



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, January 24, 2024, 9:00 A.M

- 1st Call to Order
- 2nd Election of Chair & Vice-Chair
- 3rd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 4th Adoption of Minutes
- 5th Business Arising Out of Minutes
- 6th Disclosure of Pecuniary Interest or the General Nature Thereof
- 7th Correspondence – Items for Information
- 8th Business Arising from Correspondence
- 9th New Business
- 10th Consent Applications
 - 9:05 am E 1-24 Matt Litwinchuk – 210 Main Street, Municipality of Central Elgin
 - 9:15 am E 2-24 Kimberly Mulder – 56796 Glen Erie Line, Municipality of Bayham
 - 9:25 am E 3-24 Henry Klassen – 51237 Ashton Street, Township of Malahide
 - 9:35 am E 4-24 David Roe – 55106 Vienna Line, Municipality of Bayham
 - 9:45 am E 5-24 David Roe – 53367 Nova Scotia Line, Township of Malahide
 - 9:55 am E 6-24 David Roe – 54761 Vienna Line, Municipality of Bayham
 - 10:05 am E 7-24 Robert McLeod – 56557 Heritage Line, Municipality of Bayham
 - 10:15 am E 8-24 Jesse Froese – 56573 Calton Line, Municipality of Bayham



11th Date of Next Meeting

12th Adjournment

Please click the link below to watch the Committee Meeting:

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

Accessible formats are available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

December 13, 2023

County of Elgin Land Division Committee met this 13th day of December, 2023. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

Committee Members Present (in-person / electronic):

John Andrews
John R. "Ian" Fleck
Tom Marks
John Seldon
Bill Ungar
Dave Jenkins
Dugald Aldred

Staff Present:

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer (virtually)
Susie Bury

1. CALL TO ORDER

The meeting convened at 9:00 a.m.

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

None.

3. ADOPTION OF MINUTES

Moved by: Tom Marks

Seconded by: Bill Ungar

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

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

RESOLVED THAT the minutes of the meeting held on November 22nd, 2023 be adopted, as amended.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 79-23 – 9:05 am
David & Katlyn Graham – 210 Caverly Road

The applicant proposes to sever a parcel with a frontage of 13.716m (45 feet), a depth of 33.58m (110 feet) and an area of 460.58m² (0.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 460.58m² ha (0.11 acres) proposed to remain in residential use.

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

Owner: David Graham was present
Agent: None

Written submissions (*) were received from the following:

Submission		Comments
1	Town of Aylmer	Recommends approval.
2	Catfish Creek	No Comments.
3	Elgin County Engineering Services	No concerns.
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: Tom Marks

RESOLVED THAT severance application E 79-23 be approved subject to the following conditions:

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

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

1. That the Owners meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That a zoning by-law amendment be in force and effect for the proposed severed and retained parcels.
3. That the Owners make payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
4. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed severed and retained parcels. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
5. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the Owners, to the satisfaction of the Town of Aylmer.

6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That the Owners have applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for the proposed severed parcel and for servicing works in the Town's right-of-way and that all works associated with the road occupancy permit have been completed, to the satisfaction of the Town of Aylmer.
8. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E79-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
9. That municipal addressing be assigned to the proposed severed parcel by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
11. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

- Motion Carried.

Application E 80-23 – 9:14 am
Adam Wissink – 182 William Street

The applicant proposes to sever a parcel with a frontage of 24.6m (80 feet), a depth of 17.1m (56 feet) and an area of 420.66m² (0.10 acres) to sever a parcel which merged on title with an adjacent lot. The applicant is retaining a lot with an area of 179.55m² (0.04 acres) proposed to remain in residential use.

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

Owner: None present
Agent: None present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval
2	Catfish Creek	No concerns.
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval

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

Moved by: Tom Marks
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 80-23 be approved subject to the following conditions:

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

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

1. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

- Motion Carried.

Application E 81-23 – 9:23 a.m.
Amy Dale – 24953 Pioneer Line

The applicant proposes to sever a parcel with a frontage of 44.513m (146 feet), a depth of 104.117m (341 feet) and an area of 0.4606ha (1.14 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1ha (2.47 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: Helen Button attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval.
2	Lower Thames Valley	No Comments
3	Elgin County Engineering Services	No concerns.
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 81-23 be approved subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the applicant make application for and receive approval of a minor variance to address the existing reduced easterly side yard setback of the outbuilding on the severed parcel to the satisfaction of the Municipality;
6. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

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

- Motion Carried.

Application E 82-23 to E 85-23 – 9:34 a.m.
Connor Willks – 8068 Union Road

The applicant proposes to sever four (4) parcels with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m² (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m² (4.40 acres) for future residential development.

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

Owner: None present
Agent: None present

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval subject to conditions
2	Lower Thames Valley	No comments.
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: Bill Ungar

Seconded by: Dugald Aldred

RESOLVED THAT severance applications E 82-23 to E 85-23 be approved, subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That municipal addressing be provided to the County of Elgin by the local municipality to the satisfaction of Elgin County.
4. That the owners dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Union Road (County Road 20) to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
5. Direct connection to a legal outlet is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
7. Lot grading plan is required for the severed lots.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed lands (4) 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 deeds for the severed parcels once the transaction has occurred to the Municipality.
4. That a digital copy of the draft and final deposited Reference Plan be provided to the Township of Southwold.
5. That the Applicant pays the Cash-in-Lieu of Parkland Fee for the creation of 4 new residential lots to the Municipality.
6. That the Applicant successfully apply to the Township and obtain a Zoning By-law Amendment to rezone the retained and severed parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
7. That the Applicant submit a written request and fee for the necessary Drainage Reapportionment to be completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
8. That the Applicant submit a written request and fee for the preparation of a Mutual Drain Agreement pursuant to the Drainage Act, between the severed and retained lands, to be registered on title of the severed lands at the entire expense of the Applicant, to the satisfaction and clearance of the Municipality.
9. That the Applicant has an engineered Lot Grading Plan prepared for the severed and retained parcels and all necessary works installed, to the satisfaction of the Municipality of Southwold.
10. That the Applicant obtain the necessary permits and complete the works necessary for the removal of the existing septic system and capping of the existing municipal water service, to the satisfaction and clearance of the Municipality.
11. That the Applicant shall enter into a Severance Agreement with the Municipality for the proposed severed parcels, addressing all municipal interests and associated fees and charges, including and not limited to installation of individual water services, dedication of pumping station lands (via a registered R PLAN and transfer to the municipality, notice regarding septic system design and maintenance, drainage, cash-in-lieu of parkland, development charges, road permits and restoration, amongst other matters, to the satisfaction of the Township of Southwold.
12. That the Applicant register the Severance Agreement against the severed and retained (if required) lands, to the satisfaction of the Township and at the entire expense of the Applicant.
13. That the Applicant obtain the necessary permits for the demolition of the existing single detached dwelling and all outbuildings, including the removal of all materials from the subject lands, final grading and seeding, to the satisfaction and clearance of the Municipality.
14. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality and that the Municipality advise the County writing that the above-noted conditions have been satisfied.

15. 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	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

Application E 86-23 – 9:44 a.m.
Cory Pietrzak – 3121 Old Dexter Line

The applicant proposes to sever a parcel with an area of 6.94ha (17 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 0.4ha (0.98 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: Cory Pietrzak was present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval subject to conditions
2	Kettle Creek	No concerns.
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval.

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

Moved by: Tom Marks
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 86-23 be approved, subject to the following

conditions:

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

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

1. Approval of a minor variance application to recognize that the proposed limits of 3121 does not have lot frontage on Old Dexter Line;
2. The severed lot be merged in title with 3109 Old Dexter Line;
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
4. The Solicitor for the applicant is to provide an undertaking, whereby he/she informs the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

- Motion Carried.

Application E 87-23 – 9:55 a.m.
Tracy Tucker – 42483 Southdale Line

The applicant proposes to sever a parcel with a frontage of 32.024m (105 feet), a depth of 31.811m (105 feet) and an area of 1,021.10m² (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,042.36m² (0.5 acres) proposed to remain in residential use.

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

Owner:

Agent: Tracy Tucker attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval subject to conditions
2	Kettle Creek	No concerns.
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval.

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

Moved by: Tom Marks

Seconded by: Bill Ungar

RESOLVED THAT severance application E 87-23 be approved, subject to the following conditions:

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

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

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Confirmation that Parcel 1 (Retained) has been connected to municipal services, to the satisfaction of the Municipality of Central Elgin;
3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel 2 (Severed);
4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M- 242;
5. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;

6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.

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

- Motion Carried.

Application E 88-23 and E 89-23 – 10:02 a.m.

Tracy Tucker – 42399 Southdale Line

The applicant proposes to sever a parcel with a frontage of 12.2m (40 feet), a depth of 39.6m (130 feet) and an area of 483m² (0.11 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 17.1m (56 feet), a depth of 36.9m (120 feet) and an area of 688m² (0.17 acres) to be used for future residential development, and conveying a parcel with an area of 204.5m² to the adjacent parcel to the south. The applicant is retaining a lot with an area of 635m² (0.15 acres) proposed to remain in residential use.

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

Owner:

Agent: Tracy Tucker attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval subject to conditions
2	Kettle Creek	No concerns.
3	Elgin County Engineering Services	No concerns.
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: Dave Jenkins

RESOLVED THAT severance application E 88-23 and E 89-23 be approved, subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That municipal addressing be provided to Elgin County, by the local municipality to the satisfaction of Elgin County.
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended apply to any subsequent conveyance or transaction involving the parcel being merged with Block 76 on 11M-263.

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

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Approval of a Zoning By-law amendment to permit residential use on Parcel A, B & C;
3. The applicant conveys Parcel D, Daylight Corner (Parcel A) and 0.3m reserve on Southdale Line to the satisfaction of the Municipality of Central Elgin;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. A copy of the reference plan be provided to the Municipality of Central Elgin.

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

- Motion Carried.

ADJOURNMENT

Moved by: Tom Marks
Seconded by: Dave Jenkins

RESOLVED THAT the Committee adjourn at 10:08 am on December 13, 2023 to meet again at 9:00 am on January 24, 2024.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

John “Ian” Fleck
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 1-24**

**LOT 20, PART OF LOTS 1 & 21, PART 1 CLIFTON HOTEL
MUNICIPALITY OF CENTRAL ELGIN
210 MAIN STREET**

TAKE NOTICE that an application has been made by Matt Litwinchuk, 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 210 Main Street.

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 40.35m (132 feet) and an area of 0.05ha (0.12 acres) to create a new commercial lot. The applicant is retaining a lot with an area of 0.08ha (0.2 acres) proposed to remain in commercial 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:

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

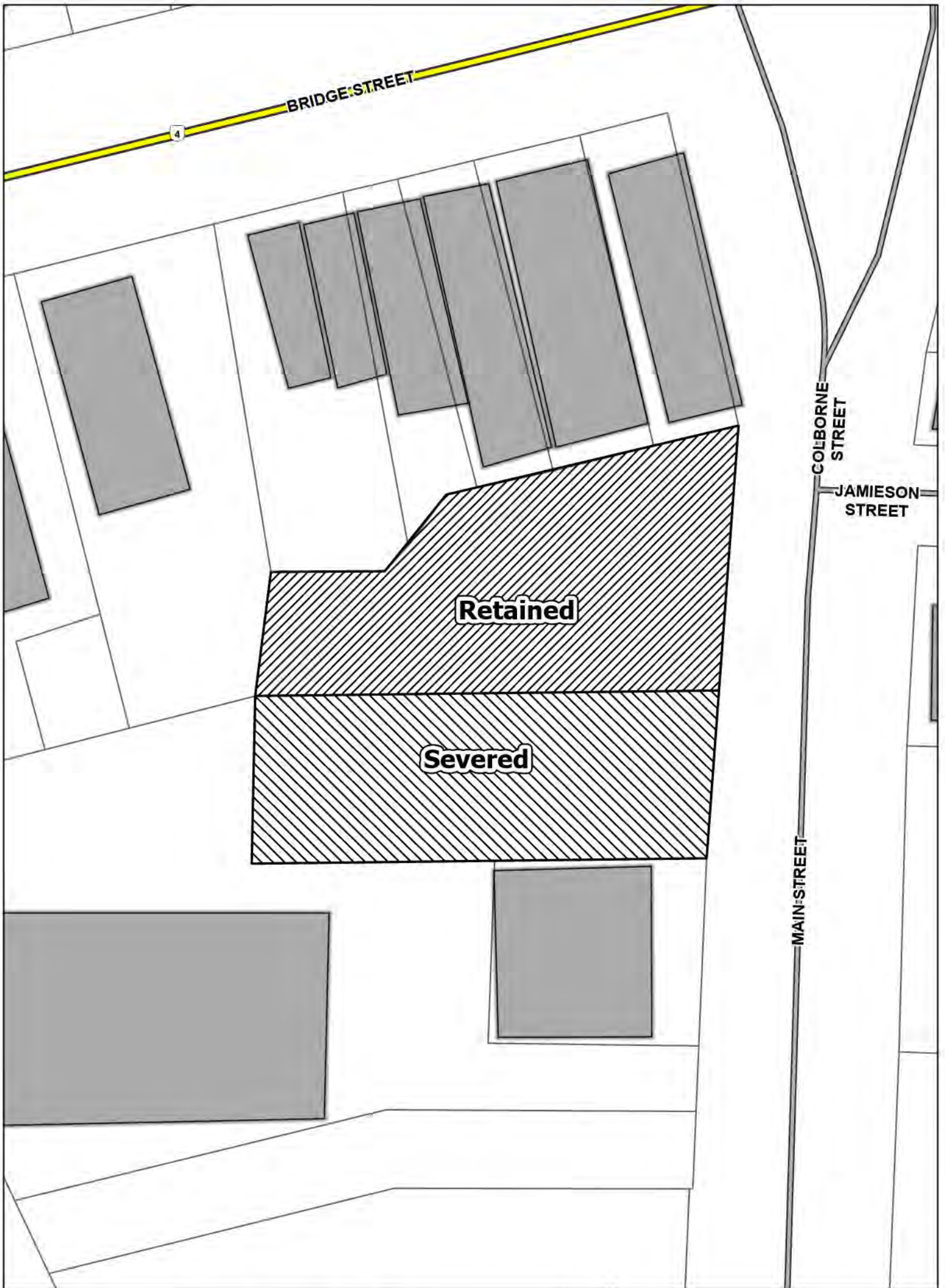
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 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








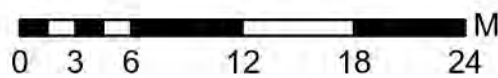
Location Map

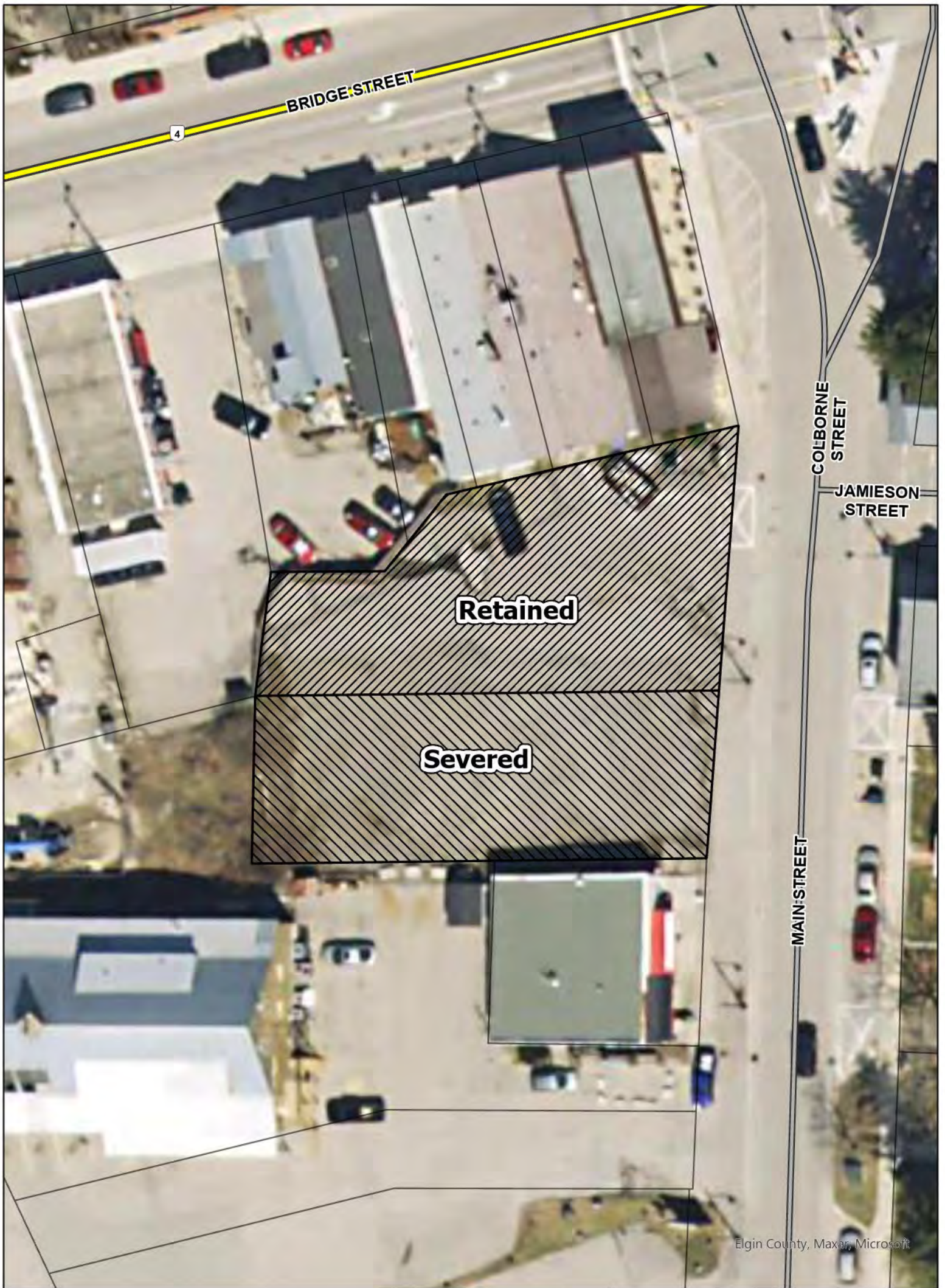
Subject Site: 210 Main Street
 File Number: E 1-24
 Owner: Avere Fiducia Inc.
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Central Elgin



Legend

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







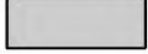


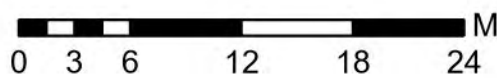
Location Map

Subject Site: 210 Main Street
 File Number: E 1-24
 Owner: Avere Fiducia Inc.
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Central Elgin



Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.57.23
CEPO FILE NO. E01/24
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 210 Main Street
Applicant – Avere Fiducia Inc.
DATE November 27, 2023

RECOMMENDATION

THAT Report CEP.57.23 be received for information;

AND THAT

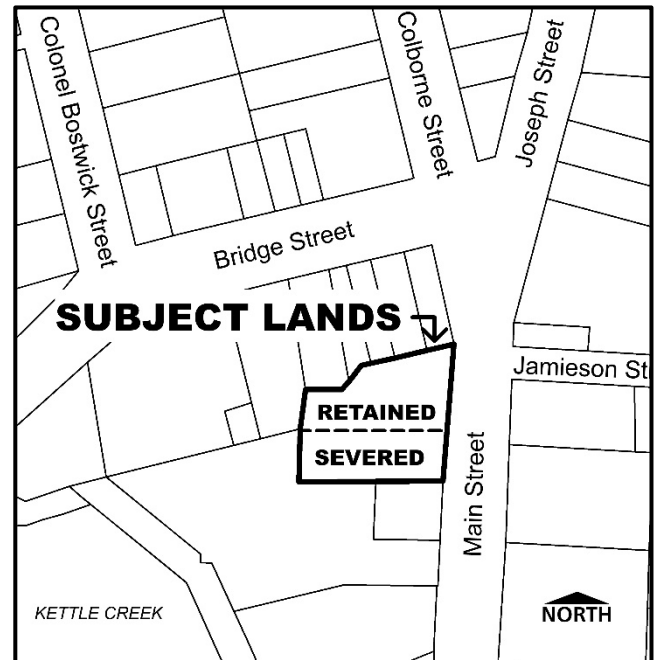
1. The applicant obtains an access right-of-way/easement over the retained lot in accordance with the Concept Plan prepared by Zelinka Priamo Ltd., dated September 2023 and accompanying the application;
2. the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes; and
4. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

REPORT

Background:

Consent application E01/24 has been filed for the purpose of creating one new vacant commercial building lot fronting on Main Street.

Location Plan:



Location:

The subject lands are on the west side of Main Street, the lands are legally described as, Plan 49, Lot 20, Part Lots 1 & 21, RP 11R-3316, Part 1, Clifton Hotel, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever one vacant lot with frontage of 12.8m on Main Street, a depth of 40.35m and an area of 542.37sqm. The severed lot will be used for a new commercial building lot. The applicant is proposing to retain one vacant lot with frontage of 27.4m on Main Street, a depth of 40.34m and an area of 817sqm. The retained lot will also be used for a commercial building lot.

Staff Report**1. Official Plan**

- The subject lands are located within the “Urban Settlement Area” designation in accordance with Schedule “A” - Land Use Plan, and further designated “Commercial” in accordance with Schedule “G3” - Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Permitted uses in the Commercial designation include commercial uses such as retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly. Ancillary residential uses, above the main or first storey, that are part of a mixed-use development may be permitted within the Commercial designation (4.4.2(a)(b)).
- In addition to the policies found in Subsection 4.4.2, the following special policies shall apply to all lands designated General Commercial on Schedule G (4.7.6.6):
 - j) Applications for mixed-use commercial/residential development in the Village's commercial core shall be reviewed on the basis of the following criteria:
 1. Compatibility with the general character of the area and, in particular, proximity effects upon adjacent uses, i.e., visual, shadowing;
 2. Capacity of existing infrastructure services and roads to accommodate the proposed use(s);
 3. Proximity to community services and facilities;
 4. Availability of on-site or shared off-street parking;
 5. Structural/physical character of a host building or site to accommodate intensification, reuse and/or redevelopment; and,
 6. Provision of open space amenities, landscaping, buffers, etc.

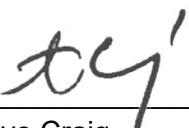
2. Zoning By-Law

- The subject lands are located within the Business Zone 1 (B1) of the Village of Port Stanley Zoning By-Law 1507, Zoning Map 1,3 and 4.
- The B1 zone permitted uses include a retail store, restaurant, business office, personal service shop, dwelling units above the main or first storey and accessory uses (10.2.1.1).
- The B1 zone requires a minimum lot frontage of 9m (10.2.1.3) and no minimum lot area requirement.

- Minimum number of parking spaces, retail store, restaurant, business office, personal service shop 1 parking space per 50sqm of floor area and dwelling units above the main or first storey 1.25 spaces per dwelling unit (10.2.1.7).
3. County of Elgin Official Plan:
- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
 - Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space (B1).
4. Comments:
- Approval of the application will need to be conditional on the applicant obtaining an access easement/right-of-way over the retained lot in accordance with the Concept Plan prepared by Zelinka Priamo Ltd., dated September 2023 and accompanying the application.

