



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, March 27, 2024, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 9-24 David Roe – 11088 Walker Road, Township of Malahide
 - 9:15 am E 12-24 David Roe – 11980 Imperial Road, Township of Malahide
 - 9:25 am E 16-24 Peter Littlejohn – 28660 Talbot Line, Municipality of Dutton Dunwich
 - 9:35 am E 17-24 Colleen Row – 51829 Yorke Line, Township of Malahide
 - 9:45 am E 18-24 Jesse Froese – 10564 Culloden Road, Municipality of Bayham
 - 9:55 am E 19-24
E 20-24 Peter Forsythe – 11241 and 11229 Imperial Road, Township of Malahide
 - 10:05 am E 61-23 Will Friesen – 8231 Imperial Road, Township of Malahide
- 10th Date of Next Meeting
- 11th Adjournment



Please click the link below to watch the Committee Meeting:

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

Accessible formats are available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

February 28, 2024

County of Elgin Land Division Committee met this 28th day of February, 2024. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

Committee Members Present (in-person / electronic):

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

Staff Present (in-person):

Paul Clarke, Planning Technician / Land Division Committee Secretary-
Treasurer
Susie Burie, Administrative Assistant

1. CALL TO ORDER

The meeting convened at 9:00 a.m.

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

None.

3. ADOPTION OF MINUTES

Moved by: Bill Ungar

Seconded by: Ian Fleck

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

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

RESOLVED THAT the minutes of the meeting held on January 24, 2024 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 10-24 – 9:05 a.m.
Helen Button – 45685 Talbot Line

The applicant proposes to sever a parcel with a frontage of 10.04m (32 feet), a depth of 214.32m (703 feet) and an area of 0.8ha (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41.7ha (103 acres) proposed to remain in agricultural use.

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

Owner: Not present

Agent: Helen Button attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
5	Ministry of Transport (MTO)	No objections, requests conditions

() 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 10-24 be approved subject to the following conditions:

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

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

1. Approval of a Zoning By-law Amendment to prohibit residential dwellings on the retained lot and the deficient lot frontage for the severed lot be recognized.
2. A copy of the reference plan be provided to the Municipality of Central Elgin.

Additionally, it is recommended that the following conditions from the Ontario Ministry of Transportation be included as conditions for consent:

1. The proposed severed parcel (land with residential dwelling), shall be zoned to permit a surplus dwelling, permissive of one single detached residential dwelling and one residential entrance.
2. All access to the farm lot shall be from Powers Road.

3. An MTO entrance permit (no fee) is required to update ownership and define the use of the Highway 3 residential entrance.

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

- Motion Carried.

Application E 13-24 – 9:15 a.m.
Gerhard Blatz – 36 Victoria Street

The applicant proposes to sever a parcel with a frontage of 20.17m (66 feet), a depth of 20.17m (66 feet) and an area of 406.83m² (0.10 acres) to create a new residential lot. The applicant is retaining a lot with an area of 406.83m² (0.10 acres) proposed to remain in residential use.

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

Owner: Not present
Agent: Not present

Written submissions (*) were received from the following:

Submission		Comments
1	Town of Aylmer	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No concerns
3	Elgin County Engineering Services	Not on County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Ian Fleck
Seconded by: Bill Ungar

RESOLVED THAT severance application E 13-24 be approved subject to the following conditions:

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

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

1. That the Owner meets all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner has removed the accessory building on the proposed severed parcel, to the satisfaction of the Town of Aylmer.
3. That the Owner makes 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 Owner provides 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 owner, 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 Owner, to the satisfaction of the Town of Aylmer.
6. That the Owner has 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 Owner has applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for both the proposed severed and retained parcels 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 E13-24, 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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 2-24 – 9:40 a.m.

Kimberly Mulder – 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.

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

Owner: Not present

Agent: Kimberly Mulder attended virtually

Written submissions (*) were received from the following:

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

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

Moved by: John Andrews

Seconded by: Ian Fleck

RESOLVED THAT severance application E 2-24 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 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 be 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.

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

- Motion Carried.

Application E 8-24 – 9:55 a.m.
Jesse Froese – 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.

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

Owner: Not present
Agent: Not present

Written submissions (*) were received from the following:

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

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

Moved by: Dugald Aldred
Seconded by: John Andrews

RESOLVED THAT severance application E 8-24 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. 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 be 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.

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

- Motion Carried.

Application E 14-24 – 10:05 a.m.
Logan Burnett – 52925 Nova Scotia Line

The applicant proposes to sever a parcel with a frontage of 91.252m (300 feet), a depth of 137.662m (452 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 109.266ha (270 acres) proposed to remain in agricultural use.

Chairman Marks 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 Malahide	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No comments
3	Elgin County Engineering Services	Not concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT severance application E 14-24 be approved subject to the following conditions:

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

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

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation

of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.

2. 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.
3. 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.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

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

- Motion Carried.

Application E 15-24 – 10:12 a.m.
Brandon Collier – 199 Centennial Street

The applicant proposes to sever a parcel with a frontage of 17m (56 feet), a depth of 37.186m (122 feet) and an area of 632.1m² (0.16 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1,593.4m² (0.4 acres) proposed to remain in residential use.

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

Owner: Not present

Agent: Brandon Collier attended virtually

M. Normal attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No concerns
3	Elgin County Engineering Services	Not concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
5	A letter of objection was received and included in the agenda package	

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

Moved by: Ian Fleck

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 15-24 be approved subject to the following conditions:

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

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

1. The applicants enter into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters relative to the development of the subject lands
2. The payment of cash-in-lieu of parkland of the dedication of 5% of the land for parkland purposes
3. 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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

The Committee moved into an open discussion regarding site visits and LDC remuneration. It was agreed that Chair Marks would submit a letter to Nicolas Loeb on behalf of the Committee outlining their concerns.

10. ADJOURNMENT

Moved by: Bill Ungar
Seconded by: Ian Fleck

RESOLVED THAT the Committee adjourn at 10:35 am on February 28, 2024 to meet again at 9:00am on March 27, 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			
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Paul Clarke
Secretary-Treasurer

Tom Marks
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 9-24**

**LOT 26, CONCESSION 8
TOWNSHIP OF MALAHIDE
11088 WALKER ROAD**

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 11088 Walker Road.

The applicant proposes to sever a parcel with a frontage of 71.78m (235 feet), a depth of 101.06m (331 feet) and an area of 7,254m² (1.8 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 32.37ha (80 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:

**MARCH 27, 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.

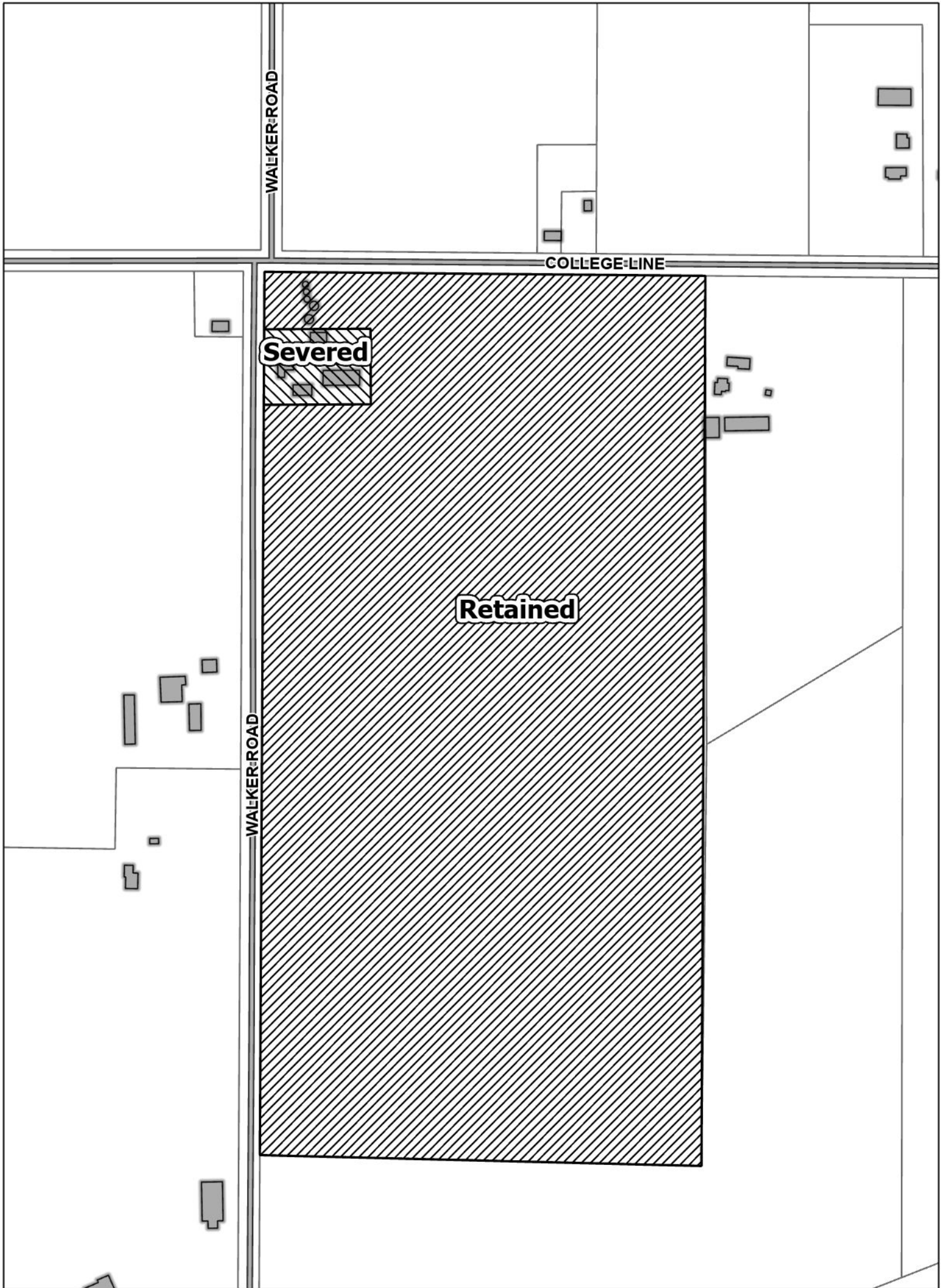
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of January, 2024.

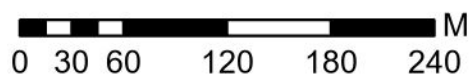
Paul Clarke
Secretary-Treasurer
Land Division Committee

**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

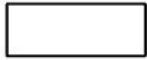

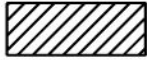




Location Map

Subject Site: 11088 Walker Road
 File Number: E 9-24
 Owner: Ben and Bonnie Anckear
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 1/5/2024
 Township of Malahide



Legend

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





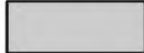


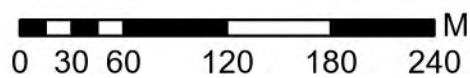
Location Map

Subject Site: 11088 Walker Road
 File Number: E 9-24
 Owner: Ben and Bonnie Anckart
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 1/5/2024
 Township of Malahide



Legend

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



Paul Clarke

From: [REDACTED]
Sent: March 1, 2024 3:34 PM
To: Paul Clarke
Subject: RE: E 9-24 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.

Hello,

Catfish Creek Conservation Authority (CCCA) has no concerns with the above application but would like to note that portions of the retained parcel are within the regulated area of the Catfish Creek Municipal Drain. Thus, any future development within the regulated area on the retained parcel would be subject to CCCA policies and regulations at that time.

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: February-22-24 10:05 AM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: E 9-24 Notice of Application

Good morning,

Please see the attached notice of application. If you wish to provide comments on this application, please do so by **Tuesday, March 19.**

Thanks,

Paul Clarke CPT

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 Bonnie Anckcart And Frank And Sheryl Berkelmans (Authorized Agent David Roe C/O Civic Planning Solutions Inc)

Location Part of Lot 26, Concession 8, Township of Malahide (11088 Walker Road)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture " on Schedule 'A1' (Land Use Plan) and southern portion of the property containing the Catfish Creek Municipal Drain is designated "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Sections 2.1.2.2 and 2.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: the proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. the proposed severed parcel be rezoned to site specific 'Small Lot Agricultural (A4-XX)' to address the accessory building deficiencies.

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

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

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



Report to Council

REPORT NO.: DS-24-03

DATE: January 18, 2024

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E9-24 OF BEN AND BONNIE ANCKEART AND FRANK AND SHERYL BERKELMANS (AUTHORIZED AGENT DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC)**

LOCATION: **Part of Lot 26, Concession 8, Township of Malahide (11088 Walker Road)**

Recommendation:

THAT Report No. DS-24-03 entitled “Application for Consent to Sever No. E9-24 Of Ben & Bonnie Anckart and Frank & Sheryl Berkelmans (Authorized Agent David Roe c/o Civic Planning Solutions Inc)” be received;

AND THAT the Application for Consent to Sever of Ben & Bonnie Anckart and Frank & Sheryl Berkelmans (Authorized Agent David Roe c/o Civic Planning Solutions Inc), relating to the property located at Part of Lot 26, Concession 8, Township of Malahide, and known municipally as 11088 Walker Road be supported for the reasons set out in this Report;

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

Background:

The subject lands are owned by Ben and Bonnie Anckart. The application for Consent to Sever (the “Application”) has been submitted by Frank & Sheryl Berkelmans (Authorized Agent David Roe C/O Civic Planning Solutions Inc) to sever the existing dwelling and purchase the proposed retained farmland from the owners. The dwelling would be surplus to the needs of Berklemans’ farm operation as a result of a farm consolidation.

The Application relates to the property located at Part of Lot 26, Concession 8, Township of Malahide, and known municipally as 11088 Walker Road.

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 33.2 hectares (79.8 acres) in area, has approximately 844 metres (2,769 feet) of frontage along Walker Road, and approximately 419 metres (1,374 feet) of frontage along College Line. The subject lands contain an existing single detached dwelling, detached garage/shop, two accessory agricultural structures and several crop silos. The Catfish Creek Municipal drain bisects the property towards the southern end.

The subject lands are bounded by Walker Road to the west, College Line to the north and are surrounded by agricultural lands in all directions, with rural residential properties to the east and north.

The applicants are proposing to sever the existing farm dwelling to purchase and add the retained agricultural land as part of their farm operation. The applicants own and farm six other agricultural properties totaling 651 acres within relative proximity of the subject lands. The proposed severed parcel would be approximately 7,254 m² in area and have approximately 72 metres of frontage along Walker Road. The proposed retained parcel would be approximately 32 hectares in area and have 419 metres of frontage along College Line.

Provincial Policy Statement (PPS)

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

The proposed severed parcel is of a minimum size (0.7 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 on the farmland and address zoning deficiencies on the severed parcel.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use 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 a

dwelling as well as rezone the severed dwelling to 'Small Lot Agriculture (A4)' to reflect the surplus farm dwelling property as well as address zoning deficiencies.

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and the southern portion of the property containing the Catfish Creek Municipal Drain is designated "Hazard Lands" on Schedule 'A2' (Constraints Plan).

The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2). 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 can be serviced by a 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 a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. Letters supporting the good conditions of the well and weeping bed have been provided to support the application. Further, the proposed lot and existing dwelling are located within 100 metres of a public open 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 'Agricultural (A1)' or 'Special Agriculture (A2)' zone, and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4). 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.

The subject lands contain an area of 'Hazard Lands' associated with the Catfish Creek Municipal Drain. The new lot being to be created is outside of the 'Hazard Lands' designation, and no further development is being proposed within these lands.

Malahide Zoning By-law No. 18-22

The subject property is within the 'General Agricultural (A1)' zone, on Key Map 39 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is anticipated that the proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area (20 ha) and lot frontage (150 m) requirements of the 'A2' zone.

It is also anticipated that the proposed severed parcel be rezoned to ‘Small Lot Agriculture Special (A4-XX)’. The ‘A4’ zone is intended to be applied to lots created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to address the following deficiencies:

- The northern barn located approximately 3 metres from an interior side lot line when 5 metres is the prescribed minimum;
- The southern barn area of approximately 483 square meters when a maximum floor area of an accessory structure is prescribed as 200 square metres;
- The southern barn height exceeding the maximum prescribed amount of 6 metres; and
- A total lot coverage for accessory buildings of approximately 11% when 10% is the prescribed maximum.

The proposed severed parcel meets all other requirements of the A4 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, with conditions that a Zoning By-law Amendment be obtained to rezone the subject lands, as well as address the deficient provisions listed above.

