would have an area of approximately 39.6 hectares and a broken frontage of approximately 346 metres along Chalet Line. The retained lot is currently vacant and would continue to be used for agricultural purposes.

Provincial Policy Statement (PPS)

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

The proposed severed parcel is of a minimum size (0.35 ha) to accommodate the existing dwelling and private services and no agricultural lands would be removed from production. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses. The Zoning By-law Amendment would also rezone the proposed severed parcel to the 'A4' zone which is applied to lots created for surplus farm dwellings.

County of Elgin Official Plan

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

The subject property contains an area designated as an 'Aggregate Resource Area' on Schedule 'C' of the County Official Plan. Aggregate Resource areas are generally intended to be protected for potential future extraction and would not be affected by the proposed surplus farm dwelling severance (Section C4.1 b).

A portion of the subject property contains 'Woodlands' as outlined on Appendix #1 Natural Heritage Features and Areas of the County Official Plan. Natural Heritage features, such as Woodlands shall be protected (Section D1.2.1). However, it is noted that the portion of the subject land designated as 'Woodlands' is located over 600 metres away from the proposed severed lot and, as a result, the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling and to rezone the proposed severed parcel to the 'A4' zone which is applied to lots created for surplus farm dwellings.

Malahide Official Plan

The subject property is designated 'Agriculture', 'Natural Heritage', 'Natural Gas Reserve' and 'Mineral Aggregate Resources' on Schedule 'A1' (Land Use) and designated 'Provincially Significant Woodland' while containing 'Existing Petroleum Wells' on Schedule 'A2' (Constraints) of the Township of Malahide Official Plan.

As no site alteration or change in use is proposed by the surplus farm dwelling severance, the effects on the Natural Heritage, Natural Gas Reserve, Mineral Aggregate Resource, Provincially Significant Woodland, and Existing Petroleum Wells located on the subject property. However, it is noted that the portion of the subject land designated as 'Woodlands' is located over 600 metres away from the proposed severed lot and, as a result, the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

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

The Official Plan requires that the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot, is located within 100 metres of an opened travelled road, and the severed parcel be rezoned to an 'A4' zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. The proposed lot and existing dwelling are located within 100 metres of a public road.

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

Malahide Zoning By-law No. 18-22

The subject property is within the "Large Lot Agricultural (A3) Zone", on Key Map 64 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is recommended that the proposed retained parcel would be

rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone.

It is also recommended that the proposed severed parcel to 'Small Lot Agriculture Special (A4)'. This zone is intended to be applied to lots that are created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed severed parcel meets all zoning requirements of the A4 zone.

General Comments

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

Financial Implications to Budget:

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

Submitted by:	Reviewed 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

Approved by:
Nathan Dias, Chief Administrative Officer

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Chalet Street – Not a CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 73-23

APPLICANT: _____

PROPERTY: LOT NO. 19 CONCESSION: 5
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.....

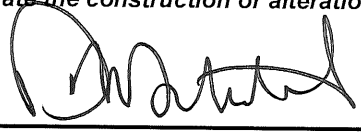
- 10) The County has no concerns.....

- 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: October 25, 2023
Application: E 73-23

Owner:
B & AM Reymer Ltd.
49718 John Wise Line, Aylmer, ON N5H 2R5

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

Location: Lot 19, Concession 5. Municipally known as 50783 Chalet Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 58.1m (190 feet), a depth of 59.69m (195 feet), and an area of 0.35ha (0.86 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 39.67ha (98 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural / Natural Gas
Reserve / Mineral Aggregate
Resources

**Local Municipality Zoning
By-law**
Agricultural

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide– Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. 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 parcel with an area of approximately 0.86 acres, containing a residence which is surplus to a farming operation. The applicant proposes to

retain a parcel with an area of 98 acres to remain in agricultural use. The PPS permits limited lot creation within the agricultural area for surplus farm dwelling severances, subject to the following:

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

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits the creation of new lots within the agricultural area for surplus farm dwellings, provided the severed lot is of a limited size, and the future residential development is prohibited on the retained farmland parcel. The proposed lot being created is less than 1-acre in area and does not encompass any cultivated land and a proposed condition of rezoning by the Township of Malahide will ensure the retained land cannot be used for residential purposes in the future. There is an existing hydro pole which crosses the subject land and the applicants have verified there is no existing right-of-way or easement, as such the County is requesting a condition to register an easement.