Respectfully submitted:

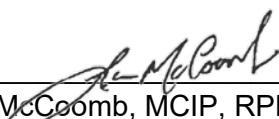
Approved for submission:



Steve Craig
Sr. Planning Technician



Robin Greenall
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 1-24

APPLICANT: Avere Fiducia Inc.

PROPERTY: LOT NO. 20 Pt Lots 1 & 21 CONCESSION: Pt 1 Clifton Hotl
REG'D PLAN: 11R3316 MUNICIPALITY: Central Elgin

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

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

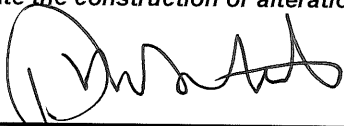
- 10) The County has no concerns.....

- 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
Director of Engineering 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: January 24, 2024
Application: E 1-24

Owner: **Avere Fiducia Inc.**
4644 Wellington Road 35, Puslinch, ON
Agent: **Matt Litwinchuk (Zelinka Priamo Ltd.)**
318 Wellington Road, London, ON
Location: Part of Lot 20, Parts of Lots 1 & 21, Part 1 CLIFTON HOTL, municipally known as 210 Main Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 40.35m (132 feet) and an area of 0.05ha (0.12 acres) to create a new commercial lot. The applicant is retaining a lot with an area of 0.08ha (0.2 acres) proposed to remain in commercial use.

County of Elgin Official Plan Tier 1 Settlement Area	Local Municipality Official Plan Urban Settlement Area / Commercial	Local Municipality Zoning By-law Business Zone 1 (B1)
--	---	---

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Kettle Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 0.12 acres to create a new commercial lot. The retained lot is proposed to remain in commercial use.

The PPS permits consents for a variety of purposes in settlement areas, including the creation of new lots for a variety of land uses and densities.

- 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

County Staff has reviewed the application 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. Tier 1 Settlement Areas are the largest settlement areas in the County and should be the focus of development, as such, they permit a variety of land uses and densities.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Commercial designation permits a variety of business uses as well as ancillary residential uses above the first storey of a building. The B1 zone requires a minimum lot frontage of 9m and has no minimum lot area, the proposed severance application meets the requirements of the B1 zone.

RECOMMENDATION:

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

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



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

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

1. The applicant obtains an access right-of-way/ easement over the retained lot in accordance with the Concept Plan prepared by Zelinka Priamo Ltd., dated September 2023 and accompanying the application;
2. the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes;
and
4. the Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 2-24**

**PART OF LOT 23, CONCESSION 2
MUNICIPALITY OF BAYHAM
56796 GLEN ERIE LINE**

TAKE NOTICE that an application has been made by Kimberly Mulder, 1 Park Place, Tillsonburg, ON N4G 0B8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56796 Glen Erie Line.

The applicant proposes to sever a parcel with a frontage of 55m (180 feet), a depth of 75m (246 feet) and an area of 4,125m² (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43ha (106 acres) proposed to remain in agricultural use.

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

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

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 1st day of December, 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





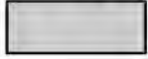


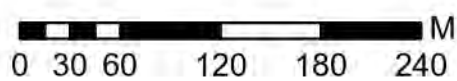
Location Map

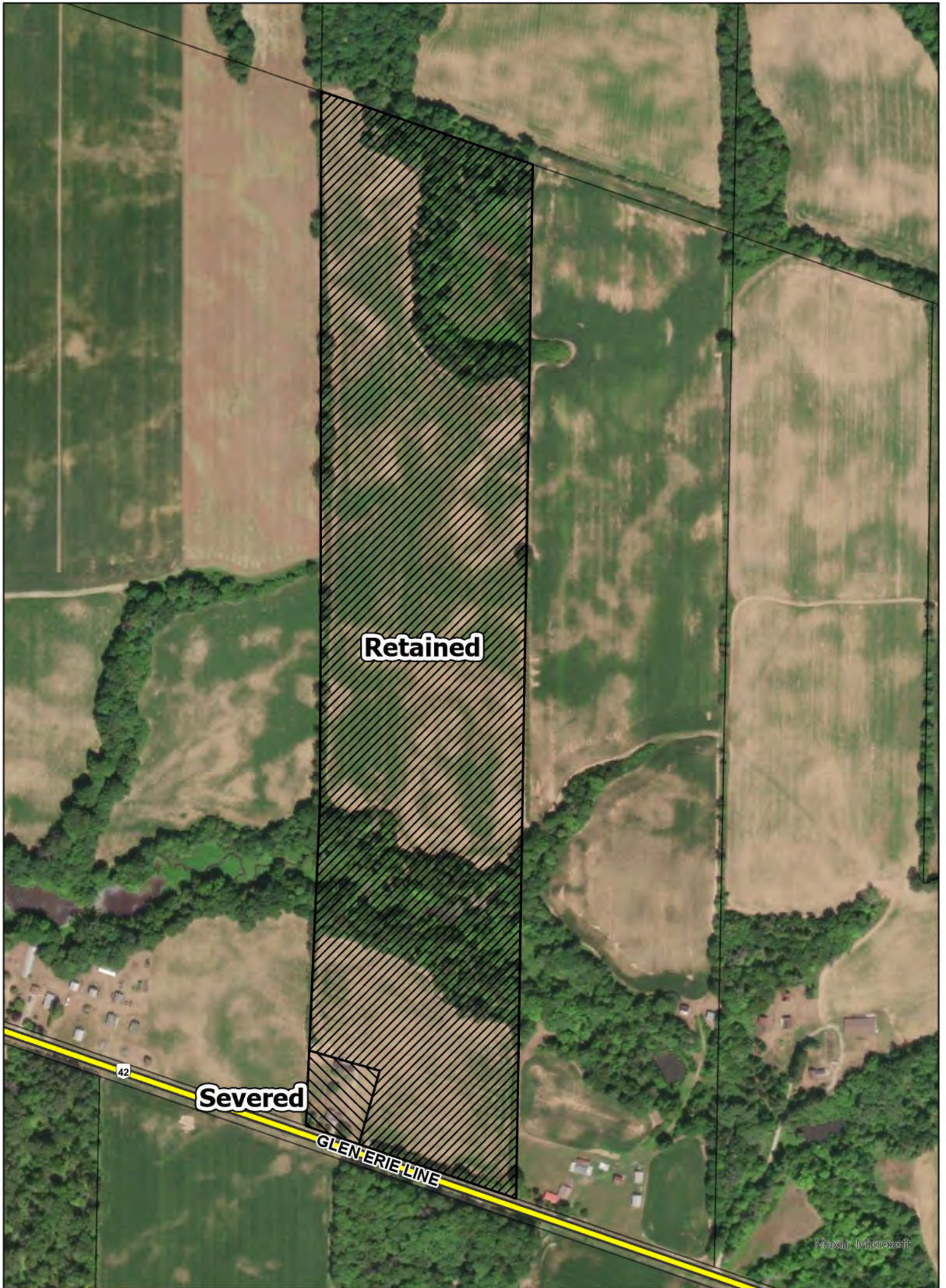
Subject Site: 56796 Glen Erie Line
 File Number: E 2-24
 Owner: Dan Froese / Dan Froese Farms
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/28/2023
 Municipality of Bayham



Legend

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





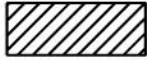

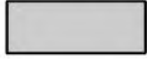


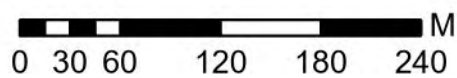
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 Municipality of Bayham



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



December 18, 2023

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E2-24 Dan Froese and Dan Froese Farms Inc.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 7, 2023 meeting:

THAT Report DS-64/23 regarding the Consent Application E2-24 Dan Froese and Dan Froese Farms Inc. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E2-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner removes the existing mobile home trailer on the subject property
4. That the owner provides the Planning Report fee payable to the Municipality
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
6. That the owner purchases a civic number sign for the retained parcel from the Municipality

Municipal Appraisal Sheet and Staff Report DS-64/23 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 "M Underhill", is written over a light blue horizontal line.

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.FROE

cc: K. Mulder (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 2-24

Applicant Dan Froese and Dan Froese Farms Inc.

Location Bayham – 56796 Glen Erie Line, Port Burwell

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Gas Reservoir and Natural Heritage

Policies:

Policy 2.1.7.1 Farm Consolidation

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1) and LPRCA Reg Limit

Rezoning required of both the severed and retained parcels

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

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

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

See Letter attached with listed conditions revised from original.

See Staff Report DS-64/23 considered at Council meeting held December 7, 2023



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

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

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

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

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

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

2.1.7.2 The severed lot with the surplus farm dwelling shall:

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

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

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

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

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

2.1.8 Existing Lots

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

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

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

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

6.12.1

6.12.1.1 Defined Area

Z475-2004

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

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

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

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

7.13.1

7.13.1.1 Defined Area

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

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

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

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

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

7.13.2.2 Permitted Uses

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

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: December 7, 2023
REPORT: DS-64/23 **FILE NO. C-07 / D09.23FROE**
Roll # 3401-000-001-11900

SUBJECT: Consent Application E2-24 Dan Froese and Dan Froese Farms Inc.
Concession 2 Pt Lot 23

BACKGROUND

A consent application E2-24 was received from the Elgin County Land Division Committee, submitted by Kimberly Mulder on behalf of owner Dan Froese and Dan Froese Farms Inc., for lands located at 56796 Glen Erie Line. The owner is proposing to sever a 0.41 ha (1.01 acres) parcel and retain 21 ha (52 acres) of land with the intent to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.

The subject lands are designated 'Agriculture' and 'Natural Gas Reservoir' and portions of "Natural Heritage" on Schedule 'A1' (Land Use) in the Municipality of Bayham Official Plan and are zoned Agricultural (A1) and portions of 'LPRCA Regulation Limit' on Schedule 'A1' Map No. 15 of the Municipality of Bayham Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

DISCUSSION

The planner's memorandum, dated November 29, 2023, analyzes the application subject to the Provincial Policy Statement (PPS), Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

Staff and municipal planner recommend the support of the consent application for a surplus farm dwelling creating a new residential parcel with the recommended conditions.

STRATEGIC PLAN

Not applicable

ATTACHMENTS

1. Consent Application E2-24
2. Arcadis Memorandum, dated November 29, 2023

RECOMMENDATION

THAT Report DS-64/23 regarding the Consent Application E2-24 Dan Froese and Dan Froese Farms Inc. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E2-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner removes the existing mobile home trailer on the subject property
4. That the owner provides the Planning Report fee payable to the Municipality
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
6. That the owner purchases a civic number sign for the retained parcel from the Municipality

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	November 29, 2023
From	Christian Tsimenidis, BES	Project No	3404-920
cc	William Pol, MCIP, RPP		
Subject	Dan Froese – 56796 Glen Erie Line – Application for Consent E2-24		

Summary and Background

1. We have completed our review of Consent Application E2-24, submitted by Dan Froese for the lands located at 56796 Glen Erie Line, north side and east of Stafford Road. The applicant is requesting consent for severance of 0.41 ha (1.01 acres) of land and to retain 21 ha. (52 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation. The lands are designated as 'Agriculture', 'Natural Gas Reservoir', and portions of 'Natural Heritage' on Schedule 'A1' (Land Use) in the Bayham Official Plan. A portion of the lands are located within 'Hazard Lands' and 'Significant Woodlands' overlay, which are associated with the 'Natural Heritage' designation, on Schedule 'A2' (Constraints) of the Bayham Official Plan. The lands are zoned Agricultural (A1) and portions of "LPRCA Regulation Limit" on Schedule 'A1' Map No. 15 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed parcel has lot frontage of 55 metres (180.4 feet) and lot depth of 75 metres (246.1 feet) and to accommodate the existing single-detached dwelling. The proposed retained parcel has a lot frontage of 165.5 metres (542.97 feet) and lot depth of 1,306.2 metres (3,399.72 ft). An existing mobile home trailer is currently located on the subject property, however, it is our understanding that it will be removed by the applicant. The lands to be retained will be vacant, consisting of no existing buildings or structures. There are two existing driveway accesses, one to the proposed severed parcel, and one to the proposed retained parcel. The surrounding uses are predominantly agricultural, with natural heritage features traversing through the subject property and surrounding lands.

Provincial Policy Statement

3. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:

Municipality of BayhamMunicipality of Bayham – November 29, 2023

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

a) 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*

Comment: The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing private well and septic system and has adequate servicing according to the documentation provided by the applicant.

- 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*

Comment: As noted in Paragraph 5 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS, subject to the Conditions of Approval listed below.

Elgin County Official Plan

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

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

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Comment: The proposed severed and retained lots have adequate frontage on Glen Erie Line.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

Comment: Glen Erie Line is identified as a County Road. The proposed lots will utilize existing accesses that currently have direct access to Glen Erie Line. Staff confirmed that the County will not be requiring road occupancy permits, given the accesses are existing.

- c) *will not cause a traffic hazard;*

Comment: The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

Comment: The proposed severed and retained lots will meet the minimum lot area and frontage requirements in the Bayham Zoning By-law for the future RR and A2 Zone.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraph 6 of this Memo below.

- f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*

Comment: The owner/applicant provided supporting private water and septic servicing information as part of the complete application. It was demonstrated that the existing private servicing are in adequate condition to support the existing single-detached dwelling on the proposed severed lot.

- g) *will not have a negative impact on the drainage patterns in the area;*

Comment: There are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

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- h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

Comment: The proposed consent will not restrict the development of the retained lands (or other parcels), as the existing access will remain unaltered.

- i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

Comment: The proposed severed lot is located outside of the natural heritage features that traverse the subject property. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

- j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

Comment: The proposed severance will not have negative impact on the quality and quantity of groundwater in the area, as demonstrated by the documentation provided by the applicant.

- k) will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Comment: The proposed severance does not propose any physical changes to the subject lands, as the existing single-detached dwelling and agricultural operations will remain as they exist today. Therefore, no adverse impacts will occur.

- l) conform with the local Official Plan; and,*

Comment: The proposed severance will conform to the Bayham Official Plan. Please see Paragraph 5 of this Memo below for details.

- m) will conform to Section 51 (24) of the Planning Act, as amended.*

Comment: Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

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Municipality of Bayham Official Plan

5. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

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

Comment: It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today.

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

Comment: The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

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

Comment: The owner/applicant owns a minimum of one (1) existing dwelling within the Municipality of Bayham.

Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

Comment: The proposed severed lot is no larger than necessary to support the existing private well and septic system, and has adequate servicing according to the documentation provided by the applicant.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

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Comment: It is understood there are no livestock operations identified in the immediate area warranting MDS concerns.

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

Comment: As detailed further in Paragraph 6 of this Memo below, the applicant is required to rezone the proposed severed lot from A1 to RR-XX with a Site-Specific Exception to recognize the Front Yard Depth of 8.5 metres for the existing single-detached dwelling.

2.1.7.3 *The severed lot with the surplus farm dwelling may:*

- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

Comment: It is understood that the proposed severed lot does not feature accessory building or structure. The existing mobile home trailer on the site will be removed by the applicant as a condition of approval.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

Comment: See comment above.

Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

Comment: The proposed retained lot will have an area of approximately 21 hectares, which is the minimum lot area requirement for the A2 Zone. The applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

Comment: As noted above and in Paragraph 6 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

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- d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- e) That the owner provides a digital copy of a survey of the subject lands.
- f) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

Christian Tsimenidis

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

Consulting Planner to the
Municipality of Bayham

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Municipality of Bayham Zoning By-law

6. The proposed severed parcel is currently zoned A1 and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

Notwithstanding the above, the existing Front Yard Depth of 8.5 metres between the front lot line and existing single-detached dwelling would not meet the minimum requirement of 15 metres. Therefore, as part of the future Zoning By-law Amendment application, a Site-Specific Exception to the proposed RR Zone would be required to recognize the existing deficiency in order to permit a minimum Front Yard Depth of 8.5 metres specifically for the existing dwelling erected prior to the date of the passing of the future By-law.

The proposed retained parcel is currently zoned A1 and must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares and minimum Lot Frontage of 150 metres required in the A2 zone.

Long Point Region Conservation Authority

7. As previously mentioned in this Memo, portions of the subject property are within the “LPRCA Regulation Limit”. The proposed severed lot for the existing residential dwelling is located outside of the LPRCA Regulation Limit, as this regulatory area only impacts the proposed retained lot which will remain as it exists today for agricultural operations. Therefore, it is our opinion that the proposed severance will not be impacted by the LPRCA Regulation Limit.

Conclusion and Condition of Approval

8. Based on the above review of Consent Application E2-24 we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:
 - a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A) zone to a Rural Residential (RR) Zone with a Site-Specific Exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling.
 - b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
 - c) That the owner removes the existing mobile home trailer on the subject property.

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Glen Erie Line CR 42

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E-2-24
APPLICANT: Dan Froese
PROPERTY: LOT NO. 23 PTS CONCESSION: 2
REG'D PLAN: CT213087 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 Glen Erie Line County Road (42) 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
Director of Engineering 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: January 24, 2024
Application: E 2-24

Owner:

Dan Froese

55121 Jackson Line, Straffordville, ON

Location: Part of Lot 23, Concession 2. Municipally known as 56796 Glen Erie Line.

Agent:

Kimberly Mulder

1 Park Place, Tillsonburg, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 55m (180 feet), a depth of 75m (246 feet) and an area of 4,125m² (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43ha (106 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agriculture, Natural Gas
Reservoir and Natural
Heritage

**Local Municipality Zoning
By-law**

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 acre to sever a dwelling that is surplus to a farming operation. The retained lot is proposed to remain in agricultural use.

The PPS permits consents in agricultural areas for the purposes of severing a dwelling which is surplus to a farming operation

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

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

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

The existing home on the lot is currently being rented to tenants who wish to purchase the severed lot and continue to reside in the home. The retained farmland parcel will continue to be used for agricultural purposes.

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 has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits consents in the agricultural area for the purposes of severing a dwelling that is surplus to the needs of a farming operation, provided the severed lot is of a limited size.

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 front yard depth of the existing dwelling on the severed lot does not meet the required zone provision and so a site-specific zoning by-law amendment 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. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Glen Erie Line County Road (42) to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5m for the existing dwelling.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) Zone to a Special Agricultural (A2) zone to prohibit new dwellings.
3. That the owner removes the exiting mobile home trailer on the subject property.
4. That the owner provides the Planning Report Fee payable to the Municipality.
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality.
6. That the owner purchases a civic number sign for the retained parcel from the Municipality.
- 7.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 3-24**

**LOT 47 ON REGISTERED PLAN 71
TOWNSHIP OF MALAHIDE
51237 ASHTON LINE**

TAKE NOTICE that an application has been made by Henry Klassen, 50520 John Wise Line, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51237 Ashton Line.

The applicant proposes to sever a parcel with a frontage of 10.06m (30 feet), a depth of 20.49m (132 feet) and an area of 404.68m² (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 404.68m² (0.09 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:

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 1st day of December, 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

ASHTON STREET

Retained

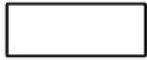

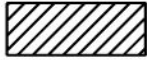


Severed

Location Map

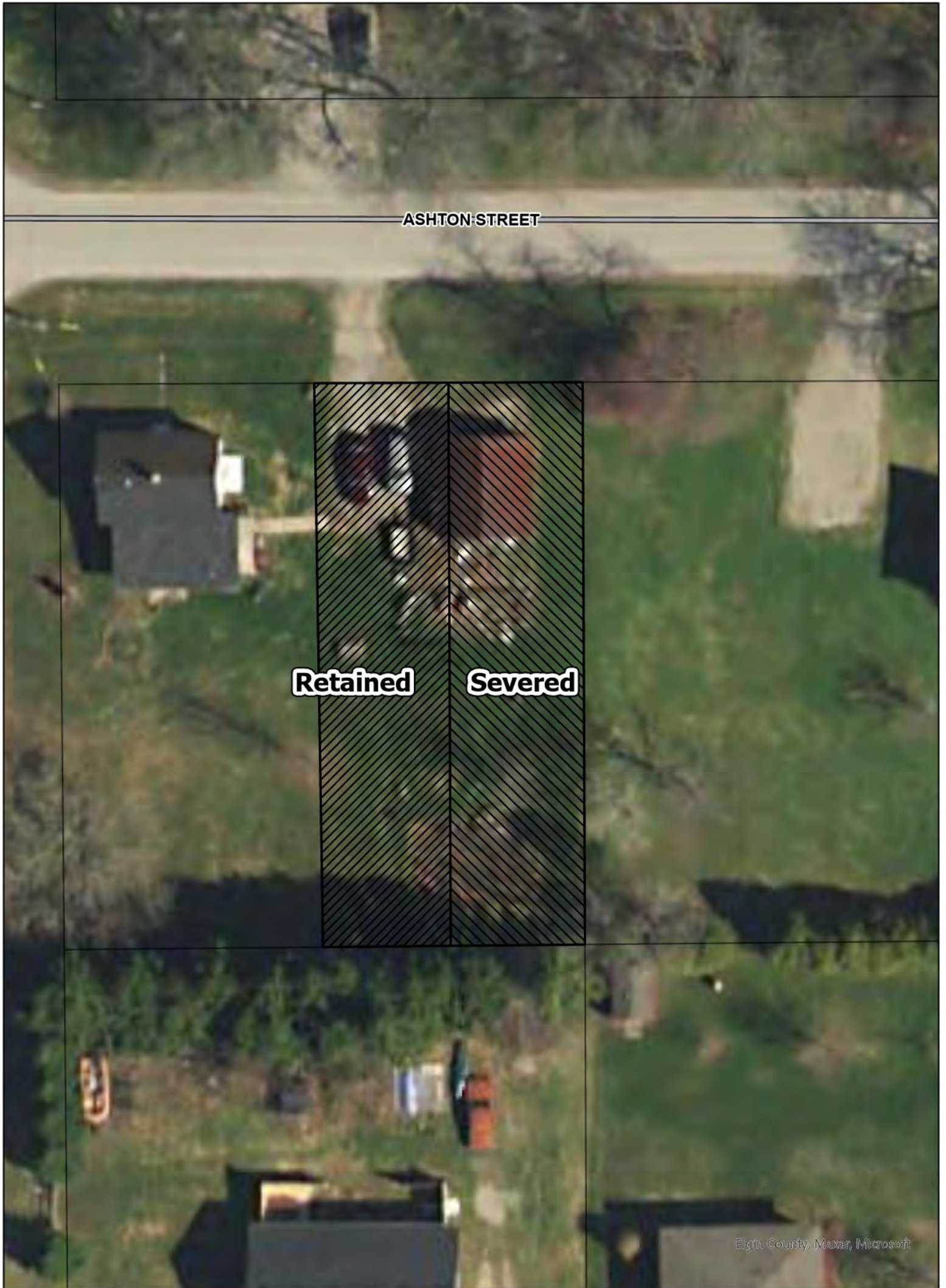
Subject Site: 51237 Ashton Street
File Number: E 3-24
Owner: K2 Custon Homes
CA: Catfish Creek Conservation
Created By: PC
Date: 11/28/2023
Township of Malahide



Legend

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





ASHTON STREET

Retained

Severed



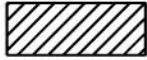

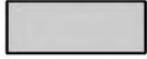
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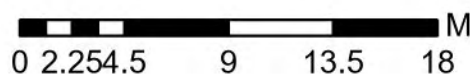
Location Map

Subject Site: 51237 Ashton Street
 File Number: E 3-24
 Owner: K2 Custom Homes
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 11/28/2023
 Township of Malahide



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: December 5, 2023 11:18 AM
To: Paul Clarke
Subject: RE: E 3-24 Notice of Application

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

Good Morning,

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

Thank You,



Gerrit Kremers
Resource Planning Coordinator
planning@catfishcreek.ca
519-773-9037 ext. 18
Catfish Creek Conservation Authority
8079 Springwater Rd.
Aylmer, ON N5H 2R4

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: December-01-23 11:47 AM

[REDACTED]
[REDACTED]
[REDACTED]

Subject: E 3-24 Notice of Application

Good morning,

Please see the attached notice of application for severance E 3-24. If you wish to provide comments on this application please send them to me no later than **Tuesday, January 16th, 2024.**

Thanks,

Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land
Division Committee



Report to Council

REPORT NO.: DS-24-02
DATE: January 18, 2024
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application for Consent to Sever No. D10-E3-24 of K2 Custom Homes Inc (Authorized Agent: Henry Klassen)**
LOCATION: Lot 48 on Registered Plan 71, Township of Malahide
(51237 Ashton Street, Springfield)

Recommendation:

THAT Report No. DS-24-02 entitled “Application for Consent to Sever No. E3-24 of K2 Custom Homes Inc (Authorized Agent: Henry Klassen)” be received;

AND THAT the Application for Consent to Sever of K2 Custom Homes Inc (Authorized Agent: Henry Klassen), relating to the property located at Lot 48 on Registered Plan 71, Township of Malahide, and known municipally as 51237 Ashton Street, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by K2 Custom Homes Inc (Authorized Agent: Henry Klassen) to sever an existing lot containing a semi-detached residential building.