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

- No comments were received at the time of the 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

Owners: BEN AND BONNIE ANCKEART

Applicants: FRANK AND SHERYL BERKELMANS

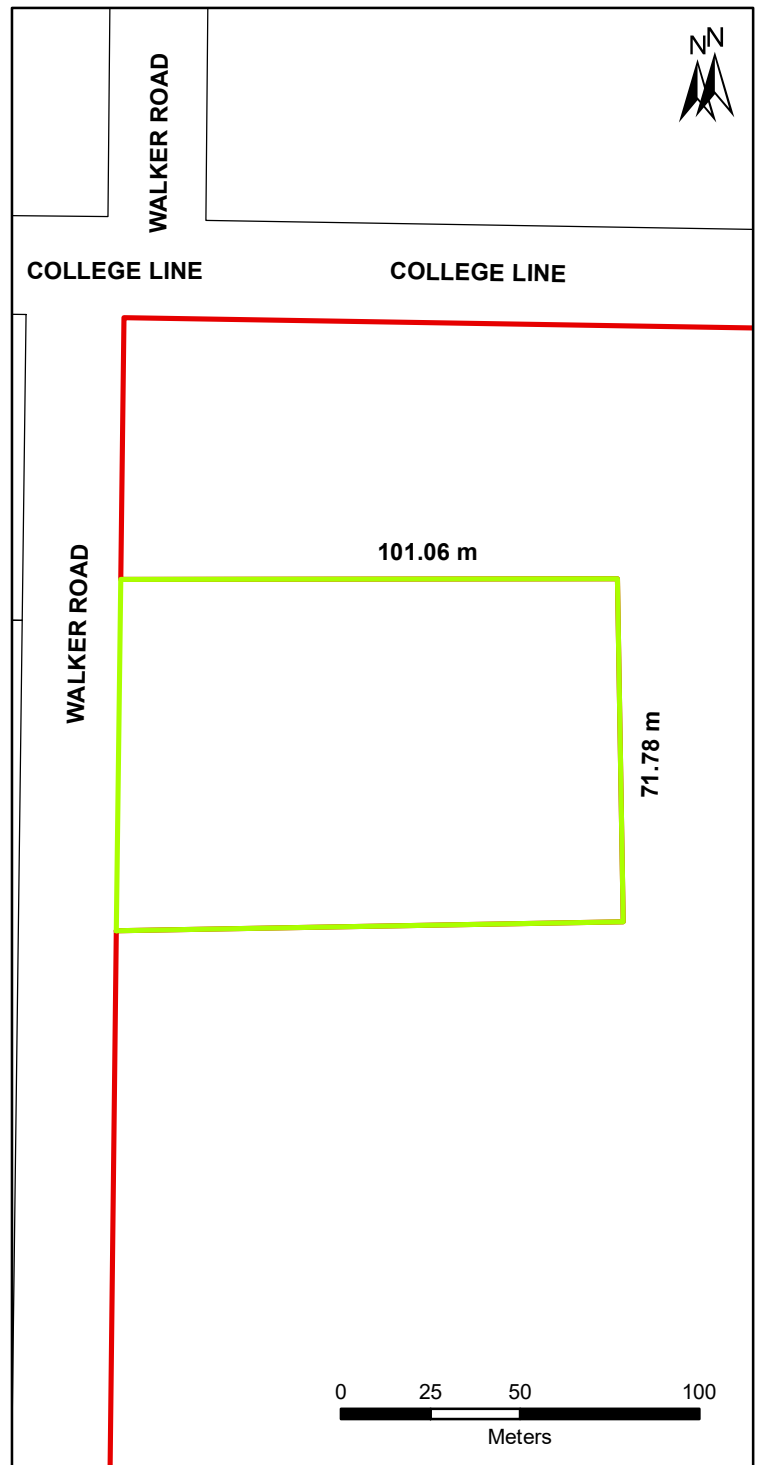
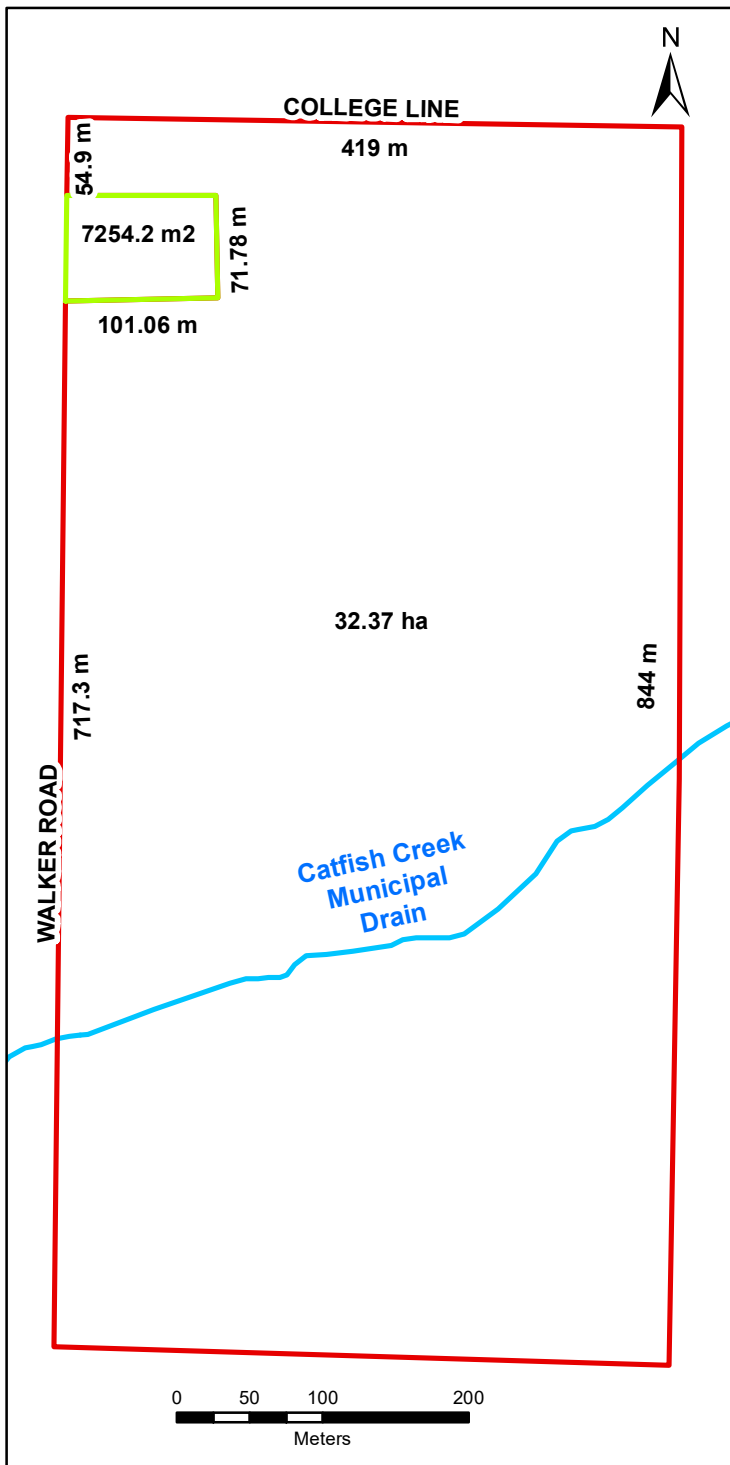
Authorized Agent: DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC

11088 Walker Road

Part of Lot 26, Concession 8, Township of Malahide




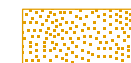
Township Of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural

-  To be Retained
-  Existing Drains
-  To be Severed
-  Hazard Lands



January 18, 2024

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

Dear Committee Members:

RE: Land Severance Application E9-24 Of Ben And Bonnie Anckart And Frank And Sheryl Berkelmans (Authorized Agent David Roe C/O Civic Planning Solutions Inc) - Part of Lot 26, Concession 8, Township of Malahide (11088 Walker Road)

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. E9-24 in the name of Ben And Bonnie Anckart And Frank And Sheryl Berkelmans (Authorized Agent David Roe C/O Civic Planning Solutions Inc), relating to the property located at Part of Lot 26, Concession 8, Township of Malahide (11088 Walker Road), subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
4. Provide on the reference plan the existing conditions and a 15m x 15m x 21.2m sight triangle at the south east corner of College Line and Walker Road intersection and provide all supporting documentation for the land to be transferred to the Township.
5. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed

before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.

6. 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.
7. That the applicants initiate and assume all planning costs associated with the required Zoning By-law 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.
8. 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.
9. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
10. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
11. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
12. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-24-03 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy – Dave Jenkins
David Roe Dfrfez@me.com

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 27, 2024 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E9-24

APPLICANT: Frank and Sheryl Berkelmans

PROPERTY: LOT NO. 26 CONCESSION: 8
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 _____ 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.....

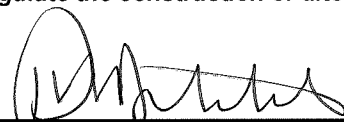
- 10) The County has no concerns.....

- 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: March 27, 2024
Application: E 9-24

Owner: Ben and Bonnie Anckert
11088 Walker Road, Aylmer, ON
Agent: David Roe
61 Trailview Drive, Tillsonburg, ON
Location: Lot 26, Concession 8. Municipally known as 11088 Walker Road

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 71.78m (235 feet), a depth of 101.06m (331 feet) and an area of 7,254m² (1.8 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 32.37ha (80 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture, 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 – 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 7,250m² to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 32ha 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 contains the existing dwellings and accessory structures

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 has proposed a condition to rezone the retained lands to a zone that prohibits residential development. Additionally, the Township has proposed a condition to rezone the severed lot to a Small Lot Agricultural (A4) zone to reflect the lots primary use as a residence and address several minor zoning provision 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 initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
3. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
4. Provide on the reference plan the existing conditions and a 15m x 15m x 21.2m sight triangle at the south east corner of College Line and Walker Road intersection and provide all supporting documentation for the land to be transferred to the Township.
5. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
6. 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.
7. That the applicants initiate and assume all planning costs associated with the required Zoning By-law 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.
8. 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.



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

9. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
10. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
11. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
12. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 12-24**

**LOTS 11 AND 12, CONCESSION 9
TOWNSHIP OF MALAHIDE
11980 IMPERIAL ROAD AND 11960 IMPERIAL ROAD**

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 11980 Imperial Road and 11960 Imperial Road.

The applicant proposes to sever a parcel with a frontage of 88m (288 feet), a depth of 87m (285 feet) and an area of 0.656ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43.65ha (107 acres) proposed to remain as vacant land. The applicant is also proposing to create a 8m wide easement for a shared driveway.

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:

**MARCH 27, 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.

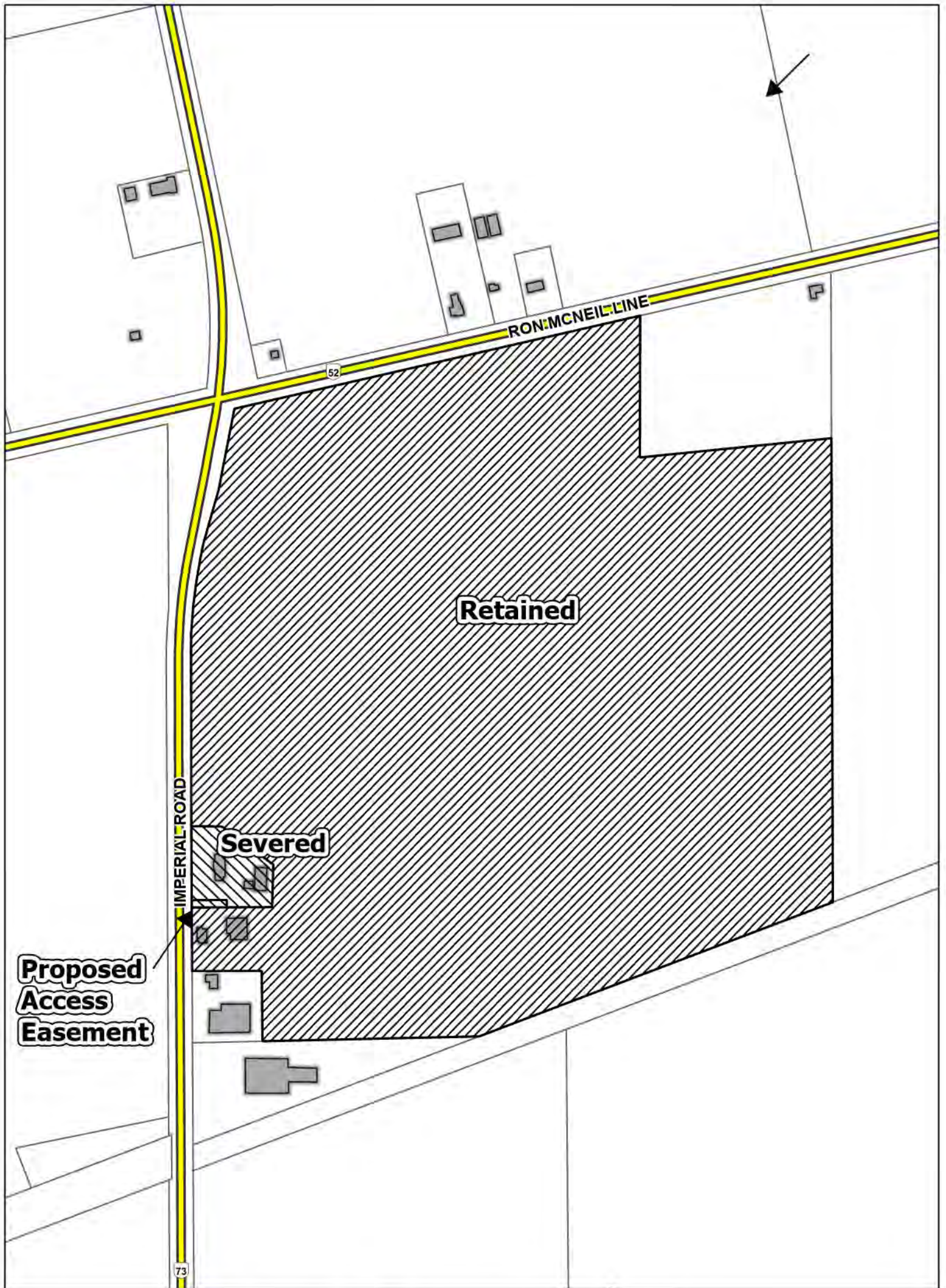
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of January, 2024.

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








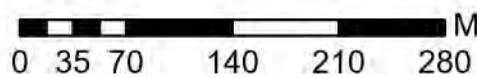
Location Map

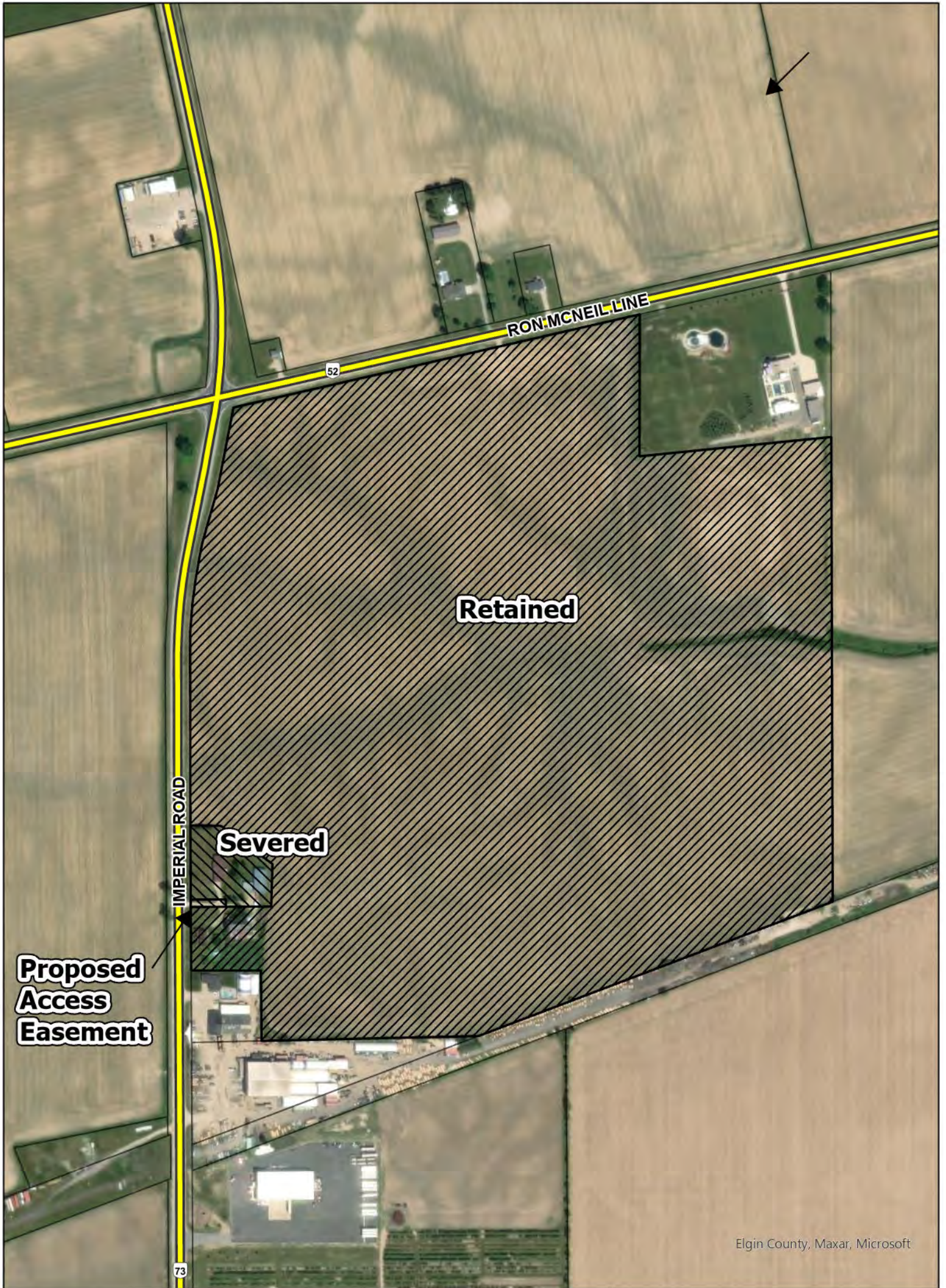
Subject Site: 11980 and 11960 Imperial Road
 File Number: E 12-24
 Owner: Buehlmann Farms Inc.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 1/8/2024
 Township of Malahide



Legend

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





Elgin County, Maxar, Microsoft

Location Map



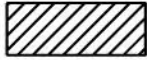


Subject Site: 11980 and 11960 Imperial Road
 File Number: E 12-24
 Owner: Buehlmann Farms Inc.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 1/8/2024
 Township of Malahide

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

0 35 70 140 210 280 M



Legend

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



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: March 27, 2024
Application: **E 12-24**

Owner: Beuhmann Farms Inc. 52075 Pressey Line, Springfield, ON	Agent: David Roe 61 Trailview Drive, Tillsonburg, ON
Location: Lot 11 and 12, Concession 9. Municipally known as 11980 and 11960 Imperial Road.	

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 88m (288 feet), a depth of 87m (285 feet) and an area of 0.656ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43.65ha (107 acres) proposed to remain as vacant land. The applicant is also proposing to create a 8m wide easement for a shared driveway.