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. Township staff are recommending a condition to rezone the retained farmland to Special Agricultural (A2) to prohibit residential development and to rezone the severed lot to Small Lot Agricultural Special (A4) to reflect its use as a residential lot.

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. That the applicants register an easement with a total width of 3m, 1.5m on either side of the existing hydro pole on the severed lands in favour of the owner of the retained lands. The necessary documents for the registration of the easement, including the details of the terms of the easement, be provided to the Secretary-Treasurer at the same time as the deeds for stamping for the creation of the severed lot.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
3. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
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. The applicant will be required to comply with By-Law 08-59 for the dumping of fill, removal of topsoil, and alteration of grades when a building permit or other site works are completed. The need for a certified grading plan and/or municipal drain connection will be determined at that time.
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 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 prior to certification all of which are to be fully executed.



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
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Phone: 519-631-1460
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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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 74-23**

**PART OF LOT 12, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
23625 PIONEER LINE**

TAKE NOTICE that an application has been made by Dan McKillop, 29094 Silver Clay Line, Dutton, ON N0L 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 23625 Pioneer Line.

The applicant proposes to sever a parcel with a frontage of 48m (157 feet), a depth of 122m (400 feet), and an area of 5,856m² (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 75.8ha (187 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:

**OCTOBER 25, 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.

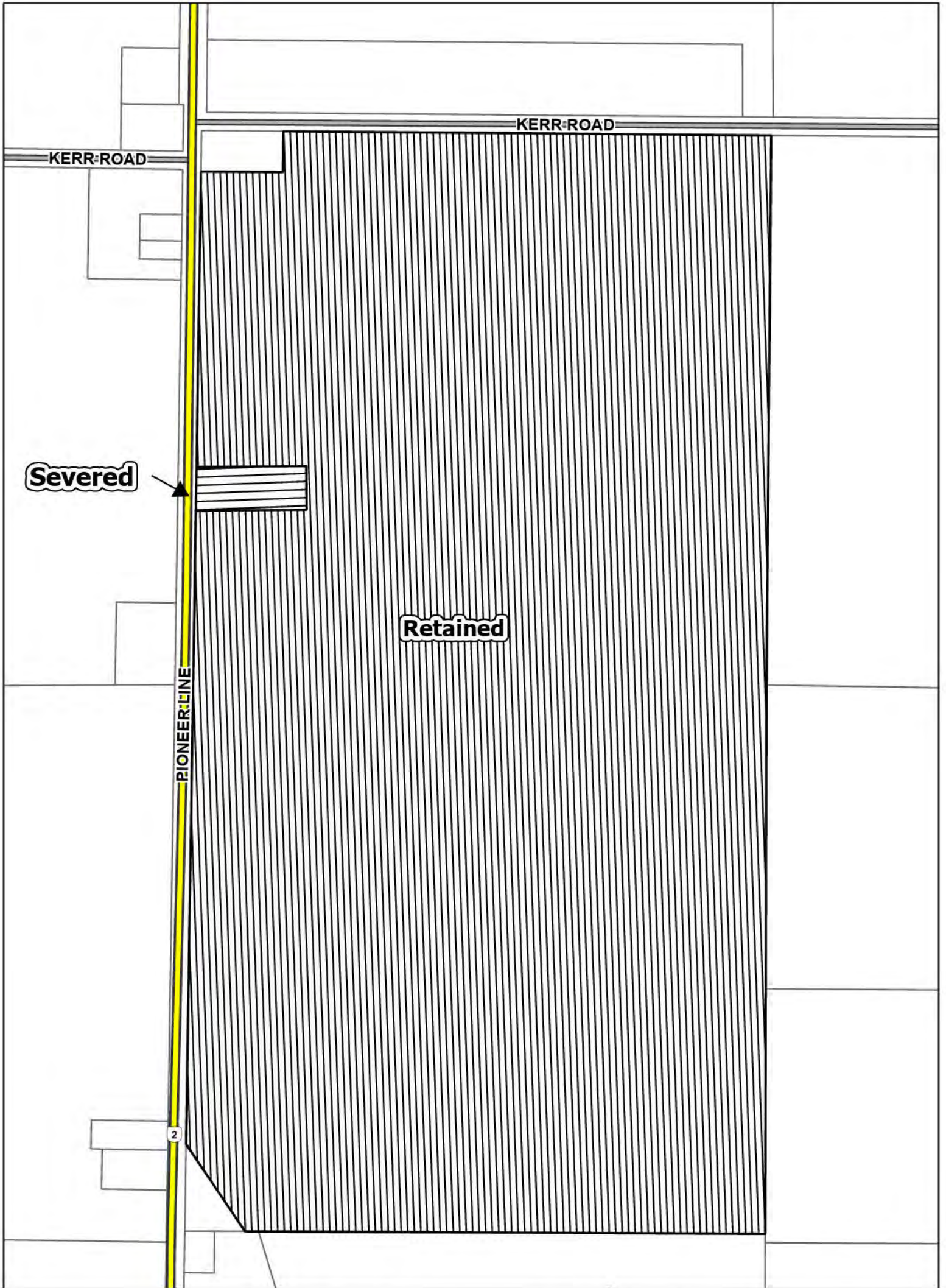
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of September, 2023.