The Application relates to the property located at Lot 48 on Registered Plan 71 and known municipally as 51237 Ashton Street.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on January 24, 2024.

Comments/Analysis:

The subject lands are approximately 810 m² (0.2 acres) in area, have approximately 20 metres of frontage along Ashton Street, and contain a semi-detached dwelling currently under construction. The subject lands are bounded by residential uses to the west, south, and east, and Ashton Street to the north.

Based on the information provided by the applicant, the owner is proposing to sever the lot in half along the shared wall of the semi-detached dwelling, resulting in each proposed lot containing one semi-detached unit. Both the proposed severed and retained parcel would have an area of approximately 404.6 m² (0.09 acres) and have approximately 10 metres of frontage along Ashton Street. Each lot would be serviced by an individual private well and municipal sanitary sewer connection.

Provincial Policy Statement (PPS)

In settlement areas, the PPS directs that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment (s. 1.1.3.2). Additionally, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (s. 1.1.3.3).

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, as well as sufficient infrastructure. Municipalities are to provide for an appropriate range and mix of housing options, as well as encourage redevelopment and residential intensification (s. 1.4.3). Municipal servicing is the preferred method of servicing for new development (s. 1.6.6.2). The Village of Springfield is serviced by municipal sanitary sewer and individual private wells. Each of the proposed lots would be serviced by an individual private well and municipal sanitary sewer connection. The proposed consent is consistent with the policies of the PPS.

County of Elgin Official Plan

The subject property is designated "Settlement Area Tier 2" on Schedule 'A', Land Use Plan. This designation permits a wide range of residential uses including semi-detached dwellings. Section E1.2.3 of the Official Plan contains criteria for evaluating consent applications including the proposed severed and retained lots have frontage on a public road and will not cause a traffic hazard; can be appropriately serviced; will not impact natural heritage features or natural hazard processes; and conform with the local Official Plan.

The proposed severed and retained lots would have access to a public road (Ashton Street) and the severance of the semi-detached building currently under construction is not anticipated to cause a traffic hazard. The proposed lot would be serviced by municipal sanitary and private well. Additionally, a lot grading and drainage plan would be required as a condition of approval to ensure there are no negative impacts on drainage for the subject lands and surrounding properties. The proposed severance is not anticipated to impact any natural heritage features or exacerbate any natural hazard processes.

Malahide Official Plan

The subject lands are designated as “Residential” on Schedule ‘B’, Land Use & Constraints of the Township of Malahide Official Plan. This designation permits a range of residential uses, including semi-detached dwellings.

Section 4.4.2.6 of the Official Plan contains criteria for evaluating development for single-detached and semi-detached development including the proposed lot size are appropriate for the development being proposed and will be compatible with the adjacent lots; natural features are protected; and the provision of adequate services and drainage. While smaller than the existing lots in the area that primarily contain single detached dwellings, the semi-detached use is permitted, and the severance of the units is not anticipated to be incompatible with adjacent land uses. The proposed lot would be serviced by municipal sanitary and private well. Additionally, a lot grading and drainage plan would be required as a condition of approval to ensure there are no negative impacts on drainage for the subject lands and surrounding properties.

Malahide Zoning By-law No. 18-22

The subject lands are within the “Village Residential 1 (VR1)” zone on Key Map D3 of the Township’s Zoning By-law No. 18-22, with the front portion of the lands within the “Conservation Authority Regulated Lands Overlay”. The ‘VR1’ zone permits a range of residential uses, including semi-detached dwellings. Both the severed and retained lot are proposed to have a minimum lot area of 404 m², whereas the By-law requires a minimum of 800 m², and a minimum lot frontage of 10 metres, whereas the By-law requires a minimum of 20 metres. If approved, the subject lands would be required to be rezoned to permit the reduced lot area and frontage as a condition of consent.

It is noted that the Township’s Zoning By-law does not have separate individual minimum lot area and minimum lot frontage requirements for different dwelling types (i.e. single detached, semi-detached, townhouses, etc.), but rather requires the same minimum lot area and frontage for all residential dwelling types. It is reasonable that the proposed reductions in lot area and frontage would be appropriate if the minimum standard applies to a lot containing a single detached unit and the proposed reduction would support appropriately scaled infill and residential intensification. Additionally, the proposed lots would be serviced by municipal sanitary sewer and as a result would not require large lot sizes to support a private septic system.

A review of other municipalities Zoning By-laws in the region has identified that the proposed lot area and frontage requirements would be similar to the minimum zoning requirements of other municipalities.

The proposed lots meet all other requirements of the ‘VR1’ zone.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township’s Zoning By-law and recommends that the Council support the Application.

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

- No comments have been received as of the date of submission of 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 Ltd., Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Vice President, Principal Planner Monteith Brown Planning Consultants Ltd.

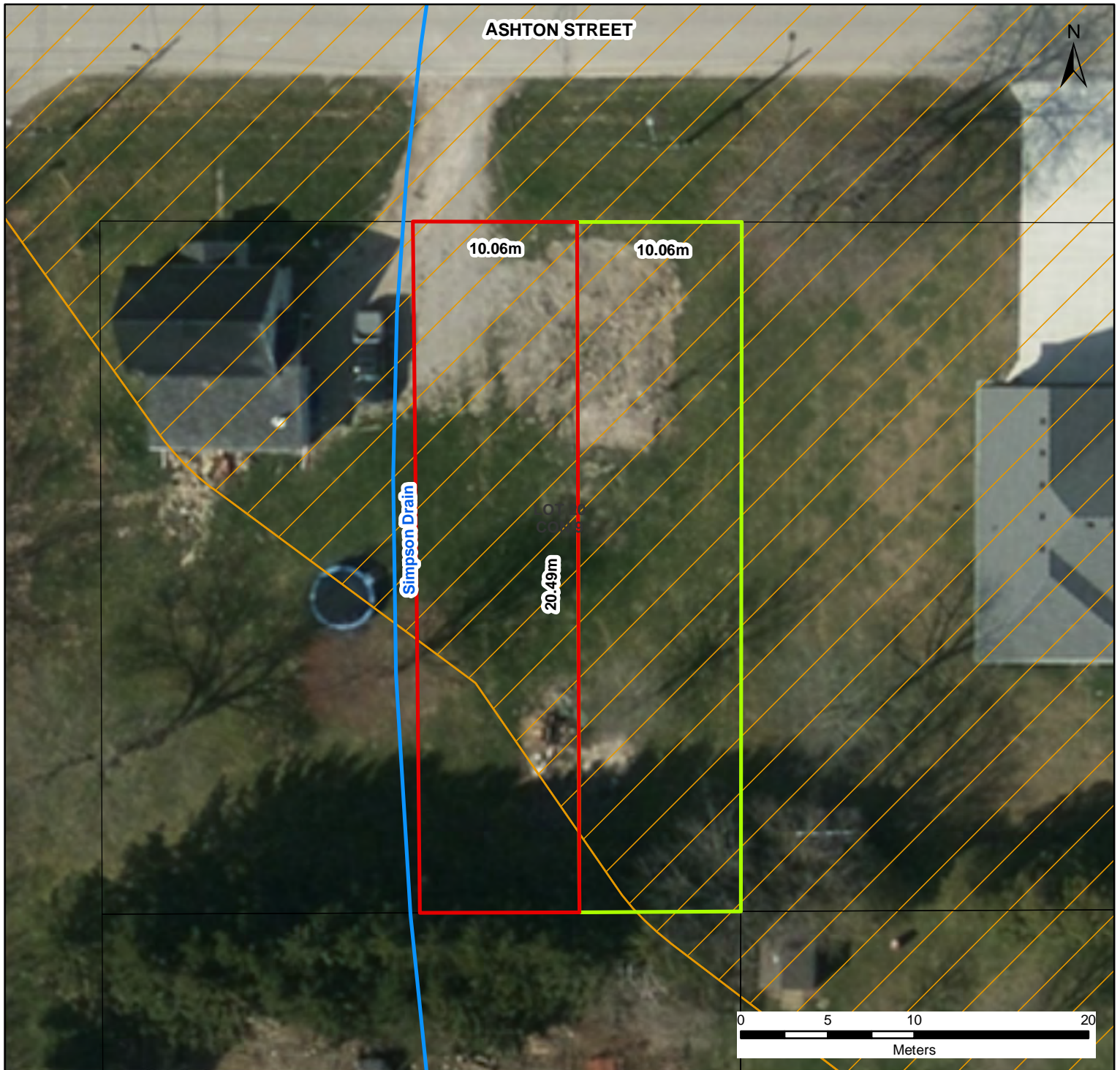
Approved by:
Nathan Dias, Chief Administrative Officer

APPLICATION FOR A CONSENT TO SEVER

Owner: K2 Custom Homes Inc
Authorized Agent: Henry Klassen





51237 Ashton Street
Lot 48 on Registered Plan 71
Township Of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Residential

ZONING
VR1 Village Residential

- | | | | |
|--|----------|---|---------------|
|  | Retained |  | Hazard Lands |
|  | Severed |  | Private Drain |



January 19, 2024

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

Dear Committee Members:

RE: Land Severance Application D10-E3-24 of K2 Custom Homes Inc (Authorized Agent: Henry Klassen) - Lot 48 on Registered Plan 71, Township of Malahide (51237 Ashton Street, Springfield)

The Malahide Township Council passed the following Resolutions on January 18, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. D10-E3-24 of K2 Custom Homes Inc (Authorized Agent: Henry Klassen), relating to the property located on Lot 48 on Registered Plan 71, Township of Malahide (51237 Ashton Street, Springfield), subject to the following conditions:

1. That the applicant be required to initiate and assume, if required, all costs associated with connection to the Municipal Sanitary Sewer Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That 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. Individual grading plans for each lot are required. The retained lot is not permitted to use a stormwater retention area on the severed lot to control their stormwater. The revised grading plan should include the connections to the municipal drain, subject to review and approval of Malahide's Drainage Superintendent. The municipal drain is to be used as the legal outlet for stormwater on the severed and retained parcels.

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 or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted 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 for 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-24-02 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 Klassen Henry@k2customehomes.ca

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 K2 Custom Homes Inc (Authorized Agent: Henry Klassen)

Location Lot 48 on Registered Plan 71, Township of Malahide (51237 Ashton Street, Springfield)

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" on Schedule 'B' (Springfield).

Policies: The policies of Section 4.4.2.6 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 (x)

Comments: Both the severed and retained lots are proposed to have a minimum lot area of **404 m²**, whereas the By-law requires a minimum of 800 m², and a minimum lot frontage of **10 metres**, whereas the By-law requires a minimum of 20 metres. If approved, the subject lands would be required to be rezoned to site specific VR1 to permit the reduced lot area and frontage as a condition of consent.

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

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E-3-24

APPLICANT: Henry Klassen

PROPERTY: LOT NO. 47 CONCESSION: _____

REG'D PLAN: 71 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 _____ Road County Road () 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
Director of Engineering 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: January 24, 2024
Application: E 3-24

Owner: K2 Custom Homes
47900 College Line, Aylmer, ON
Agent: Henry Klassen
50520 John Wise Line, Aylmer, ON
Location: Lot 47 on Registered Plan No. 71. Municipally known as 51237 Ashton Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10.06m (30 feet), a depth of 20.49m (132 feet) and an area of 404.68m² (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 404.68m² (0.09 acres) proposed to remain in residential use.

County of Elgin Official Plan	Local Municipality Official Plan	Local Municipality Zoning By-law
Tier 2 Settlement Area	Residential	Village Residential 1 (VR1)

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 400m² to sever one-half of a semi-detached dwelling that is currently under construction. The retained land will also be approximately 400m² in area and contain the other semi-detached dwelling unit.

The PPS permits consents in settlement areas for a variety of land uses and densities.

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

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. The CEOP permits consents in Settlement Areas for a variety of land uses and densities. The CEOP also encourages intensification of land, where appropriate.

C1.1.1(c) – Residential Areas

It is the objective of this Plan to promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The lot area and frontage of the proposed severed and retained lots do not meet the zone requirements. To address this, the Township has requested, as a condition of consent, that a Zoning By-law amendment be obtained to address these deficiencies.

RECOMMENDATION:

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

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

3. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.

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

1. That the applicant be required to initiate and assume, if required, all costs associated with connection to the Municipal Sanitary Sewer Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That 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. Individual grading plans for each lot are required. The retained lot is not permitted to use a stormwater retention area on the severed lot to control their stormwater. The revised grading plan should include the connections to the municipal drain, subject to review and approval of Malahide's Drainage Superintendent. The municipal drain is to be used as the legal outlet for stormwater on the severed and retained parcels.
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 or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted 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
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Fax: 519-633-7661
www.elgincounty.ca

10. That the applicant is responsible to apply and pay for 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 4-24**

**LOT 11, CONCESSION 3
MUNICIPALITY OF BAYHAM
55106 VIENNA 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 55106 Vienna Line.

The applicant proposes to sever a parcel with a frontage of 75.77m (248 feet), a depth of 71.26m (233 feet) and an area of 0.53ha (1.3acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 42.93ha (106 acres) proposed to remain in agricultural use.

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

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

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

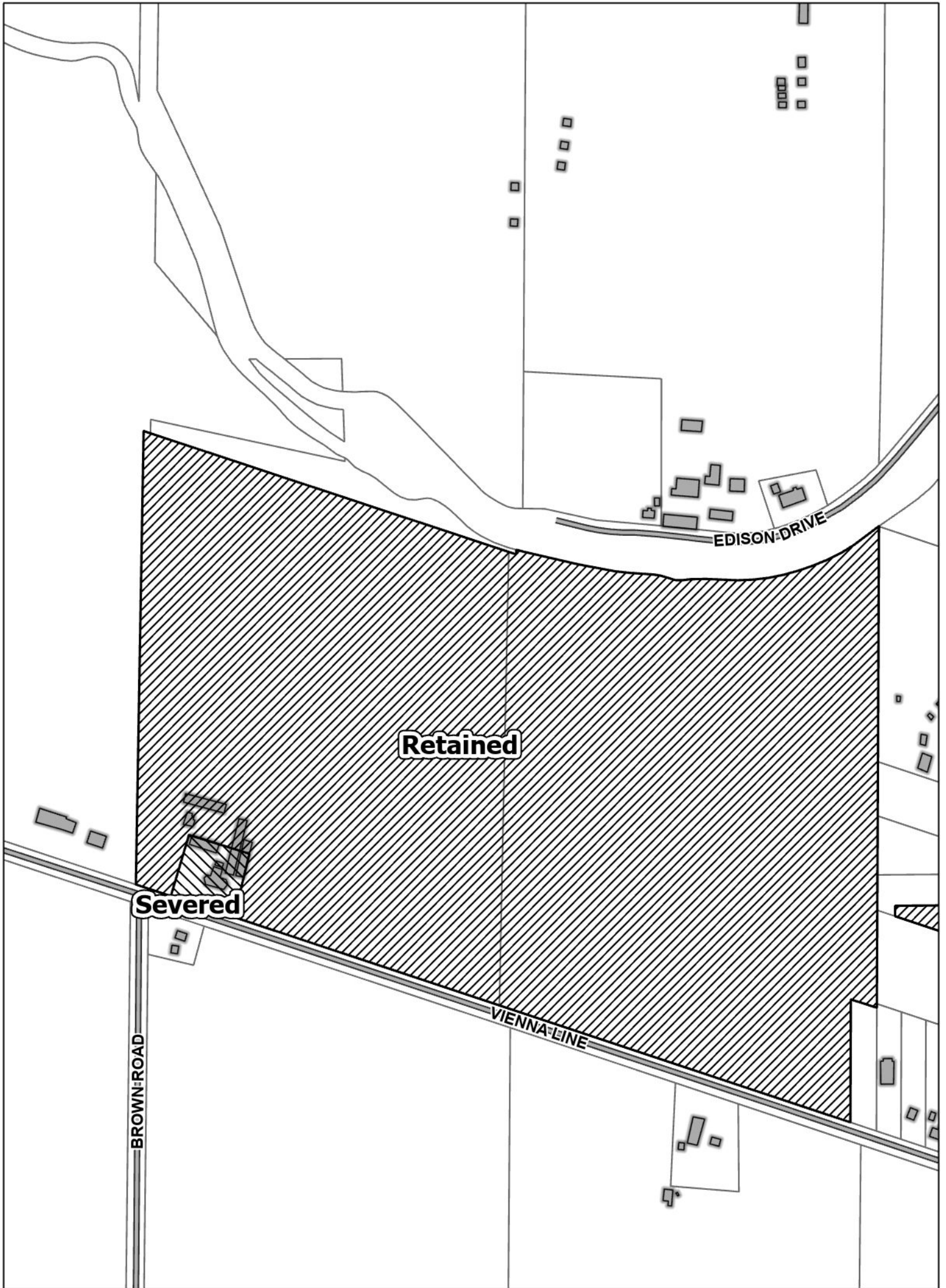
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 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

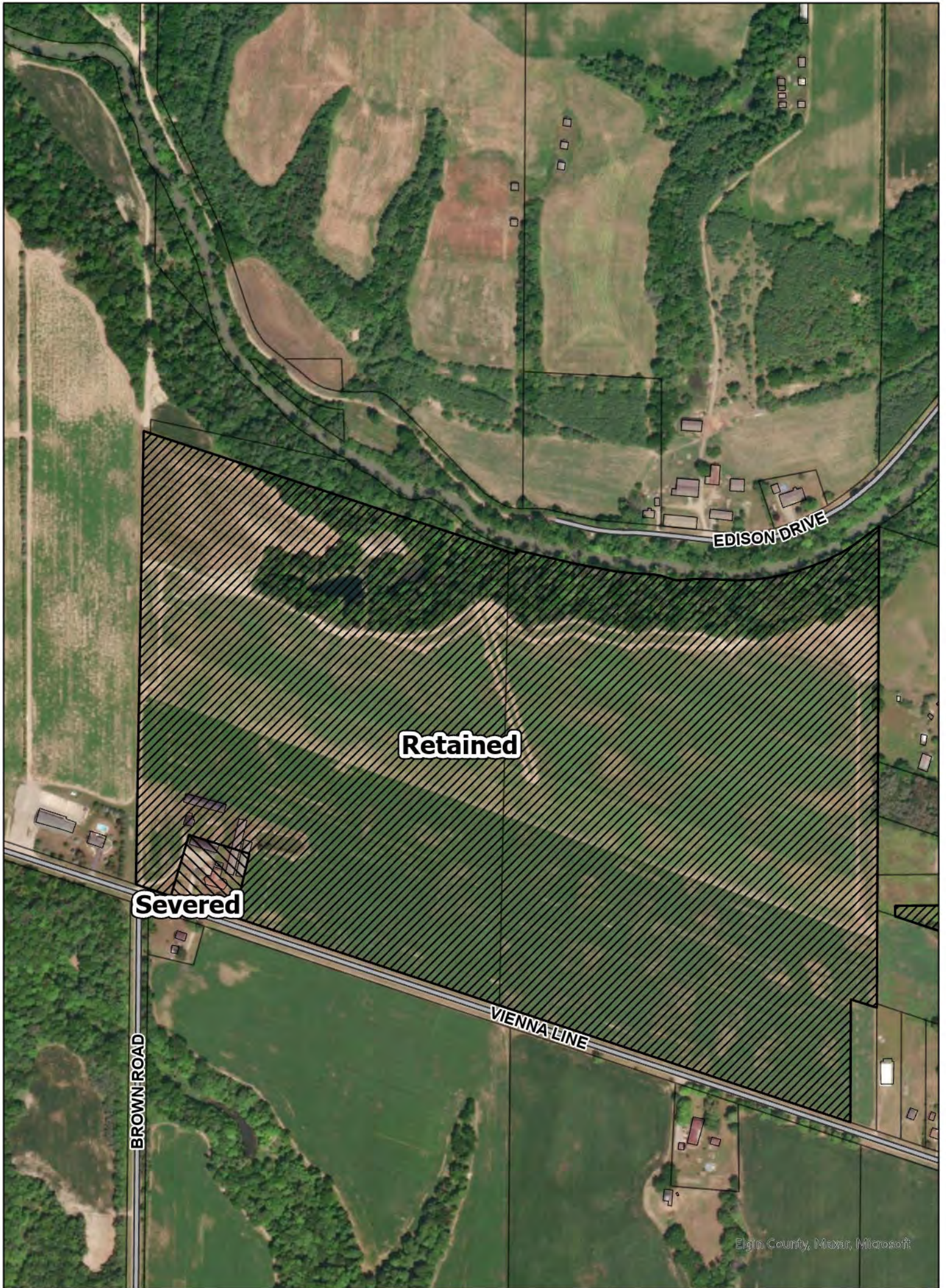
Subject Site: 55106 Vienna Line
 File Number: E 4-24
 Owner: Lankhuijzen Farms Ltd.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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



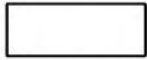

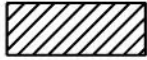

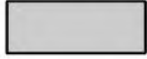


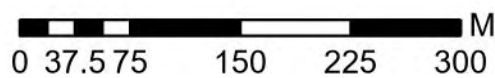
Location Map

Subject Site: 55106 Vienna Line
 File Number: E 4-24
 Owner: Lankhuijzen Farms Ltd.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 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



December 18, 2023

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E4-24 Lankhuijzen Farms Ltd.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 7, 2023 meeting:

THAT Report DS-65/23 regarding the Consent Application E4-24 Lankhuijzen Farms Inc. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E4-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Site-specific Rural Residential (RR-XX) zone to permit the Rear Yard Depth of 3.0 metres, permit the existing oversized accessory building of 285 m² constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Site-specific Special Agricultural (A2-XX) zone to prohibit new dwellings and recognize the existing supplementary farm dwelling constructed prior to the passing of the future By-law
3. That the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm dwelling (bunkhouse) and agree to the standard agreement for supplementary farm dwellings
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Vienna Line Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. That the owner removes the existing two (2) greenhouse buildings/structures from the subject property
6. The owner removes the existing shed, located directly north and adjacent to the existing barn on the proposed severed lot, from the subject property
7. That the owner provides the Planning Report fee payable to the Municipality
8. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
9. That the owner purchases a civic number sign for the retained parcel from the Municipality

Municipal Appraisal Sheet and Staff Report DS-65/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.LANK

cc: D. Roe (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 4-24

Applicant Lankhuijzen Farms Ltd.