The agent on this application has requested it be deferred to another application to sever the second dwelling on the subject land can be submitted.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 16-24**

**SOUTH PART OF LOT 8, PART OF LOT 9; CONCESSION 7
MUNICIPALITY OF DUTTON DUNWICH
28660 TALBOT LINE**

TAKE NOTICE that an application has been made by Peter Littlejohn, 29751 Lakeview Line, Wallacetown, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 28660 Talbot Line.

The applicant proposes to sever a parcel with a frontage of 50m (164 feet), a depth of 87m (656 feet) and an area of 1ha (2.47 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 27.53ha (68 acres) proposed to remain as agricultural land.

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

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

**MARCH 27, 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.

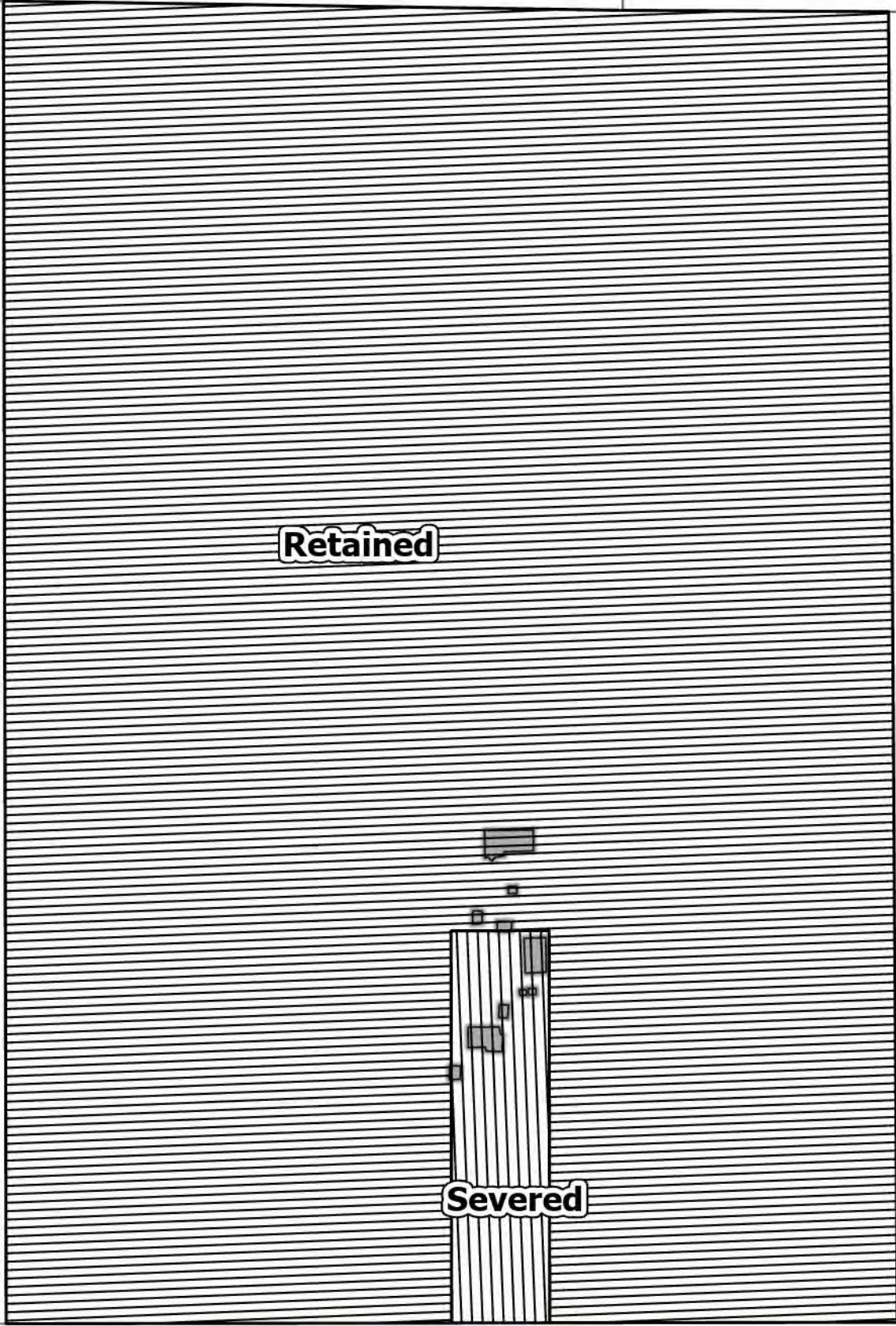
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of February, 2024.

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



Retained

Severed

TALBOT LINE



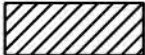


3

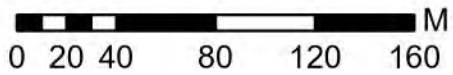
Location Map



Subject Site: 28660 Talbot Line
 File Number: E 16-24
 Owner: Peter Littlejohn
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 2/8/2024
 Municipality of Dutton Dunwich

Legend

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



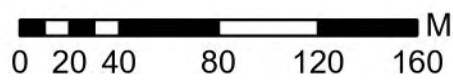


Elgin County, Maxar, Microsoft






Location Map

Subject Site: 28660 Talbot Line
 File Number: E 16-24
 Owner: Peter Littlejohn
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 2/8/2024
 Municipality of Dutton Dunwich

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



Legend

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

March 20th, 2024

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

Attn: **Paul Clarke**

Re: **Consent Application (E 16-24)**
28660 Talbot Line (Peter Littlejohn)
South Part of Lot 8, Part of Lot 9, Concession 7
Municipality of Dutton Dunwich

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area is the municipal drain at the North Eastern portion of the property and erosion.

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

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

Yours truly



Robert Guo
Planning Technician

MUNICIPAL APPRAISAL SHEET

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

Submission E 16-24

Applicant Peter LittleJohn

Location 28660 Talbot Line

OFFICIAL PLAN

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

Land Use Designation: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the Official Plan (OP), as approved on July 6, 2021, with a portion subject to Natural Heritage and Hazards on Schedule 'B' and Natural Resources on Schedule 'C'.

Comments: Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the 'Agriculture' designation subject to several criteria.

ZONING

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

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

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

OTHER

6. Does the Municipality foresee demand for new municipal services? Yes () No (X)
7. If so, is the Municipality prepared to provide those services? Yes () No (X)

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

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

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

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

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

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

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: March 11, 2024
SUBJECT: Application for Severance (E 16-24), 28660 Talbot Line, Municipality of Dutton Dunwich – Peter LittleJohn

FOR INFORMATION:

Background

The subject parcel is legally described as CON 7 S PT LOT 8 PT LOT 9 and locally known as 28660 Talbot Line, Municipality of Dutton Dunwich.

There is 1 existing dwelling and 1 accessory building located on the subject lands. One large barn and two small sheds are proposed to be removed.

The property is serviced by a municipal water service and a private septic system.

There are drains that cross the subject lands, including the Robinson Drain and Tribel Drain.

There are wooded areas located on and adjacent to the subject lands.

Purpose of Application

The applicant proposes to sever a parcel with a frontage of 50m (164 feet), a depth of 87m (656 feet) and an area of 1ha (2.47 acres) to sever a dwelling that is surplus to a farming operation.

The applicant is retaining a lot with an area of 27.53ha (68 acres) proposed to remain as agricultural land.

Department Comments

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

Departments	Comments received
Drainage	Reapportionment of the Robinson Drain and possibly the Tribel Drain. Mutual agreement drain.
Building	A review of the septic system will be required. A licensed sewage system installer will be required to review and uncover the septic tank lids and the 4 corners of the area bed for my inspection. If a licensed sewage system installer determines a new septic system is required, a building permit for the new system will be required, and decommissioning of the existing septic tank will be part of that permit process.
Water	No comments
Sewer	No comments
Public Works	No comments
Fire	No comments

PLANNING POLICY REVIEW:

Provincial Policy Statement

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

The subject property is within a prime agricultural area. Section 2.3.1 sets out that prime agricultural areas shall be protected for long-term use for agriculture.

Section 2.3.2 sets out that planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

Section 2.3.3.1 sets out that in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Section 2.3.3.2 (Permitted Uses) sets out that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (c) (Lot Creation) for prime agricultural areas was evaluated. Lot creation in prime agricultural areas is discouraged and may only be permitted for: a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations; b) agriculture-related uses, provided that any

new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; c) a residence surplus to a farming operation as a result of farm consolidation, provided that: 1- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

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

The proposed severed lot has an existing dwelling and is compatible with and does not hinder the surrounding agricultural operation. No new residential will be permitted on the retained lands.

The retained lot exists and provides similar flexibility for future operations.

County of Elgin Official Plan

The subject lands are designated Agricultural Area on Schedule 'A' Land Use of the County of Elgin Official Plan (COP) and are subject to Natural Heritage Features and Areas on Appendix '1'.

Section E1.2.3.1 (General Criteria) contains the conditions of approval for severed and/or retained lots.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted, provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

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

Comments: The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned.

The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No new development is proposed in the natural heritage feature.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the Official Plan (OP), as approved on July 6, 2021, with a portion subject to Natural Heritage and Hazards on Schedule 'B' and Natural Resources on Schedule 'C'.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the 'Agriculture' designation subject to several criteria.

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
The dwelling has been in existence for more than five years, as indicated by the owner on the application.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel would be rezoned to an A2 Zone to prohibit new residential uses.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*
Farm consolidation will occur.

- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*

The applicant has confirmed the base of a farm operation.

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

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

No development is proposed in the woodlands area.

The proposed severance application conforms to the OP.

Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are zoned Agricultural (A1) Zone on Map 2, Schedule ‘A’ with a portion subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses.

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

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

Zone Provision	A2 Requirement (Farm)	Proposed (Retained)	RS Requirement (Lot)	Proposed (Severed)	Compliance
Min. Lot Area	20.0 ha	27.53 ha	2,750 m ²	9,999.99 m ²	Complies
Max. Lot Area	N/A	N/A	8,093 m ²	9,999.99 m ²	Relief is required for the severed lot frontage (increase maximum).
Min. Lot Frontage	150.0 m	>150.0 m	30.0 m	50.0 m	Complies

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

Relief to increase the maximum lot frontage of the proposed residential lot is required.


All other zone regulations can be complied with.

RECOMMENDATION:

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

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

Respectfully Submitted


Tracey Pillon-Abbs, MCIP, RPP
Planner

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 28, 2024 ELGIN COUNTY ROAD NO.: County Road CR # 3

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E16-24

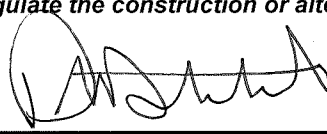
APPLICANT: Peter Littlejohn

PROPERTY: LOT NO. S PT Lot 8 Pt Lot 9 CONCESSION: 7
REG'D PLAN: _____ MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of _____ 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: March 27, 2024
Application: E 16-24

Owner: **Agent:**
Peter Littlejohn **None.**

29751 Lakeview Line, Wallacetown, ON

Location: South Part of Lot 8, Part of Lot 9, Concession 7. Municipally known as 28660 Talbot Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 50m (164 feet), a depth of 87m (656 feet) and an area of 1ha (2.47 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 27.53ha (68 acres) proposed to remain as agricultural land.

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agriculture

**Local Municipality Zoning
By-law**

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 1ha to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 27.5ha 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 designations. The existing barns on the retained land are proposed to be demolished. The proposed severed land includes a significant portion of land in front of the house due to how far the house is setback; however, this land is not being actively cultivated.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Dutton Dunwich Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed retained lot will be rezoned as a condition of severance to Special Agricultural (A2) which prohibits future residential development. The severed residential parcel will be rezoned to Special Rural Residential (RS) to permit non-farm residential uses and address the deficient lot frontage.

RECOMMENDATION:

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

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



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

2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That 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 Dutton Dunwich included as conditions for consent:

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 17-24**

**NORTH PART OF LOT 2, CONCESSION 8
TOWNSHIP OF MALAHIDE
51829 YORKE LINE**

TAKE NOTICE that an application has been made by Colleen Row, 51829 Yorke Line, Springfield, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51829 Yorke Line.

The applicant proposes to sever a parcel with a frontage of 93.45m (300 feet), a depth of 57.59m (188 feet) and an area of 0.54ha (1.33 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.9ha (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:

**MARCH 27, 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.

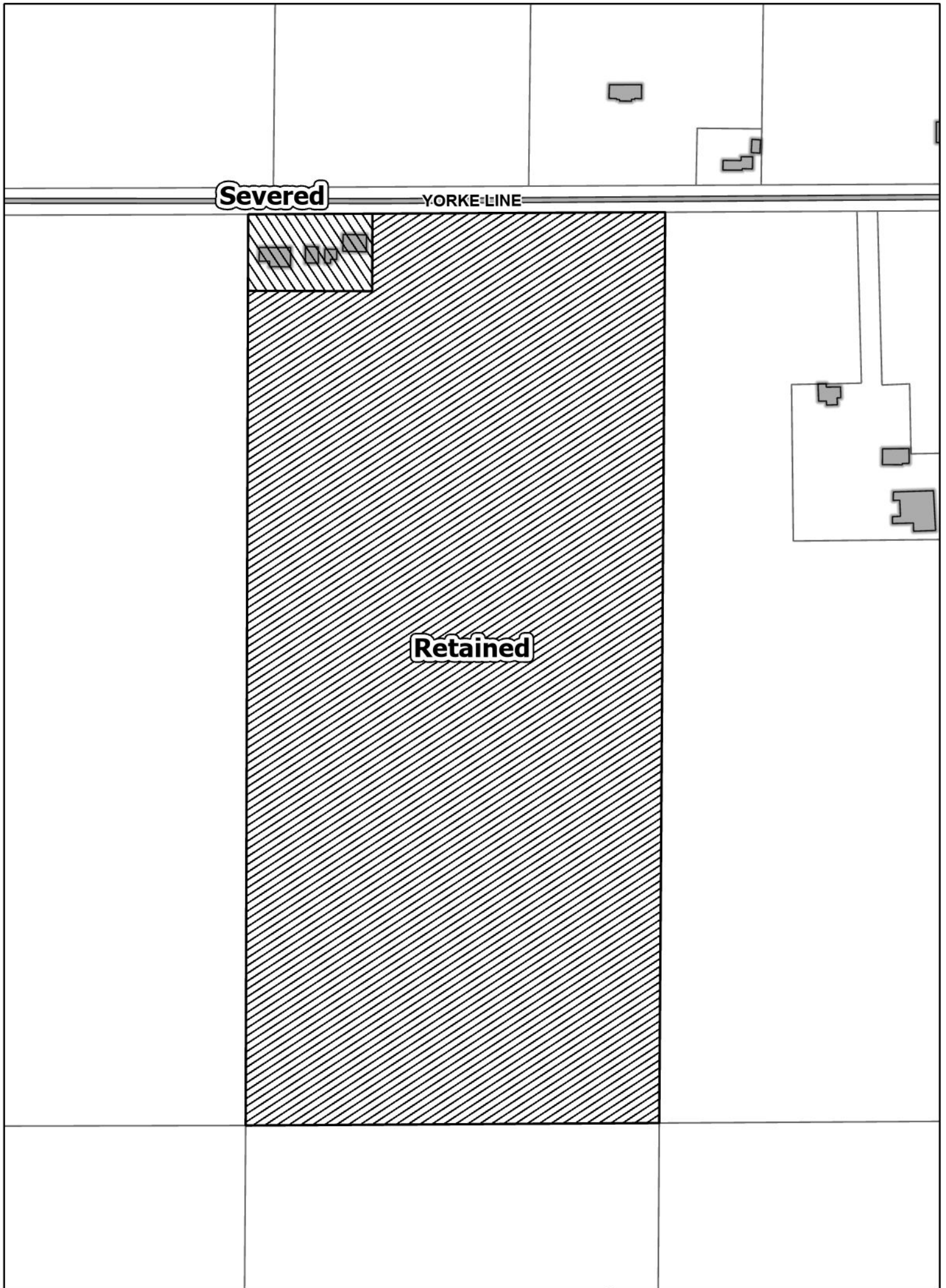
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of February, 2024.