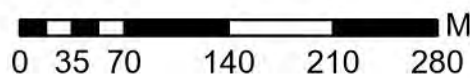
Paul Clarke
Secretary-Treasurer
Land Division Committee

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



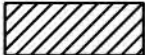




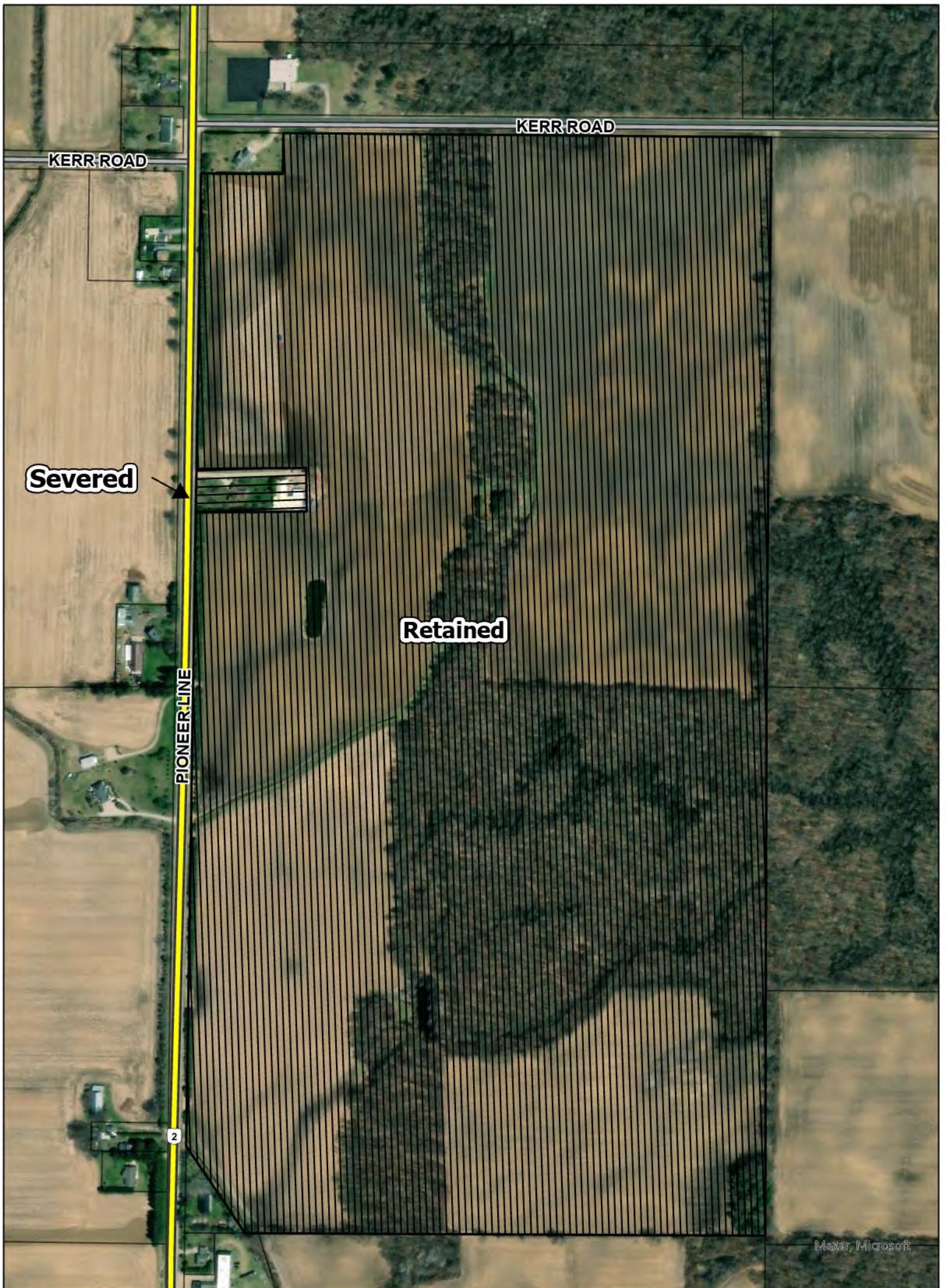
Location Map

Subject Site: 23625 Pioneer Line
 File Number: E 74-23
 Owner: Diane Marie Kuranyi
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 08/30/2023
 Municipality of West Elgin



Legend

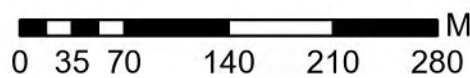
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings







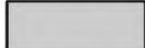
Location Map

Subject Site: 23625 Pioneer Line
 File Number: E 74-23
 Owner: Diane Marie Kuranyi
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 08/30/2023
 Municipality of West Elgin

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



Legend

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

Planning Report 2023-44: Severance Report E74-23 –
Comments to the County of Elgin

Appendix Two: Severance Application E74-23 Conditions

Severance Application E74-23 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the severed and retained lands are transferred to the prospective purchaser Michael D Simon as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated August 24, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant demonstrate that there is appropriate access to the retained farm parcel to the satisfaction of the Municipality and/or County. If new access is required application shall be made to the applicable approval authority and a new access installed at the applicant's expense and to the satisfaction of the applicable road authority;