Location Bayham – 55106 Vienna Line, Port Burwell

PART 1 - OFFICIAL PLAN

- 1. Is there an O.P. in effect? Yes (X) No ()
- 2. Does the proposal conform with the O.P.? OPA No. 33 Yes (X) No ()

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

Policies:

Policy 2.1.7.1 Farm Consolidation

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1) and LPRCA Reg Limit

Rezoning required of both the severed and retained parcels

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

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

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

See Letter attached with listed conditions revised from original.
See Staff Report DS-65/23 considered at Council meeting held December 7, 2023



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

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

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

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

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

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

2.1.7.2 The severed lot with the surplus farm dwelling shall:

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

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

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

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

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

2.1.8 **Existing Lots**

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

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

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;
Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

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

6.12.1

6.12.1.1 Defined Area

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

Z475-2004

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

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

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

7.13.1

7.13.1.1 **Defined Area**

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

7.13.1.2 **Permitted Uses**

One seasonal supplementary dwelling;

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

7.13.1.3 **Maximum Lot Area**

8,500 m²

7.13.1.4 **Minimum Lot Frontage**

85.0 metres

7.13.1.5 **Minimum Floor Area**

55.0 m²

7.13.2

7.13.2.1 **Defined Area**

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

7.13.2.2 **Permitted Uses**

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

7.13.2.3 **Permitted Buildings and Structures**

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 **Defined Area**

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: December 7, 2023

REPORT: DS-65/23

FILE NO. C-07 / D09.23LANK

Roll # 3401-000-008-1000

Roll #3401-004-001-21400

**SUBJECT: Consent Application E4-24 Lankhuijzen Farms Ltd.
Concession 3 Lot 11, 55106 Vienna Line**

BACKGROUND

A consent application E4-24 was received from the Elgin County Land Division Committee, submitted by David Roe on behalf of owner Lankhuijzen Farms Inc., for lands located at 55106 Vienna Line. The owner is proposing to sever a 0.53 ha (1.3 acres) parcel and retain 42.93 ha (106.1 acres) of land with the intent to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.

The subject lands are designated 'Agriculture' and 'Natural Gas Reservoir' and portions of 'Natural Heritage' on Schedule 'A1' (Land Use) and 'Hazard Lands' and 'Significant Woodlands' and there is an 'Existing Petroleum Well' identified on Schedule A2 Constraints in the Municipality of Bayham Official Plan. The lands are zoned Agricultural (A1) and portions of 'LPRCA Regulation Limit' on Schedule 'A1' Map No. 11 of the Municipality of Bayham Zoning By-law No. Z456-2003.

The subject lands were previously subject to Official Plan Amendment (OPA-01/23), adopted by Council on May 18, 2023 and receiving approval from Elgin County on August 8, 2023, purposely addressing Official Plan Section 2.1.7.1 by adding a site-specific Policy, Section 2.1.7.6, to permit the severance of the existing dwelling made surplus through farm consolidation that previously did not conform to Policy 2.1.7.1 which requires a dwelling to be owned by the farm operation within the municipality.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

DISCUSSION

The planner's memorandum, dated November 29, 2023, analyzes the application subject to the

Provincial Policy Statement (PPS), Elgin County Official Plan, and Municipality of Bayham Official Plan and Zoning By-law.

Staff also recognize that the lands are within the Vienna Line Drain installed in 2019. The Municipality requires a drain reassessment of the property by the engineer and have included a condition to reimburse the fee for the reassessment process.

Staff and municipal planner recommend the support of the consent application for a surplus farm dwelling creating a new residential parcel with the recommended conditions.

STRATEGIC PLAN

Not applicable

ATTACHMENTS

1. Consent Application E4-24
2. Arcadis Memorandum, dated November 29, 2023

RECOMMENDATION

THAT Report DS-65/23 regarding the Consent Application E4-24 Lankhuijzen Farms Inc. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E4-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Site-specific Rural Residential (RR-XX) zone to permit the Rear Yard Depth of 3.0 metres, permit the existing oversized accessory building of 285 m² constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Site-specific Special Agricultural (A2-XX) zone to prohibit new dwellings and recognize the existing supplementary farm dwelling constructed prior to the passing of the future By-law
3. That the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm dwelling (bunkhouse) and agree to the standard agreement for supplementary farm dwellings
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Vienna Line Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. That the owner removes the existing two (2) greenhouse buildings/structures from the subject property
6. The owner removes the existing shed, located directly north and adjacent to the existing barn on the proposed severed lot, from the subject property
7. That the owner provides the Planning Report fee payable to the Municipality
8. That the owner provides a digital copy of the final survey of the subject lands to the Municipality

9. That the owner purchases a civic number sign for the retained parcel from the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer



101-410 Albert Street
Waterloo, ON, N2L 3V3

Memorandum

To/Attention	Municipality of Bayham	Date	November 29, 2023
From	Christian Tsimenidis, BES	Project No	3404-888
cc	William Pol, MCIP, RPP		
Subject	Lankhuijzen Farms Ltd. – 55106 Vienna Line – Application for Consent E4-24		

Summary and Background

1. We have completed our review of Consent Application E4-24, submitted by David Roe of Civic Planning Solutions Inc. on behalf of Lankhuijzen Farms Ltd. (hereafter “owner” or “applicant”) for the lands located at 55106 Vienna Line, north side of Vienna Line, east of Brown Road. The applicant is requesting consent for severance of 0.53 ha (1.3 acres) of land and to retain 42.93 ha. (106.1 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.
2. The lands were previously subject to an Official Plan Amendment (OPA-01/23) that was adopted by Bayham Council on May 18th, 2023, and received approval from Elgin County on August 8th, 2023. The purpose of the Official Plan Amendment was to add a new Site-Specific Policy, Section 2.1.7.6, to permit the severance of this existing dwelling made surplus through farm consolidation that previously did not conform to Policy 2.1.7.1 which requires a dwelling to be owned by the farm operation within the Bayham municipal boundary. The owner’s primary farm dwelling is located in Malahide.
3. The lands are designated as ‘Agriculture’, ‘Natural Heritage’ and ‘Natural Gas Reservoir’ on Schedule A1: Land Use; and ‘Hazard Lands’ and ‘Significant Woodlands’ and there is an ‘Existing Petroleum Well’ identified on Schedule A2 Constraints, in the Municipality of Bayham Official Plan (Bayham OP). The lands are zoned Agricultural (A1), and portions are within the ‘LPRCA Regulation Limit’ on Schedule A Map No. 11 in Zoning By-law Z456-2003.
4. Surrounding uses are agricultural in all directions, as well as a rural residential parcel across Vienna Line on the corner of Brown Road. To the north is the Big Otter Creek and woodlands. A portion of the woodlands is within the parcel boundary, to the rear of the lot, approximately 235 metres north of the farm building cluster and future proposed surplus farm dwelling severance. The subject lands also border the settlement area of Vienna to the east.

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5. The proposed severed parcel has lot frontage of 75.77 metres (248.57 feet) and lot depth of 73.63 metres (241.57 feet) to accommodate the existing single-detached dwelling, existing accessory shed, and existing accessory barn (approximately 284.6 m² in size) to the rear of the site. There is an additional accessory shed, as well as two (2) existing greenhouse buildings/structures that encroach on both the proposed severed and retained lot. It is understood that this accessory shed, and two (2) existing greenhouse buildings/structures will be removed by the applicant. There is an existing driveway access to the proposed severed lot that would remain as it exists today.
6. The proposed retained parcel has a lot frontage of 780.14 metres (2,559.51 feet) and lot depth of 672.24 metres (2,205.51 feet) to accommodate the existing agricultural operations. The proposed retained lot will feature an existing barn, as well as an existing supplementary farm dwelling or 'Bunkhouse' to be retained. The supplementary farm dwelling provides seasonal accommodation for farm labourers. The bunkhouse has a floor area of approximately 73.6 m² (792 ft²), one storey in height, and is approximately 50 metres (164 feet) from the existing single-detached dwelling. The existing barn/shop that is proposed to be included on the severed parcel would provide screening/separation between the single-detached dwelling and bunkhouse. The applicant did not indicate the capacity of the bunkhouse in the application. There is also an existing driveway access to the proposed retained lot that would remain as it exists today.
7. As part of the approval process, it is deemed appropriate to have the owner enter into a Development Agreement with the Municipality to register the bunkhouse and agree to the standard agreement for supplementary farm dwellings – period of occupancy, maximum number of workers, etc., which is included as a Condition of Approval. This Development Agreement ensures that the Municipality has an additional level of control should there be any health or safety concerns. Further, the rezoning application, also noted as a Condition of Approval, for the retained lot would need to recognize the existing supplementary farm dwelling.

Provincial Policy Statement

8. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:
 - 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*
 - c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*

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

Comment: The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing septic system and has adequate servicing according to the documentation provided by the applicant. The proposed severed and retained lots would utilize existing municipal water servicing.

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*

Comment: As noted in Paragraph 12 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS, subject to the Conditions of Approval listed below.

Elgin County Official Plan

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

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

Comment: The proposed severed and retained lots have adequate frontage on Vienna Line.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

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Comment: Vienna Line is identified as a Local Road, therefore the above criteria does not apply. The applicant will utilize the existing accesses for the proposed severed and retained lots.

c) *will not cause a traffic hazard;*

Comment: The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today.

d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

Comment: The proposed severed and retained lots will meet the minimum lot area and frontage requirements in the Bayham Zoning By-law for the future RR and A2 Zone.

e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraphs 14 and 15 of this Memo below.

f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*

Comment: The owner/applicant provided supporting private septic servicing information as part of the application submission, stating that the existing septic system is in adequate condition for the proposed severed lot. It is understood the proposed retained and severed lots are serviced by municipal water.

g) *will not have a negative impact on the drainage patterns in the area;*

Comment: There are no significant physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

h) *will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

Comment: The proposed consent will not restrict the development of the retained lands (or other parcels), as the existing accesses will remain unaltered.

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- i) *will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

Comment: The proposed severed lot is located outside of the natural heritage features that traverse the subject property. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

- j) *will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

Comment: The proposed severance will not have negative impact on the quality and quantity of groundwater in the area, as demonstrated by the documentation provided by the applicant.

- k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Comment: The proposed severance does not propose any significant physical changes to the subject lands, as many of the existing buildings/structures and agricultural operations will remain as they exist today. Therefore, no adverse impacts are anticipated.

- l) *conform with the local Official Plan; and,*

Comment: The proposed severance will conform to the Bayham Official Plan. Please see Paragraph 10 of this Memo below for details.

- m) *will conform to Section 51 (24) of the Planning Act, as amended.*

Comment: Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

Municipality of Bayham Official Plan

10. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

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

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Comment: It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today. The existing bunkhouse on the proposed retained lot will be screened by the existing barn on the proposed severed lot. Further, as a Site-Specific Provision to the future RR-XX Zone, Staff are requesting that the keeping of livestock on the severed lot is prohibited in order to prevent land use conflicts to the existing single-detached dwelling and bunkhouse.

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

Comment: The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

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

Comment: As previously mentioned, the lands were previously subject to an Official Plan Amendment (OPA-01/23) that was adopted by Bayham Council on May 18th, 2023, and received approval from Elgin County on August 8th, 2023. The purpose of the Official Plan Amendment was to add a new Site-Specific Policy, Section 2.1.7.6, to permit the severance of this existing dwelling made surplus through farm consolidation that previously did not conform to Policy 2.1.7.1 which is noted above. The owner's primary farm dwelling is located in Malahide. Therefore, the application conforms to the Site-Specific Policy, Section 2.1.7.6, as a result of the Official Plan Amendment.

11. Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

Comment: The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing septic system and has adequate servicing according to the documentation provided by the

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applicant. The proposed severed lot would utilize existing municipal water servicing.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

Comment: It is understood there are no livestock operations identified in the immediate area warranting MDS concerns. The existing shed and oversized accessory building (barn) are proposed on the severed lot. As a Site-Specific Provision to the future RR-XX Zone, Staff are requesting that the keeping of livestock is prohibited in order to prevent land use conflicts to the existing single-detached dwelling and bunkhouse.

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

Comment: As detailed further in Paragraph 14 of this Memo below, the applicant is required to rezone the proposed severed lot from A1 to RR-XX with a Site-Specific Exception to permit the Rear Yard Depth of 3.0 metres, recognize the oversized accessory building, and prohibit the keeping of livestock.

2.1.7.3 *The severed lot with the surplus farm dwelling may:*

- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

Comment: The existing shed and oversized accessory building (barn) are proposed on the severed lot. As a Site-Specific Provision to the future RR-XX Zone, Staff are requesting that the keeping of livestock is prohibited in order to prevent land use conflicts to the existing single-detached dwelling and bunkhouse. Further, it is understood that the applicant will be removing the additional existing shed and two (2) greenhouses on the subject property, which would encroach into both the severed and retained parcels. These are noted as a Condition of Approval below.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

Comment: See comment above.

12. Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

Municipality of BayhamMunicipality of Bayham – November 29, 2023

Comment: The proposed retained lot will have an area of approximately 42.93 hectares, which meets the minimum lot area requirement for the A2 Zone. The applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling. A Specific Exception to the proposed A2-XX Zone would be required to recognize this existing supplementary farm dwelling constructed prior to the passing of the future By-law.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

Comment: As noted above and in Paragraph 14 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling. A Specific Exception to the proposed A2-XX Zone would be required to recognize this existing supplementary farm dwelling constructed prior to the passing of the future By-law.

13. Section 2.1.10 (Supplementary Farm Dwellings) of the Official Plan sets out policies for the need, location, size and type, services, and vehicular access for this form of intended land use. The original intent of this policy is to allow supplementary farm labour to be accommodated on the same farmland on which the labour would be employed. Having the accommodations on the cultivation lands provides the greatest efficiency for location of the labour and maintenance of the accommodations for the owner of the farm. Establishment of supplementary farm dwellings will be:

- a) *Need: Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;*

Comment: It is understood that the existing farm operation requires the need for seasonal farm labourers, therefore, the existing bunkhouse dwelling is required to provide seasonal accommodation.

- b) *Existing dwellings: Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;*

Comment: No additional supplementary farm dwellings are being proposed by the applicant, as it is understood that the existing bunkhouse is necessary to satisfy the needs for the farming operations and provide seasonal accommodation for farm labourers based on the operation's current demands.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- c) Location: *Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;*

Comment: The existing bunkhouse on the proposed retained lot for agricultural operations is located in proximity of the existing driveway access and farm operations. It is our opinion that the existing location of the bunkhouse will not have adverse impacts to the surrounding land use, as it is an existing use. Further, the existing barn to be located on the proposed severed lot will provide a screen or buffer between the existing dwelling and bunkhouse. As a Site-Specific Provision to the future RR-XX Zone, Staff are requesting that the keeping of livestock is prohibited in the existing barn on the severed lot in order to prevent land use conflicts to the existing single-detached dwelling and bunkhouse.

- d) Size and type: *The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m² (1,800 ft²).*

Comment: It is understood that the existing bunkhouse is one-storey in height and has an approximate floor area of 73.6 m² (792 ft²), which is within the maximum height and floor area limit. To ensure the existing bunkhouse can accommodate both public health and safety, as a Condition of Approval, Staff are requesting that the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm well (bunkhouse) and agree to the standard agreement for supplementary farm dwellings.

- e) Services: *The supplementary farm dwelling must demonstrate an adequate supply of potable water and sanitary sewage disposal system to the satisfaction of the Municipality. Preference will be given to dwellings which can make use of existing services; and,*

Comment: It is understood that the existing bunkhouse currently utilizes private septic and public water servicing and will continue to do so.

- f) Vehicular access: *The supplementary farm dwelling must demonstrate how vehicular access will not contribute to any traffic-related hazards to*

Municipality of BayhamMunicipality of Bayham – November 29, 2023

the satisfaction of the appropriate road authority. Preference will be given to the use of existing driveways.

Comment: The existing bunkhouse on the proposed retained lot will utilize the existing access. The use currently exists today, therefore, it is our opinion that this application will not cause traffic-related hazards.

The Municipality may enter into an agreement with the applicant relating to such matters as location, maintenance, buffering, removal, and period of occupancy of any dwellings, as well as any other matters deemed appropriate to ensure that the dwelling is used for its intended purpose of providing housing for farm help.

Comment: As a Condition of Approval, Staff are requesting that the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm well (bunkhouse) and agree to the standard agreement for supplementary farm dwellings.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

Municipality of Bayham Zoning By-law

14. The proposed severed parcel is currently zoned A1 and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

Notwithstanding the above, the proposed Rear Yard Depth of 3.08 between the existing barn and rear lot line would not meet the minimum requirement of 15 metres in the RR Zone. Further, the existing barn on the proposed severed lot would be considered an oversized accessory building, as it is approximately 284.6 m² in size.

Therefore, as part of the future Zoning By-law Amendment application, a Site-Specific Exception to the proposed RR-XX Zone would be required to recognize the deficiency in order to permit a minimum Rear Yard Depth of 3.0 metres specifically for the existing barn erected prior to the date of the passing of the future By-law. Further, an additional Site-Specific Exception would be required to permit the existing oversized accessory building constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock in the existing barn to protect drinking water, consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings.

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15. The proposed retained parcel is currently zoned A1 and must be rezoned to Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares and minimum Lot Frontage of 150 metres required in the A2 zone.

As previously mentioned in this Memo, the existing bunkhouse is proposed on the retained lot. Therefore, as part of the future Zoning By-law Amendment Application, a Specific Exception to the proposed A2-XX Zone would be required to recognize this existing supplementary farm dwelling constructed prior to the passing of the future By-law.

Long Point Region Conservation Authority

16. As previously mentioned in this Memo, portions of the subject property are within the "LPRCA Regulation Limit". The proposed severed lot for the existing residential dwelling is located outside of the LPRCA Regulation Limit, as this regulatory area only impacts the proposed retained lot which will remain as it exists today for agricultural operations. Therefore, it is our opinion that the proposed severance will not be impacted by the LPRCA Regulation Limit.

Conclusion and Recommendations

17. Based on the above review of Consent Application E4-24 we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:
- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A) zone to a Site-Specific Rural Residential (RR-XX) Zone to permit the Rear Yard Depth of 3.0 metres, permit the existing oversized accessory building of 285 m² constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock.
 - b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Site-Specific Special Agricultural (A2-XX) Zone to prohibit new dwellings and recognize the existing supplementary farm dwelling constructed prior to the passing of the future By-law.
 - c) That the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm well (bunkhouse) and agree to the standard agreement for supplementary farm dwellings.
 - d) That the owner removes the existing two (2) greenhouse buildings/structures from the subject property.

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- e) That the owner removes the existing shed, located directly north and adjacent the existing barn on the proposed severed lot, from the subject property.
- f) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- g) That the owner provides a digital copy of a survey of the subject lands.
- h) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

Christian Tsimenidis

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

Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 4-24

APPLICANT: Lankhuijzen Farms Ltd

PROPERTY: LOT NO. 11 CONCESSION: 3
 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 _____ Road County Road () 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
 Director of Engineering 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: January 24, 2024
Application: E 4-24

Owner: Lankhuijzen Farms Ltd.
52396 Vienna Line, Port Burwell, ON
Agent: David Roe
61 Trailview Drive, Tillsonburg, ON
Location: Lot 11, Concession 3. Municipally known as 55106 Vienna Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 75.77m (248 feet), a depth of 71.26m (233 feet) and an area of 0.53ha (1.3acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 42.93ha (106 acres) proposed to remain in agricultural use.

County of Elgin Official Plan

Tier 2 Settlement Area

Local Municipality Official Plan

Agriculture, Natural Gas Reservoir and Natural Heritage and Hazard Lands

Local Municipality Zoning By-law

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 1.3 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 106 acres in area and will continue to be used for agricultural uses.

The PPS permits consents in the agricultural area for dwellings that are surplus to a farming operation.

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

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

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits consents in the Agricultural Area for surplus dwellings provided that the severed lot is of the size necessary to accommodate the existing dwelling and required on-site services.

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. A site-specific zoning amendment is required for the severed lot to permit a smaller rear yard depth and oversize accessory building area to recognize an existing structure.

RECOMMENDATION:

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

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

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a site-specific Rural Residential (RR-xx) zone to permit the rear yard depth of 3.0m, permit the existing oversized accessory building of 285m² constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a site-specific Special Agricultural (A2-xx) zone to prohibit new dwellings and recognize the existing supplementary farm dwelling constructed prior to the passing of the future By-law.
3. That the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm dwelling (bunkhouse) and agree to the standard agreement for supplementary farm dwellings.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Vienna Line Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. That the owner removes the existing two (2) greenhouse buildings/structures from the subject property.
6. The owner removes the existing shed, located directly north and adjacent to the existing barn on the proposed severed lot, from the subject property.
7. That the owner provides the Planning Report fee payable to the Municipality.
8. That the owner provides a digital copy of the final survey if the subject lands to the Municipality.
9. That the owner purchases a civic number sign for the retained parcel from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 5-24**

**LOT 35, CONCESSION 1
TOWNSHIP OF MALAHIDE
53367 NOVA SCOTIA 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 53367 Nova Scotia Line.

The applicant proposes to sever a parcel with a frontage of 20m (65 feet), a depth of 171.7m (563 feet) and an area of 1.11ha (2.7acres), inclusive of a 0.06ha easement, to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 30.39ha (75 acres) proposed to remain in agricultural use.