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

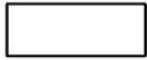

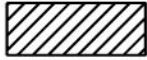




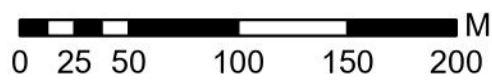
Location Map

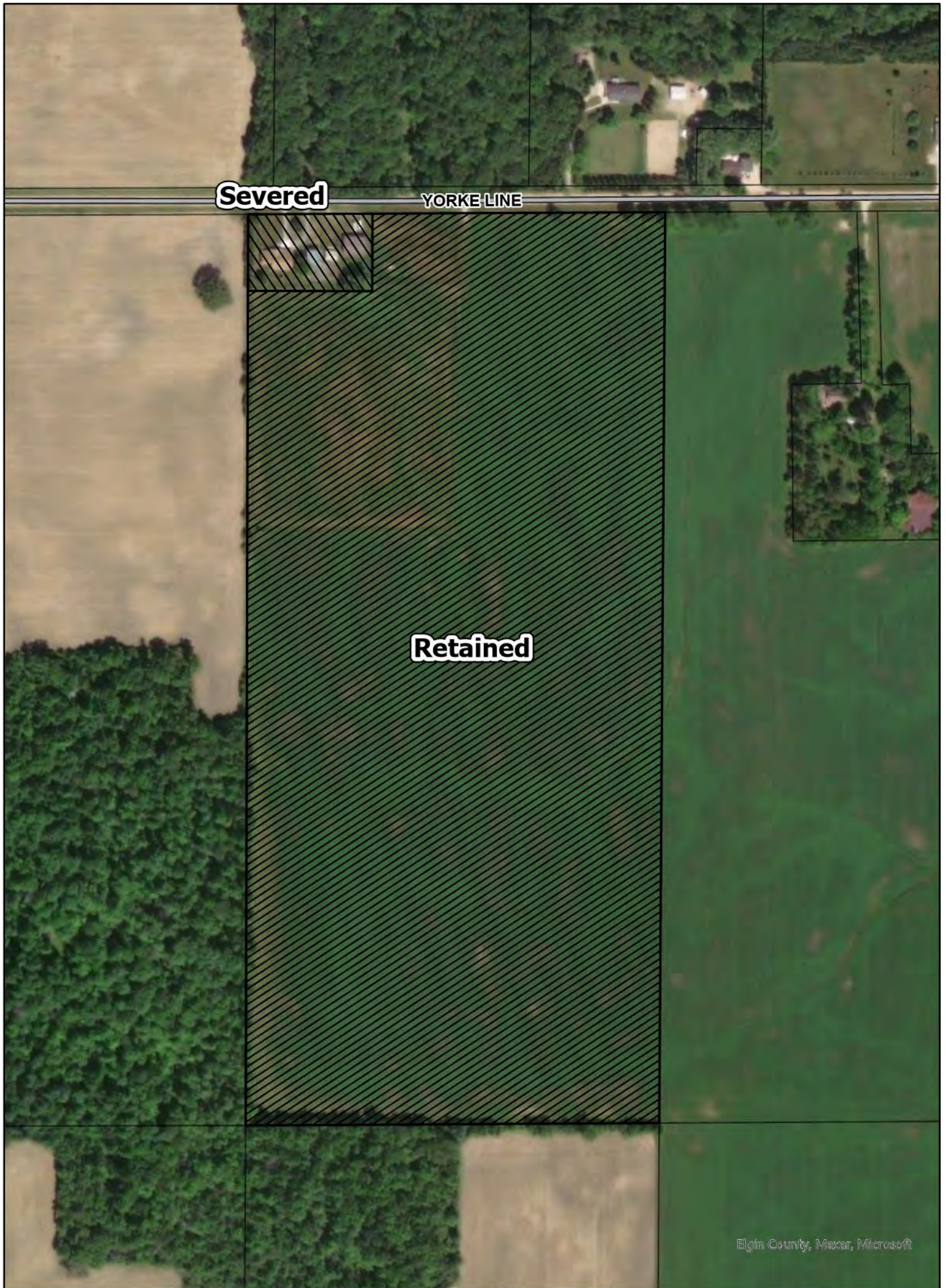
Subject Site: 51829 Yorke Line
 File Number: E 17-24
 Owner: Estate of Howard Row
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 2/8/2024
 Township of Malahide



Legend

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





Severed

YORKE LINE

Retained

Elgin County, Maxar, Microsoft

Location Map

Subject Site: 51829 Yorke Line
 File Number: E 17-24
 Owner: Estate of Howard Row
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 2/8/2024
 Township of Malahide



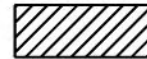
Legend



Subject Site



Severed



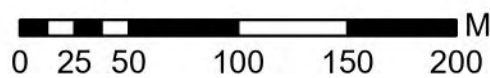
Retained



Elgin Road Network



Buildings





Report to Council

REPORT NO.: DS-24-08

DATE: February 15, 2024

ATTACHMENT: Report Photo, Site Plan, Recommended Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E17-24 OF THE ESTATE OF HOWARD ROW AND NAGELHAVEN FARMS (AGENT COLLEEN ROW)**

LOCATION: Part of Lot 2, Concession 8 Southern Division, Geographic Township of South Dorchester, Township of Malahide (51829 Yorke Line)

Recommendation:

THAT Report No. DS-24-08 entitled “Application for Consent to Sever No. E17-24 of the Estate Of Howard Row And Nagelhaven Farms (Agent Colleen Row)” be received;

AND THAT the Application for Consent to Sever of the Estate Of Howard Row And Nagelhaven Farms (Agent Colleen Row), relating to the property located at Part of Lot 2, Concession 8 Southern Division, (Geographic Township of South Dorchester), Township of Malahide and known municipally as 51829 Yorke 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 lands are owned by the Estate of Howard Row (Agent: Colleen Row). The subject application for Consent to Sever (the “Application”) has been submitted by Nagelhaven Farms to sever the existing farm dwelling and purchase the retained farmland. The dwelling would be surplus to the needs of the applicant as a result of a farm consolidation.

The Application relates to the property owned by the Estate of Howard Row and is located at Part of Lot 2, Concession 8 Southern Division, (Geographic Township of South Dorchester), Township of Malahide and known municipally as 51829 Yorke Line. The County Land Division Committee has scheduled a Public Hearing for this application

to be considered on March 27, 2024.

Comments/Analysis:

The subject lands are approximately 21.4 hectares (52.8 acres) in area and have approximately 312 metres (1023.6 feet) of frontage along Yorke Line. The subject lands contain an existing single detached dwelling, three accessory structures and agricultural lands used for crop production. The subject property is bound by Yorke Line to the north and agricultural lands to the east, south and west. The South Branch of the Jolliffe Drain traverses the northern edge of the subject property.

The applicants are proposing to sever an area of approximately 0.5 hectares (1.3 acres), with a frontage of approximately 93 metres on Yorke Line, containing the existing single detached dwelling and accessory structures from the subject lands. The retained farm parcel would have an area of approximately 20.9 hectares (51.6 acres), a frontage of approximately 219 metres on Yorke Line, and would be consolidated with the applicant's farming operation of approximately 607 hectares of farmland in the area.

Provincial Policy Statement (PPS)

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

The proposed severed parcel is of a minimum size (0.5 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 farm parcel to prohibit future residential uses.

The lands to the north of the subject property are designated as 'Provincially Significant Woodlands' and 'Provincially Significant Wetlands'. Development and site alteration shall not be permitted on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative on those natural heritage features (Section 2.1.8). The application proposes to sever an existing dwelling and no new uses are proposed. Additionally, the proposed severance would not fragment any natural heritage feature. As a result, the application is not anticipated to have any negative impact on natural features.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan and is identified as having frontage along a "Local Road" on Schedule 'B', "Transportation Plan". Lot creation may be permitted for lands within the agriculture designation for the purposes of severing a residence surplus to a farming operation provided that the 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 the 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling along with rezoning the severed dwelling to 'Small Lot Agriculture Special' to reflect the primary use for the surplus farm dwelling.

The Official Plan does not permit development and site alteration on lands adjacent to significant woodlands and wetlands unless it has been demonstrated that there will be no negative impacts on the natural features. As previously discussed in this report, the proposed consent is not anticipated to impact natural heritage features.

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). Schedule 'A2' (Constraints) denotes a "Hazard Lands" overlay on a small portion of the northwest corner of the property. The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2) in Agricultural designations.

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 a 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 a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law, and has an operational well and existing septic system located within the proposed lot boundaries. A letter supporting the good working condition of the well, a water quality test and a septic system pumping invoice have been provided alongside the application. Further, 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 2.1.7.4). The retained farm parcel is of suitable size to support agriculture and will require a zoning by-law amendment to prohibit residential construction.

The Official Plan does not permit development and site alteration on lands adjacent to significant woodlands and wetlands unless it has been demonstrated that there will be no negative impacts on the natural features. As previously discussed in this report, the proposed consent is not anticipated to impact natural heritage features. No development is permitted on hazard lands except where the Conservation Authority has issued a permit or written clearance (Section 5.1.2).

Malahide Zoning By-law No. 18-22

The subject property is within the “General Agricultural (A1) Zone” on Key Map 8 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 as a condition of approval that the proposed retained parcel be rezoned to the ‘Special Agricultural (A2)’ zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area (20 ha) and frontage (150 m) requirements of the ‘A2’ zone.

As part of the Zoning By-law amendment, it is also recommended that the proposed severed parcel be rezoned to the ‘Small Lot Agriculture Special (A4)’ zone. The ‘A4’ zone is intended to be applied to lots created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes.

General Comments

The Development Services Staff has considered the merits of the subject application against the Provincial Policy Statement, applicable Official Plan policies and the Township’s Zoning By-law and recommends that the Council support the Application, subject to the proposed conditions of approval.

The Development Services Staff has also considered comments provided (if any) by other internal departments. No additional comments from Township staff were received.

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: ESTATE OF HOWARD ROW
APPLICANT: NAGELHAVEN FARMS
AUTHORIZED AGENT: COLLEEN ROW

Part of Lot 2, Concession 8 Southern Division,
Former Geographic Township of South Dorchester, Township of Malahide
(51829 Yorke Line)

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural



Lands to be Retained



Lands to be Severed

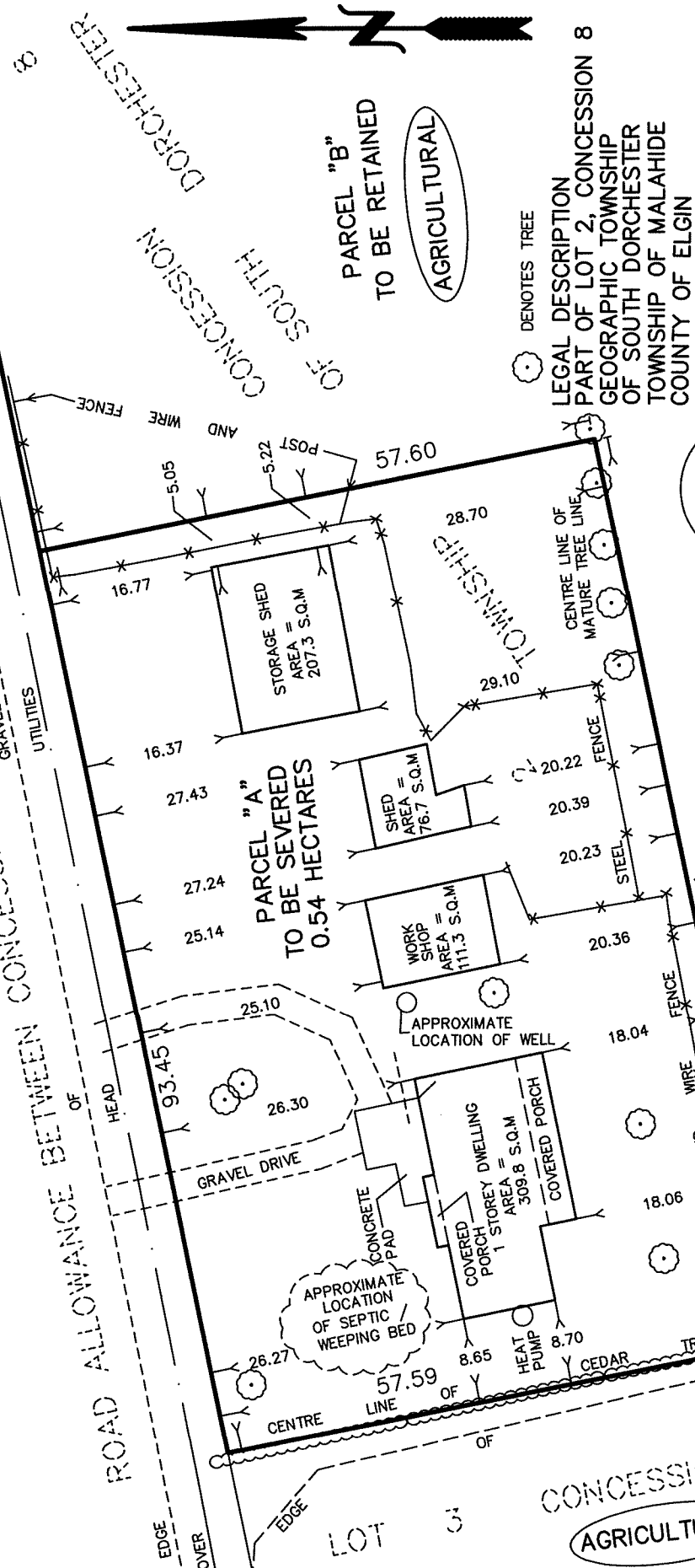


Conservation Authority Regulated Lands

SKETCH FOR PROPOSED SEVERENCE FOR NOT TO SCALE

YORKE LINE (KNOWN AS CONCESSIONS 7 & 8)

CAUTION - THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES



PARCEL "B" TO BE RETAINED AGRICULTURAL

DENOTES TREE LEGAL DESCRIPTION PART OF LOT 2, CONCESSION 8 GEOGRAPHIC TOWNSHIP OF SOUTH DORCHESTER TOWNSHIP OF MALAHIDE COUNTY OF ELGIN

SOUTH WESTERN SURVEYING LTD.

Blake van der Veen ONTARIO LAND SURVEYOR PORT STANLEY, ONTARIO BLAKE@SWV.CA DWG: GES PROJECT: 23-032

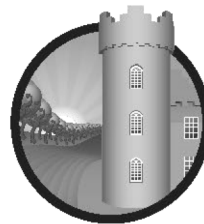
"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL."

PARCEL "B" TO BE RETAINED AGRICULTURAL

COPYRIGHT 2023 SOUTH WESTERN SURVEYING LTD. THE REPRODUCTION, ALTERATION, OR USE OF THIS REPORT IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF KIM HUSTED SURVEYING LTD. IS STRICTLY PROHIBITED

CONCESSION 3 AGRICULTURAL

GEOGRAPHIC LOT



February 15, 2024

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

Dear Committee Members:

RE: Land Severance Application E17-24 - Estate of Howard Row (Colleen Row) - 51829 Yorke Line, Part of Lot 2, Concession 8 Southern Division

The Malahide Township Council passed the following Resolutions on February 15, 2024:

THAT the Malahide Township Council has no objection to the Land Severance E17-24 of the Estate of Howard Row And Nagelhaven Farms (Agent Colleen Row), relating to the property located Part of Lot 2, Concession 8 Southern Division, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. 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.
5. 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 to the satisfaction of the Township.

6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-24-08 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

Copy – Dave Jenkins
Estate of Howard Row
Colleen Row

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 28, 2024 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E17-24

APPLICANT: Nagelhaven Farms

PROPERTY: LOT NO. N Pt Lot 2 CONCESSION: 8

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 _____ 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: March 27, 2024
Application: E 17-24

Owner: Estate of Howard Row
51829 Yorke Line, Springfield, ON
Agent: Colleen Row
378 George Street, Port Stanley, ON
Location: North Part of Lot 2, Concession 8. Municipally known as 51829 Yorke Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 93.45m (300 feet), a depth of 57.59m (188 feet) and an area of 0.54ha (1.33 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.9ha (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**
General Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – 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 0.5ha to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 20.9ha 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 designations. Along with the existing dwelling, the proposed severed lot will contain an existing workshop, shed and storage shed.

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. Malahide is proposing a condition to rezone the retained land to Special Agricultural (A2) which prohibits residential development, and the severed lot to Small Lot Agricultural (A4) to reflect its reduced lot area.

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 initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. 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.
5. 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 to the satisfaction of the Township.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 18-24**

**LOT 6, CONCESSION 9
MUNICIPALITY OF BAYHAM
10564 CULLODEN ROAD**

TAKE NOTICE that an application has been made by Jesse Froese, 10564 Culloden Road, Aylmer, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10564 Culloden.

The applicant proposes to sever a parcel with a frontage of 29.6m (97 feet), a depth of 76.01m (250 feet) and an area of 0.24ha (0.6 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7.90ha (20 acres) proposed to remain in agricultural and 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:

**MARCH 27, 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.

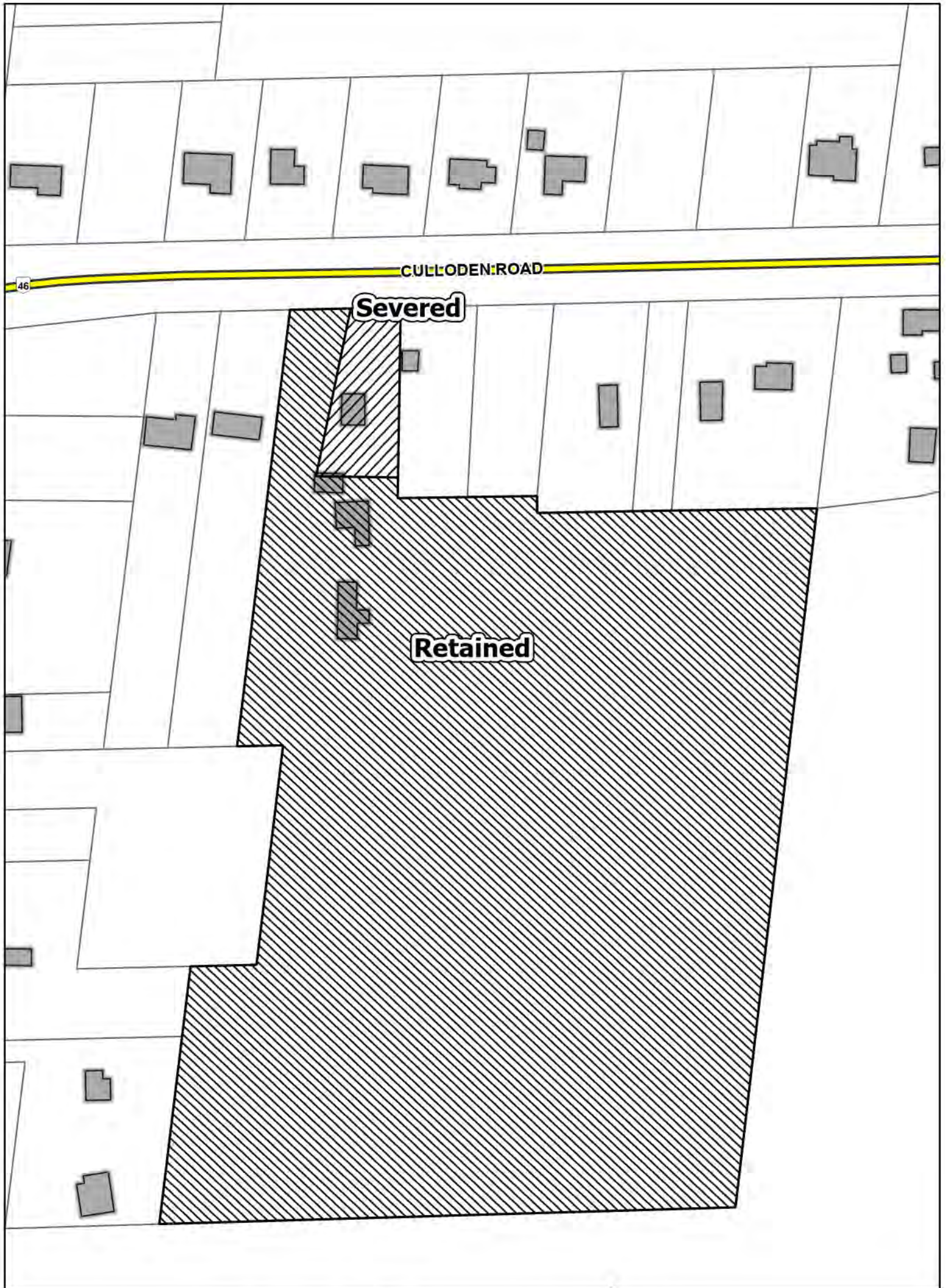
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of February, 2024.