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-09-27
Subject: Severance Application E74-23 – Comments to Elgin County – Recommendation Report (Planning Report 2023-44)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E74-23 – Comments to Elgin County (Planning Report 2023-44);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E74-23, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs administration to provide this report as Municipal Comments to the County of Elgin.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E74-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the prospective purchaser at 23625 Pioneer Line. A draft outline of the proposed lot is attached as Appendix One.

Background:

Below is background information, in a summary chart:

Application	E74-23
Owner	Diane Marie Kuranyi
Applicant/Purchaser	Dan McKillop / Michael Simon
Legal Description	Part Lot of 12, Concession 9
Civic Address	23625 Pioneer Line
Entrance Access	Pioneer Line
Services	Private on-site well & municipal water
Existing Land Area	75.8 ha (187.2 ac.)

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

Application	Severed Parcel (RED)			Retained Parcel (BLUE)		
	Frontage	Depth	Area	Frontage	Depth	Area
E74-23	48 m (157.5 ft.)	122 m (400.3 ft.)	0.5856 ha (1.45 ac)	538 m+/- (1,765 ft.)	1209 m+/- (3,966 ft.)	75.8 ha (187.2 ac.)

The Public Hearing is scheduled for October 25, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Financial Implications:

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

Policies/Legislation:

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

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

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS.