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

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

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

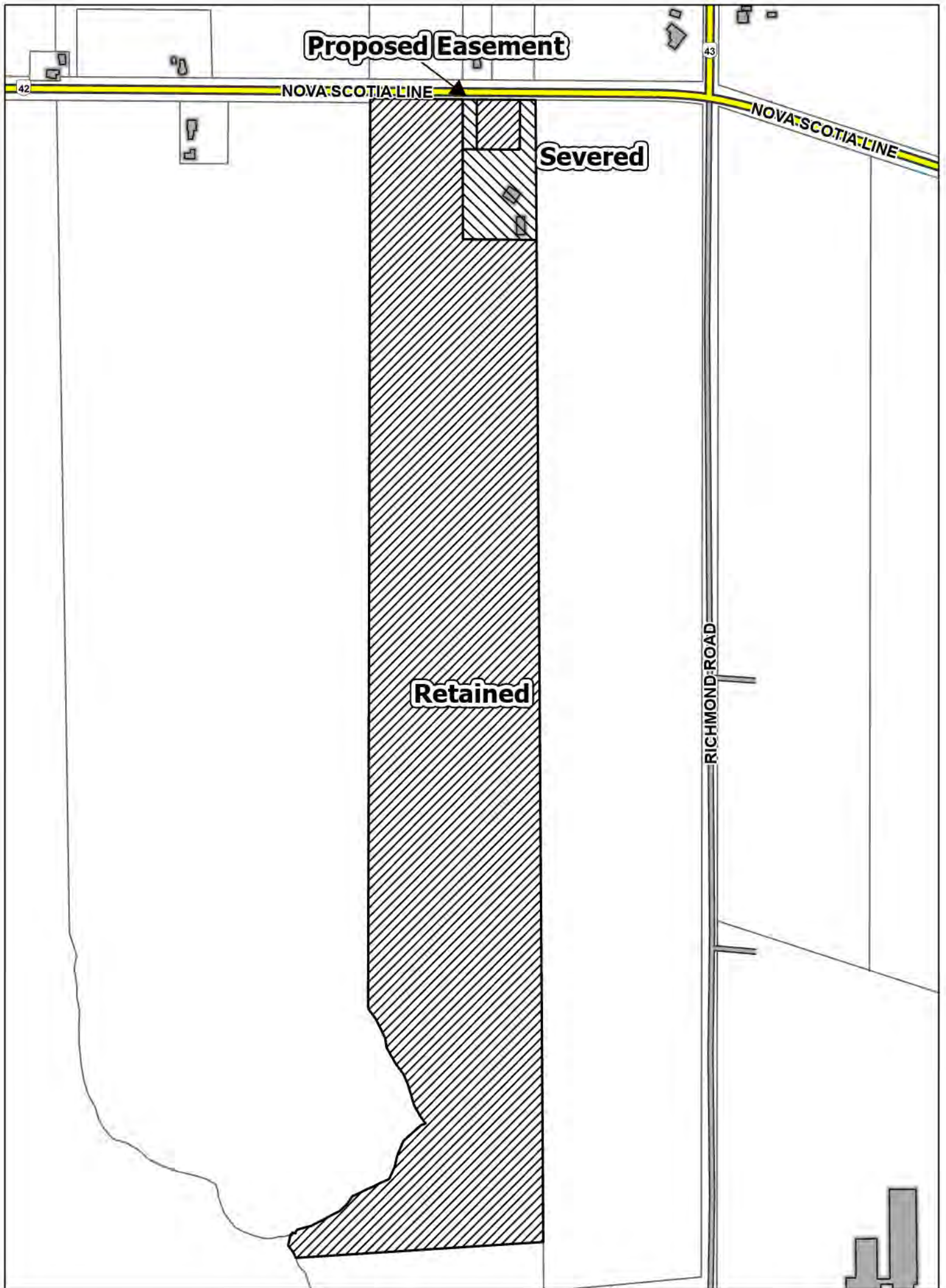
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 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





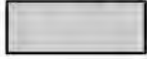


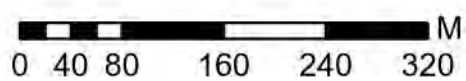
Location Map

Subject Site: 53367 Nova Scotia Line
 File Number: E 5-24
 Owner: Gregory Underhill Farms Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 11/29/2023
 Township of Malahide



Legend

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

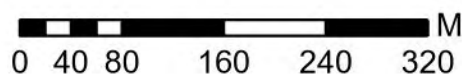






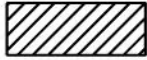

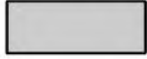
Location Map

Subject Site: 53367 Nova Scotia Line
 File Number: E 5-24
 Owner: Gregory Underhill Farms Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 11/29/2023
 Township of Malahide

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



Legend

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



Report to Council

REPORT NO.: DS-23-35
DATE: December 21, 2023
ATTACHMENT: Report Photo, Application, Recommended Conditions
SUBJECT: **Application For Consent to Sever No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc)**
LOCATION: Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township of Malahide (53367 Nova Scotia Line)

Recommendation:

THAT Report No. DS-23-35 entitled “Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc” be received;

AND THAT the Application for Consent to Sever of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc relating to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township Of Malahide and known municipally as 53367 Nova Scotia 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 Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc in order to sever an existing dwelling as a result of a farm consolidation and to establish an easement for shared vehicular access and municipal water servicing.

The Application relates to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township of Malahide and known municipally as 53367 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on January 24, 2024.

Comments/Analysis:

The subject farm property is approximately 31.5 hectares (77.8 acres) in area, has approximately 213.8 metres (701.4 feet) of frontage along Nova Scotia Line, and contains an existing single-detached dwelling and detached garage. The subject property is bounded by non-farm residential use and agricultural land to the north, and agricultural land to the south, east and west. A watercourse crosses through the northern end of the subject lands and separates the existing buildings from Nova Scotia Line. Access to the dwelling is currently provided over an existing culvert.

Based on the information provided by the applicant, the owners farm multiple farm parcels in the area and the existing dwelling has become surplus to their needs. Due to the location of the watercourse and the existing municipal water connection, the owners are also proposing an easement to provide vehicular access to the proposed severed parcel and to allow for the existing municipal water connection to remain in its current location. A 20-metre strip of land along the eastern boundary of the property is proposed to be severed with the surplus farm dwelling that would provide lot frontage on a public road. This is intended to allow for the cultivated portion of the property to the east of the existing laneway to remain with the retained farm parcel and 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 (1.11 ha) to accommodate the existing dwelling and private services. 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, including a site-specific provision to permit a reduced lot frontage.

County of Elgin Official Plan

The subject property is designated "Agricultural Area" on Schedule 'A', Land Use Plan, and the northeast corner, western property line and the southern portion contain "Woodlands" on Appendix 1, "Natural Heritage Features and Areas". The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources). In addition to the above, the subject property is identified as having frontage along a "County Collector" and "Tourism Corridor" on Schedule 'B', "Transportation Plan".

Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence

is prohibited on any retained farmland (Section E1.2.3.4b). 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. As noted above, the Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

Consents may be granted in the Agricultural Area for legal or technical reasons, including easements (Section E1.2.3.4). The proposed easement would accommodate the existing vehicle access and the existing water servicing connection.

Natural Heritage features, such as Woodlands shall be protected (Section D1.2.1). However, it is noted that the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). The southern portion of property is designated as "Natural Heritage" on Schedule 'A1' (Land Use Plan) and "Provincially Significant Woodlands" and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Section 2.1.7 of 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 and 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 permit 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.

Consents for the creation of easements are permitted in any land use designation provided the severed and retained parcels comply with the other requirements of the Official Plan and Zoning By-law (8.7.1.7).

It is noted that the portion of the subject land designated as 'Natural Heritage' is located over 500 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.

Malahide Zoning By-law No. 18-22

The subject property is within the "A1", on Key Map 104 of Schedule "A" to the Township's Zoning By-law No. 18-22, and a portion of the subject property is within the "Conservation Authority Regulated Lands Overlay".

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 be rezoned to the 'Special Agricultural (A2)' zone to prohibit 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 be rezoned to the 'Small Lot Agriculture – Site Specific (A4-XX)'. 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 site-specific provision would seek to permit a reduced lot frontage of 20 metres, whereas the Zoning By-law requires a minimum lot frontage of 30 metres in the 'A4' zone.

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



January 10, 2024

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

Dear Committee Members:

RE: Land Severance Application No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc) - Part of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township Of Malahide (53367 Nova Scotia Line)

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

THAT the Malahide Township Council has no objection to the Land Severance No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc), relating to the property located Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township Of Malahide (53367 Nova Scotia Line), Township of Malahide, subject to the following conditions:

1. 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.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

8. That an easement be provided over the retained lands and included in the plan as a part or parts to provide access to the severed parcel from Nova Scotia Line and accommodate the existing municipal water service connection, to the satisfaction of the Township.

We enclose Municipal Appraisal together with Municipal Report DS-23-35 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

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

Copy – Dave Jenkins
Underhilltrucking.1952@gmail.com
dfrfez@me.com

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 (E5-24)

Location (Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township of Malahide (53367 Nova Scotia 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” and The southern portion of property is designated as “Natural Heritage” on Schedule ‘A1’ (Land Use Plan) and “Provincially Significant Woodlands” and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan).

Policies: The policies of Section 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: Insert from report. The proposed retained farm lot will be placed into the “Agricultural (A2) Zone” zone. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone. the proposed severed parcel be rezoned to the ‘Small Lot Agriculture – Site Specific (A4-XX)’ to permit a reduced lot frontage of 20 metres, whereas the Zoning By-law requires a minimum lot frontage of 30 metres in the ‘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?

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Nova Scotia Line CR 42

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E-5-24
APPLICANT: Gregory Underhill Farms Ltd.
PROPERTY: LOT NO. 35 CONCESSION: 1
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 Nova Scotia Line County Road (42) 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.....

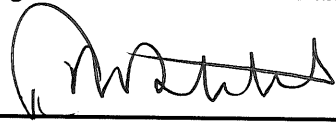
- 10) The County has no concerns.....

- 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
Director of Engineering 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: January 24, 2024
Application: E 5-24

Owner:
Gregory Underhill Farms Ltd.

54970 Nova Scotia Line, Port Burwell, ON

Location: Lot 35, Concession 1. Municipally known as 53367 Nova Scotia Line

Agent:
David Roe

61 Trailview Drive, Tillsonburg, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 20m (65 feet), a depth of 171.7m (563 feet) and an area of 1.11ha (2.7acres), inclusive of a 0.06ha easement, to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 30.39ha (75 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agriculture, Provincially
Significant Wetland, Natural
Heritage and Hazard Lands

**Local Municipality Zoning
By-law**

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide– Recommends approval, subject to conditions.

County Engineering – Requests conditions.

Cattfish Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 1.1 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 75

acres in area and will continue to be used for agricultural uses. The applicant is also proposing the creation of an easement for shared access.

The PPS permits consents in the agricultural area for dwellings that are surplus to a farming operation.

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

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

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits consents in the Agricultural Area for surplus dwellings provided that the severed lot is of the size necessary to accommodate the existing dwelling and required on-site services. Creation of easements are considered technical severances and are permitted in all land use designations.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Township is requesting, as a condition of consent, that the retained land be rezoned to Special Agricultural (A2) to prohibit residential dwellings in accordance with the PPS and OP policies.

RECOMMENDATION:

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

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

3. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Nova Scotia Line County Road 42 to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. 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.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. 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.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
8. That an easement be provided over the retained lands and included in the plan as a part or parts to provide access to the severed parcel from Nova Scotia Line and accommodate the existing municipal water service connection, to the satisfaction of the Township.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 6-24**

**LOT 19, CONCESSION 2
MUNICIPALITY OF BAYHAM
54761 VIENNA 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 54761 Vienna Line.

The applicant proposes to sever a parcel with a frontage of 61.10m (200 feet), a depth of 69.31m (227 feet) and an area of 4,000m² (0.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 21.36ha (52 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:

**JANUARY 24, 2024 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

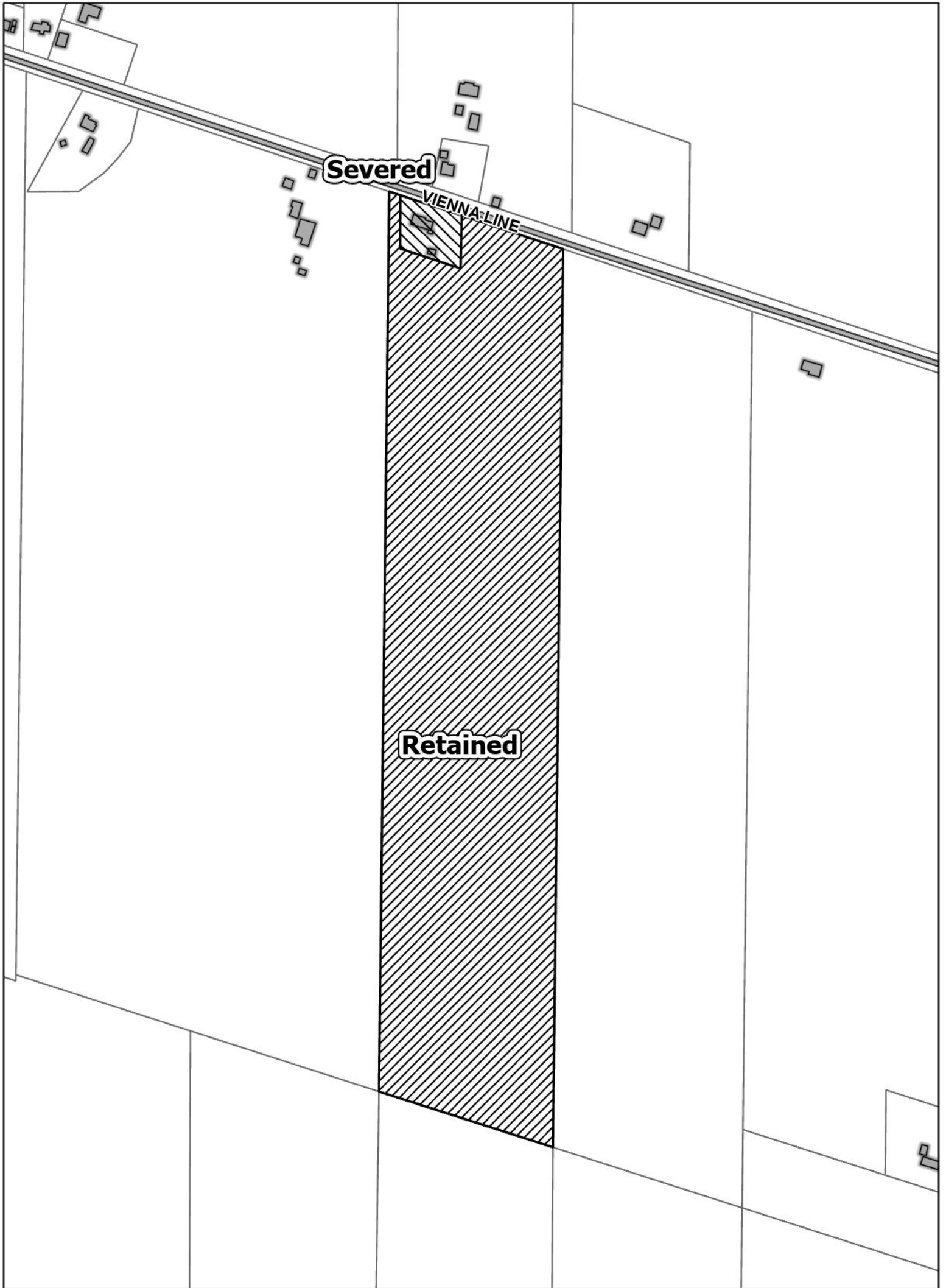
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 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

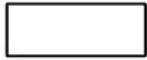

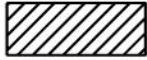




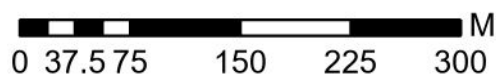
Location Map

Subject Site: 54761 Vienna Line
 File Number: E 6-24
 Owner: Gregory Underhill Farms Ltd.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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





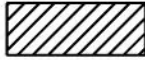

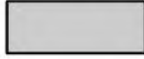


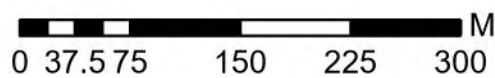
Location Map

Subject Site: 54761 Vienna Line
 File Number: E 6-24
 Owner: Gregory Underhill Farms Ltd.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 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



December 18, 2023

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E6-24 Gregory Underhill Farms Ltd.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 7, 2023 meeting:

THAT Report DS-66/23 regarding the Consent Application E6-24 Gregory Underhill Farms Ltd. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E6-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner provides the Planning Report fee payable to the Municipality
4. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
5. That the owner obtain a Road Access Permit from the Municipality for a new access to the retained lands
6. That the owner purchases a civic number sign from the Municipality for the retained parcel

Municipal Appraisal Sheet and Staff Report DS-66/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.GREG

cc: D. Roe (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 6-24

Applicant Gregory Underhill Farms Ltd.

Location Bayham – 54761 Vienna Line, Port Burwell

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture,
Policies:

Policy 2.1.7.1 Farm Consolidation

PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1)

Rezoning required of both the severed and retained parcels

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

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

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

See Letter attached with listed conditions revised from original.
See Staff Report DS-66/23 considered at Council meeting held December 7, 2023



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

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

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

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

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

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

2.1.7.2 The severed lot with the surplus farm dwelling shall:

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

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

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

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

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

2.1.8 Existing Lots

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

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

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

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

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

7.13.1

7.13.1.1 Defined Area

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

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

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

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

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

7.13.2.2 Permitted Uses

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

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

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

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

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

6.12.1

6.12.1.1 Defined Area

Z475-2004

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

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: December 7, 2023
REPORT: DS-66/23 **FILE NO. C-07 / D09.23UNDE**
Roll # 3401-000-001-11900

SUBJECT: Consent Application E6-24 Gregory Underhill Farms Ltd.
Concession 2 Lot 19, 54761 Vienna Line

BACKGROUND

A consent application E6-24 was received from the Elgin County Land Division Committee, submitted by David Roe on behalf of owner Gregory Underhill Farms Ltd., for lands located at 54761 Vienna Line. The owner is proposing to sever a 0.40 ha (0.98 acres) parcel and retain 21.36 ha (52.78 acres) of land with the intent to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.

The subject lands are designated 'Agriculture' on Schedule 'A1' (Land Use) in the Municipality of Bayham Official Plan and are zoned Agricultural (A1) on Schedule 'A1' Map No. 13 of the Municipality of Bayham Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

DISCUSSION

The planner's memorandum, dated November 29, 2023, analyzes the application subject to the Provincial Policy Statement (PPS), Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

One point taken from the planner's memorandum is that the application as presented does not meet the zoning regulations for the retained parcel's minimum lot frontage. Therefore, a condition has been included to revise the sketch in order to achieve the minimum lot frontage on the retained parcel by slightly reducing the frontage on the severed parcel while maintaining the minimum lot areas for both.

Staff and municipal planner recommend the support of the consent application for a surplus

farm dwelling creating a new residential parcel with the recommended conditions.

STRATEGIC PLAN

Not applicable

ATTACHMENTS

1. Consent Application E6-24
2. Arcadis Memorandum, dated November 29, 2023

RECOMMENDATION

THAT Report DS-66/23 regarding the Consent Application E6-24 Gregory Underhill Farms Ltd. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E6-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner provides a revised severance sketch at the time of the Zoning By-law Amendment application submission for the retained and severed lots (Conditions 1 and 2 noted above) demonstrating the proposed retained lot can achieve a minimum lot frontage of 150 metres. If the proposed 143.3-metre lot frontage on the retained lot is currently required due to a specific feature or constraint on the subject property, then the applicant must specify or demonstrate this at the Zoning By-law Amendment stage submission. If the reduced lot frontage is necessary for the function of the lots, a Site-specific Exception would then be applied to the proposed A2 Zone to permit the reduced lot frontage on the retained lot.
4. That the owner provides the Planning Report fee payable to the Municipality
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
6. That the owner obtain a Road Access Permit from the Municipality for a new access to the retained lands
7. That the owner purchases a civic number sign from the Municipality for the retained parcel

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer



101-410 Albert Street
Waterloo, ON, N2L 3V3

Memorandum

To/Attention	Municipality of Bayham	Date	November 29, 2023
From	Christian Tsimenidis, BES	Project No	3404-920
cc	William Pol, MCIP, RPP		
Subject	Gregory Underhill Farms Ltd. – 54761 Vienna Line – Application for Consent E6-24		

1. We have completed our review of Consent Application E6-24, submitted by David Roe of Civic Planning Solutions Inc. on behalf of Gregory Underhill Farms Ltd. (hereafter “owner” or “applicant”) for the lands located at 54761 Vienna Line, south side, west of Brown Road and east of Woodworth Road. The applicant is requesting consent for severance of 0.40 ha (0.98 acres) of land and to retain 21.36 ha. (52.78 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation. The lands are designated as ‘Agriculture’ in Schedule ‘A1’ (Land Use) in the Bayham Official Plan. The lands are zoned Agricultural (A1) in Schedule ‘A1’ Map No. 13 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed parcel has lot frontage of 71.1 metres (233.2 feet) and lot depth of 59.5 metres (172.3 feet) and to accommodate the existing single-detached dwelling. The proposed retained parcel has a lot frontage of 143.3 metres (470.1 feet) and lot depth of 1,030.0 metres (3379.2 feet). It is understood that the lands to be retained will be vacant, consisting of no existing buildings or structures. There is one (1) existing driveway access to the proposed severed lot. The surrounding uses are predominantly agricultural, with some rural residential lots within proximity of the subject lands.
3. The Provincial Policy Statement (hereafter, “PPS”) provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:
2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:
 - a) a residence surplus to a farming operation as a result of farm consolidation, provided that:

Municipality of BayhamMunicipality of Bayham – November 29, 2023

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

Comment: The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing private well and septic system and has adequate servicing according to the documentation provided by the applicant.

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*

Comment: As noted in Paragraph 5 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS.

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

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

Comment: The proposed severed and retained lots will have continued frontage along Vienna Line, as well as direct access.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

Comment: Not applicable, as the proposed severed and retained lots will have direct access to Vienna Line, which is identified as a Local Road in the Bayham Official Plan.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- c) *will not cause a traffic hazard;*

Comment: The proposed severance will not cause a traffic hazard, as the existing access to the severed lot will remain unaltered as it exists today. It is our opinion that that the anticipated access to the retained lot will not cause a traffic hazard, as Vienna Line is straight and generally level for ease of access.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

Comment: The proposed severed lot will meet the minimum lot area and lot frontage requirements of the future RR Zone. The proposed retained lot will meet the minimum lot area requirement of the A2 Zone, however, based on the current Severance Sketch the proposed lot frontage will not meet the minimum requirement. Based on Staff's review of the current parcel fabric, the subject property has a total lot frontage of 214.4 metres, which can sufficiently accommodate both the minimum lot frontage of 150 metres for the proposed retained lot, and minimum 50 metres for the proposed severed lot. Please see Paragraph 6 and the Conditions of Approval for further details. Therefore, Staff are of the opinion this criteria can be met, subject to the Conditions of Approval.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed lot from A1 to RR and retained lot from A1 to A2. Please see Paragraph 6 of this Memo below.

- f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*

Comment: The owner/applicant provided supporting private water and septic servicing information as part of the complete application. It was demonstrated that the existing private servicing are in adequate condition to support the existing single-detached dwelling on the proposed severed lot.

- g) *will not have a negative impact on the drainage patterns in the area;*

Comment: There are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

Comment: The proposed consent will not restrict the development of the retained lands (or other parcels), as a future access to the retained lot will not be impacted.

- i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

Comment: The subject lands are not impacted by natural heritage features, as per the Bayham Official Plan.

- j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

Comment: The proposed severance will not have negative impact on the quality and quantity of groundwater in the area, as demonstrated by the documentation provided by the applicant.

- k) will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Comment: The proposed severance does not propose any physical changes to the subject lands, as the existing single-detached dwelling and agricultural operations will remain as they exist today. Therefore, no adverse impacts will occur.

- l) conform with the local Official Plan; and,*

Comment: The proposed severance will conform to the Bayham Official Plan, subject to the recommendations proposed by Staff.

- m) will conform to Section 51 (24) of the Planning Act, as amended.*

Comment: Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

5. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

Municipality of BayhamMunicipality of Bayham – November 29, 2023

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

Comment: It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today.

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

Comment: The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

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

Comment: The owner/applicant owns a minimum of one (1) existing dwelling within the Municipality of Bayham.

Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

Comment: The proposed severed lot is no larger than necessary to support the existing private well and septic system, and has adequate servicing according to the documentation provided by the applicant.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

Comment: It is understood there are no livestock operations identified in the immediate area warranting MDS concerns.

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

Municipality of BayhamMunicipality of Bayham – November 29, 2023

Comment: As detailed further in Paragraph 6 of this Memo below, the applicant is required to rezone the proposed severed lot from A1 to RR.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

Comment: It is understood that the proposed severed lot does not feature accessory building or structure.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

Comment: See comment above.

Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

Comment: The applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling. The proposed retained lot will have an area of approximately 21.36 hectares, which meets the minimum lot area requirement for the A2 Zone. The proposed retained lot, however, currently does not meet the minimum required lot frontage of 150.0 metres, as the applicant is proposing 143.3 metres. Based on Staff's review of the current parcel fabric, the subject property has a total lot frontage of 214.4 metres, which can sufficiently accommodate both the minimum lot frontage of 150 metres for the proposed retained lot, and minimum 50 metres for the proposed severed lot. Please see Paragraph 6 and the Conditions of Approval for further details. Therefore, Staff are of the opinion this criteria can be met, subject to the Conditions of Approval.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

Comment: As noted above and in Paragraph 6 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

6. The proposed severed lot is currently zoned A1 and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

The proposed retained lot is currently zoned A1 and must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares, however, the proposed Lot Frontage of 143.3 metres does not meet the minimum Lot Frontage of 150 metres required in the A2 zone.

Based on Staff's review of the current parcel fabric, the subject property has a total lot frontage of 214.4 metres, which can sufficiently accommodate the minimum lot frontage of 150 metres for the proposed retained lot, and minimum 50 metres for the proposed severed lot. Staff suggest that the applicant reduce the lot frontage of the proposed severed lot by **considering shifting the proposed property line east of the existing dwelling further west** in order to achieve the minimum lot frontage of 150 metres for the proposed retained lot. Please ensure that the minimum lot area of 20 hectares is still maintained for the proposed retained lot, and minimum lot area of 0.4 hectares is still maintained for the proposed severed lot.

Therefore, as a Condition of Approval, Staff are recommending that the applicant provide a revised Severance Sketch at the time of the Zoning By-law Amendment Application demonstrating that the proposed retained lot can achieve a minimum lot frontage of 150 metres, whereas 143.3 metres is currently proposed. As previously mentioned, it is our opinion this can be achieved, however, the revised Severance Sketch will provide confirmation at the Zoning By-law Amendment Application stage.

If the proposed 143.3 metre lot frontage on the retained lot is currently required due to a specific feature or constraint on the subject property, then the applicant must specify this at the Zoning By-law Amendment stage submission. If the reduced lot frontage is necessary for the function of the lots, a Site-Specific Exception would then be applied to the proposed A2 Zone to permit the reduced lot frontage on the retained lot.

7. Based on the above review of Consent Application E6-24, we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A) zone to a Rural Residential (RR) Zone.
- b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
- c) That the owner provides a revised Severance Sketch at the time of the Zoning By-law Amendment Application submission for the retained and severed lots (Conditions A and B noted above) demonstrating the proposed retained lot can achieve a minimum lot frontage of 150 metres. If the proposed 143.3 metre lot frontage on the retained lot is currently required due to a specific feature or constraint on the subject property, then the applicant must specify or demonstrate this at the Zoning By-law Amendment stage submission. If the reduced lot frontage is necessary for the function of the lots, a Site-Specific Exception would then be applied to the proposed A2 Zone to permit the reduced lot frontage on the retained lot.
- d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- e) That the owner provides a digital copy of a survey of the subject lands.
- f) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

Christian Tsimenidis

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

Consulting Planner to the
Municipality of Bayham



54761 Vienna Line

Revised December 4, 2023

REVISED RECEIVED

DEC 04 2023

APPLICATION FOR CONSENT

MUNICIPALITY OF BAYHAM

- 1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
- 2. (a) Name of Owner Gregory Underhill Farms Ltd.
 Address 54970 Nova Scotia Line, Port Burwell, ON N0J 1T0
 Telephone Number 226-456-1090 Email underhilltrucking.1952@gmail.com
- 2. (b) Name of owner's solicitor or authorized agent David Roe , Civic Planning Solutions Inc.
 Address 61 Trillview Dr. Tillsonburg, ON N4G 0C6
 Telephone Number 519-983-8154 Email dfrfez@me.com
- 2. (c) Name of Applicant same as owner
 Address _____
 Telephone Number _____ Email _____
 Relationship to Owner: Purchasing Farmer () Other () please specify _____

Please specify to whom all communications should be sent:

Owner(s) Solicitor Agent Applicant

AUTHORIZATION TO APPOINT AN AGENT must be provided if an agent or solicitor is acting on behalf of the land owner or applicant.

- 3. (a) Type and purpose of proposed transaction: (check appropriate space)

Transfer: <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input checked="" type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other: <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> <tr><td style="width: 20px; height: 20px;"><input type="checkbox"/></td></tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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creation of a new lot	mortgage/charge											
addition to a lot	lease											
<i>surplus farm dwelling**</i>	easement/R.O.W.											
technical severance	correction of title											
other (specify) _____												

**** If the application involves the severance of a surplus farmhouse (through farm consolidation), please complete and submit attached Appendix "B" – "Surplus Farm Dwelling Information Form."**

- (b) Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:
unknown
- (c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:

4. (a) Location of land:

Municipality Bayham Concession No. 2
Lot(s) No. 19 Registered Plan No. _____
Name of Street Vienna Line Street No. and/or 911 No. 54761
Assessment Roll No. 340100000805100

(b) Are there any easements or restrictive covenants affecting the subject land?

Yes No If Yes, describe the easement or covenant and its effect:

5. Description of land intended to be severed: (Accurate Measurements in Metric)

Frontage 61.10m Depth 69.31m Area 4000m²
Existing Use Agricultural Proposed Use Residential

Number and use of buildings and structures on the land to be severed:

Existing Dwelling
Proposed Nothing proposed

6. Description of land intended to be retained: (Accurate Measurements in Metric)

Frontage 152.57m Depth 1030m Area 21.36ha
Existing Use Agricultural Proposed Use Agricultural

Number and use of buildings and structures on the land to be retained:

Existing Nothing
Proposed Nothing proposed

7. Number of new lots proposed (including retained lots) _____

8. Type of access for proposed and retained lot: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal road, maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Municipal road, seasonally maintained	<input type="checkbox"/>	<input type="checkbox"/>
Other public road	<input type="checkbox"/>	<input type="checkbox"/>
Right Of Way	<input type="checkbox"/>	<input type="checkbox"/>
Water access	<input type="checkbox"/>	<input type="checkbox"/>

If proposed access is by water, what boat docking and parking facilities are available on the mainland? (specify) _____

Revised

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

SKETCH FOR PROPOSED SEVERANCE FOR: GREG UNDERHILL FARMS LIMITED NOT TO SCALE

RECEIVED

DEC 04 2023

MUNICIPALITY OF BAYHAM

LEGEND

• DENOTES HYDRO POLE

NORTH

ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3
VIENNA LINE (SEE TOWNSHIP OF BAYHAM BYLAW 99-16)

LOT 8
LOT 9

PARCEL "B" TO BE RETAINED

LOT

AGRICULTURAL

EDGE OF CULTIVATION ON LINE

APPROXIMATE LOCATION OF SEPTIC

STAIRS

1 STOREY DWELLING AREA: 170.9 S.Q.M.

WELL

PARCEL "A" TO BE SEVERED 0.40 HECTARES

CONCESSION

EDGE OF CULTIVATION

GEOGRAPHIC

TOWNSHIP

AGRICULTURAL

PARCEL "B" TO BE RETAINED

OF

BAYHAM

UTILITIES 4.49

128.2

PARCEL "B" TO BE RETAINED

AGRICULTURAL

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LEGAL DESCRIPTION
PART OF LOT 9
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF BAYHAM
MUNICIPALITY OF THE BAYHAM
COUNTY OF ELGIN

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3638

PROJECT: 23-18761SKETCH	GREG UNDERHILL FARMS LIMITED 24781 VIENNA LINE, PORT BURWELL	REF: FILE	DWG: DES CHK: JED
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COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E-6-24

APPLICANT: Gregory Underhill Farms Ltd.

PROPERTY: LOT NO. 19 CONCESSION: 2

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 _____ Road County Road () 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
Director of Engineering 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: January 24, 2024
Application: E 6-24

Owner: Gregory Underhill Farms Ltd.
54970 Nova Scotia Line, Port Burwell, ON
Agent: David Roe
61 Trailview Drive, Tillsonburg, ON
Location: Lot 19, Concession 2. Municipally known as 54761 Vienna Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 61.10m (200 feet), a depth of 69.31m (227 feet) and an area of 4,000m² (0.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 21.36ha (52 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of 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 a parcel with an area of approximately 1 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 52 acres in area and will continue to be used for agricultural uses.

The PPS permits consents in the agricultural area for dwellings that are surplus to a farming operation.

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

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

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits consents in the Agricultural Area for surplus dwellings provided that the severed lot is of the size necessary to accommodate the existing dwelling and required on-site services. The proposed severed lot will contain the existing dwelling, well and septic system.

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 Municipality is requesting rezoning conditions to rezone the severed lands to Rural Residential (RR) and the retained lands to Special Agricultural (A2) which prohibits new residential development.

RECOMMENDATION:

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

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



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

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) zone.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings.
3. That the owner provides the Planning Report fee payable to the Municipality.
4. That the owner provides a digital copy of the final survey of the subject lands to the Municipality.
5. That the owner obtain a Road Access Permit from the Municipality for a new access to the retained lands.
6. That the owner purchases a civic number sign from the Municipality for the retained parcel.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 7-24**

**LOT 127, SOUTH OF TALBOT ROAD
MUNICIPALITY OF BAYHAM
56557 HERITAGE LINE**

TAKE NOTICE that an application has been made by Robert McLeod, 56557 Heritage Line, Straffordville, ON N0J 1Y0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56557 Heritage Line.

The applicant proposes to sever a parcel with a frontage of 28.49m (93 feet), a depth of 61.27m (201 feet) and an area of 1,880m² (0.46 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,978m² (0.98 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:

**JANUARY 24, 2024 AT 10:05 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

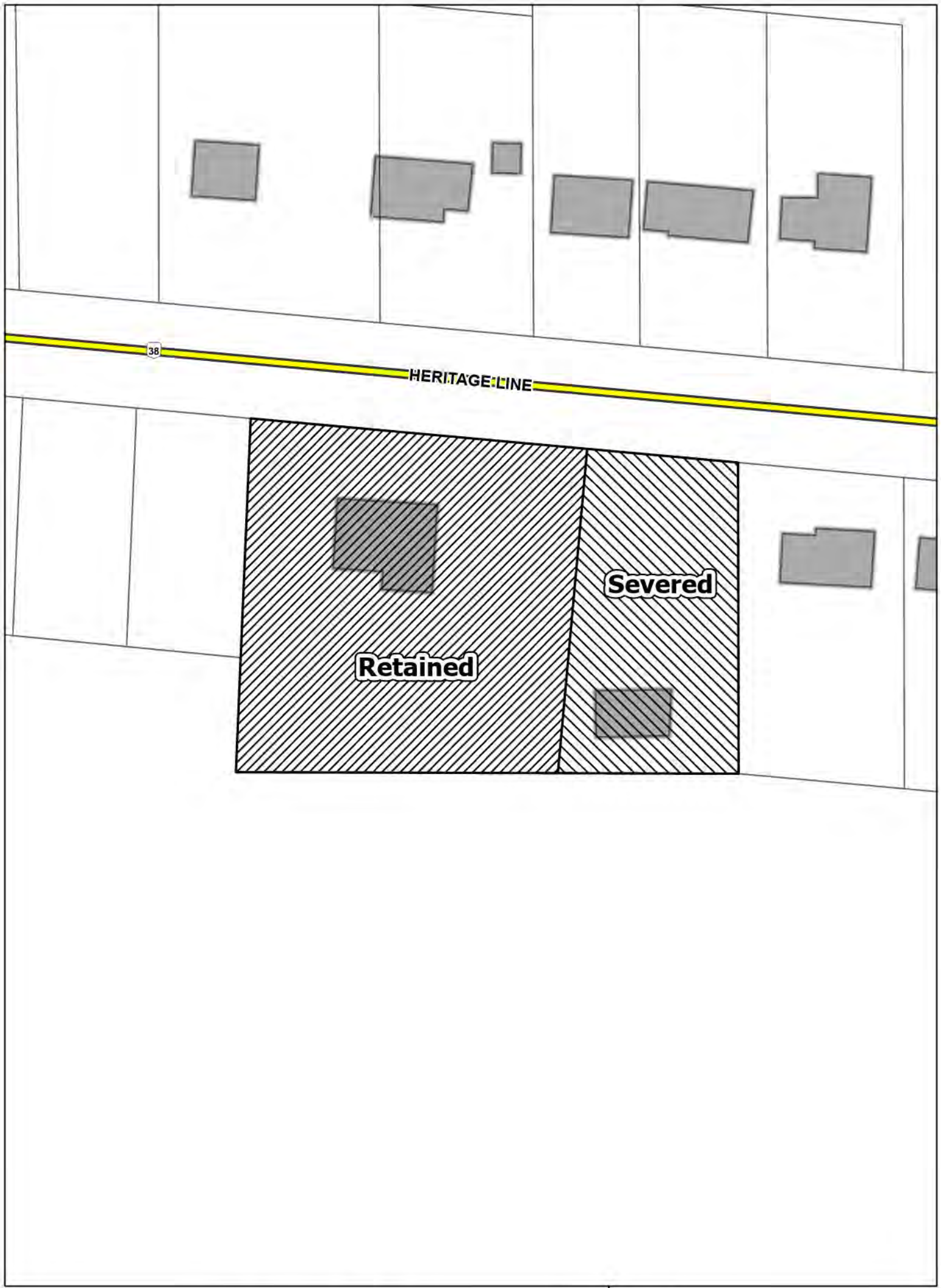
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 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

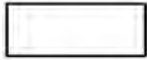



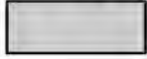


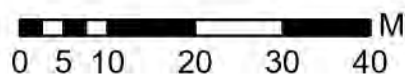
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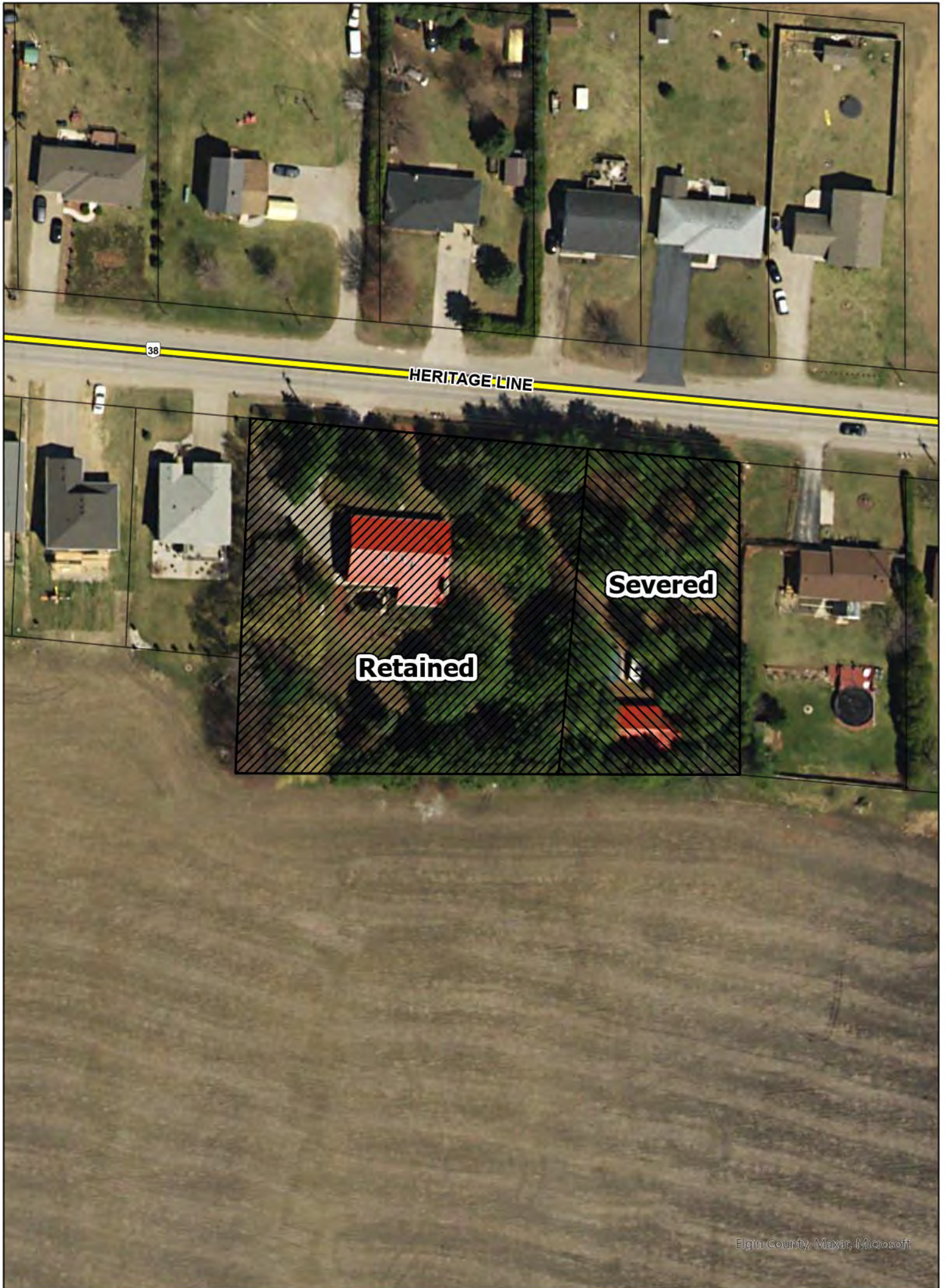
Subject Site: 56557 Heritage Line
 File Number: E 7-24
 Owner: Robert McLeod
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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







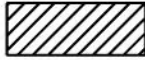

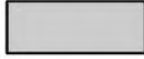
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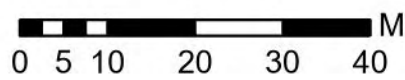
Location Map

Subject Site: 56557 Heritage Line
 File Number: E 7-24
 Owner: Robert McLeod
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



January 2, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E7-24 McLeod

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 21, 2023 meeting:

THAT Report DS-69/23 regarding the Consent Application E7-24 McLeod be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E7-24 be granted subject to the following conditions and considerations:

1. Owner obtain a building permit for the existing "unauthorized" dwelling on the proposed severed lot
2. Owner obtain a permit to remove/decommission the existing "unauthorized" sewer lateral that extends to the existing "unauthorized" dwelling and that a permit be obtained to construct and connect a new independent sewer lateral connection to the municipal sanitary sewer in the Heritage Line public right-of-way for the proposed severed lot
3. Owner obtain an access permit from the County of Elgin to create a new independent access from Heritage Line to the proposed severed lot, or, if an independent access is not supported by the County of Elgin, the applicant/owner establishes an access easement over the existing portion of driveway on the retained lot in favour of the severed lot in order to provided future access to the owner of the proposed severed lot.
4. Engineered storm water management, drainage/grading 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
5. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
6. Provide a digital copy of the registered plan of survey of the subject land
7. Planning Report fee due and payable to the Municipality upon consent approval
8. Purchase of a civic number sign for the severed lot from the Municipality

Municipal Appraisal Sheet and Staff Report DS-69/23 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 'M Underhill', written in a cursive style.

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.MCLE

cc: R. McLeod (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 7-24

Applicant McLeod, R

Location Bayham – 56557 Heritage Line, Straffordville

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: 4.2.2.1 and 4.2.4 and 4.5.1.1 and 4.5.2.8

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 (R1) Zone

Rezoning 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.

See Staff Report DS-69/23 considered at Council meeting held December 21, 2023.

4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as “Hamlets” and “Villages” with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
 - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
 - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
 - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the

pursuant to the Planning Act, for consents and new subdivisions will be used to create local parks.

4.4.4.7 Monies acquired in lieu of parkland dedication shall be managed by the Municipality in a park fund for use in providing recreational lands and facilities to serve the needs of all residents.

4.5 VILLAGES

This section of the Official Plan provides the land use policies that apply to future development in the Villages of Straffordville, Vienna and Port Burwell during the 2018-2038 planning period.

4.5.1 General

4.5.1.1 Three major concentrations of urban development have been designated as “Villages” in the Official Plan of the Municipality of Bayham. The villages of Port Burwell and Vienna have the capability of accommodating urban types of development on full municipal services including piped water and sewerage facilities. The village of Straffordville has the capability of accommodating urban types of development on municipal sewers. For public health and safety purposes, all proposed development within the Village of Straffordville shall require proof of potable water by the Municipality, and will be restricted to infilling until such time as municipal water becomes available.

4.5.1.2 There are eleven land use designations / constraints that apply in the three villages as follows:

- Residential
- Multi-Unit Residential
- Harbour Residential/Commercial
- Commercial
- Industrial
- Institutional
- Open Space
- Conservation Lands
- Hazard Lands
- Floodway
- Flood Fringe

4.5.1.3 The three “Residential” designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.

4.5.1.4 The “Commercial”, “Industrial”, “Institutional” and “Open Space” policies apply to those areas within the villages where each specific development occurs or is planned for future development.

4.5.1.5 The policies for “Conservation Lands” (Section 3.9) and “Hazard Lands” (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.

4.5.1.6 The “Floodway/Flood Fringe” policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

4.5.2 **Residential**

4.5.2.1 Within the areas designated “Residential” on Schedule “B”, “C” and “D”, the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.

4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the “Residential” designation where such lands are being underutilized. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.

4.5.2.3 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- Small scale professional offices which occupy less than 93 m² (1000 ft²);
- Small scale institutional uses such as churches;
- Home occupations.

- 4.5.2.4 All such uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. As a general rule, no more than two similar complementary uses shall be situated within a two-block radius of each other.
- 4.5.2.5 Home occupations may be permitted if they are clearly secondary to a residential use, and comply with the standards and regulations as prescribed by the Zoning By-law.
- 4.5.2.6 In order to maintain and strengthen the development of the "Commercial" designation and in order to maintain the character of areas designated "Residential", the establishment of commercial uses will not be permitted (with the exception of those described in subsection 4.5.2.3) in the "Residential" designation.
- 4.5.2.7 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the "Residential" areas shall be permitted in accordance with Section 4.5.8 provided they comply with the standards and regulations of the Zoning By-law.
- 4.5.2.8 Proposals for new single unit and two unit dwellings in the designated "Residential" areas shall meet the following criteria:
- a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
 - b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
 - c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
 - d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.8.

- e) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
- f) Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- g) Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.
- i) The Planning Act: In the case of a residential subdivision, all matters contained within Section 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.

SECTION 10 VILLAGE RESIDENTIAL 1 (R1) ZONE REGULATIONS

10.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Residential 1 (R1) Zone except for the following purposes:

- Single-detached dwelling or single-detached seasonal dwelling;
- Converted dwelling to a maximum of two (2) units;
- Semi-detached dwelling;
- Duplex dwelling;
- Group home;
- Home occupation;
- Bed and Breakfast Lodging or Tourist Home;
- Accessory uses.