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








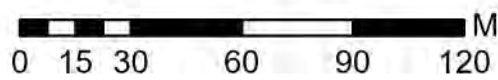
Location Map

Subject Site: 10564 Culloden Line
 File Number: E 18-24
 Owner: Aganeta Bergen
 CA: Long Point Region Conservation
 Created By: PC
 Date: 2/8/2024
 Municipality of Bayham



Legend

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









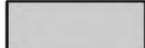
Elgin County, Maxar, Microsoft

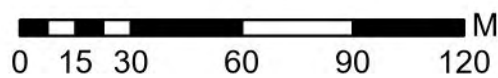
Location Map

Subject Site: 10564 Culloden Line
 File Number: E 18-24
 Owner: Aganeta Bergen
 CA: Long Point Region Conservation
 Created By: PC
 Date: 2/8/2024
 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



March 22, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Application for Consent No. E18-24 Bergen

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the March 21, 2024 meeting:

THAT Report DS-15/24 regarding the Consent Application E18-24 Bergen be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E18-24 be granted subject to the following conditions and considerations:

1. The Owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from "Agricultural" (A1) to a Site-specific Agricultural (A1) zone to recognize the existing Lot Area deficiency of 7.9 hectares, existing Lot Frontage deficiency of 20.0 metres and permit a Side Yard Depth of 2.8 metres for the existing accessory building/structure.
2. The Owner obtains approval of a Zoning By-law Amendment for the removal of the h1 Holding Provision for the proposed severed lot.
3. The Owner obtain an access permit from the County of Elgin to create a new independent access to the proposed severed lot from Culloden Road built to support the weight of fire apparatus.
4. The Owner install an individual private well on the severed lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
5. The Owner provide an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. 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.
7. That the Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Bartley 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.

8. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
9. The Owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
10. The Owner purchase a civic number sign for the severed lot from the Municipality.
The Owner pay the planning report fee due and payable to the Municipality upon consent approval.

Municipal Appraisal Sheet and Staff Report DS-15/24 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.BERG

Cc: J. Froese, Agent (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 18-24

Applicant Bergen

Location Bayham – 10564 Culloden Road, North Hall

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: HAMLETS
Policies:

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: Hamlet Residential and Agricultural

Rezoning required for the retained lot

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

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

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

See Letter attached with listed conditions revised from original.
See Staff Report DS-15/24 considered at Council meeting on March 21, 2024



SECTION 5 AGRICULTURAL (A1/A1-A) ZONE REGULATIONS

5.1 Zone Symbols

5.1.1 The Agricultural (A1) Zone is intended to apply to all lots with an area of less than 40 hectares, designated "Agriculture" in the Official Plan. Where a lot has an area of less than 20 hectares, Section 4.10 Non-Conforming Uses, shall apply to the use of the lot and Section 4.11 Non-Complying Uses, shall apply to changes to existing buildings and structures.

5.1.2 The Agricultural (A1-A) Zone is intended to apply to all lots with an area of 40 hectares or greater designated "Agriculture" in the Official Plan.

5.2 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A1) or Agricultural (A1-A) Zones except for the following purposes:

Z610-2012

Agri-tourism Establishment;

Agricultural use;

Agricultural home occupation;

Z610-2012

Bed and Breakfast Lodging or Tourist Home;

Commercial greenhouse;

Forestry use;

Market garden operation;

Farm produce outlet;

Plant nursery;

Home occupation;

Landing strip;

Riding stable;

Z556-2008

Single detached dwellings lawfully in existence as of the date of the passing of this By-law or one new single detached dwelling on a vacant lot subject to all other applicable regulations of this By-law;

Z751-2022

On-farm diversified use;

Accessory use.

5.3 Minimum Lot Area

A1 Zone: 20.0 hectares

A1-A Zone: 40.0 hectares

5.3.1 Supplementary Minimum Lot Area Regulations

Notwithstanding the definition of farm in Section 2.0 of this By-law, and the permitted uses and minimum lot area requirements of subsection 5.2 of this By-law, the following minimum existing lot areas will be required for the uses and structures described below:

Z610-2012	Commercial greenhouses, Market garden operations, Plant nurseries:	2.50 hectares (6.0 acres)
-----------	--	------------------------------

5.4 **Minimum Lot Frontage**

150.0m

5.5 **Maximum Lot Coverage**

20%

5.6 **Maximum Building Height**

20.0m

5.7 **Minimum floor Area**

Z698-2020

5.8 **Minimum Front Yard Depth**

15.0 metres

5.9 **Minimum Side Yard Width**

For a single-detached dwelling:	3.0 metres
All other cases:	10.0 metres

*Accessory Bldg on undivided parcels Sec Section 41.2
Side Yard 3.0m
Rear Yard 10m*

5.10 **Minimum Rear Yard Depth**

10.0m

5.11 **Supplementary Regulations – Agricultural (A1) and Agricultural (A1-A) Zone**

5.11.1 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
--	--

5.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 5.7 to 5.9 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.



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: March 21, 2024
REPORT: DS-15/24

FILE NO. C-07 / D09.24BERG
Roll # 3401-000-005-06400

SUBJECT: Consent Application E18-24 Bergen
10564 Culloden Raod, North Hall

BACKGROUND

Consent application E18-24 was received from the Elgin County Land Division Committee, as submitted by Appointed Agent Jesse Froese on behalf of Aganeta Bergen, proposing to sever a parcel located at 10564 Culloden Road, east side, and north of Eden Line in the Hamlet of North Hall. The applicant is requesting consent to sever a parcel of 0.24 hectares (0.59 acres) and to retain 7.90 hectares (19.5 acres) of land with the intent to create one (1) new residential lot with an existing single-detached dwelling and to retain vacant lands to build a future single-detached dwelling.

The subject land front portion is designated "Hamlets" and the rear portion "Agriculture" on Schedule 'A1' Land Use of the Official Plan. The severed lot and front portion of the proposed retained lot are both zoned Holding Hamlet Residential (HR(h1)) on Schedule 'C' North Hall. The rear portion of the retained lot is zoned "Agricultural (A1) Zone on Schedule 'A', Map No. 1 of Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application on March 27, 2024.

DISCUSSION

The planner's memorandum attached, dated March 11, 2024, 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, 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 a new County Road access for the

severed lot, drain deposit for reassessment, and installation of a well for the severed lot.

Staff and municipal planner recommend the support of the consent application for the creation of one residential dwelling lot fronting on Culloden Road in the hamlet of North Hall with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E18-24
2. Aerial Map – 10564 Culloden Road
3. Arcadis Memorandum, dated March 11, 2024

RECOMMENDATION

THAT Report DS-15/24 regarding the Consent Application E18-24 Bergen be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E18-24 be granted subject to the following conditions and considerations:

1. The Owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from "Agricultural" (A1) to a Site-specific Agricultural (A1) zone to recognize the existing Lot Area deficiency of 7.9 hectares, existing Lot Frontage deficiency of 20.0 metres and permit a Side Yard Depth of 2.8 metres for the existing accessory building/structure.
2. The Owner obtains approval of a Zoning By-law Amendment for the removal of the h1 Holding Provision for the proposed severed lot.
3. The Owner obtain an access permit from the County of Elgin to create a new independent access to the proposed severed lot from Culloden Road built to support the weight of fire apparatus.
4. The Owner install an individual private well on the severed lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
5. The Owner provide an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. 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.
7. That the Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Bartley 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.

8. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
9. The Owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
10. The Owner purchase a civic number sign for the severed lot from the Municipality.
11. The Owner pay the planning report fee due and payable to the Municipality upon consent approval.

Respectfully Submitted by:

Reviewed by:

Margaret Underhill

Thomas Thayer, CMO, AOMC

Planning Coordinator|Deputy Clerk

Chief Administrative Officer

Memorandum

To/Attention	Municipality of Bayham	Date	March 11, 2024
From	Christian Tsimenidis, BES	Project No	3404 - 930
cc	William Pol, MCIP, RPP		
Subject	Aganeta Bergen - 10564 Culloden Road, North Hall - Application for Consent E18-24		

Background and Summary

1. Arcadis has completed a review of Consent Application E18-24 submitted by Jesse Froese on behalf of Aganeta Bergen, owner of the subject property identified as 10564 Culloden Road, east side, and north of Eden Line in the Hamlet of North Hall. The applicant is requesting Consent to sever an approximate land area of 2,500.0 square metres (0.25 hectares) and to retain 78,900.0 square metres (7.89 hectares) of land. The intent is to create one (1) new residential lot to accommodate the existing single-detached dwelling and to build a future single-detached dwelling on the proposed retained lot.
2. The proposed severed lot has a lot frontage of 31.42 metres (103.1 feet) and lot depth of 76.1 metres (249.7 feet) to accommodate the existing single-detached dwelling and one (1) accessory shed. As per the applicant's Severance Sketch, this existing dwelling has an approximate building area of 111.8 square metres (1,203.4 square feet) and it is understood this dwelling will remain unaltered. The proposed retained lot has a lot frontage of 20.18 metres (66.2 feet) and lot depth of 330.58 metres (1,084.6 feet) to accommodate the existing two (2) storage buildings and one (1) shed. As per the applicant, it is understood that these outbuildings are not used for housing livestock. A future single-detached dwelling is proposed on the retained lot.
3. The existing driveway access from Culloden Road would remain unaltered and be utilized for the proposed retained lot. A new driveway access is proposed for the proposed severed lot. Given that Culloden Road is identified as a County Road, as a Condition of Approval, the owner would be required to obtain an access permit from the Elgin County.
4. The subject property is currently serviced by both private well and septic services. The proposed severed lot accommodating the existing single-detached dwelling would continue to utilize the existing private septic services, however, it is understood that the existing private well is located outside of the proposed severed lot. Therefore, as a Condition of Approval, the owner will be required to install a new private well

Municipality of Bayham – March 11, 2024

servicing the existing single-detached dwelling. The proposed retained lot would require new private well and septic services if the owner wishes to develop a new single-detached dwelling, which will be addressed at the Building Permit Application stage.

5. The subject property is traversed by existing overhead hydro lines and poles that power the existing single-detached dwelling on the proposed severed lot, as well as the existing outbuildings on the proposed retained lot. As such, given that the existing overhead hydro lines would traverse through the proposed retained lot, into the severed lot, then back into the retained lot, it is our opinion that either new independent hydro servicing to each lot should be implemented, or alternatively, maintenance easements over the existing hydro poles and lines are established to ensure there are no future maintenance issues or disputes between the severed lot owner and retained lot owner. Arcadis did not receive comments 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.
6. The subject property is designated both 'Hamlet' (North Hall) and 'Agriculture' as per Schedule 'A1' (Land Use) of the Municipality of Bayham Official Plan. The entirety of the proposed severed lot is located within the 'Hamlet' land use designation, while only the front portion of the proposed retained lot is designated 'Hamlet', and the rear portion is designated 'Agriculture'. This means the rear portion of the proposed retained lot is located outside of the Hamlet of North Hall boundary. The proposed severed lot and front portion of the proposed retained lot are both zoned 'Holding Hamlet Residential ((HR(h1)))' on Schedule 'C' of Zoning By-law Z456-2003. The rear portion of the retained lot is zoned 'Agricultural (A1)' Zone on Schedule 'A', Map No.1 of the Zoning By-law.
7. The subject property is surrounded by low-rise residential uses along Culloden Line, running north and south, being located within the Hamlet of North Hall. Limited commercial and institutional uses are located along Eden Line, south of the subject property. The rear portion of the subject property abuts agricultural lands to the east, as well as a small tributary and natural vegetation. It is our understanding that these features are not regulated by the Long Point Region Conservation Authority.

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 Hamlet of North Hall, 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

Municipality of Bayham – March 11, 2024

Redevelopment' within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land.

Comment: It is Arcadis's opinion that the creation of one (1) new residential lot within the Hamlet of North Hall to accommodate the existing single-detached dwelling on the severed lot makes efficient use of developable lands in a settlement area and is in conformity with the Official Plan general residential policies.

9. The Bayham Official Plan designates the front portion of the subject property as 'Hamlet' in Schedule 'A1' (Land Use). As per Section 4.4.1.2 of the Official Plan, the 'Hamlet' designation permits a broad range of uses, including residential dwellings, variety stores, public garages, schools, churches and small scale commercial and industrial uses. Section 4.4.2.1 of the Official Plan further states that the principal land use function of 'Hamlets' shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings.

Comment: The existing single-detached dwelling is considered a permitted use in the Official Plan and meets the intent of the 'Hamlet' land use designation, as low-rise residential dwellings are strongly encouraged. Therefore, the proposed use for the severed lot is permitted and in conformity with the above noted Official Plan policy.

10. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent:

- a) *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority.*

Comment: The proposed severed lot would utilize the existing private septic system, however, it is understood that the existing private well is located outside of the proposed severed lot. Therefore, as a Condition of Approval, the owner will be required to install a new private well servicing the existing single-detached dwelling. The proposed retained lot would require new private well and septic systems. The Hamlet of North Hall does not have municipal servicing.

- b) *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction.*

Comment: Both the proposed severed and retained lot would have continued frontage along Culloden Road.

- c) *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly.*

Comment: The proposed severed lot would accommodate existing development (single-detached dwelling) within the Hamlet of North Hall, thus not

Municipality of Bayham – March 11, 2024

extending the Hamlet area. The rear portion of the proposed retained lot, though located outside of hamlet boundary, would be permit a single-detached dwelling as-of-right in the current 'Agricultural (A1)' Zone.

- d) *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law.*

Comment: The proposed severed lot size (and frontage) is adequate to accommodate low-density residential uses in accordance with the Zoning By-law and has sufficient space for private servicing.

- e) *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads.*

Comment: Culloden Road is identified as an Elgin County Road. Arcadis will defer comment to Elgin County with respect to the proposed location of the new driveway for the proposed severed lot. It is understood that the existing driveway will remain as it exists today in order to provide access to the proposed retained lot. As a Condition of Approval, Arcadis is requesting that the owner obtain an access permit from Elgin County for the proposed new access.

- f) *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

Comment: Culloden Road, north of Eden Line, can be described as a straight and flat Elgin County Road with numerous existing private driveways along the road. It is our opinion that an additional driveway would not have adverse impacts with respect to traffic safety and limited sight lines. As mentioned above, Arcadis will defer comment to Elgin County with respect to the proposed location and impacts of the new driveway for the proposed severed lot.

- g) *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.*

Comment: The proposed severance for the creation of a residential lot will not interfere with subsequent access to the retained portion of the subject property extending past the hamlet boundary. A 20 metre wide frontage and/or access is provided along the street-facing portion of the retained lot, thus providing adequate access to the retained parcel. The proposed lot configuration also prevents a severance resulting in a landlocked parcel. It is also Arcadis's opinion that the proposed configuration provides sufficient space and/or opportunity for a future street access leading into the retained lot, should the

Municipality of Bayham – March 11, 2024

Hamlet of North Hall be expanded in the future to include the agricultural lands/retained lot.

- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.*

Comment: Not applicable.

Based on the above, the proposed Consent Application is in conformity with the criteria listed in Section 4.4.2.2 of the Official Plan, subject to the below listed Conditions of Approval.

11. As previously mentioned, the rear portion (and majority of) the proposed retained lot is within the 'Agriculture' designation. The existing buildings and uses on the proposed retained lot area permitted within the 'Agriculture' designation, as well as the future single-detached dwelling in support of the primary use. Given that the creation of a new will be occurring within the 'Hamlet' designation and not the 'Agriculture' designation, it is our opinion that the proposed Consent Application is in keeping with the 'Agriculture' severance policies of the Official Plan. Further, it is our understanding that the existing portion designated 'Agriculture' is already limited in size due to the existing fragmented nature of the site. Further, the subject property is transversed by woodlands and a tributary, thus limiting opportunity for a scaled agricultural operation. It is further understood that the existing outbuildings on the retained lot are not used for housing livestock, therefore, Minimum Distance Separation conflicts are not anticipated.
12. Therefore, based on the analysis provided above, it is our opinion that the proposed consent is in conformity with Bayham Official Plan, subject to the below listed Conditions of Approval.

Municipality of Bayham Zoning By-law

13. The proposed severed lot and front portion of the proposed retained lot are zoned 'Holding Hamlet Residential ((HR(h1)))' on Schedule 'C' of Zoning By-law Z456-2003. The rear portion of the retained lot is zoned 'Agricultural (A1)' Zone on Schedule 'A', Map No.1 of the Zoning By-law, being outside of the Hamlet of North Hall boundary.
14. With respect to the proposed severed lot, the existing single-detached dwelling is listed as a permitted in Section 9.1 of the Zoning By-law. The proposed severed lot also meets minimum lot area of 1,390 m² for lots on full private servicing, as well as the minimum lot frontage of 20.0 metres. The proposed severed lot would also meet all other provisions (i.e. setbacks, parking, etc.) of the Zoning By-law applicable to the site. Arcadis has no concern with the proposed severed lot.

Municipality of Bayham – March 11, 2024

15. With respect to the proposed retained lot, the street-fronting portion is within the HR Zone, while the balance of the proposed retained lot is within the A1 Zone. It our understanding, based on the information provided by the applicant, the proposed single-detached dwelling will be constructed in the A1 Zone portion of the retained lot. As per Section 5.2 of the Zoning By-law, a single-detached dwelling is permitted as-of-right in the A1 Zone. Further, based on the proposed general location of the new single-detached dwelling, it is our understanding that the proposed dwelling will meet all other provisions (i.e. setbacks, parking, etc.) of the Zoning By-law applicable to the site. Details pertaining to the single-detached dwelling design and construction will be confirmed at the Building Permit Application stage. It is further understood that the existing outbuildings on the retained lot are not used for housing livestock, therefore, Minimum Distance Separation conflicts are not anticipated.

Notwithstanding the above, due to current size of the subject property the existing lot area and lot frontage of the proposed retained lot would not meet the minimum requirements of the A1 Zone. Further, the location of the existing outbuilding would not meet the minimum Side Yard Depth of 10.0 metres, as 2.8 metres is currently proposed. Therefore, as a Condition of Approval, the owner would be required to obtain approval of a Zoning By-law Amendment for the proposed retained lot from 'Agricultural (A1)' Zone to a 'Site-Specific Agricultural (A1)' Zone to recognize the existing Lot Area deficiency of 7.9 hectares, existing Lot Frontage deficiency 20.0 metres, and permit a Side Yard Depth of 2.8 metres for the existing accessory building/structure.

16. As per Section 3.3 a) of the Zoning By-law, the h1 Holding Provision applicable to the subject property relates the following:

To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.

As part of the Conditions of Approval, a Zoning By-law Amendment for the removal of the h1 Holding Provision will be required for the severed lot. It is understood that the proposed single-detached dwelling on the retained lot will be located outside of the h1 boundary and within the A1 Zone portion of the lands, therefore, removal of the Holding Provision is not necessary at this time for the retained lot based on the current proposal, given that no dwelling is located within the h1 boundary. The HR(h1) Zone on the front portion of the retained lot should remain, however, should the owner develop in the h1 boundary on the proposed retained lot, a Zoning By-law Amendment for the removal of the h1 Holding Provision would also be required and flagged at the Building Permit Application stage.

Municipality of Bayham – March 11, 2024

Conclusion and Recommendations

17. Based on the above review of Consent Application E18-24, Arcadis has **no objection** to approval of the proposed consent subject to the following conditions:
- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from 'Agricultural (A1)' Zone to a 'Site-Specific Agricultural (A1)' Zone to recognize the existing Lot Area deficiency of 7.9 hectares, existing Lot Frontage deficiency 20.0 metres, and permit a Side Yard Depth of 2.8 metres for the existing accessory building/structure.
 - b) That the owner obtains approval of a Zoning By-law Amendment for the removal of the h1 Holding Provision for the proposed severed lot.
 - c) That the owner obtains an access permit for the proposed severed lot from the County of Elgin to create a new independent access from Culloden Road built to support the weight of fire apparatus.
 - d) Installation of an individual private well on the severed lot providing the Municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
 - e) 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.
 - f) That the owner provides an engineered grading, drainage and storm water management plan for the severed lot 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.
 - g) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
 - h) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - i) That the owner provides a digital copy of a survey of the subject lands.
 - j) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
 - k) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Municipality of Bayham – March 11, 2024

Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 28, 2024 ELGIN COUNTY ROAD NO.: County Road CR # 46

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E18-24

APPLICANT: Aganeta Bergen

PROPERTY: LOT NO. 6 CONCESSION: 9
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: March 27, 2024
Application: E 18-24

Owner: Aganeta Bergen
10564 Culloden Road, Aylmer, ON
Agent: Jesse Froese
55248 Maple Grove Line, Eden, ON
Location: Lot 6, Concession 9. Municipally known as 10564 Culloden Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 29.6m (97 feet), a depth of 76.01m (250 feet) and an area of 0.24ha (0.6 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7.90ha (20 acres) proposed to remain in agricultural and residential use.

County of Elgin Official Plan
Agricultural Area / Tier 3 Settlement Area

Local Municipality Official Plan
Hamlets

Local Municipality Zoning By-law
Agricultural (A1)

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 0.25ha to create a new residential lot within an existing settlement area. The retained land will be approximately 7.9ha in area and will remain in agricultural use with a new residential dwelling to be built.

The PPS permits consents for new residential lot creation within settlement areas:

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

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

The proposed severed lot will be entirely within the settlement area of North Hall. The retained lands, designated agricultural and Tier 3 Settlement Area will continue to be used for agricultural uses in addition to a new residential dwelling proposed to be constructed near the end of the existing gravel driveway.

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 3 Settlement Area in the CEOP. The CEOP encourages development within Elgin be directed to settlement areas and provides for a variety of land uses and densities, where appropriate. The existing dwelling is proposed to be severed and will be contained within the settlement area. The portion of the property currently being used for agricultural purposes is not anticipated to be affected by this proposal as the area where the new dwelling on the retained lands is proposed to be constructed is not being farmed.

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 retained lot will not meet the minimum lot frontage and depth requirements of the Zoning By-law, as well as an accessory structure on the retained lot has a side yard depth that is less than what is required. To address this, the Municipality has proposed a zoning amendment as a condition of consent. Furthermore, the severed lot has a holding provision in place and a zoning amendment is required to remove this.

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

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

1. The owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from "Agricultural" (A1) to a site-specific Agricultural (A1) zone to recognize the existing lot are deficiency of 7.9ha, existing lot frontage deficiency of 20.0m and permit a side yard depth of 2.8m for the existing accessory building/structure.
2. The owner obtains a Zoning By-law Amendment for the removal of the h1 Holding Provision for the severed lot.
3. The owner obtain an access permit from Elgin County to create a new independent access to the proposed severed lot from Culloden Road to support the weight of fire apparatus.
4. The owner install an individual private well on the severed lot providing the municipality with water quantity and water quality reports for bacteria and nitrates meeting the Provincial standards for residential use, as a matter of public health and safety.
5. The owner provides an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. 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.
7. The owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Bartley 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.



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

8. The owner pay the cash-in-lieu of parkland dedication fee to the municipality as required in By-law 2020-053.
9. The owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
10. The owner purchase a civic number sign for the severed lot from the Municipality.
11. The owner pay the planning report fee due and payable to the Municipality upon consent approval.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 19-24**

**LOT 10, CONCESSION 8
TOWNSHIP OF MALAHIDE
11241 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Peter Forsythe, 11245 Imperial Road, Aylmer, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11241 Imperial Road.

The applicant proposes to sever a parcel with a frontage of 1.2m (4 feet), a depth of 88.48m (290 feet) and an area of 106.16m² (0.03 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,513.81m² (0.37 acres) proposed to remain in residential use. The subject lands are also the subject of consent application E 20-24.

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:

**MARCH 27, 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 8th day of February, 2024.

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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 20-24**

**LOT 10, CONCESSION 8
TOWNSHIP OF MALAHIDE
11229 IMPERIAL ROAD**

TAKE NOTICE that an application has been made by Peter Forsythe, 11245 Imperial Road, Aylmer, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11229 Imperial Road.

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 70.63m (231 feet) and an area of 1,786.34m² (0.44 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,155.48m² (0.53 acres) proposed to remain in residential use. The subject lands are also the subject of consent application E 19-24.

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:

**MARCH 27, 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.

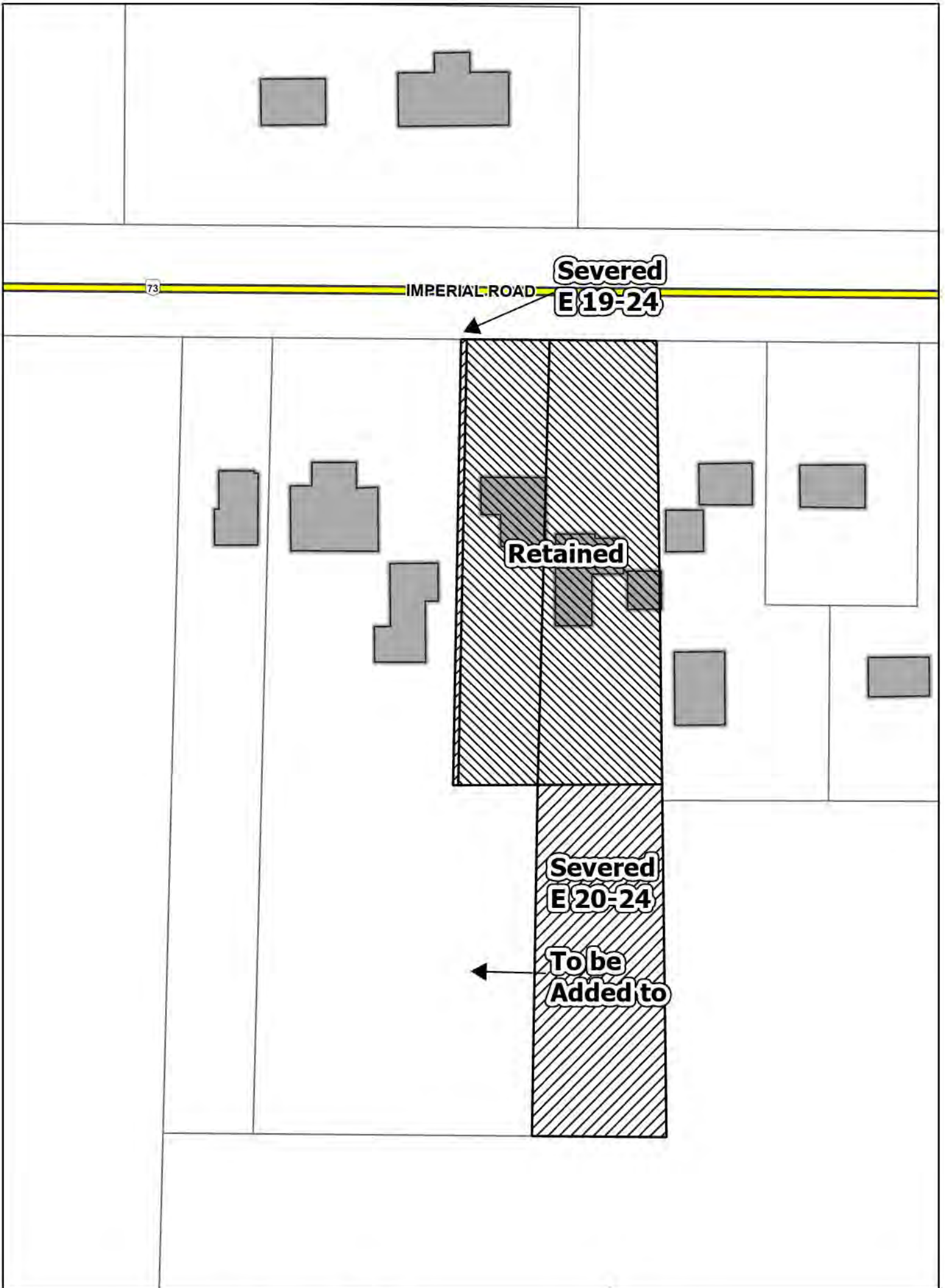
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of February, 2024.

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





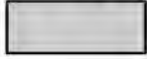


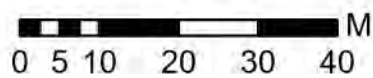
Location Map

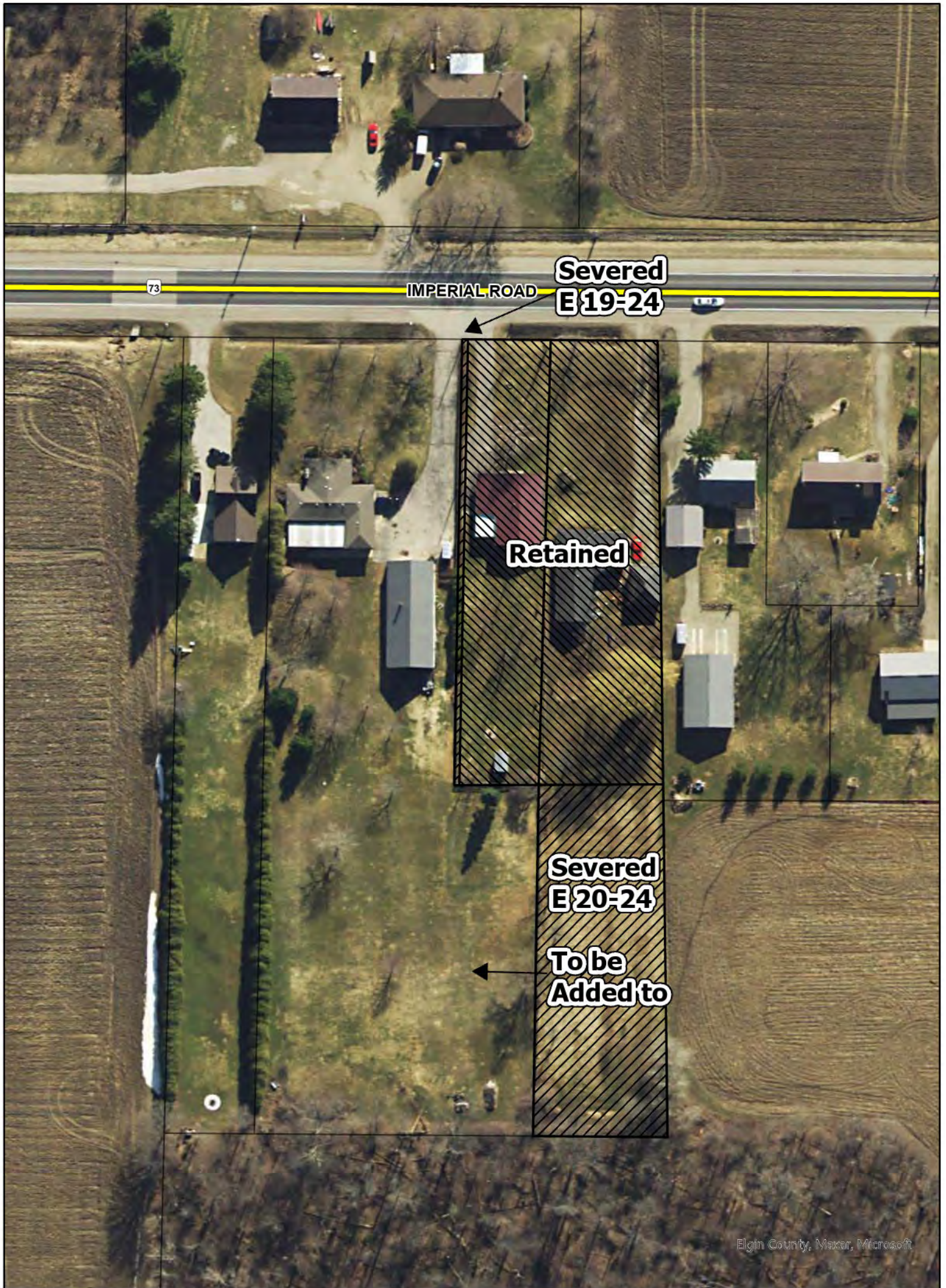
Subject Site: 11229 & 11241 Imperial Road
 File Number: E 19-24 & E 20-24
 Owner: Peter Forsythe, Force Installations, Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 2/8/2024
 Township of Malahide



Legend

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





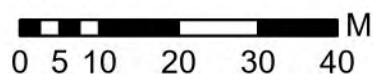
Elgin County, Maxar, Microsoft

Location Map

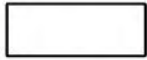

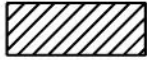

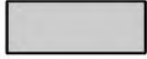


Subject Site: 11229 & 11241 Imperial Road
 File Number: E 19-24 & E 20-24
 Owner: Peter Forsythe, Force Installations, Ltd.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 2/8/2024
 Township of Malahide

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



Legend

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

Paul Clarke

Sent: [REDACTED] March 1, 2024 3:31 PM
To: Paul Clarke
Subject: RE: E 19-24 and E 20-24 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.

Hello,

CCCA has no concerns or comments in regards to the above noted applications.

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>
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: E 19-24 and E 20-24 Notice of Application

Good morning,

Please see the attached notice of application. If you wish to provide comments on this application, please do so by **Tuesday, March 19.**

Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-
Treasurer



(519) 631-1460 x170

Paul Clarke

From: [REDACTED]
Sent: February 29, 2024 7:10 AM
To: Land Division
Subject: Application E 19-24 and E 20-24

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

Good Morning Paul;

Thanks for the notice on the application of land severance.

We are across Imperial Road at Clovermead Apiaries Ltd. 11302 Imperial Rd.

We are in support of the severance, and have no opposition to it.

Thanks for checking,

Chris & Christy Hiemstra
[REDACTED]
[REDACTED]



Report to Council

REPORT NO.: DS-24-13

DATE: March 21, 2024

ATTACHMENT: Report Photo, Severance Sketch, Recommended Conditions

SUBJECT: **Application for Consent to Sever No. E19-24 of Peter James Forsythe, Force Installations Ltd**

LOCATION: Part of Lot 10, Concession 8 S, Township of Malahide
(11241 Imperial Road)

Recommendation:

THAT Report No. DS-24-13 entitled “Application for Consent to Sever No. E19-24 of Peter James Forsythe, Force Installations Ltd” be received;

AND THAT the Application for Consent to Sever of Peter James Forsythe, Force Installations Ltd relating to the property located at Part of Lot 10, Concession 8 S, Township of Malahide, and known municipally as 11241 Imperial Road, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Peter James Forsythe, Force Installations Ltd. in order to permit a lot addition to convey land from the subject lands to the adjacent parcel to the north, also under the applicant’s ownership.

The Application relates to the property located at Part of Lot 10, Concession 8 S and known municipally as 11241 Imperial Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on March 27, 2024.

Comments/Analysis:

The subject property is approximately 1,619.9 square metres (0.40 acres) in area, has approximately 18.3 metres (60.0 feet) of frontage along Imperial Road, and contains an existing dwelling.

The applicant is proposing to convey a portion of the subject lands with an area of approximately 106.2 m² and 1.2 metres of frontage on Imperial Road to the adjacent parcel to the north, which is also under the applicant's ownership. The proposed retained parcel would have an area of 1513 m², 17.1 metres of frontage along Imperial Road, and contain an existing dwelling. The purpose of the lot additions is to facilitate the development of a potential future commercial use on the subject lands.

Staff note that any future development on the subject lands would require additional Zoning Amendment and Site Plan Control approvals, and the applicant has been made aware of these requirements.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, "Woodland" on Appendix 1, Environmental Resource Areas, and has frontage along a "County Minor Arterial and Tourism Corridor" on Schedule 'B', "Transportation Plan".

It is noted that, while the lands are shown as "Agriculture", the County Official Plan mapping is representative of the boundaries as delineated in local Official Plans and as a result the local Official Plans should be consulted for accurate settlement boundaries. The subject lands are designated as "Suburban Area" within the Township's Official Plan.

The County Official Plan permits boundary adjustments provided that no new building lot is created, the proposed adjustment will not affect the viability of the properties from continuing to be used for permitted uses (Section E1.2.3.2). No new building lot is proposed to be created and the retained parcel and the lands receiving the lot addition would continue to be used for their current uses as permitted under the Township Zoning By-law.

The County of Elgin Official Plan permits lot additions and boundary adjustments in all land use designations where the creation of a new lot is not proposed. While the subject lands are within 120 metres of a designated woodland, the said feature is not proposed to be fragmented nor is "development" (i.e. the creation of a new lot) being proposed.

Malahide Official Plan

The subject property is designated "Suburban Area" on Schedule 'A1' (Land Use Plan). The "Suburban Area" designation permits a range of commercial, industrial, and institutional uses, with residential uses permitted where concentrations of residential uses already exist and where they will not create a land use conflict (Section 4.2.1.5). Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The subject lands would continue to be used for uses permitted under the Official Plan and the existing private septic and well would be located within the boundaries of the proposed retained parcel. It is noted that the proposed retained parcel would have a frontage and area that would not meet

the minimum requirements of the Zoning By-law. As a result, it is recommended that a minor variance application be required as a condition of consent approval.

Malahide Zoning By-law No. 18-22

The subject property is within the “Small Lot Agricultural (A4) Zone” on Key Map 35 of Schedule “A” to the Township’s Zoning By-law No. 18-22. The subject lands are currently an undersized lot with an existing lot area of 1,619.9 m² and 18.3 metres of frontage along Imperial Road. The subject lands also have an existing interior side yard setback to the north property line of 4 metres. Section 4.10 of the Zoning By-law allows existing lots with less than the minimum lot area and frontage to continue to be used for permitted uses.

The proposed retained lot would have an area of 1,513.8 m², whereas the By-law requires a minimum lot area of 2000 m², and a lot frontage of 17.1 metres, whereas the By-law requires a minimum lot frontage of 30 metres. Additionally, the interior side yard setback is proposed to be reduced from 4 metres to 2.8 metres. As noted above, it is recommended that a minor variance application be required as a condition of any approval to permit these reductions.

The proposed retained lands meet all other requirements of the Zoning By-law.

General Comments

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

- No additional comments from Township staff.

Financial Implications to Budget:

The full cost of the consent is at the expense of the Applicant and has no implications for 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 139
PETER JAMES FORSYTH, FORCE INSTALLATIONS LTD

Part of Lot 10, Concession 8 S,
 Township of Malahide
 11241 Imperial Road

Township
 of Malahide
 Figure 1



OFFICIAL PLAN DESIGNATION
 Suburban Area

ZONING
 A4 Small Lot Agricultural



Severed

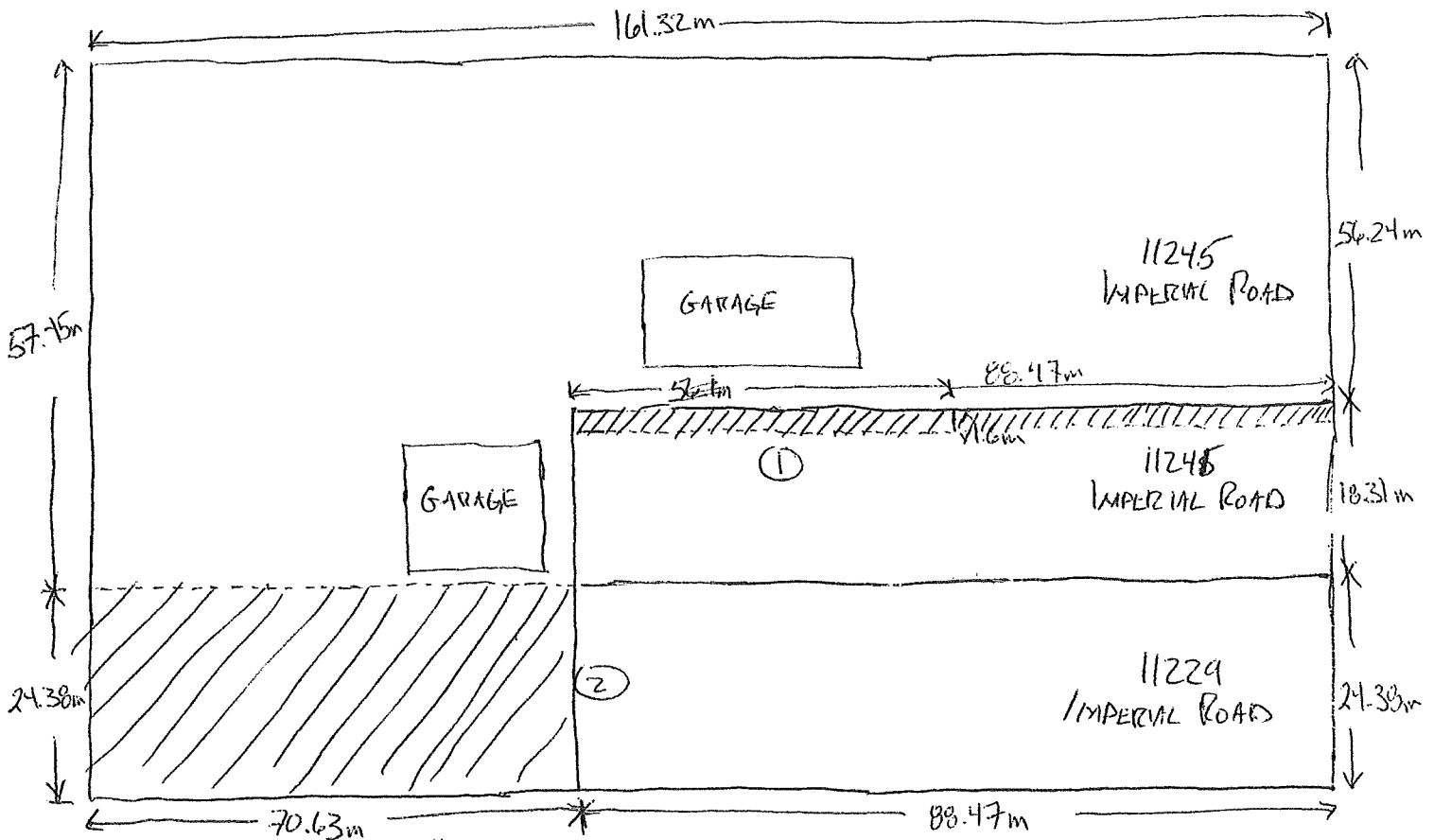


Retained



Lands to which the severed lot will be
 conveyed to as a lot addition

PLAN SPECIFIC



- ① Sever 1.6m x ^{88.47}56.71m section and add to 11245 IMPERIAL ROAD.
- ② Sever 24.38m x 70.63m section and add to 11245 IMPERIAL ROAD.



March 22, 2024

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

Dear Committee Members:

RE: Land Severance Application E19-24 of Peter James Forsythe, Force Installations Ltd for Part of Lot 10, Concession 8 S, Township of Malahide (11241 Imperial Road)

The Malahide Township Council passed the following Resolutions on March 21, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. E19-24 of Peter James Forsythe, Force Installations Ltd, relating to the property located Part of Lot 10, Concession 8 S, Township of Malahide (11241 Imperial Road), Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.

3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that the 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.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.

We enclose Municipal Appraisal together with Municipal Report DS-24-13 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

Copy – Dave Jenkins
Peter James Forsythe



Report to Council

REPORT NO.: DS-24-14
DATE: March 21, 2024
ATTACHMENT: Report Photo, Severance Sketch, Recommended Conditions
SUBJECT: **Application for Consent to Sever No. E20-24 of Peter James Forsythe, Force Installations Ltd**
LOCATION: Part of Lot 10, Concession 8 S, Township of Malahide
(11229 Imperial Road)

Recommendation:

THAT Report No. DS-24-14 entitled “Application for Consent to Sever No. E20-24 of Peter James Forsythe, Force Installations Ltd” be received;

AND THAT the Application for Consent to Sever of Peter James Forsythe, Force Installations Ltd relating to the property located at Part of Lot 10, Concession 8 S, Township of Malahide, and known municipally as 11229 Imperial Road, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Peter James Forsythe, Force Installations Ltd. in order to permit a lot addition to convey land from the subject lands to the adjacent parcel to the north, also under the applicant’s ownership.

The Application relates to the property located at Part of Lot 10, Concession 8 S and known municipally as 11229 Imperial Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on March 27, 2024.

Comments/Analysis:

The subject property is approximately 3,941.7 square metres (0.97 acres) in area, has approximately 24.3 metres (686.2 feet) of frontage along Imperial Road, and contains an existing dwelling and accessory building.

The applicant is proposing to convey a portion of the subject lands with an area of approximately 1,786.3 m² from the rear of the parcel to the adjacent parcel to the north, which is also under the applicant's ownership. The proposed retained parcel would have an area of 2,155.4 m², have 24.3 metres of frontage along Imperial Road, and contain an existing dwelling and accessory structure. The purpose of the lot additions is to facilitate the development of a potential future commercial use on the subject lands.

Staff note that any future development on the subject lands would require additional Zoning Amendment and Site Plan Control approvals, and the applicant has been made aware of these requirements.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, "Woodland" on Appendix 1, Environmental Resource Areas, and has frontage along a "County Minor Arterial and Tourism Corridor" on Schedule 'B', "Transportation Plan".

It is noted that, while the lands are shown as "Agriculture", the County Official Plan mapping is representative of the boundaries as delineated in local Official Plans and as a result the local Official Plans should be consulted for accurate settlement boundaries. The subject lands are designated as "Suburban Area" within the Township's Official Plan.

The County Official Plan permits boundary adjustments provided that no new building lot is created, the proposed adjustment will not affect the viability of the properties from continuing to be used for permitted uses (Section E1.2.3.2). No new building lot is proposed to be created and the retained parcel and the lands receiving the lot addition would continue to be used for their current uses as permitted under the Township Zoning By-law.

The County of Elgin Official Plan permits lot additions and boundary adjustments in all land use designations where the creation of a new lot is not proposed. While the subject lands are within 120 metres of a designated woodland, the said feature is not proposed to be fragmented nor is "development" (i.e. the creation of a new lot) being proposed.

Malahide Official Plan

The subject property is designated "Suburban Area" on Schedule 'A1' (Land Use Plan). The "Suburban Area" designation permits a range of commercial, industrial, and institutional uses, with residential uses permitted where concentrations of residential uses already exist and where they will not create a land use conflict (Section 4.2.1.5). Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The subject lands would continue to be used for uses permitted under the Official Plan and the existing private septic would

be located within the boundaries of the proposed retained parcel. It is noted that the proposed retained parcel would have a frontage and area that would not meet the minimum requirements of the Zoning By-law. As a result, it is recommended that a minor variance application be required as a condition of consent approval.

Malahide Zoning By-law No. 18-22

The subject property is within the “Small Lot Agricultural (A4) Zone” on Key Map 35 of Schedule “A” to the Township’s Zoning By-law No. 18-22. The subject lands are currently an undersized frontage of 24.3 metres along Imperial Road. Section 4.10 of the Zoning By-law allows existing lots with less than the minimum lot frontage to continue to be used for permitted uses. The proposed retained lot would have an area of 2,155.4 m² and would meet all other requirements of the Zoning By-law.

General Comments

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

- No additional comments from Township staff.

Financial Implications to Budget:

The full cost of the consent 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 147
PETER JAMES FORSYTH, FORCE INSTALLATIONS LTD

Part of Lot 10, Concession 8 S,
 Township of Malahide
 11229 Imperial Road

Township
 of Malahide
 Figure 1



OFFICIAL PLAN DESIGNATION
 Suburban Area

ZONING
 A4 Small Lot Agricultural



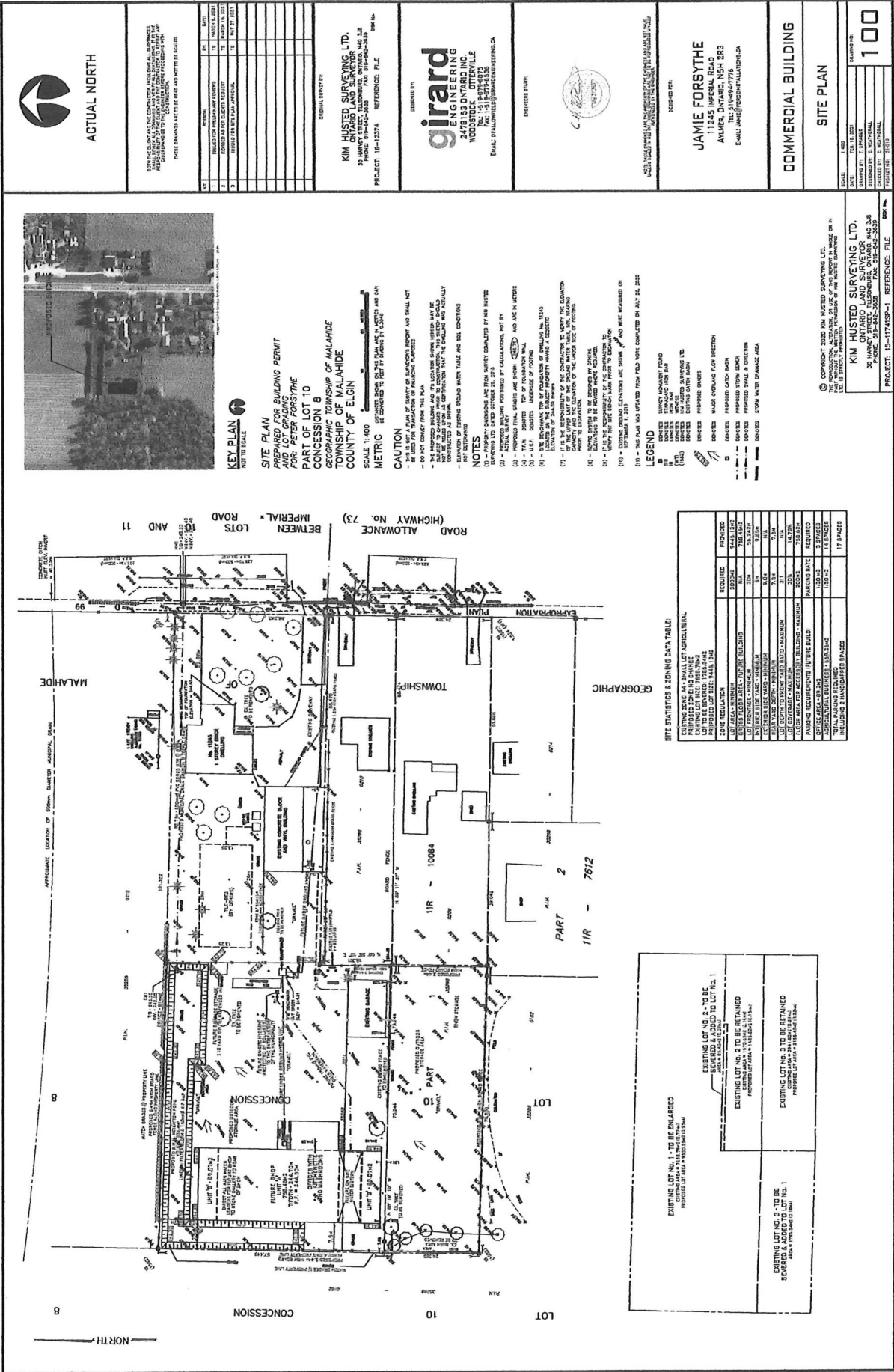
Severed



Retained



Lands to which the severed lot will be conveyed to as a lot addition



SITE STATISTICS & ZONING DATA TABLE:
 EXISTING ZONE: A4 - SMALL LOT AGRICULTURAL
 PROPOSED ZONE: NO CHANGE
 LOT TO BE REMOVED: 12, 13, 14
 LOT TO BE RETAINED: 1, 2, 3, 10, 11, 12, 13

EXISTING LOT	REQUIRED	PROPOSED
1	25000SQ	84631.52SQ
2	5000SQ	5000.00SQ
3	5000SQ	5000.00SQ
10	5000SQ	5000.00SQ
11	5000SQ	5000.00SQ
12	5000SQ	5000.00SQ
13	5000SQ	5000.00SQ
14	5000SQ	5000.00SQ
TOTAL PARCELS REQUIRED		
17 PARCELS		

EXISTING LOT NO. 1 TO BE ENLARGED
 PROPOSED LOT NO. 1 (1182.54 X 51.75 M)
 EXISTING LOT NO. 2 TO BE ENLARGED
 PROPOSED LOT NO. 2 (1182.54 X 51.75 M)
 EXISTING LOT NO. 3 TO BE RETAINED
 PROPOSED LOT NO. 3 (1182.54 X 51.75 M)
 EXISTING LOT NO. 10 TO BE ENLARGED
 PROPOSED LOT NO. 10 (1182.54 X 51.75 M)
 EXISTING LOT NO. 11 TO BE ENLARGED
 PROPOSED LOT NO. 11 (1182.54 X 51.75 M)
 EXISTING LOT NO. 12 TO BE ENLARGED
 PROPOSED LOT NO. 12 (1182.54 X 51.75 M)
 EXISTING LOT NO. 13 TO BE ENLARGED
 PROPOSED LOT NO. 13 (1182.54 X 51.75 M)



KEY PLAN
 SITE PLAN
 PREPARED FOR BUILDING PERMIT
 AND LOT GRADING
 FOR: PETER FORSYTHE
 PART OF LOT 10
 CONCESSION 8
 TOWNSHIP OF MALAHIDE
 COUNTY OF ELGIN

- NOTES**
- 1 - THIS PLAN IS A PART OF A SET OF DRAWINGS INCLUDING ALL SURVEYING AND ENGINEERING INFORMATION AND IS NOT TO BE USED SEPARATELY FROM THE OTHER DRAWINGS.
 - 2 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 3 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 4 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 5 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 6 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 7 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 8 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 9 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 10 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 11 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 12 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 13 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 14 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 15 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 16 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 17 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 18 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 19 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.
 - 20 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.

- LEGEND**
- 1 - EXISTING LOT BOUNDARIES
 - 2 - EXISTING LOT BOUNDARIES
 - 3 - EXISTING LOT BOUNDARIES
 - 4 - EXISTING LOT BOUNDARIES
 - 5 - EXISTING LOT BOUNDARIES
 - 6 - EXISTING LOT BOUNDARIES
 - 7 - EXISTING LOT BOUNDARIES
 - 8 - EXISTING LOT BOUNDARIES
 - 9 - EXISTING LOT BOUNDARIES
 - 10 - EXISTING LOT BOUNDARIES
 - 11 - EXISTING LOT BOUNDARIES
 - 12 - EXISTING LOT BOUNDARIES
 - 13 - EXISTING LOT BOUNDARIES
 - 14 - EXISTING LOT BOUNDARIES
 - 15 - EXISTING LOT BOUNDARIES
 - 16 - EXISTING LOT BOUNDARIES
 - 17 - EXISTING LOT BOUNDARIES
 - 18 - EXISTING LOT BOUNDARIES
 - 19 - EXISTING LOT BOUNDARIES
 - 20 - EXISTING LOT BOUNDARIES

ACTUAL NORTH

NOTE: THIS PLAN IS A PART OF A SET OF DRAWINGS INCLUDING ALL SURVEYING AND ENGINEERING INFORMATION AND IS NOT TO BE USED SEPARATELY FROM THE OTHER DRAWINGS.

NO.	REVISION	BY	DATE
1	ISSUED FOR PERMIT APPLICATION	J.M.	2020.08.12
2	ISSUED FOR PERMIT APPLICATION	J.M.	2020.08.12
3	ISSUED FOR PERMIT APPLICATION	J.M.	2020.08.12

KIM HUSTED SURVEYING LTD.
 30 MARKET STREET, SUITE 101, WINDSOR, ONT. N9A 1G6
 PHONE: 519-252-3338 FAX: 519-252-3339
 PROJECT: 18-1741SP-1 REFERENCE FILE

girard
 ENGINEERING
 249155 DUNDAS ST. E.
 WINDSOR, ONT. N9A 1G6
 TEL: 519-252-3338
 FAX: 519-252-3339
 EMAIL: girard@girardengineering.ca

JAMIE FORSYTHE
 1182.54 X 51.75 M
 AVONDALE, ONTARIO, N9H 2R3
 TEL: 519-252-3338
 EMAIL: jamie@forysithesurveying.ca

COMMERCIAL BUILDING

SITE PLAN

DATE	DATE
2020.08.12	2020.08.12

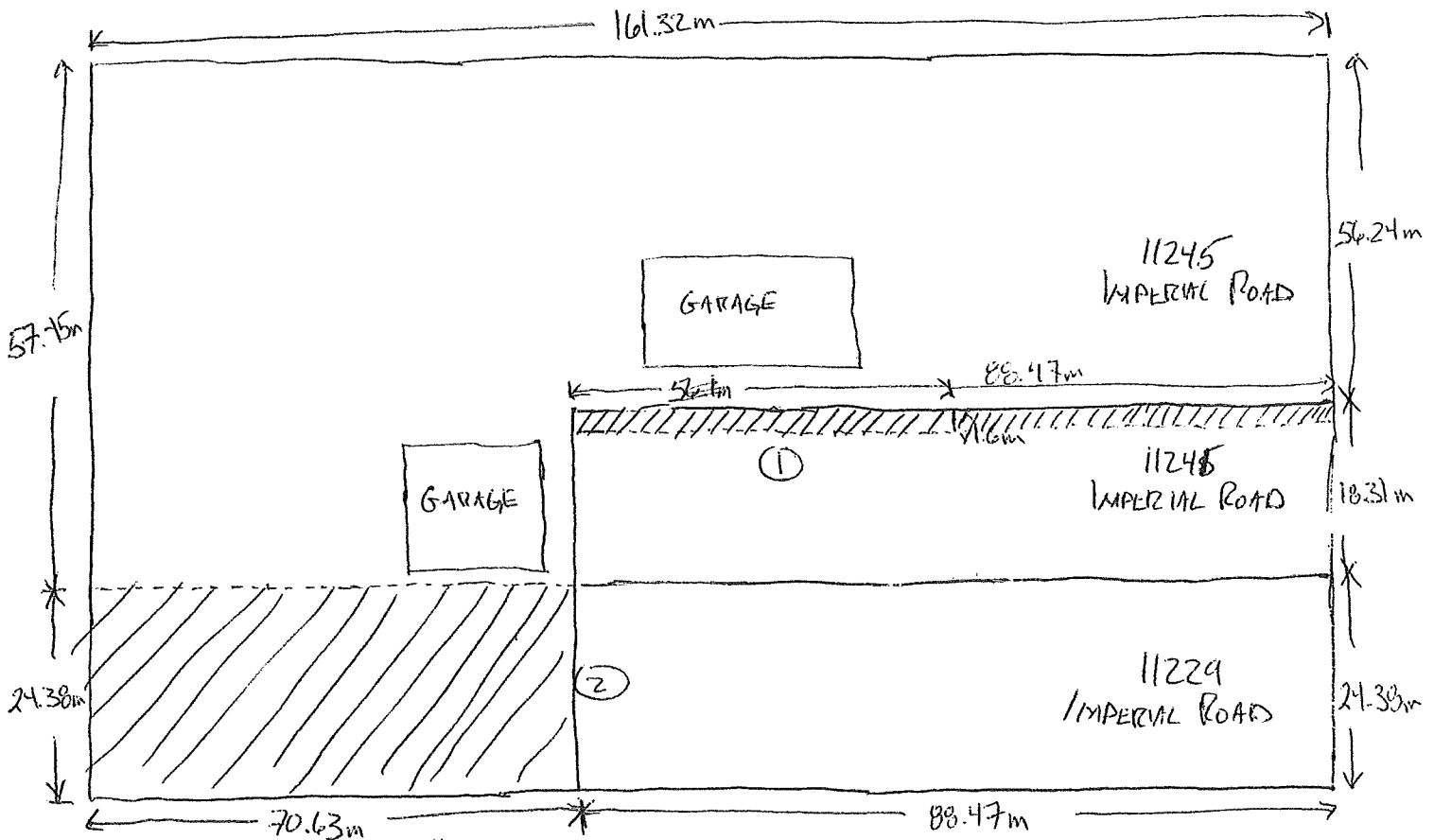
SCALE: 1:400

PROJECT: 18-1741SP-1 REFERENCE FILE

KIM HUSTED SURVEYING LTD.
 30 MARKET STREET, SUITE 101, WINDSOR, ONT. N9A 1G6
 PHONE: 519-252-3338 FAX: 519-252-3339
 PROJECT: 18-1741SP-1 REFERENCE FILE

100

PLAN SPECIFIC



- ① Sever $1.6\text{m} \times 88.47\text{m}$ section and add to 11245 IMPERIAL ROAD.
- ② Sever $24.38\text{m} \times 70.63\text{m}$ section and add to 11245 IMPERIAL ROAD.



March 22, 2024

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

Dear Committee Members:

RE: Land Severance Application E20-24 of Peter James Forsyth, Force Installations Ltd for Part of Lot 10, Concession 8 S, Township of Malahide (11229 Imperial Road)

The Malahide Township Council passed the following Resolutions on March 21, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. E20-24 of Peter James Forsyth, Force Installations Ltd, relating to the property located Part of Lot 10, Concession 8 S, Township of Malahide (11229 Imperial Road), Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels, to the satisfaction of the Township. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.

3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.

We enclose Municipal Appraisal together with Municipal Report DS-24-14 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

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

Copy – Dave Jenkins
Peter James Forsythe

COUNTY OF ELGIN ROAD SYSTEM

DATE: February 28, 2024 ELGIN COUNTY ROAD NO.: County Road CR # 73

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E19-24 and E20-24

APPLICANT: Peter James Forsythe


PROPERTY: LOT NO. 10 CONCESSION: 8

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 _____ 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: March 27, 2024
Application: E 18-24

Owner: Aganeta Bergen
10564 Culloden Road, Aylmer, ON
Agent: Jesse Froese
55248 Maple Grove Line, Eden, ON
Location: Lot 6, Concession 9. Municipally known as 10564 Culloden Road.

PROPOSAL

E 19-24:

The applicant proposes to sever a parcel with a frontage of 1.2m (4 feet), a depth of 88.48m (290 feet) and an area of 106.16m² (0.03 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,513.81m² (0.37 acres) proposed to remain in residential use. The subject lands are also the subject of consent application E 20-24.

E 20-24:

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 70.63m (231 feet) and an area of 1,786.34m² (0.44 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,155.48m² (0.53 acres) proposed to remain in residential use. The subject lands are also the subject of consent application E 19-24.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Suburban Area

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – 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 106m² to be conveyed as an addition to an adjacent lot. Another parcel with an area of 1,786² to be conveyed as an addition to an adjacent lot.

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

County of Elgin Official Plan

County Staff has 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 lot additions in all land use designations, provided the adjustment is minor in nature and will not negatively affect the viability of the use of adjacent properties. The proposed lot adjustment is occurring in an area that is a mix of residential and agricultural parcels and is not anticipated to negatively affect adjacent parcels.

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 proposed retained lot on application E 19-24 will have an area of ~1,500m² whereas the By-law requires a minimum of 2,000m², to address this Malahide has proposed a condition to obtain a minor variance.

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 for E 19-24:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that the 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.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.

Additionally, it is recommended that the following conditions from the Township of Malahide included as conditions for consent for E 20-24:

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

2. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
5. Confirmation that the 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.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.



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

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

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

The applicant proposes to sever a parcel with a frontage of 33.37m (110 feet), a depth of 64.31m (211 feet) an area of 0.21ha (0.51 acres) containing an existing residential dwelling and garage. The applicant is retaining a lot with an area of 1.23ha (3.03 acres) proposed to be used for a future residential dwelling and workshop.

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

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

**MARCH 27, 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.

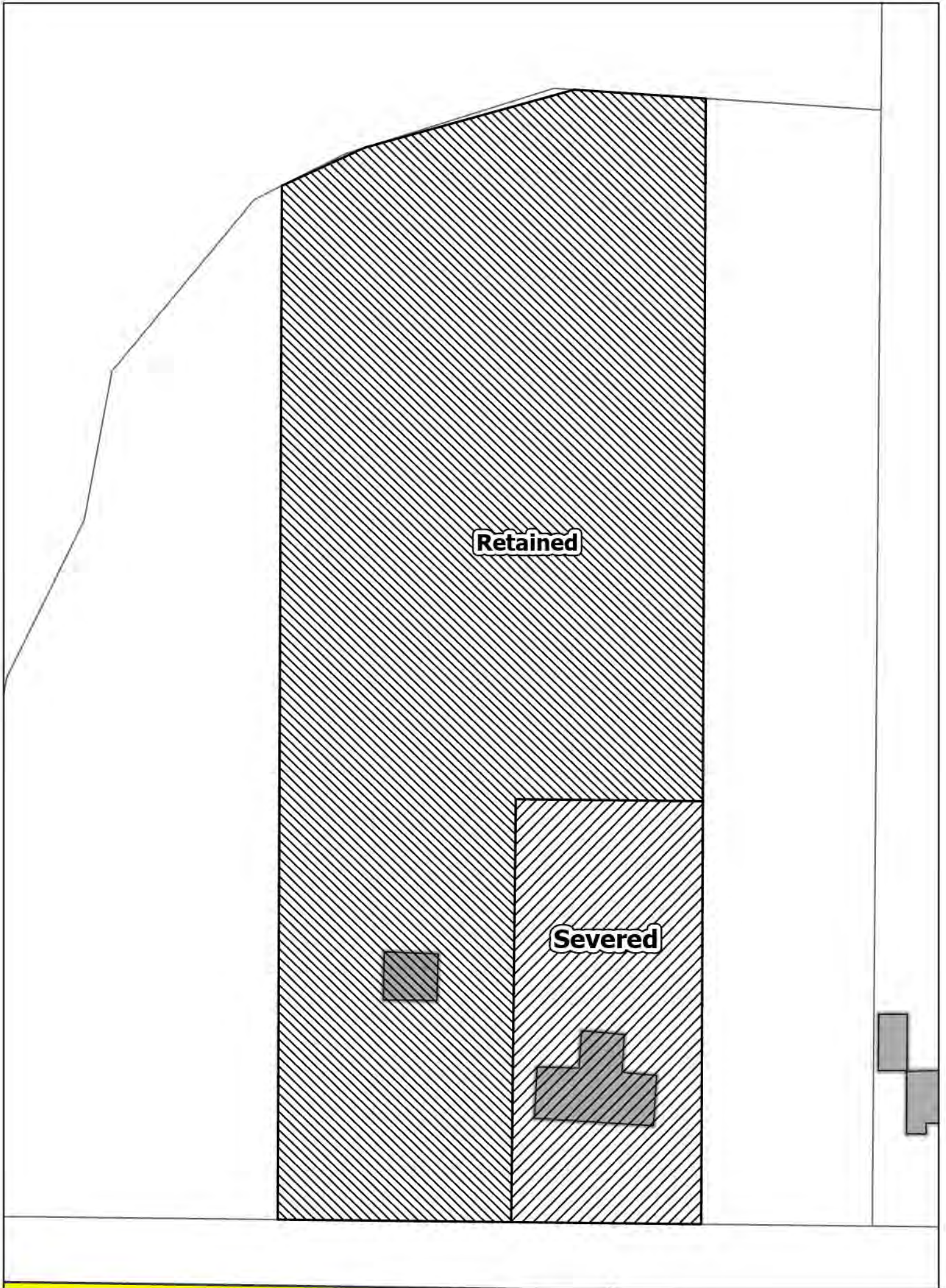
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 5th day of February, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

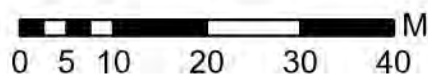
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com







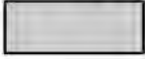
Location Map

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

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



Legend

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

Paul Clarke

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Subject:

RE: E 61-23 Notice of Amended Application 8231 Imperial

Attachments:

E61-23 - Friesen - 8231 Imperial Rd - Letter of Conditions.pdf

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

Thx!

This email is confirmation that the letter of conditions dated September 22, 2023, and attached, applies. The conditions have not changed as a result of the amended application.

Please contact me with any questions,

Christine Strupat
519.773.5344 x239

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Subject: RE: E 61-23 Notice of Amended Application 8231 Imperial

Hi Christine,

Here is the amended application and sketches. If you can just confirm via email that there are no changes to the original conditions that would be great.

Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



(519) 631-1460 x170



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



www.elgincounty.ca



[Redacted]

Subject: RE: E 61-23 Notice of Amended Application 8231 Imperial

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

Hi Paul,

Can you please provide the amended application and drawings? We have sketches. What do you need from us if we don't plan to change conditions? A letter saying such?

Please contact me with any questions,

Christine Strupat
519.773.5344 x239

[Redacted]

Subject: E 61-23 Notice of Amended Application

Good morning,

Please see the attached notice of amended application. If you wish to provide comments on this application, please do so by **Tuesday, March 19**. As this is an amendment to an application which was previously granted provisional consent, if your initial comments still stand and no changes are required, resubmission of new comments is not required.

Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



(519) 631-1460 x170



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



www.elgincounty.ca





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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: September 27, 2023
Application: E 61-23

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

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

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

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 33.37m (110 feet), a depth of 64.31m (211 feet) an area of 0.21ha (0.51 acres) containing an existing residential dwelling and garage. The applicant is retaining a lot with an area of 1.23ha (3.03 acres) proposed to be used for a future residential dwelling and workshop.

This application was originally granted provisional consent by the LDC in September 2023. The applicant has requested to make slight amendments to the application to reduce the proposed depth of the severed lot from 243 feet to 211 feet. The reason for the change is to preserve the existing pine trees as a natural separation between the two lots.

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

**Local Municipality Official
Plan**
Hamlet

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

Letter of Objection signed by multiple neighbours.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have

been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

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

Section 1.1.3

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

1.1.3.1

Settlement areas shall be the focus of growth and development.

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

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

County of Elgin Official Plan

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

The subject land is located near a wooded area. According to a report from Lincoln Environmental Consulting submitted by the agent, the subject land and adjacent area contains mostly coniferous tree species and appear originally to have been planted for commercial purposes, though there is no commercial tree farm currently in operation. The

environmental report indicates a clear delineation between the former commercial pine plantation and the adjacent wooded areas, and that due to the clear demarcation between the plantation on the subject land and the surrounding areas, the subject property should not be considered a significant woodland. In the opinion of LEC, the limited scope of work on the subject property should not have any negative effect on the watercourse in the surrounding area.

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

Local Municipality Official Plan and Zoning By-law

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

RECOMMENDATION:

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

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

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

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

lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.

3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
4. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification, all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.