Comment: The proposed lot is within the size range of most surplus dwelling lots and does not include any actively farmed land.

New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. There are no livestock facilities within close proximity of the proposed lot.

The property does contain a wooded area however this is remaining in whole with the retained farm land and is not impacted by the proposed surplus dwelling lot. As such, the proposal is consistent with the PPS.

CEOP:

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

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

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

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. The property does contain a wooded area as indicated on Schedule 'B' on Map 2. However, the wooded area is not impacted by the proposed surplus dwelling lot creation.

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

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

Administration advises that:

- The applicant has noated that the residence is surplus to the prospective purchaser's farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is no livestock operation in close proximity of the proposed lot;
- The proposed severed parcel excludes productive farmland and does not impact any natural heritage features, and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

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

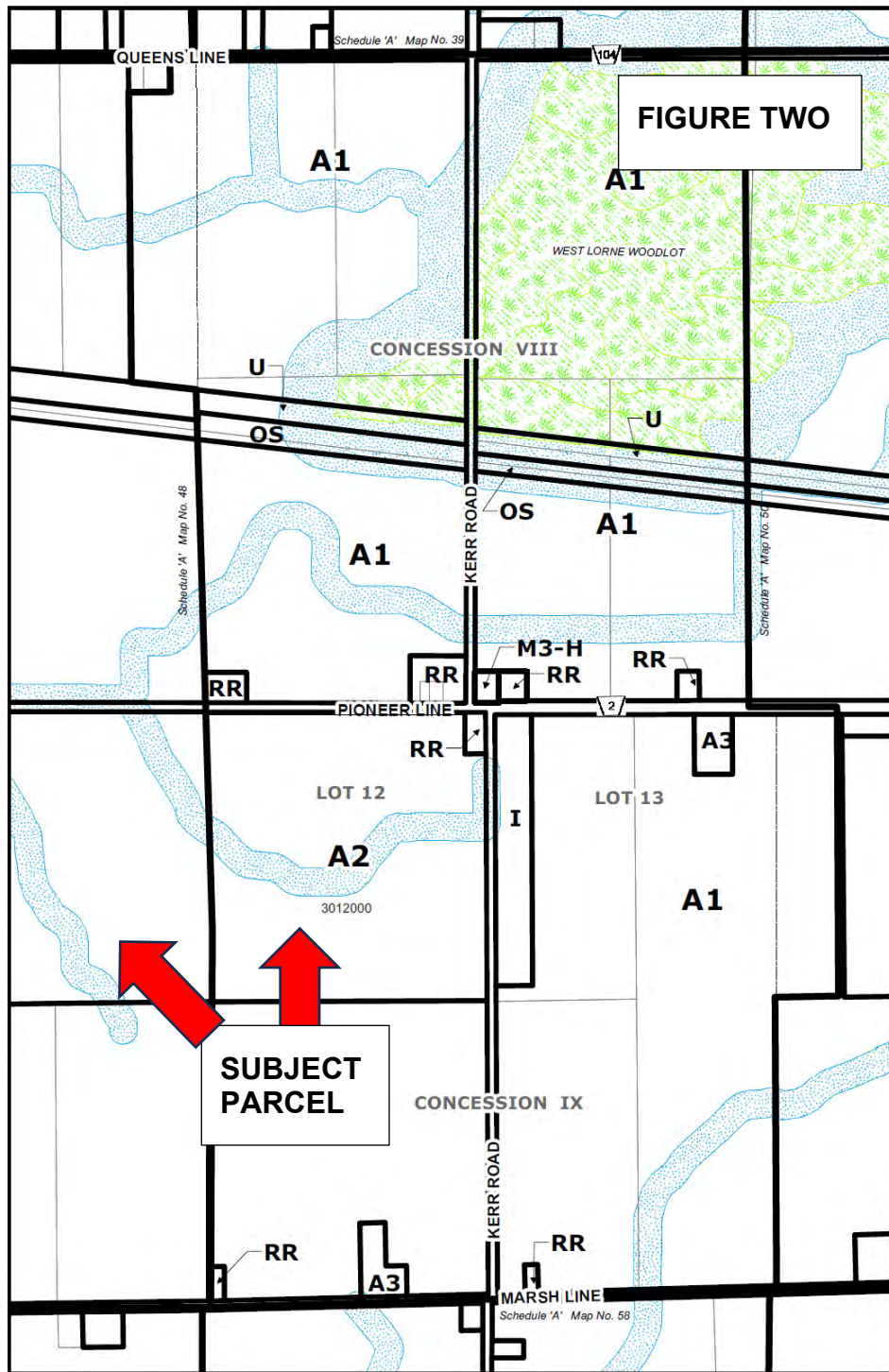
Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Agricultural (A2) on Schedule A, Map 49 of the ZBL, as depicted in Figure Two below. This zoning was put in place in 2003 when a retirement lot was severed from the same parcel. This prohibited any additional dwellings on the retained parcel.

The blue hatch pattern on the mapping represents LTVCA regulated area. Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 0.58 ha (1.45 ac.), with a lot frontage of 48 m (157.5 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel would not require rezoning as they are already zoned Agricultural (A2) Zone as a result of an early severance.

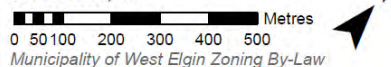
Provided a Zoning By-law Amendment is obtained for the severed parcel, as a condition of the consent application, the proposal will comply with the Zoning by-law.



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000



Municipality of West Elgin Zoning By-Law

Map No. 49

Interdepartmental Comments:

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

Drainage:

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

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

Public Works:

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

Building Dept:

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

The septic system has been assessed and cleared by the Building Department.

No other comments or concerns were received from Administration.

Summary:

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

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

Respectfully submitted by,



Robert Brown, H. Ba, MCIP, RPP
Planner

Report Approval Details

Document Title:	Severance Application E74-23 - Comments to Elgin County - Report (Planning Report 2023-44) - 2023-47-Planning.docx
Attachments:	- Appendix One - E 74-23 Survey Sketch.pdf - Planning Report 2023-44 Appendix Two - Conditions of Approval for County of Elgin.pdf
Final Approval Date:	Oct 5, 2023

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

Terri Towstiuc

COUNTY OF ELGIN ROAD SYSTEM

DATE: October 5, 2023 ELGIN COUNTY ROAD NO.: Pioneer Line CR 2

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 74-23

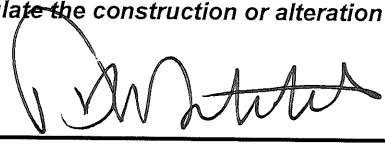
APPLICANT: _____

PROPERTY: LOT NO. Pt Lot 12 CONCESSION: 9
REG'D PLAN: _____ MUNICIPALITY: Dutton Dunwich

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

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



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: October 25, 2023
Application: E 74-23

Owner:
Diane Marie Kuranyi
23625 Pioneer Line, Rodney, ON N0L 2C0

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

Location: Part of Lot 12, Concession 9. Municipally known as 23625 Pioneer Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 48m (157 feet), a depth of 122m (400 feet), and an area of 5,856m² (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 75.8ha (187 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 (A2)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 parcel with an area of approximately 1.45 acres, containing a residence which is surplus to a farming operation. The applicant proposes to retain a parcel with an area of 187 acres to remain in agricultural use. The PPS permits

limited lot creation within the agricultural area for surplus farm dwelling severances, subject to the following:

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

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

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

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits the creation of new lots within the agricultural area for surplus farm dwellings, provided the severed lot is of a limited size, and the future residential development is prohibited on the retained farmland parcel. A proposed condition of rezoning by the Municipality of West Elgin will ensure the retained land cannot be used for residential purposes in the future.

Local Municipality Official Plan and Zoning By-law

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

RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the severed and retained lands are transferred to the prospective purchaser Michael D Simon as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated August 24, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant demonstrate that there is appropriate access to the retained farm parcel to the satisfaction of the Municipality and/or County. If new access is required application shall be made to the applicable approval authority and a new access installed at the applicant's expense and to the satisfaction of the applicable road authority;
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.