10.2 Permitted Buildings and Structures

Z751-2022 One dwelling on one lot or one or two units of a semi-detached dwelling on one lot;

Accessory buildings and structures to the permitted uses.

10.3 Minimum Lot Area

Vienna, Port Burwell: 800 m², or 1390 m² where no public water supply or sanitary sewage disposal service are available

Z698-2020 Straffordville: 900 m², or 1390 m² where no sanitary sewage disposal service are available

Z751-2022 Semi-detached dwelling unit:
400 m², or 695 m² where no public water supply or sanitary sewage disposal service are available

10.4 Minimum Lot Frontage

Z698-2020 Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres
for an internal lot and 18.0 metres for a corner lot.

Partially Serviced: 20 metres

Z751-2022 Semi-detached Dwellings:
10 metres for an internal lot and 13.0 metres for a corner lot

10.5 **Maximum Building Height** Z751-2022
7.0 metres

10.6 **Maximum Building Coverage**
30%

10.7 **Minimum Floor Area** Z698-2020

10.8 **Minimum Front Yard Depth**
7.0m

10.9 **Minimum Side Yard Width**

10.9.1 Where a garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on each side of the combined building.

10.9.2 Where no garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on one side of the main building and a minimum of 3 metres on the other side of the main building.

10.9.3 On a corner lot, the side yard abutting a public street shall be a minimum of 4.5 metres and the side yard on the other side of the main building shall be a minimum of 1.2 metres.

10.9.4 On a lot with a semi-detached dwelling, the interior lot line width that forms the party wall shall be 0.0 metres.

10.10 **Minimum Rear Yard Depth**
7.0 metres

10.11 **Regulations for Accessory Buildings**

Notwithstanding the provisions of Section 4.2, the following shall apply:

Z556-2008

a) No accessory building shall be located within 6.0 metres of a public street;

b) Maximum Height: 4.5 metres;

Z751-2022

c) Maximum Floor Area: 75 m² or 8% lot coverage, whichever is less.

10.12 **Exceptions - Village Residential (R1) Zone**

10.12.1

10.12.1.1 **Defined Area**

R1-1 as shown on Schedule "H" to this By-law.

10.12.1.2 **Minimum Lot Area**

2.5 hectares.

10.12.1.3 **Minimum Lot Frontage**

Notwithstanding any other provisions of this By-law, as now or hereafter amended,



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: December 21, 2023

REPORT: DS-69/23

FILE NO. C-07 / D09.23MCLE

Roll # 3401-000-004-05001

SUBJECT: Consent Application E7-24 McLeod, R
56557 Heritage Line, Straffordville

BACKGROUND

Consent application E7-24 was received from the Elgin County Land Division Committee, as submitted by Robert McLeod, proposing to sever a parcel located at 56557 Heritage Line, north side, East of Garner Road in the village of Straffordville. The applicant is requesting consent to sever approximate land area of 1880 m² (0.46 acres) and to retain 3,978 m² (0.98 acres) of land with the intent to create one (1) residential dwelling lot and to retain their existing dwelling.

The subject land is designated "Residential" and on Schedule 'B' of the Official Plan and zoned Village Residential 1 (R1) on Schedule 'F' Straffordville of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on January 24, 2024.

DISCUSSION

The planner's memorandum attached dated, December 13, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The standard conditions would include: engineered storm water management with drainage/grading plan for each parcel; civic numbering signage for the severed lot; survey; cash in lieu payment for the creation of a lot; and, the planning report fee. Other conditions apply regarding an independent access and building permits for an "unauthorized dwelling".

Staff and municipal planner recommend the support of the consent application for the creation of one residential dwelling lot fronting on Heritage Line in the village of Straffordville with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E7-24
2. Aerial Map – 56557 Heritage Line
3. Arcadis Memorandum dated December 13, 2023

RECOMMENDATION

THAT Report DS-69/23 regarding the Consent Application E7-24 McLeod be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E7-24 be granted subject to the following conditions and considerations:

1. Owner obtain a building permit for the existing “unauthorized” dwelling on the proposed severed lot
2. Owner obtain a permit to remove/decommission the existing “unauthorized” sewer lateral that extends to the existing “unauthorized” dwelling and that a permit be obtained to construct and connect a new independent sewer lateral connection to the municipal sanitary sewer in the Heritage Line public right-of-way for the proposed severed lot
3. Owner obtain an access permit from the County of Elgin to create a new independent access from Heritage Line to the proposed severed lot, or, if an independent access is not supported by the County of Elgin, the applicant/owner establishes an access easement over the existing portion of driveway on the retained lot in favour of the severed lot in order to provided future access to the owner of the proposed severed lot.
4. Engineered storm water management, drainage/grading 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
5. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
6. Provide a digital copy of the registered plan of survey of the subject land
7. Planning Report fee due and payable to the Municipality upon consent approval
8. Purchase of a civic number sign for the severed lot from the Municipality

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	December 13, 2023
From	Christian Tsimenidis, BES	Project No	3404 - 924
cc	William Pol, MCIP, RPP		
Subject	Robert McLeod - 56557 Heritage Line, Straffordville - Application for Consent E7-24		

Background and Summary

1. We have completed our review of Consent Application E7-24 submitted by Robert McLeod (“owner” and/or “applicant”) for the property identified as 56557 Heritage Line, south side, east of Garner Road in the Village of Straffordville. The applicant is requesting Consent to sever an approximate land area of 1,880 square metres (0.46 acres) and to retain 3,978 square metres (0.98 acres) of land. The intent is to create one (1) new residential lot.
2. The proposed severed parcel has a lot frontage of 28.49 metres (93.47 feet) and lot depth of 61.27 metres (201 feet) to accommodate the existing dwelling and one (1) accessory shed on the proposed severed lot. As per the applicant’s Severance Sketch, this existing dwelling is identified as a “1-storey brick house”. Upon further review, it is our understanding that this existing dwelling on the proposed severed lot was previously a garage/shop that was converted into a dwelling by the owner/applicant, and that a Building Permit was not obtained by the owner to complete this work according to Bayham’s records. Further, the Municipality’s tax program only identifies a total of one (1) dwelling on the subject property, not two (2) dwellings as they exist today. As a Condition of Approval, noted further in this Memo, the applicant is required to obtain a Building Permit for this existing “unauthorized” dwelling on the proposed severed lot.
3. The proposed retained parcel has an estimated lot frontage of 64.4 metres (211.3 feet) and lot depth of roughly 66.28 metres (217.5 feet) to accommodate the existing single-detached dwelling and two (2) accessory sheds.
4. The existing driveway access off Heritage Line is proposed for the retained and severed lots. As per the Severance Sketch submitted by the applicant, the existing access would cross the proposed retained lot and enter the proposed severed lot from the western side. As a Condition of Approval, the applicant/owner would be required to obtain an access permit from the County of Elgin to create a new independent access off Heritage Line for the proposed severed lot. If a proposed new

Municipality of Bayham – December 13, 2023

access is not supported by Elgin County, the applicant/owner would then be required to establish an access easement over the existing portion of driveway on the retained lot in favour of the severed lot in order to provide future access to the owner of the proposed severed lot.

5. The subject lands are currently serviced by private well and municipal sewer services. The proposed retained lot would continue to utilize the existing private well and municipal sewer service connection located on the retained lands. The proposed severed lot would continue to utilize an existing private well located on the severed lot, however, upon further review of the Severance Sketch provided by the applicant, an existing sewer lateral extension is diverted from the proposed retained lot and is currently servicing the existing “unauthorized” dwelling. Municipal Staff noted that a permit was not obtained, nor an inspection was completed for this existing sewer lateral extension that currently diverts into the existing “unauthorized” dwelling. Further, the existing “unauthorized” sewer lateral extension would cross the retained lot and enter the proposed severed lot from the western side. Independent municipal services are required for the creation of a new lot. As a Condition of Approval, noted further in this Memo, the applicant would be required to obtain a permit to remove/decommission the existing “unauthorized” sewer lateral extension, and to install/construct a new independent sewer lateral from the road to the proposed severed lot.
6. The subject property is designated as a ‘Residential’ land use as per Schedule ‘B’ of the Municipality of Bayham Official Plan and is zoned Village Residential 1 (R1) on Schedule ‘F’ of Zoning By-law Z456-2003.
7. The subject property is surrounded by low-rise residential uses along Heritage Line to the north, east and west, being located within the Village of Straffordville. The rear property line of the subject property is the border between the Village of Straffordville and rural area. Therefore, the subject property is adjacent to existing agricultural lands to the south.

Municipality of Bayham Official Plan

8. Section 4.2.2.1 of the Municipality of Bayham Official Plan provides direction with respect to ‘General Policies Applicable to all Settlement Areas’, specifically residential uses. As such, this policy of the Official Plan encourages new residential development within existing settlement areas, like the Village of Straffordville, by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion. Further, Section 4.2.4 of the Official Plan provides further direction with respect to the ‘Intensification and Redevelopment’ within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

Municipality of Bayham – December 13, 2023

Comment: It is Staff's opinion that the creation of one (1) new residential lot within the existing Village of Straffordville makes efficient use of underutilized lands and existing municipal sewer services and is in conformity with the Official Plan general residential policies.

9. Section 4.5.1.1 of the Official Plan provides general policy direction with respect to "Villages" in the Municipality of Bayham, such as the Village of Straffordville. As such, for public health and safety purposes, all proposed development within the Village of Straffordville shall require proof of potable water by the Municipality, and will be restricted to infilling until such time as municipal water becomes available.

Comment: The applicant provided documentation with respect to the existing wells on-site, one (1) on the proposed retained lot and one (1) on the proposed severed lot. The existing wells provide potable water, as per the information provided by the applicant and is therefore in conformity with the above noted Official Plan policy.

10. Section 4.5.2 of the Official Plan, pertaining to the 'Residential' land use designation in Villages, states that the primary use of land in settlement areas is intended for single-detached dwellings or other low-density types of dwellings. Further, Section 4.5.2.1 indicates that proposals for new dwelling lots should target a gross density of 20 units per hectare (uph) and shall be serviced with municipal sewer and water.

Comment: The proposed severed and retained lots are intended to support single-detached dwellings, which are permitted and encouraged within the 'Residential' land use designation. It is Staff's opinion that the proposed density and lot sizes will make efficient use of underutilized lands in the existing settlement area boundary, as well as the existing municipal sewer services. The Village of Straffordville currently does not have municipal water services, therefore, the applicant is providing private wells, one (1) for each of lot. Therefore, it is Staff's opinion that the proposed severance is in conformity with Section 4.5.2.1 of the Official Plan.

11. Section 4.5.2.8 of the Official Plan provides the following criteria regarding proposals for new single unit and two unit dwellings in the 'Residential' land use designation:

- a) *Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.*

Comment: The proposed lot frontage, depth, and size of the proposed severed and retained lot are consistent with the surrounding residential parcels along Heritage Line. The proposed lots would meet the minimum lot area and lot frontage requirements outlined in the Municipality of Bayham Zoning By-law.

Municipality of Bayham – December 13, 2023

- b) *Natural Features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.*

Comment: There are no sensitive natural features identified on the subject property, as per the Official Plan Schedules.

- c) *Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.*

Comment: The applicant intends to sever the subject property and utilize the existing single-detached dwelling on the proposed retained lot and the “unauthorized” dwelling on the proposed severed lot. As such, the existing dwellings on the subject property would remain as they exist today. Notwithstanding this, the applicant is required to obtain a Building Permit for the “unauthorized” dwelling on the proposed severed lot.

- d) *Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.8.*

Comment: Parkland dedication in accordance with the municipal Parkland By-law will be required as a Condition of Approval.

- e) *Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.*

Comment: The existing single-detached dwelling on the proposed retained lot and the “unauthorized” dwelling on the proposed severed lot (subject to the applicant obtaining a Building Permit as per the Condition of Approval) are consistent in built-form and use with the adjacent low-rise residential uses along Heritage Line.

- f) *Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.*

Municipality of Bayham – December 13, 2023

Comment: As mentioned in Paragraph 5 of this Memo, the proposed retained lot would continue to utilize the existing municipal sewer service connection located. As for the proposed severed lot, it is our understanding that an existing sewer lateral extension is diverted from the proposed retained lot and is currently servicing the existing “unauthorized” dwelling. Municipal Staff noted that a permit was not obtained, nor an inspection was completed for this existing sewer lateral extension that currently diverts into the existing “unauthorized” dwelling. Further, the existing “unauthorized” sewer lateral extension would cross the retained lot and enter the proposed severed lot from the western side. Independent municipal services are required for the creation of a new lot. As a Condition of Approval, the applicant would be required to obtain a permit to remove/decommission the existing “unauthorized” sewer lateral extension, and to install/construct a new independent sewer lateral from Heritage Line to the proposed severed lot.

- g) *Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.*

Comment: The applicant/owner is responsible for adequate provision of stormwater management/drainage and surface runoff subject to the requirements of the Municipality, including the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.

- h) *Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.*

Comment: It is our opinion that the existing access off Heritage Line would not have adverse impact to traffic safety. As mentioned in Paragraph 4 of this Memo, the existing driveway access off Heritage Line is proposed for the retained and severed lots. As per the Severance Sketch submitted by the applicant, the existing access would cross the proposed retained lot and enter the proposed severed lot from the western side. As a Condition of Approval, the

Municipality of Bayham – December 13, 2023

applicant/owner would be required to obtain an access permit from the County of Elgin to create a new independent access off Heritage Line for the proposed severed lot, or, if not supported by County of Elgin, an access easement be established over the existing portion of driveway on the retained lot in favour of the proposed severed lot.

- i) *The Planning Act: In the case of a residential subdivision, all matters contained within Section 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.*

Comment: The applicant is not proposing a residential subdivision.

Based on the above, the proposed Consent Application is in conformity with the criteria listed in Section 4.5.2.8 of the Official Plan.

Municipality of Bayham Zoning By-law

12. The subject lands are located within the Village Residential (R1) Zone as per the Schedule 'F' of the Municipality of Bayham Zoning By-law Z456-2003. As per Section 10.1 of the Zoning By-law, the existing single-detached dwelling on the proposed retained lot is considered a permitted use. The proposed dwelling (which is currently unauthorized and requires a Building Permit) would also be considered a permitted use on the proposed severed lot.
13. Both the proposed severed and retained lots would meet the required minimum lot area of 900 m² (where sewer services are available) and minimum lot frontage of 20 metres (for partially serviced lots). The configuration of the proposed severed and retained lots are adequate to accommodate the single-detached dwellings and would comply with the regulations of the R1 zone, as the buildings/structures exist today.

Conclusion and Recommendations

14. Based on the above review of Consent Application E7-24, we have **no objection** to approval of the proposed consent subject to the following conditions:
- a) That the owner obtains a Building Permit for the existing "unauthorized" dwelling on the proposed severed lot.
 - b) That the owner obtains a permit to remove/decommission the existing "unauthorized" sewer lateral that extends to the existing "unauthorized" dwelling, and that a new independent sewer lateral be constructed and connected from the sanitary sewer line in the Heritage Line public right-of-way to the proposed severed lot.
 - c) That the owner obtains an access permit from the County of Elgin to create a new independent access from Heritage Line to the proposed severed lot, or, if an independent access is not supported by the County of Elgin, the applicant/owner establishes an access easement over the existing portion of

Municipality of Bayham – December 13, 2023

driveway on the retained lot in favour of the severed lot in order to provide future access to the owner of the proposed severed lot.

- 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.
- e) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- f) That the owner provides a digital copy of a survey of the subject lands.
- g) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
- h) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Heritage Line CR # 38

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E-7-24

APPLICANT: Robert McLeod

PROPERTY: LOT NO. 127 CONCESSION: South of Talbot Road
REG'D PLAN: 11R167 35344-0148 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 _____ Road County Road () 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.....

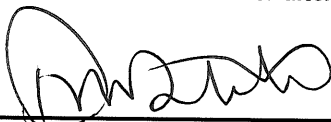
- 10) The County has no concerns.....

- 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
Director of Engineering 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: January 24, 2024
Application: E 7-24

Owner: Robert McLeod
Agent: None.

56557 Heritage Line, Stratfordville, ON

Location: Lot 127, South of Talbot Road. Municipally known as 56557 Heritage Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 28.49m (93 feet), a depth of 61.27m (201 feet) and an area of 1,880m² (0.46 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,978m² (0.98 acres) proposed to remain in residential use.

County of Elgin Official Plan

Tier 2 Settlement Area

Local Municipality Official Plan

Residential

Local Municipality Zoning By-law

Village Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – Requests conditions.

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 a parcel with an area of approximately 0.46 acres to sever a parcel to create a new residential lot. The retained land will be approximately 0.98 acres in area and will continue to be used for residential uses.

The subject land is within a settlement area, and the PPS permits land severances within settlement areas for a variety of land uses.

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

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. Tier 2 Settlement areas are smaller than Tier 1 Settlement Areas and generally have a mix of public and private services. The CEOP directs that growth should be directed to settlement areas and permits lot creation within settlement areas for a variety of uses and densities, where appropriate. Staff have reviewed this application against the general consent criteria of the CEOP and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of 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 existing dwelling on the severed lot was previously a garage/shop which was converted to a dwelling without a permit. To address this, Bayham has requested conditions that the owner obtain a building permit and remove the unauthorized sewer lateral and construct a new independent sewer lateral with all required permits.

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.



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

3. That municipal addressing be provided to Elgin County by the local 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.

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

1. Owner obtain a building permit for the existing “unauthorized” dwelling on the proposed severed lot.
2. Owner obtain a building permit for the existing “unauthorized” sewer lateral that extends to the existing “unauthorized” dwelling and that a permit be obtained to construct and connect a new independent sewer lateral connection to the municipal sanitary sewer in the Heritage Line public right-of-way for the proposed severed lot.
3. Owner obtain an access permit from the County of Elgin to create a new independent access from Heritage Line to the proposed severed lot, or, if an independent access is not supported by the County of Elgin, the applicant/owner, establishes an access easement over the existing portion of driveway on the retained lot in favour of the severed lot in order to provide access to the owner of the proposed severed lot.
4. Engineered storm water management, drainage/grading 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.
5. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
6. Provide a digital copy of the registered plan of survey of the subject land.
7. Planning Report fee due and payable to the Municipality upon consent approval.
8. Purchase a civic number sign for the severed lot from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 8-24**

**LOT 18 & 19, CONCESSION 4
MUNICIPALITY OF BAYHAM
56573 CALTON LINE**

TAKE NOTICE that an application has been made by Jesse Froese, 55248 Maple Grove Line, Eden, ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56573 Calton Line.

The applicant proposes to sever a parcel with a frontage of 82.92m (272 feet), a depth of 70.14m (230 feet) and an area of 4,046m² (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 84ha (207 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:

**JANUARY 24, 2024 AT 10:15 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

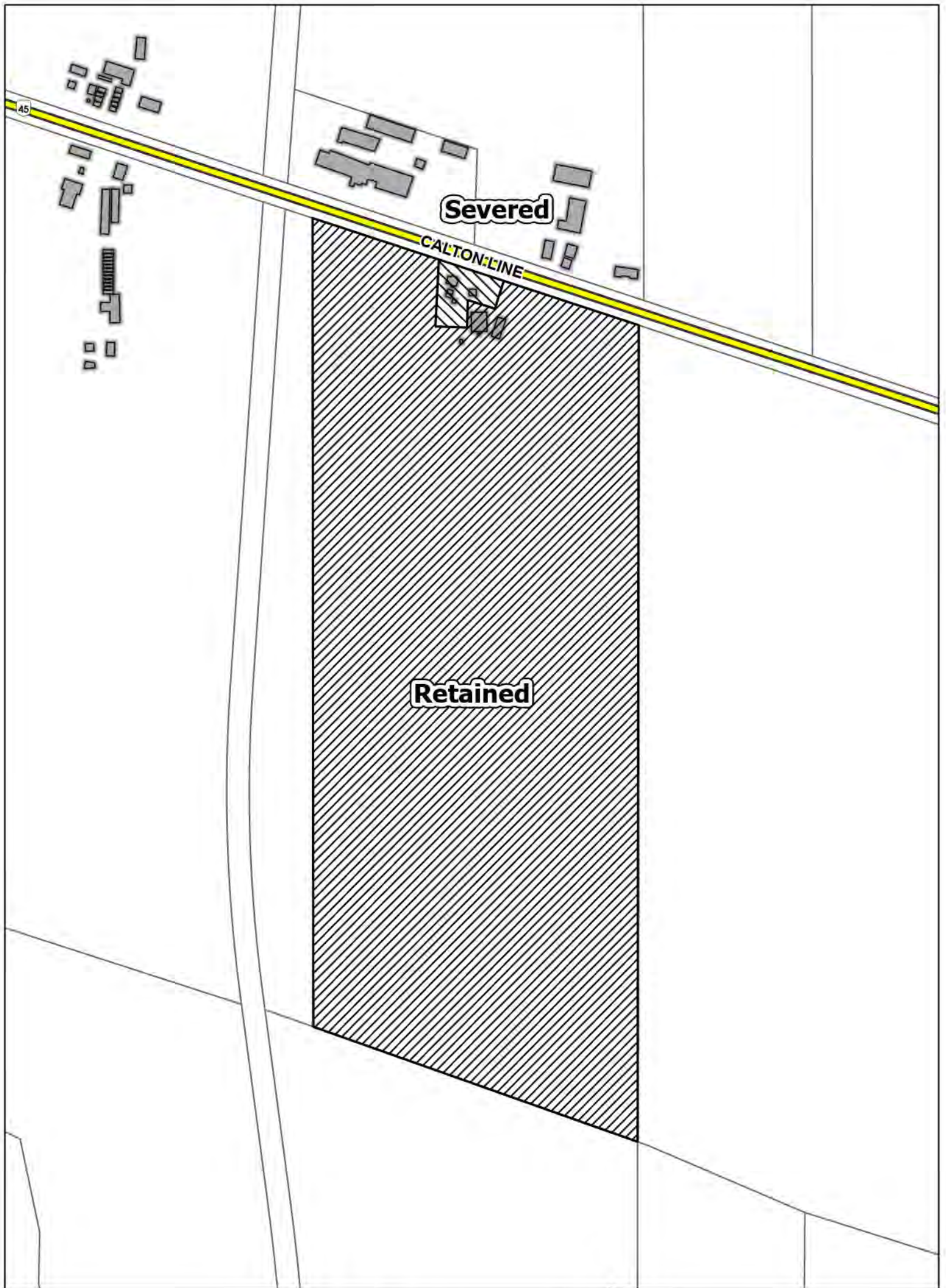
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1st day of December, 2023.

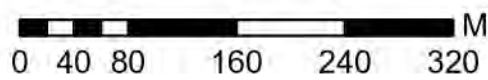
Paul Clarke
Secretary-Treasurer
Land Division Committee

**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








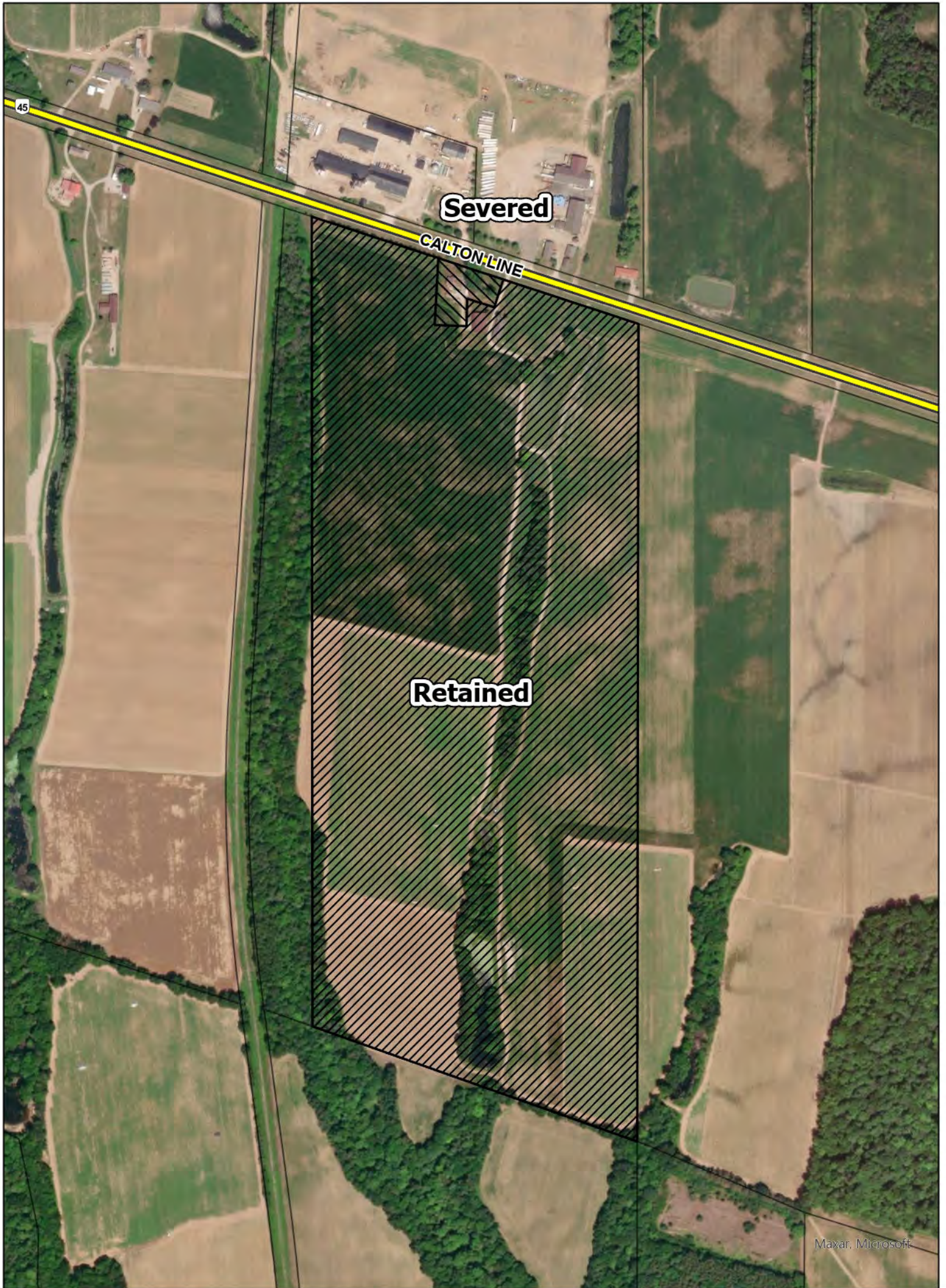
Location Map

Subject Site: 56573 Calton Line
 File Number: E 8-24
 Owner: CHR Farms Ltd.
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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








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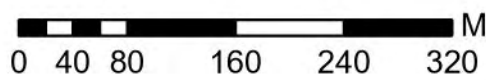
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 Municipality of Bayham



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



January 2, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E8-24 CHR Farms Ltd.

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 21, 2023 meeting:

THAT Report DS-70/23 regarding the Consent Application E8-24 CHR Farms Ltd. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E8-24 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a Site-specific Rural Residential (RR-XX) Zone to include a Rear Yard Depth of 3.8 metres from the existing garage to remain
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2 metres and prohibit any new supplementary farm dwellings
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, if Hydro One determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality
6. Planning Report fee due and payable to the Municipality upon consent approval
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel

Municipal Appraisal Sheet and Staff Report DS-70/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.CHRF

cc: J. Froese (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 7-24

Applicant CHR Farms Ltd.

Location Bayham – 56573 Calton Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: AGRICULTURE

Policies: 2.1.7.1 and 2.1.7.2 and 2.1.7.4

PART 2 - ZONING

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

Comments: Zoning: Agricultural

Rezoning is required for both the severed and retained parcels as per Official Plan Farm

Consolidation – Surplus Farm Dwelling policies. (Severed parcel to RR-XX and retained to A2-XX site specific zoning)

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

Upon approved application

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

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

See Letter attached with listed conditions.

See Staff Report DS-70/23 considered at Council meeting held December 21, 2023.

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

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

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

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

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

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

2.1.7.2 The severed lot with the surplus farm dwelling shall:

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

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

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

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

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

2.1.8 Existing Lots

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

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

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

6.12 Exceptions – Special Agricultural (A2) Zone

6.12.1

6.12.1.1 Defined Area

Z475-2004

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

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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

SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS

7.1 Permitted Uses

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

7.2 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

7.3 Minimum Lot Area

0.4ha

7.4 Minimum Lot Frontage

50.0m

7.5 Maximum Lot Coverage

20%

7.6 Maximum Building Height

10.5m

7.7 Minimum Ground Floor Area for Dwellings

Z698-2020

7.8 Minimum Front Yard Depth

15.0m

7.9 Minimum Side Yard Width

3.0m

7.10 Minimum Rear Yard Depth

15.0m

7.11 Regulations for Accessory Buildings

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

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

rear lot line.

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

7.12 **Minimum Distance Separation**

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

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

7.13.1

7.13.1.1 Defined Area

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

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

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

7.13.1.3 Maximum Lot Area

8,500 m²

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m²

7.13.2

7.13.2.1 Defined Area

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

7.13.2.2 Permitted Uses

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

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: December 21, 2023
REPORT: DS-70/23 **FILE NO. C-07 / D09.23CHR**
Roll # 3401-000-002-16800

SUBJECT: Consent Application E8-24 CHR Farms Ltd.
56573 Calton Line

BACKGROUND

Consent application E8-24 was received from the Elgin County Land Division Committee, as submitted by Appointed Agent Jesse Froese, on behalf of CHR Farms Ltd., proposing to sever 0.4 ha (1.0 acres) of land and to retain 40.8 ha (100.8 acres). The intent is to create a rural residential parcel containing an existing dwelling considered by the owner to be surplus to the farm operation. The property is known as 56573 Calton Line.

The subject land is designated "Agriculture" "Natural Heritage" and "Natural Gas Reservoir" on Schedule 'A1': Land Use and "Hazard Lands" and "Significant Woodlands" and there is an "Existing Petroleum Well" identified on Schedule A2: Constraints of the Official Plan. The lands are zoned Site-specific Agricultural (A1-A-34) and portions of LPRCA Regulation Limit on Schedule 'A1' Map No. 11 of the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

DISCUSSION

The planner's memorandum, dated December 13, 2023, analyzes the application subject to the Provincial Policy Statement, Elgin County Official Plan, Municipality of Bayham Official Plan, and Zoning By-law.

The retained portion of the lands contains three (3) supplementary farm dwellings in portions of the two (2) existing permanent buildings to accommodate up to a maximum of 24 seasonal farm labourers. The supplementary farm dwellings were recognized through a previous zoning By-law Amendment (Z704-2020) with a Development Agreement. The Development Agreement will need to be revised to ensure it is up-to-date with the proposed severance.

Staff are concerned with the shared hydro services crossing future property lines. A condition regarding the hydro services is included and the Owner will have to discuss and coordinate with Hydro One to address the situation. Site-specific rezoning of both the severed and retained

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

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

ATTACHMENTS

1. Consent Application E8-24
2. Aerial Map – 56573 Calton Line
3. IBI Group Memorandum, dated December 13, 2023

RECOMMENDATION

THAT Report DS-70/23 regarding the Consent Application E8-24 CHR Farms Ltd. be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E8-24 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a Site-specific Rural Residential (RR-XX) Zone to include a Rear Yard Depth of 3.8 metres from the existing garage to remain
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2 metres and prohibit any new supplementary farm dwellings
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, if Hydro One determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality
6. Planning Report fee due and payable to the Municipality upon consent approval
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer



101-410 Albert Street
Waterloo, ON, N2L 3V3

Memorandum

To/Attention	Municipality of Bayham	Date	December 13, 2023
From	Christian Tsimenidis, BES	Project No	3404-925
cc	William Pol, MCIP, RPP		
Subject	CHR Farms Ltd. – 56573 Calton Line – Application for Consent E8-24		

Summary and Background

1. We have completed our review of Consent Application E8-24, submitted by Jesse Froese on behalf of CHR Farms Ltd. (hereafter “owner” or “applicant”) for the lands located at 56573 Calton Line, south side of Calton Line, east of Plank Road. The applicant is requesting consent for severance of 0.4 ha (1.0 acres) of land and to retain approximately 40.8 ha. (100.8 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.
2. The proposed severed parcel has a lot frontage of 82.9 metres (271.9 feet) and lot depth of 70.1 metres (230.1 feet) to accommodate the existing single-detached dwelling, existing two (2) accessory sheds and accessory garage. There is an existing driveway access to the proposed severed lot that would remain as it exists today.
3. The proposed retained parcel has an estimated lot frontage of 336.1 metres (1,102.6 feet) and lot depth of roughly 993.5 metres (3,259.5 feet) to accommodate the existing agricultural operations. The proposed retained lot will also feature an existing barn that contains a supplementary farm dwelling or ‘Bunkhouse’, as well as an additional bunkhouse containing two (2) supplementary farm dwellings. A total of three (3) supplementary farm dwellings would remain on the proposed retained lot. It is important to note that a previous Zoning By-law Amendment (Z704-2020) was approved on the subject property with respect to the existing barn and bunkhouse, permitting a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers. The applicant did not indicate the capacity of the bunkhouses in this Consent Application. There is also an existing driveway access to the proposed retained lot that would remain as it exists today.

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4. The lands are designated as 'Agriculture', 'Natural Heritage' and 'Natural Gas Reservoir' on Schedule A1: Land Use; and 'Hazard Lands' and 'Significant Woodlands' and there is an 'Existing Petroleum Well' identified on Schedule A2: Constraints, in the Municipality of Bayham Official Plan (Bayham OP). The lands are zoned Agricultural (A1-A-34) with a Site-Specific Exception, as noted previously, and portions on the subject lands are within the 'LPRCA Regulation Limit' on Schedule A Map No. 11 in Zoning By-law Z456-2003.
5. Surrounding uses are agricultural in all directions. Industrial uses are located immediately north of the subject lands across Calton Line, which are identified as 'Max Underhill's Farm Supply Ltd.' (farm equipment supplier) and 'Froese Vegetable Inc.' (vegetable wholesale). The subject lands and surrounding area to the south are traversed by woodlands.
6. It is understood there is an existing Development Agreement for supplementary farm dwellings with the Municipality. As a Condition of Approval, the Development Agreement for supplementary farm dwellings between the owners and the Municipality should be revised, where necessary, to ensure it is up-to-date.
7. The subject lands are traversed by existing overhead hydro poles and lines that power the existing single-detached dwelling and garage on the proposed severed lot, as well as the existing bunkhouse and barn/bunkhouse on the proposed retained lot. As such, given that the existing overhead hydro lines would traverse the proposed severed and retained lot property lines from multiple points, it is our opinion that either new independent hydro servicing to each proposed lot should be implemented, or alternatively, maintenance easements over these existing hydro poles and lines to ensure there are no future maintenance issues or disputes between the severed lot owner and retained lot owner. Staff did not receive a response/confirmation from Hydro One regarding the provision of hydro servicing to the proposed severed and retained lots at the time this Memo was prepared. As such, please refer to the Conditions of Approval in this Memo for further details.

Provincial Policy Statement

8. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:
 - 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*
 - c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*

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

Comment: The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing septic system and has adequate servicing according to the documentation provided by the applicant. The applicant, however, has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot. Further, no documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

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*

Comment: As per Paragraph 15, The applicant is required to rezone the retained lot from A1-A-34 to A2-XX in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS, subject to the Conditions of Approval listed below.

Elgin County Official Plan

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

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

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Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

Comment: The proposed severed and retained lots have adequate frontage on Calton Line.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

Comment: Calton Line is identified as a County Road. There are two (2) existing accesses on the subject property, one (1) to the proposed retained lot and one (1) to the proposed severed lot. The applicant will utilize the existing accesses for the proposed severed and retained lots.

- c) *will not cause a traffic hazard;*

Comment: The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

Comment: The proposed severed and retained lots will meet the minimum lot area and frontage requirements in the Bayham Zoning By-law for the future RR and A2 Zone.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraphs 14 and 15 of this Memo below.

- f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*

Comment: The owner/applicant provided supporting private septic servicing information as part of the application submission, stating that the existing septic system is in adequate condition for the proposed severed lot. The applicant, however, has stated that a private well is required for the

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proposed severed lot, as there is no existing well on the proposed severed lot. Further, no documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

- g) *will not have a negative impact on the drainage patterns in the area;*

Comment: There are no significant physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

- h) *will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

Comment: The proposed consent will not restrict the development of the retained lands (or other parcels), as the existing accesses will remain unaltered.

- i) *will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

Comment: The proposed severed lot is located outside of the natural heritage features that traverse the subject property. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

- j) *will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

Comment: The applicant has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot. No documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner

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provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Comment: The proposed severance does not propose any significant physical changes to the subject lands, as many of the existing buildings/structures and agricultural operations will remain as they exist today. Therefore, no adverse impacts are anticipated.

l) *conform with the local Official Plan; and,*

Comment: The proposed severance will conform to the Bayham Official Plan. Please see Paragraphs 10 to 13 of this Memo below for details.

m) *will conform to Section 51 (24) of the Planning Act, as amended.*

Comment: Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

Municipality of Bayham Official Plan

10. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

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

Comment: It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today. The existing bunkhouse to the east on the proposed retained lot will be screened by the existing barn/bunkhouse. It is further understood that there are no livestock within proximity of the existing single-detached dwelling and bunkhouses, thus minimizing land use conflict.

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

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Comment: The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

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

Comment: The owner/applicant owns a minimum of one (1) existing dwelling within the Municipality of Bayham.

11. Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

Comment: The proposed severed lot is no larger than necessary to support existing sanitary servicing, however, the applicant has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private well on the proposed severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private well on the proposed severed lot.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

Comment: It is understood there are no livestock operations identified in the immediate area warranting MDS concerns.

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

Comment: As detailed further in Paragraph 14 of this Memo below, the applicant is required to rezone the proposed severed lot from A1-A-34 to RR-XX with a Site-Specific Exception to permit a Rear Yard Depth of 3.8 metres.

2.1.7.3 The severed lot with the surplus farm dwelling may:

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- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

Comment: The existing two (2) sheds and garage on the proposed severed lot will remain as they exist today. It is Staff's opinion that these existing accessory buildings to remain on the proposed severed lot will not create a land use conflict.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

Comment: The applicant is not including accessory buildings and structures on the proposed severed lot for the keeping of livestock. The keeping of livestock on the proposed severed lot is prohibited in the RR Zone.

12. Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

Comment: The proposed retained lot will meet the minimum lot area and lot frontage requirements of the A2 Zone, as the applicant will be required to rezone the proposed retained lot from A1-A-34 to a Site-Specific A2-XX Zone.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

Comment: As noted above and in Paragraph 15 of this Memo below, the applicant is required to rezone the retained lot from A1-A-34 to A2 in order to prohibit the development of a future residential dwelling. A Specific Exception to the proposed A2-XX Zone would be required to recognize this existing supplementary farm dwellings constructed prior to the passing of the future By-law.

13. Section 2.1.10 (Supplementary Farm Dwellings) of the Official Plan sets out policies for the need, location, size and type, services, and vehicular access for this form of intended land use. The original intent of this policy is to allow supplementary farm labour to be accommodated on the same farmland on which the labour would be employed. Having the accommodations on the cultivation lands provides the greatest efficiency for location of the labour and maintenance of the accommodations for the owner of the farm. Establishment of supplementary farm dwellings will be:

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- a) Need: *Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;*

Comment: It is understood that the existing farm operation requires the need for seasonal farm labourers, therefore, the existing bunkhouse dwellings are required to provide seasonal accommodation.

- b) Existing dwellings: *Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;*

Comment: No additional supplementary farm dwellings are being proposed by the applicant, as it is understood that the existing bunkhouses are necessary to satisfy the needs for the farming operations and provide seasonal accommodation for farm labourers based on the operation's current demands.

- c) Location: *Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;*

Comment: The existing bunkhouses on the proposed retained lot for agricultural operations is located in proximity of the existing driveway access and farm operations. It is our opinion that the existing location of the bunkhouses will not have adverse impacts to the surrounding land use, as it is an existing use.

- d) Size and type: *The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m² (1,800 ft²).*

Comment: It is understood that the existing bunkhouse and barn/bunkhouse provides the minimum size required for the seasonal farm labourers. To ensure the existing bunkhouse can accommodate both public health and safety, as a Condition of Approval, Staff are requesting that existing Development Agreement for the supplementary farm dwellings between the owners and the Municipality should be revised where necessary to ensure it is up-to-date.

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- e) *Services: The supplementary farm dwelling must demonstrate an adequate supply of potable water and sanitary sewage disposal system to the satisfaction of the Municipality. Preference will be given to dwellings which can make use of existing services; and,*

Comment: It is understood that the existing bunkhouses currently utilize private septic and private water servicing and will continue to do so. As a Condition of Approval, the applicant is required to provide written confirmation from a licensed well installer that the private well on the retained lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private well on the retained lot.

- f) *Vehicular access: The supplementary farm dwelling must demonstrate how vehicular access will not contribute to any traffic-related hazards to the satisfaction of the appropriate road authority. Preference will be given to the use of existing driveways.*

Comment: The existing bunkhouses on the proposed retained lot will utilize the existing access. The use currently exists today, therefore, it is our opinion that this application will not cause traffic-related hazards.

The Municipality may enter into an agreement with the applicant relating to such matters as location, maintenance, buffering, removal, and period of occupancy of any dwellings, as well as any other matters deemed appropriate to ensure that the dwelling is used for its intended purpose of providing housing for farm help.

Comment: As a Condition of Approval, Staff are requesting that the existing Development Agreement for the supplementary farm dwellings between the owners and the Municipality should be revised where necessary to ensure it is up-to-date.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

Municipality of Bayham Zoning By-law

14. The proposed severed parcel is currently zoned Site-Specific Agricultural (A1-A-34) and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

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Notwithstanding the above, the proposed Rear Yard Depth of 3.8 metres between the existing garage and rear lot line would not meet the minimum requirement of 15 metres in the RR Zone.

Therefore, as part of the future Zoning By-law Amendment application, a Site-Specific Exception to the proposed RR-XX Zone would be required to recognize the deficiency in order to permit a minimum Rear Yard Depth of 3.8 metres, specifically for the existing garage erected prior to the date of the passing of the future By-law.

15. The proposed retained parcel is currently zoned Site-Specific Agricultural (A1-A-34) and must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares and minimum Lot Frontage of 150 metres required in the A2 zone.

As previously mentioned in this Memo, the existing barn containing a supplementary farm dwelling and bunkhouse are proposed on the retained lot. A Zoning By-law Amendment (Z704-2020) was previously approved on the subject property with respect to the existing barn and bunkhouse, permitting a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers.

It is further noted that the proposed Side Yard Depth of 7.2 metres on the retained lot between the existing barn and side lot line would not meet the minimum requirement of 10 metres in the A2 Zone.

Therefore, based on the above, as part of the future Zoning By-law Amendment Application, a Site-Specific Exception to the proposed A2-XX Zone would be required to recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as permit a minimum Side Yard Depth of 7.2 metres. No new supplementary farm dwellings shall be permitted.

Long Point Region Conservation Authority

16. As previously mentioned in this Memo, portions of the subject property are within the "LPRCA Regulation Limit". The proposed severed lot for the existing residential dwelling is located outside of the LPRCA Regulation Limit, as this regulatory area only impacts the proposed retained lot which will remain as it exists today for agricultural operations. Therefore, it is our opinion that the proposed severance will not be impacted by the LPRCA Regulation Limit.

Conclusion and Recommendations

17. Based on the above review of Consent Application E8-24 we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus

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to the needs of the farm operation and recommend the following conditions for approval:

- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from a Site-Specific Agricultural (A1-A-34) zone to a Site-Specific Rural Residential (RR-XX) Zone to permit a Rear Yard Depth of 3.8 metres from the existing garage to remain.
- b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained parcel from a Site-Specific Agricultural (A1-A-34) zone to a Site-Specific Special Agricultural (A2-XX) Zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as permit a minimum Side Yard Depth of 7.2 metres. No new supplementary farm dwellings shall be permitted.
- c) That the owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, whether maintenance easements are required over the existing hydro servicing on the severed and retained lots.
- d) That the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, as stated in the Consent Application Form.
- e) That the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot, as stated in the Consent Application Form.
- f) That the existing Development Agreement for supplementary farm dwellings between the owner and the Municipality be revised, where necessary, to ensure it is up-to-date.
- g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- h) That the owner provides a digital copy of a survey of the subject lands.
- i) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Calton Line CR # 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 8-24

APPLICANT: C.H.R. Farms Ltd

PROPERTY: LOT NO. 18 & 19 CONCESSION: 4

REG'D PLAN: R11R5208 PT 1 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 _____ Road County Road () 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.....

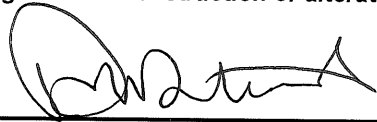
- 10) The County has no concerns.....

- 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
Director of Engineering 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: January 24, 2024
Application: E 8-24

Owner: CHR Farms Ltd.
56398 Calton Line, Vienna, ON
Agent: Jesse Froese
55248 Maple Grove Line, Eden, ON
Location: Lot 18 and 19, Concession 4. Municipally known as 56573 Calton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 82.92m (272 feet), a depth of 70.14m (230 feet) and an area of 4,046m² (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 84ha (207 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns.

Long Point Region Conservation Authority – No 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 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 207 acres in area and will continue to be used for agricultural uses.

The PPS permits consents within the agricultural area for surplus dwelling severances.

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

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

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. Severances for surplus farm dwellings are permitted within the agricultural area, provided the new severed lot is the minimum size required to accommodate the existing dwelling and required services.

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 existing severed lot is proposed to be rezoned to a site-specific Rural Residential dwelling to recognize the 3.8m rear yard depth for the existing garage. The retained lot is proposed to be rezoned to a Special Agricultural zone which will prohibit residential development and permit the existing supplementary farm dwellings, recognize the existing side yard depth of 7.2m and prohibit any new supplementary farm dwellings.

RECOMMENDATION:

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

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

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

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a site-specific Rural Residential (RR-XX) zone to include a rear yard depth of 3.8m from the existing garage to remain.
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2m and prohibit any new supplementary farm dwellings.
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro services is required for each lot, or, alternative, if Hydro determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality.
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water.
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality.
6. Planning Report fee due and payable to the Municipality upon consent approval.
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel.