



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, May 22, 2024, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
 - A request for deferral was received for E 31-24 & E 32-24
- 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 29-24 Gurjit Singh Aulakh – 10401 Sunset Road, Township of Southwold
 - 9:15 am E 30-24 Neil Giesbrecht – 11306 Ridge Line, Municipality of Bayham
E 75-23
 - 9:25 am E 31-24 Gerry Hensels – 349 George Street, Municipality of Central Elgin
E 32-24
 - 9:35 am E 33-24 Stephen Cornwell – 380 Edith Cavell Boulevard, Municipality of Central Elgin
 - 9:45 am E 34-24 David Roe – 11 Linden Street, Town of Aylmer
 - 9:55 am E 35-24 David Roe – 10122 Sandytown Road, Municipality of Bayham
 - 10:05am E 7-24 Bob McLeod, 56557 Heritage Line, Municipality of Bayham
 - 10:15 am E 36-24 Kent Willmore – 19911 Pioneer Line, Municipality of West Elgin



10:25 am E 37-24

David Roe – 46254 New Sarum Line,
Municipality of Central Elgin

10:35 am E 13-23
E 18-23

David Roe – 51432 Wooleyville Line, 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

April 24, 2024

County of Elgin Land Division Committee met this 24th day of April, 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
Dave Jenkins

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: John Andrews

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

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

RESOLVED THAT the minutes of the meeting held on March 27, 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

Printed applications.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 22-24 – 9:05 a.m.
David Roe – 11478 Plank Road

The applicant proposes to sever a parcel with a frontage of 20m (65.6 feet), a depth of 83m (272 feet) and an area of 1,700m² (0.42 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7,600m² (1.88 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: None present
Agent: David Roe 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 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: John Andrews
Seconded by: Ian Fleck

RESOLVED THAT severance application E 22-24 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.
4. Direct connection to a legal outlet for the severed lot is required – If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

That the following requirements of the Municipality of Bayham are met, including the following:

1. The existing shed and overhead hydro line connecting from the existing single-detached dwelling to the shed be removed or relocated from the proposed retained lot.

2. The owner obtain an access permit from the County of Elgin to create a new independent access to the proposed retained lot from Plank Road built to support the weight of fire apparatus.
3. The owner install an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the owner provides confirmation of sufficient reserve sewage system capacity within municipal sewage services for the new municipal sanitary sewer service connection required for the proposed retained lot. Once confirmed, the owner shall obtain a permit from the Municipality for the installation of a new municipal sanitary sewer service connection to the proposed retained lot.
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 initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. The owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
8. The owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
9. The owner purchase a civic number sign for the retained lot from the Municipality.
10. The owner pay the planning report fee due and payable to the Municipality upon consent approval.

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

- Motion Carried.

Application E 23-24 – 9:15 a.m.
Helen Button – 8169 Union Road

The applicant proposes to sever a parcel with a frontage of 63.98m (210 feet), depth of 69.08m (226 feet) and an area of 0.45ha (1.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 0.80ha (1.98 acres) proposed to be used for future residential development.

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: Daniel Kikkert attended in-person
Agent: Helen Button attended in-person

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Council recommends approval, planning staff recommend denial
2	Lower Thames Valley	No comments
3	Elgin County Engineering Services	Requests conditions
4	Elgin County Planning Services	Recommends denial

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

There were discussions between the applicant, his agent and the LDC and staff regarding potential options to address concerns over the frontage of the proposed retained lot.

Moved by: Bill Ungar
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 23-24 be deferred and that the applicant amend the application to show a widened frontage to meet the minimum required by the Zoning By-law, prepare a new sketch showing a new proposed driveway, removal of the shed on the severed lot and widening of the retained lands access to a minimum of 5m at the rear of the severed lot.

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

TOTAL	7	0	
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- Motion Carried.

Application E 24-24 – 9:43 a.m.
Amy Dale – 43639 Ferguson Line

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 149.959m (492 feet) and an area of 0.85847ha (2.12 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 18.24ha (45 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: Joanne Ferguson attended virtually
 Agent: Helen Button attended in-person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No concerns
3	Elgin County Engineering Services	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: John Andrews
 Seconded by: Dave Jenkins

RESOLVED THAT severance application E 24-24 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 5.182m from the centreline of construction of Ferguson Line County Road 48 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 Central Elgin be included as conditions for consent:

1. The severed land be merged in title with the abutting lot to the west, municipally know as 43639 Ferguson Line;
2. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
3. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
4. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

- Motion Carried.

Application E 25-24 – 9:50 a.m.

Cherry Street (Jeff Wiebenga) – 25 and 27 Parkview Heights

The applicant proposes to sever a parcel with a frontage of 10.68m (35 feet), a depth of 40.2m (131 feet) and an area of 429m² (0.10 acres) to sever and existing semidetached dwelling. The applicant is retaining a lot with an area of 429m² (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:

Agent: Jeff Wibenga attended virtually

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	No concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 25-24 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.

Additionally, it is recommended that the following conditions from the Town of Aylmer be 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 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.
3. That the proposed severed and retained parcels 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.
4. 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 E25-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.

5. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
6. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

- Motion Carried.

Application E 26-24, E 27-24 and E 28-24 – 9:56 a.m.
Nathan Clarke & Kelly Sullivan – 53867 Heritage Line

E 26-24

The applicant proposes to sever a parcel with a frontage of 5.53m (18.1 feet), a depth of 76.57m (251 feet) and an area of 991m² (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 904.8m² (0.22 acres) proposed to remain in residential use.

E 27-24

The applicant proposes to sever a parcel with a frontage of 3.85m (12.6 feet), a depth of 37.94m (125 feet) and an area of 249.7m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 685m² (0.16 acres) proposed to remain in residential use.

E 28-24

The applicant proposes to sever a parcel with a frontage of 25.03m (82 feet), a depth of 37.94m (125 feet) and an area of 947m² (0.23 acres) to create a new residential lot. The applicant is retaining a lot with an area of 904.8m² (0.22 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: Nathan Clarke attended in-person
 Agent: Zach Prince attended in-person

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	No concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews

Seconded by: Ian Fleck

RESOLVED THAT severance applications E 26-24, E 27-24, and E 28-24 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 for application E 26-24:

1. That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D.
2. That the owner provides an engineered grading, drainage, and storm water management plan for Parcel D and 53885 Heritage Line to demonstrate that the consolidated lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham
3. 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, R.S.O., 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
4. The owner provides a digital copy of a survey of the subject lands.

5. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Additionally, it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent for application E 27-24:

1. That the owner obtains approval of a Zoning By-law amendment for the proposed Parcel E (retained lot) from 'Hamlet Residential (HR)' Zone to a Site-Specific Hamlet Residential (HR-XX)' Zone to permit a reduced lot frontage of 19.9m and a reduced lot area of 755m².
2. That the owner provides confirmation with respect to the location of the existing municipal water service connection and private septic bed on parcel E.
3. That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel E is in satisfactory operating condition
4. That the owner provides written confirmation from a licensed septic installer demonstrating the reduced lot area for Parcel E provides sufficient space of a new system in the event the existing system requires future replacement
5. That the owner provides an engineered grading, drainage and storm water management plan for Parcel E to demonstrate that the lands will drain properly with no negative impacts on the neighboring lands or the street, all to the satisfaction of the Municipality of Bayham.
6. 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, R.S.O., 1990, as amended with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. That the owner provides a digital copy of a survey of the subject lands.
8. That the owner provides a planning report fee payable to the Municipality of Bayham.

Additionally, it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent for application E 28-24:

1. That the conditions of approval are satisfied for consent application E 27-24.
2. That the owner obtains approval of a minor variance for the proposed retained lot (Parcel B) to permit a reduced lot area of 904m².
3. That the owner removes and/or relocates the two (2) existing sheds; one (1) being located on Parcel A, and one (1) being located along the proposed property line between Parcels A and B.
4. That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D.
5. That the owner obtains approval from the Municipality of Bayham for road entrance permit (Church Street) for a new access to the proposed severed lot (Parcels A/C).

6. That the owner obtains a permit from the Municipality of Bayham for the installation of a new municipal water service connection to the proposed severed lot (Parcels A/C).
7. That the owner obtains a municipal lot assessment and provides soil testing results for the proposed severed lot (Parcels A/C) in accordance with Provincial standards for a future septic system.
8. That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel B is in satisfactory operating condition.
9. That the owner provides written confirmation from a licensed septic installer demonstrating the reduced lot area for Parcel B provides sufficient space for a new system in the event the existing system requires provide future replacement.
10. That the owner provides an engineered grading, drainage and stormwater management plan for Parcels A/C and B to demonstrate that the severed lot (Parcels A and C) and the retained lot (Parcel B) will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.
11. That the applicant initiates and assume if required, all engineering costs associated with the preparation of a revised assessment schedule 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.
12. That the owner pay fees as required in Municipal By-law 2020-053 Cash-in-Lieu of Parkland
13. That the owner provides a digital copy of a survey of the subject lands
14. That the owner applies and pays all fees to the Municipality with respect to Civic Addressing/signage for the severed lot (parcels A and C)
15. That the owner provides a planning report fee payable to the Municipality of Bayham.

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

- Motion Carried.

10. ADJOURNMENT

Moved by: Dave Jenkins
Seconded by: Ian Fleck

RESOLVED THAT the Committee adjourn at 10:03 am on April 24, 2024 to meet again at 9:00am on May 22, 2024.

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

- Motion Carried.

Paul Clarke
Secretary-Treasurer

Tom Marks
Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 29-24**

**PART OF LOT B, CONCESSION SENBTR
TOWNSHIP OF SOUTHWOLD
10401 SUNSET ROAD**

TAKE NOTICE that an application has been made by Gurjit Singh Aulakh (Aulakh Enterprised Ltd.), 10401 Sunset Road, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 10401 Sunset Road.

The applicant proposes to sever a parcel with a frontage of 4.86m (16 feet), a depth of 79.9m (262 feet) and an area of 388.31m² (0.08 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 5,290.92m² (1.3 acres) proposed to remain in commercial use as a motel.

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:

**MAY 22, 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 9th day of April, 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

4

SUNSET ROAD

Severed
To be added
to

Retained



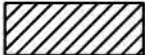


TALBOTVILLE GORE ROAD

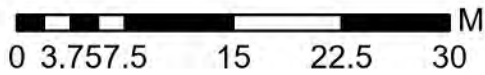
Location Map

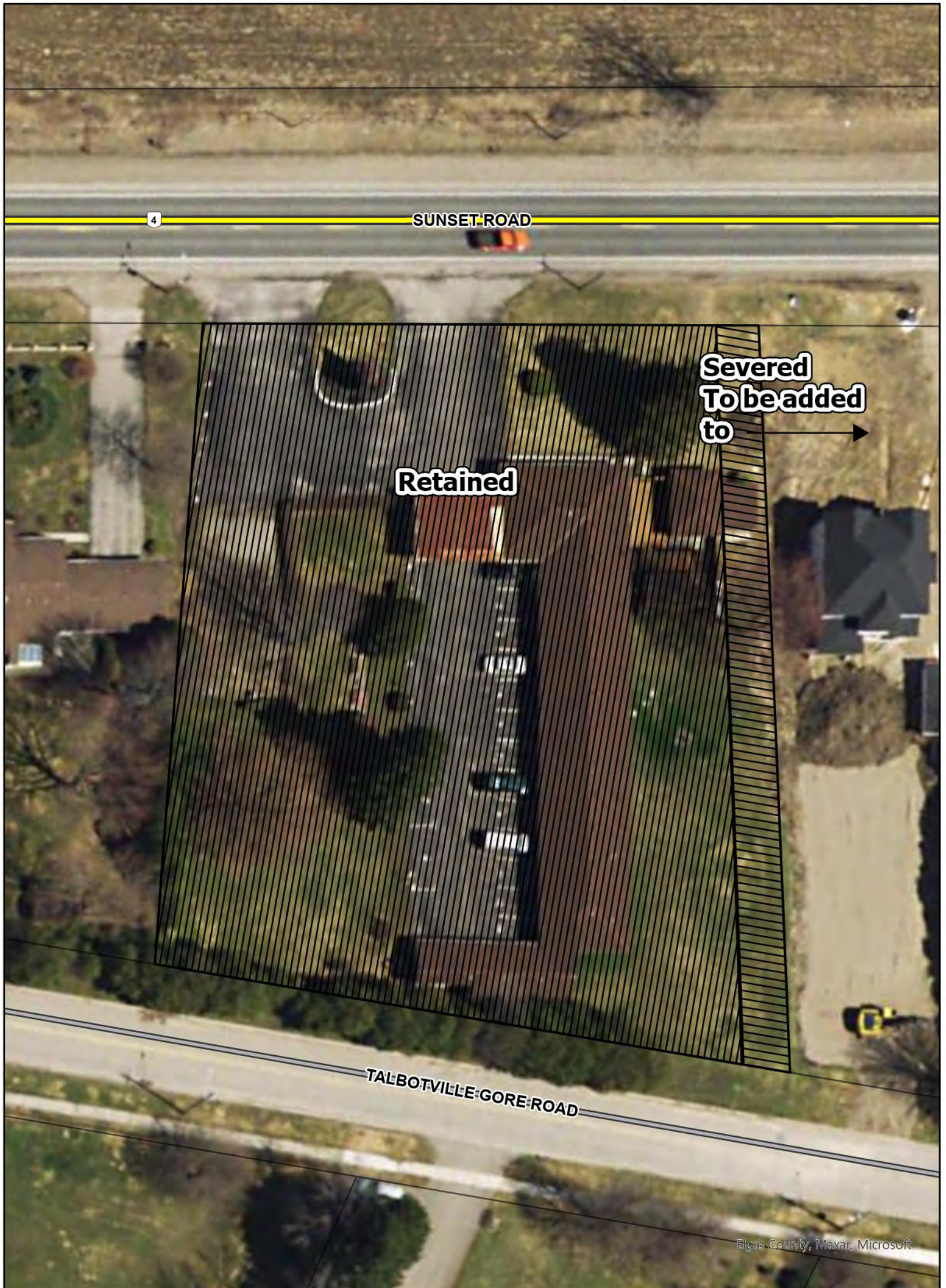


Subject Site: 10401 Sunset Road
File Number: E 29-24
Owner: Aulakh Enterprises Ltd.
CA: Kettle Creek
Created By: PC
Date: 4/3/2024
Township of Southwold

Legend

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







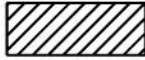

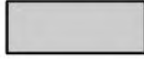
Elgin County, Maxar, Microsoft

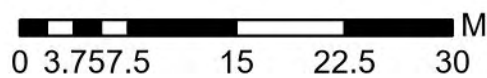
Location Map



Subject Site: 10401 Sunset Road
 File Number: E 29-24
 Owner: Aulakh Enterprises Ltd.
 CA: Kettle Creek
 Created By: PC
 Date: 4/3/2024
 Township of Southwold

Legend

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



April 11, 2024

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

VIA EMAIL ONLY

RE: Township of Southwold Comments to Land Division Committee

County File Numbers: E29-24

Please be advised that the Council for the Township of Southwold reviewed the above-noted application at the April 8, 2024 Council Meeting and passed the following resolution:

2024-118 Councillor Adzija – Councillor Fellows

THAT Council recommend approval to the Elgin County Land Division Committee for Consent Application E29-24 for the addition of a parcel of land measuring approximately 4.8m by 79.9m from 10401 Sunset Road to the abutting property at 10377 Sunset Road subject to the recommended conditions provided in Appendix Two of Report PLA 2024-06.

CARRIED

The Township requests that the County advise of any revisions to the recommended conditions from the Township and that the Township be provided with a copy of the Notice of Decision rendered by the Elgin County Land Division Committee for the above-noted file.

Should you have any questions or concerns, please do not hesitate to contact undersigned.

Regards,



Danielle Truax, Planner
Email: planning@southwold.ca

Attach: Planning Report PLA 2024-06
Municipal Appraisal Sheet E29-24

cc: Aulakh Enterprises Ltd., Owner via email mrsaulakh@hotmail.com
Gurjit Aulakh, Applicant, via email gurjitalakh@hotmail.com
John Horn, Solicitor, via email johndhornlaw@gmail.com

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission: E29-24

Applicant: Aulakh Enterprises Ltd.

Location: 10401 Sunset Road

PART 1 - OFFICIAL PLAN – Township of Southwold 2021

- | | | |
|---|---|---------------------------------|
| 1. Is there an O.P. in effect | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 2. Does the proposal conform with the O.P.? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |

Land Use Designation: Residential, Schedule 4A(Land Use Plan)

Policies: **Section 5.2 Settlement Areas Land Use; Section 7.2.3 Consents**

PART 2 – ZONING By-law – Zoning By-law 2011-14

- | | | |
|---|---|--|
| 3. Is there a By-Law in effect? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes (<input type="checkbox"/>) | No (<input checked="" type="checkbox"/>) |
- Comments:
- Housekeeping amendment required to recognize existing setbacks; establish new interior side yard setbacks for retained and severed lands
- | | | |
|--|---|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
|--|---|---------------------------------|

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 (<input type="checkbox"/>) | No (<input checked="" type="checkbox"/>) |
| 7. If so, is the Municipality prepared to provide those services? | Yes (<input type="checkbox"/>) | No (<input type="checkbox"/>) |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
- See Appendix 2 attached to Planning Report PLA 2024-06 for full list of Township Conditions
- | | | |
|--|---|---------------------------------|
| 9. Does Council recommend the application? | Yes (<input checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
|--|---|---------------------------------|
10. Does the municipality have other concerns that should be considered by the Committee?
- Township interests are addressed in the recommended conditions to be imposed as approved by Council and attached as Appendix 2 to Planning Report PLA 2024-06.

Prepared by DT 04-10-24



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: April 8, 2024
PREPARED BY: Danielle Truax, Planner
REPORT NO: PLA 2024-06
SUBJECT MATTER: **Consent Application E29-24**
10401 Sunset Road (Aulakh Enterprises Ltd.)
Township Comments to Elgin County

Recommendation(s):

THAT Council recommend approval to the Elgin County Land Division Committee of for Consent Application E29-24 for the addition of a parcel of land measuring approximately 4.8m by 79.9m from 10401 Sunset Road to the abutting property at 10377 Sunset Road subject to the recommended conditions provided in Appendix Two of Report PLA 2024-06.

Purpose:

Consent Application E29-24 has been submitted to Elgin County for lands located within the Township of Southwold. The subject property is located at 10401 Sunset Road, Talbotville and is legally described as Part of Lot B, Concession Southeast of Talbot Road North, including Part 2, 11R-6280. The subject property is highlighted in yellow on the Key Map provided below.

The application seeks to add a parcel of land measuring 4.8m by 79.9m from the subject property at 10401 Sunset Road to the abutting parcel at 10377 Sunset Road. The severed lands are to be added to the residential property at 10377 Sunset Road and are shown as Part 3 on the severance sketch. A copy of the proposed severance sketch has been attached to this report as Appendix 1.

Background:

Application No.	E23-24
Owner:	Aulakh Enterprises Ltd.
Address:	10401 Sunset Road
Water Supply:	Municipal Water
Sewage Supply:	Municipal Sanitary
Buildings/Structures	Cardinal Court Motel, detached accessory building
Elgin County Official Plan	Tier Two Settlement Area

Application No.	E23-24
Settlement Area:	Talbotville Settlement Area
Official Plan Designation	Residential
Zoning By-law 2011-14 10401 Sunset Road	Residential 1 (R1-7) Zone Additional Permitted Uses Motel, hotel, tourist cabin, restaurant, refreshment stand, fruit or vegetable retail stand. Site Specific Zone Provisions Lot Frontage – 61m (motel), 30m other commercial uses Minimum Lot Depth – 61m Minimum Front Yard – 24m Minimum Coverage – 25% Minimum Side Yards – 3m
Zoning By-law 2011-14 10377 Sunset Road	Residential 1 (R1-7) Zone

Key Map of 10401 Sunset Road, Talbotville



Comment/Analysis:

Consent Application E29-24 was submitted to and declared complete by Elgin County. and will be circulated to the public and prescribed bodies consideration by the Elgin County Land Division Committee in May 2024. Elgin County is the Approval Authority

for applications considered under Section 53 of the Planning Act. The Township of Southwold is a commenting agency and provides a recommendation to the Land Division Committee including conditions to be assigned to any approval given.

Relevant planning documents were reviewed by staff with regards to the proposed lot addition application to ensure consistency with the Provincial Policy Statement (PPS), Elgin County Official Plan (ECOP), Township of Southwold Official Plan (OP), and the Township of Southwold Zoning Bylaw 2011-14 (ZB). A summary of the relevant policy and impact on the proposed applications is provided below.

Legislation	Section(s)	Relevance To Application	Impact on Development
<u>Provincial Policy Statement</u>	PPS 1.1.3 Settlement Areas	<ul style="list-style-type: none"> Settlement Areas shall be focus of growth and development; appropriate for the level of services; 	Lot addition permitted
<u>Elgin County Official Plan</u>	A6.1.1. Settlement Areas C1.1.1 Residential C1.3 Housing E1. 2.3. Consents	<ul style="list-style-type: none"> Tier Two Settlement Area Maintain residential character of area Efficient use of planned infrastructure Encouraging development of lands within settlement areas to maximize the use of infrastructure 	Lot Addition permitted
<u>Township of Southwold Official Plan</u>	5.2 Settlement Area Land Use 7.2.3 Consents	<ul style="list-style-type: none"> Lands are intended for Residential development; Existing Legal Non-conforming commercial use recognized in Zoning By-law Consent applications can be considered subject to conditions; 	Lot Addition permitted <ul style="list-style-type: none"> Township Conditions – Appendix Two
<u>Township of Southwold Zoning Bylaw</u>	8.4 Special Provisions Residential 1 (R1-7) Zone	<ul style="list-style-type: none"> Zoning By-law Amendment required to establish appropriate side yard setbacks between commercial and residential properties and uses; 	<ul style="list-style-type: none"> Obtain ZBA

		<ul style="list-style-type: none"> Severed lands to be rezoned R1 as a housekeeping matter and include an increased side yard setback to ensure compatibility 	
--	--	--	--

Planning has had an opportunity to review Consent Application E29-24 and comments received from internal staff. Comments from external agencies such as the Kettle Creek Conservation Authority and members of the public will be provided directly to the Elgin County Land Division Committee for consideration.

Finance – No Concerns

Water – No Concerns

Building and Community Services:

- Zoning Amendment to permit reduced side yard setback
- Confirmation that sanitary service outlet is located on retained lands of 10401 Sunset Road

Drainage:

- Drain reapportionment of the Wallis Drain
- The location of the sanitary drain outlet piping and connection of the motel property (10401 Sunset) to the municipal sanitary system will need to be confirmed to ensure it does not exist on the proposed severed lands (Part 2 of the proposed plan). It may cross Part 2 of the plan sent to us to outlet into the provided municipally provided sanitary PDC.
- Decommissioned septic system for the Cardinal Court was located in Part 2

Planning

As noted in the review of relevant planning legislation provided in the table above, lot additions are permitted and should conform to the Consent policies set out in Section 7.23 of the Southwold Official Plan. The proposed lot addition conforms to the land division policies, with the exception for those which are appropriately addressed as conditions of consent.

The subject property exists as a legal non-conforming use which has been recognized in the implementing Zoning By-law to permit the existing commercial use, as well as other limited commercial uses. The R1-7 zoning also establishes site specific zoning regulations based on the current size of the property and building locations related to the existing property lines. The resulting lot frontage, depth and area of the retained parcel comply with the R1-7 zone provisions.

A zoning amendment should be obtained to site specifically establish the side yard setback to the abutting residential properties. The existing detached storage garage shown on Part 2 of the building survey will be approximately 0.49m (1.61 ft) from the new property line between the motel and residence. The amendment should establish that new buildings, enlargements or expansions of commercial uses or permitted accessory uses shall be a minimum of 6m from residential uses or zones. This is the standard setback required for commercial uses under the Village Commercial (VC) Zone provisions. This provision will allow for new structures or additions to the existing structures, however they must comply with the 6m setback. The existing storage will not be permitted to be expanded, enlarged or replaced along the existing 0.45m setback. Typically, non-complying structures are permitted to expand in accordance with Sections 3.32 and 3.33 of the Zoning By-law.

New development of the retained motel lands will be subject to site plan control approval to ensure appropriate servicing, compatibility and compliance with municipal by-laws.

The requested lot addition is not expected to significantly impact the current operation or future permitted uses on the property. The addition of lands from the motel property to the abutting residential property will increase the setback distance of the existing dwelling to the commercial property and will allow for those lands to be under control of the more sensitive use. The lands to be added to the residential property at 10377 Sunset Road are zoned R1-7 and should be rezoned to R1 as a housekeeping matter. As well, a site-specific zone should be established to increase the required side yard setback for the residential uses on the property at 10377 Sunset Road from 1.2m to 6m to reflect the required setback between commercial and residential properties.

Conclusion:

Planning is in a position to recommend support of the proposed lot addition from 10401 Sunset Road to the abutting residential lot at 10377 Sunset lot, as shown on Appendix 1 subject to the conditions listed in Appendix 2 to Planning Report PLA 2024-06 are forwarded to the Elgin County Land Division Committee and applied to any provisional consent.

It is recommended the standard conditions of consent be applied, as well as those which address site specific matter related to the proposed severed and retained lands, including:

Standard

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

2. The provision of registered **reference plan** and
3. The provision of description of severed lands subject to **Section 50(3)** of the Planning Act, including **prepared deeds** for review by Township
4. **Undertaking** to provide proof of application to consolidate lands, registration of deeds and agreements, if required
5. **Drainage reapportionment** of Fowler Drain
6. Provision of **lot grading** plan
7. Submission of written request to the Township for **clearance of conditions** to County

Site Specific

8. Obtain **zoning by-law amendment** to address all compliance matters and establish site specific zone provisions related to consolidated and retained lots.
9. Confirmation of the **location of sanitary sewer outlet** is wholly located on retained lands to the satisfaction of the Township.

Financial Implications:

Township application fees were collected in accordance with the Township's Tariff of Fees By-law, as amended from time to time.

Approval of the application will have no significant financial impact on the Township.

Strategic Plan Goals:

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

- Managed Growth
- Welcoming and Supportive Neighbourhoods
- Economic Opportunity
- Fiscal Responsibility and Accountability

Respectfully submitted by:
Danielle Truax
Planner
"Submitted Electronically"

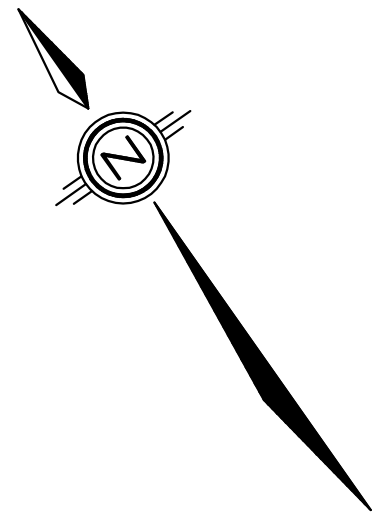
Approved by:

**Lisa Higgs
CAO/Clerk
"Approved Electronically"**

Appendices

Appendix 1 – Building Survey and Severance Sketch

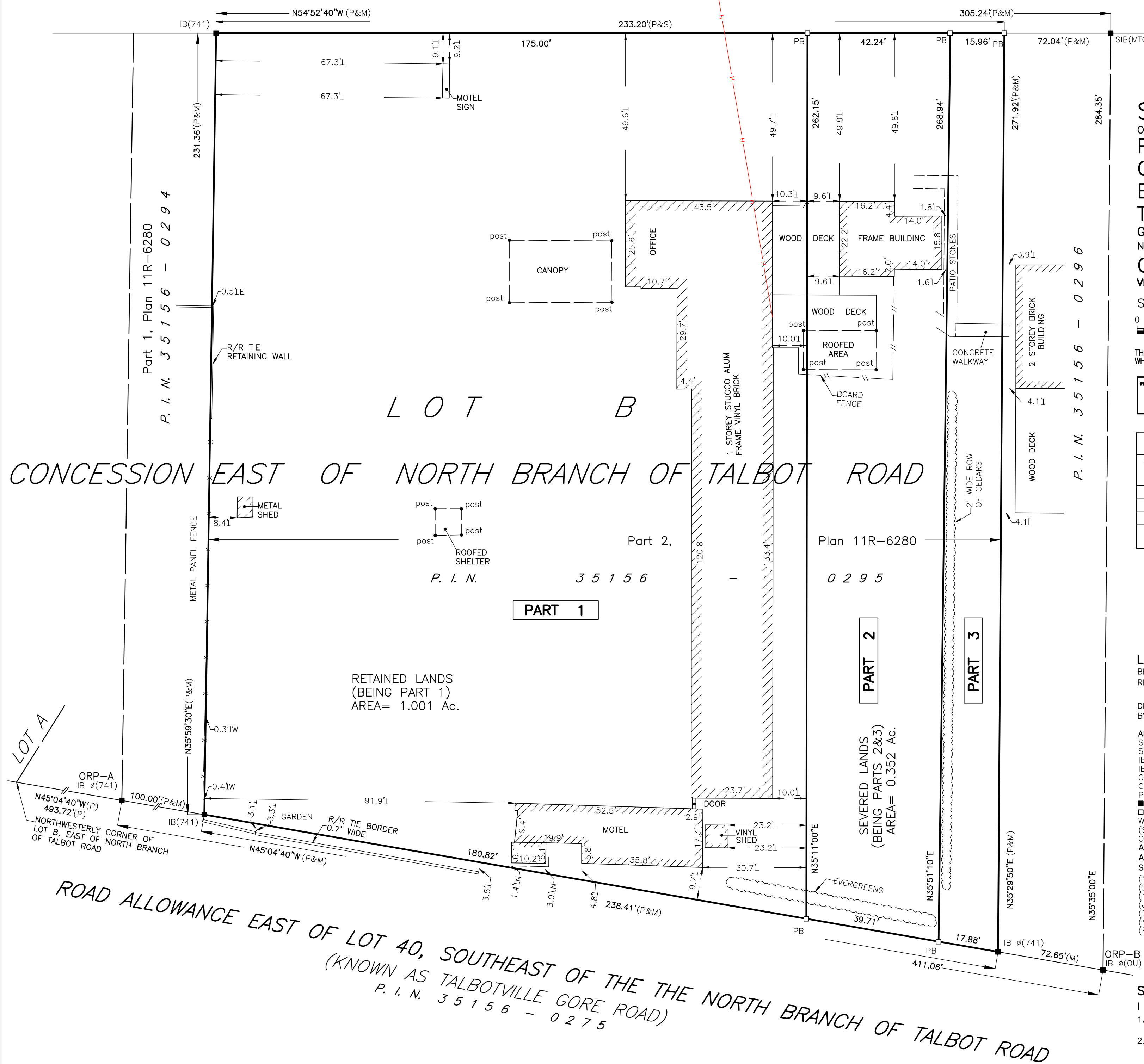
Appendix 2 – Township Conditions Consent Application E29-24



(LOCALLY KNOWN AS SUNSET ROAD)
THE KING'S HIGHWAY No. 4

P. I. N. 35160 - 0218

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT B	EAST OF NORTH BRANCH OF TALBOT ROAD	35156-0295	1.001 Ac.
2				0.248 Ac.
3				0.104 Ac.



SEVERANCE SKETCH
OF
PART OF LOT B
CONCESSION
EAST OF NORTH BRANCH OF
TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF SOUTHWOLD
NOW IN THE
COUNTY OF ELGIN, ONTARIO
VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE : 1"=20'
0 10.0 20.0 40.0 60.0 100.0 FEET

THE INTENDED PLOT SIZE OF THIS PLAN IS 24" IN WIDTH BY 24" IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=20'

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	NORTHING	EASTING
ORP-A	15546386.43'	1574090.63'
ORP-B	15546096.29'	1574381.57'
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPARISONS THE FOLLOWING ROTATIONS WERE APPLIED TO CONVERT TO GRID BEARINGS	
PLAN	CLOCKWISE ROTATION
P	0°10'05"

LEGEND AND NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995738

- ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
- SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
- SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
- IB DENOTES 16mm X 16mm X 0.61m IRON BAR
- IB φ DENOTES 19mm diameter X 0.61m ROUND IRON BAR
- CC DENOTES CUT-CROSS
- CP DENOTES 5mm X 50mm STEEL PIN
- PB DENOTES PLASTIC BAR
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED JDB
- WIT. DENOTES WITNESS
- ⊥ DENOTES PERPENDICULAR
- (S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
- ORP DENOTES OBSERVED REFERENCE POINT
- ALL SET SIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.
- (NI) DENOTES NOT IDENTIFIABLE (OU) DENOTES ORIGIN UNKNOWN
- (S/P) DENOTES SET PROPORTIONALLY
- (1744) DENOTES VERHAEGEN SURVEYORS INC., O.L.S.
- (JDB) DENOTES J.D. BARNES LIMITED, O.L.S.
- (741) DENOTES DONALD I. HOUGHTON, O.L.S.
- (MTO) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO, O.L.S.
- (P) DENOTES PLAN 11R-6280

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 24th DAY OF NOVEMBER, 2022

DATE NOVEMBER 29, 2022
BRIAN COAD
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXX

VERHAEGEN SURVEYING
LAND SURVEYORS MAPPING
A Division of GIS
J. D. Barnes Limited
187 TALBOT ST. E. LEAMINGTON, ON, N8H 1L8
T: (519) 322-2375 F: (519) 322-2675 www.jdbarnes.com

DRAWN BY: SP	CHECKED BY: BC	REFERENCE NO.: 22-48-213-00
CAD Date: November 30, 2022 11:29 AM		FILE NO.: EGLIN-SOUTHWOLD-ENBTR-B
CAD File: 22-48-213-00.dwg		

64cm x 0.4 25.0 mm
64cm x 25.0" w (4.3 ft²)

Appendix Two: Township Conditions Consent Application E29-24

Recommended Conditions:

1. That the Applicant meet all the requirements, all **financial** and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
2. That the Applicant provides a **description** of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Township.
3. **Subsection 3 of Section 50 of the Planning Act** applies to the lands that are the subject of this application. The severed portion will be added to the property of the abutting property owner (G. & R. Aulakh, 342400000617100, CON ENBTR PT LOT B). The applicant to submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting property into one parcel. The applicant shall provide evidence to the Secretary-Treasurer within 15 days of the issuance of the certificate of consent to sever that an application to consolidate parcels has been filed with the Land Registry Office.
4. That a digital copy of the final deposited **reference plan** be provided to the Township of Southwold.
5. That the Applicant's Solicitor provides an **undertaking** to the Township, to provide a copy of the completed application to consolidate and registered deeds once the transaction has occurred.
6. That the Applicant have a **drainage reapportionment** of the Wallis Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
7. That the Applicant successfully apply to the Township and **obtain a Zoning By-law Amendment** in full force and effect, necessary to bring the proposed resulting consolidated and retained parcels to establish site specific zone provisions to the satisfaction of the Township.
8. That the Applicant provide confirmation of the location of the **sanitary outlet** is wholly located on the retained lands to the satisfaction of the Township

9. That the Applicant's Solicitor provide a **written request for clearance** of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality
10. That prior the final approval of the County, the **County is advised in writing** by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within **two years** of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Road CR 4

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 29-24

APPLICANT: Gurjit Singh Aulakj

PROPERTY: LOT NO. Part Lot B CONCESSION: CON SENBTR
REG'D PLAN: _____ MUNICIPALITY: Southwold

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

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

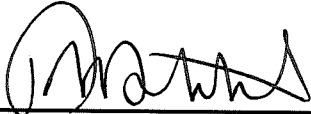
- 10) The County has no concerns.....

- 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: May 22, 2024
Application: E 29-24

Owner: Aulakh Enterprises Ltd.
10401 Sunset Road, St. Thomas, ON
Agent: John Horn
10471 Sunset Road, St. Thomas, ON
Location: Part of Lot B, Concession SENBTR. Municipally known as 10401 Sunset Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 4.86m (16 feet), a depth of 79.9m (262 feet) and an area of 388.31m² (0.08 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 5,290.92m² (1.3 acres) proposed to remain in commercial use as a motel.

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

**Local Municipality Official
Plan**
Settlement Area

**Local Municipality Zoning
By-law**
Residential 1 (R1-7)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – 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 388m² to be conveyed as an addition to an adjacent lot. The severed lot will be used to slightly enlarge the area of the residential parcel to the east and no buildings or structures are proposed. The applicant is retaining a parcel with an area of 5,291m² which contains an existing motel.



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

The PPS permits lot additions and lot boundary adjustments for technical reasons in all land use designations. The overall use and built form of the subject properties is not changing as a result of this application.

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. The CEOP permits lot creation and technical severances in all land use designations.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The retained land and the motel use are considered legal non-conforming uses and are recognized in the Zoning By-law. No minor variances or zoning amendments are anticipated to be required as a result of this consent.

RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Township.
3. Subsection 3 of Section 50 of the Planning Act applies to the lands that are the subject of this application. The severed portion will be added to the property of the abutting property owner (G. & R. Aulakh, 34240000617100, CON ENBTR PT LOT B). The applicant to submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property

and the owner of the abutting property are identical together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting property into one parcel. The applicant shall provide evidence to the Secretary-Treasurer within 15 days of the issuance of the certificate of consent to sever that an application to consolidate parcels has been filed with the Land Registry Office.

4. That a digital copy of the final deposited reference plan be provided to the Township of Southwold.
5. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the completed application to consolidate and registered deeds once the transaction has occurred.
6. That the Applicant have a drainage reapportionment of the Wallis Drain completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
7. That the Applicant successfully apply to the Township and obtain a Zoning Bylaw Amendment in full force and effect, necessary to bring the proposed resulting consolidated and retained parcels to establish site specific zone provisions to the satisfaction of the Township.
8. That the Applicant provide confirmation of the location of the sanitary outlet is wholly located on the retained lands to the satisfaction of the Township
9. That the Applicant's Solicitor provide a written request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 30-24**

**PART OF LOTS 23 & 24, CONCESSION 8
MUNICIPALITY OF BAYHAM
11306 / 11450 RIDGE LINE**

TAKE NOTICE that an application has been made by Neil Giesbrecht, 11450 Ridge Line, Eden, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 11306 & 11450 Ridge Line.

The applicant proposes to sever a parcel with a frontage of 230.68m (756 feet), a depth of 1004m (3294 feet) and an area of 40.9ha (101 acres) to create a new agricultural parcel and reverse a previous title merge on the subject lands. The applicant is retaining a lot with an area of 35.1ha (86 acres) proposed to remain in agricultural use. The lands affected by this application are also the subject of consent application E 75-23.

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:

**MAY 22, 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 9th day of April, 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 75-23**

**SOUTH PART OF LOT 23, CONCESSION 8
MUNICIPALITY OF BAYHAM
11306 RIDGE LINE**

TAKE NOTICE that an application has been made by Neil Giesbrecht, 11450 Ridge Line, Eden, ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11306 Ridge Line.

The applicant proposes to sever a parcel with a frontage of 80.63m (264.5 feet), a depth of 62.8m (206 feet), and an area of 0.51ha (1.26 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of approximately 75ha (185 acres) proposed to remain in agricultural use. The lands affected by this application are also the subject of consent application E 30-24.

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:

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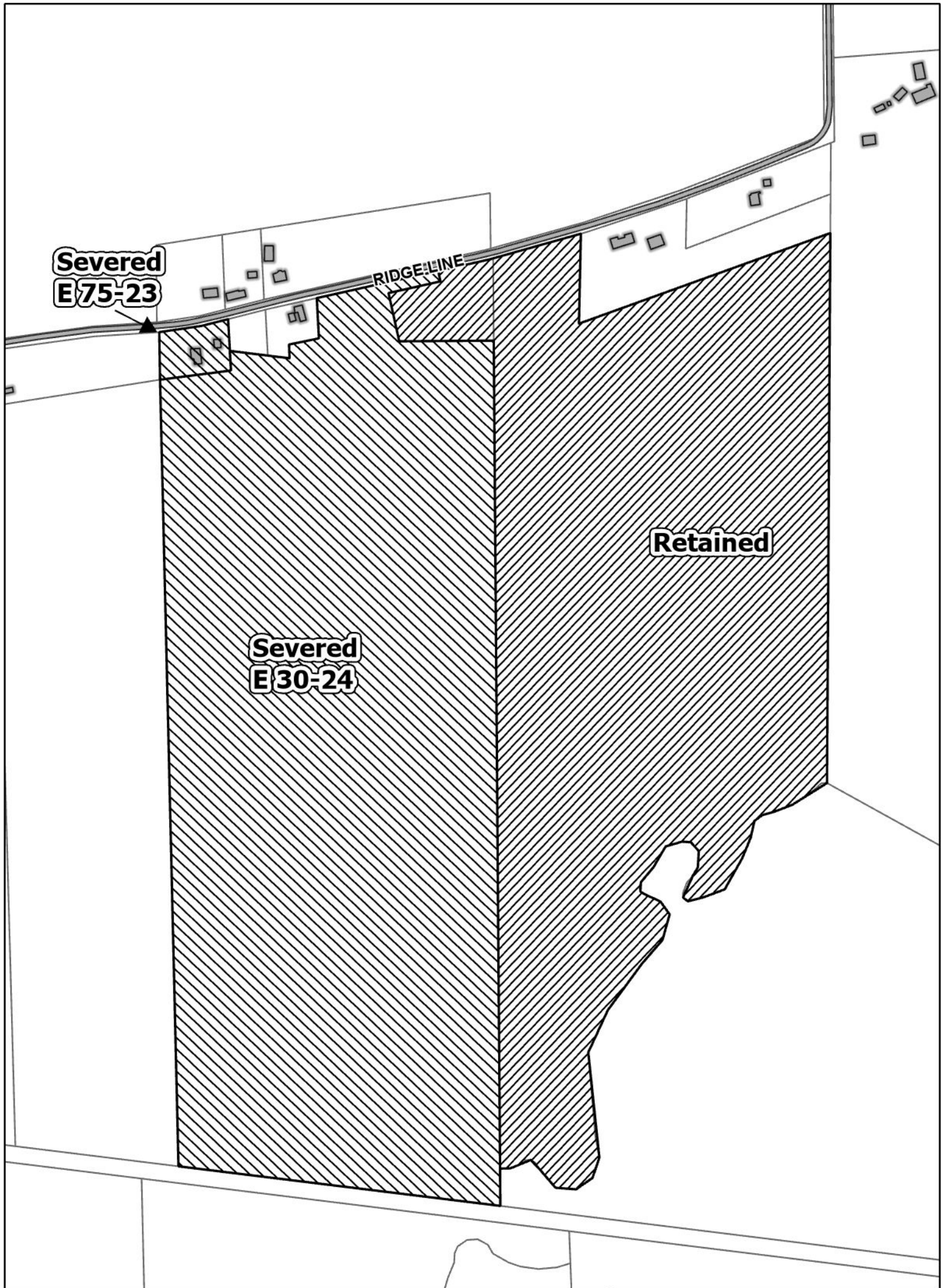
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Dated at the Municipality of Central Elgin this 9th day of April, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

County of Elgin
Planning Department
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St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
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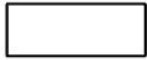

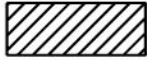




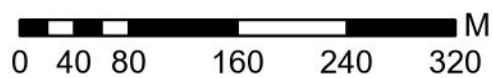
Location Map

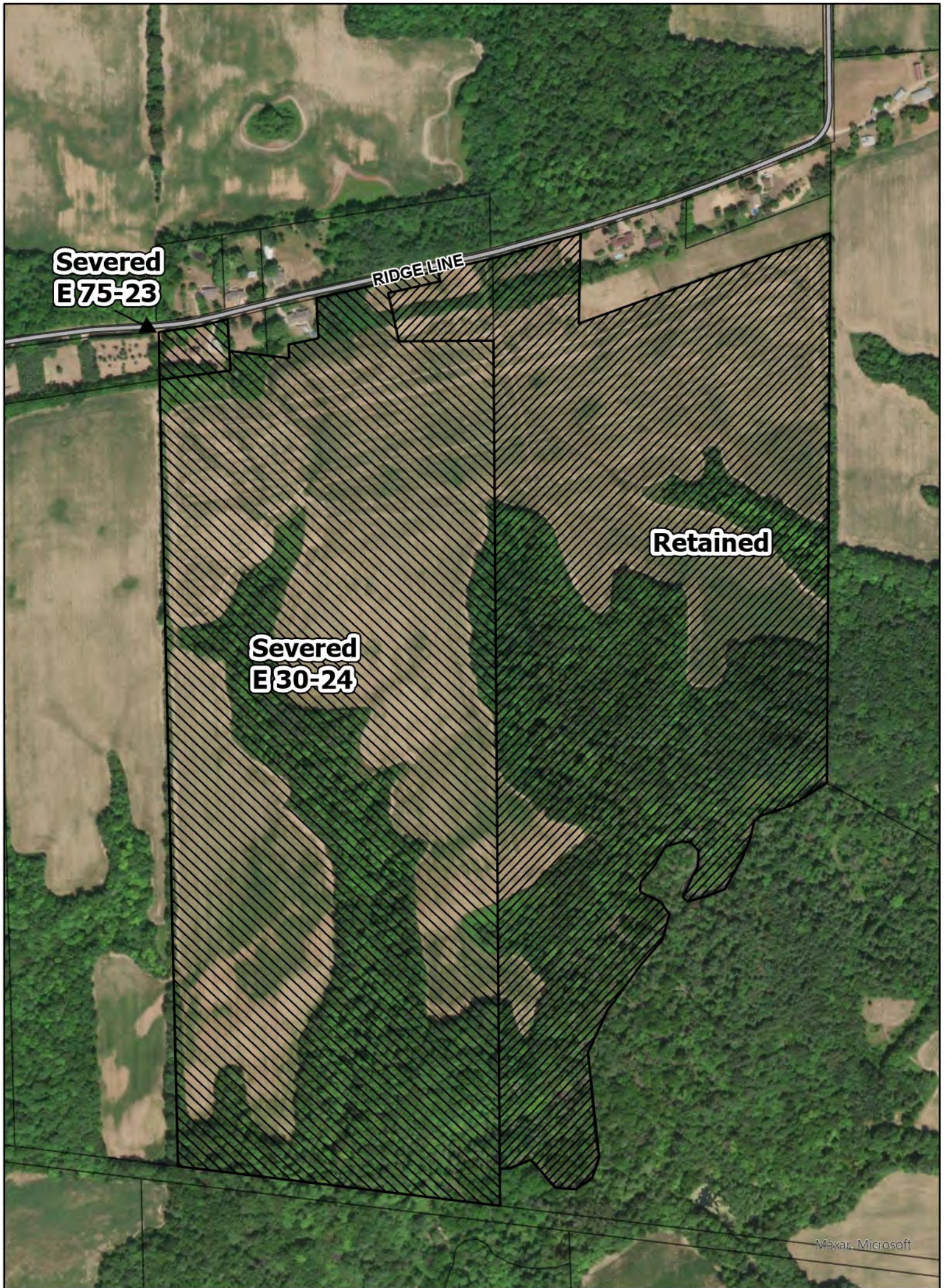
Subject Site: Neil Giesbrecht
 File Number: E 75-23 / E 30-24
 Owner: Neil and Maria Giesbrecht
 CA: Long Point Region
 Created By: PC
 Date: 4/3/2024
 Municipality of Bayham



Legend

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







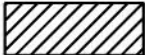


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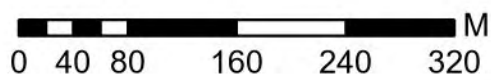
Location Map

Subject Site: Neil Giesbrecht
 File Number: E 75-23 / E 30-24
 Owner: Neil and Maria Giesbrecht
 CA: Long Point Region
 Created By: PC
 Date: 4/3/2024
 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



April 19, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E75-23 and E30-24 Giesbrecht

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 18, 2024 meeting:

THAT Report DS-32/24 regarding Consent Applications E75-23 and E30-24 submitted by Neil and Maria Giesbrecht, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E30-24 and E75-23 be granted subject to the following for each:

E30-24 for the creation of a new agricultural lot, subject to the following conditions:

1. The Owner pay fees as required in Municipal By-law No. 2020-053 Cash- in-lieu of Parkland.
2. The Owner provides a digital copy of a survey of the subject lands.
3. The Owner provides a Planning Report Fee payable to the Municipality of Bayham upon consent approval.

E75-23 for a proposed surplus farm dwelling severance, subject to the following conditions:

1. That the Conditions of Approval are satisfied for Consent Application E30-24.
2. The Owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from the 'Agricultural (A1-A)' Zone to the "Rural Residential" (RR) Zone;
3. The Owner obtains approval of a Zoning By-law amendment for the proposed retained lot from the 'Agricultural (A1-A)' Zone to the 'Special Agricultural (A2)' Zone to prohibit new dwellings
4. The Owner purchases a civic number sign for the retained lot.
5. The Owner provides a digital copy of a survey of the subject lands.
6. The Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Municipal Appraisal Sheet and Staff Report DS-32/24 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.GIES

cc: M. Szorenyi, GBGS Law (email)
C. Rizzuto, GBGS Law (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 E30/24

Applicant Giesbrecht, N & M

Location Bayham – 11450 Ridge Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Heritage, Hazard Lands, Significant Woodlands
Policies: 2.1.6.2

PART 2 - ZONING

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

Comments: Zoning: Agricultural/LPRCA Regulation Limit

Rezoning is not required

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

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

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

See Letter attached with listed conditions.

See Staff Report DS-32/24 considered at the Council meeting held April 18, 2024



In order to achieve design integration, site plan control measures may be used which relate to issues such as signage, buffering, parking, and building location.

- d) Agri-tourism operations will not be permitted to be severed as the intent of such uses is to remain as a secondary, integral part of the primary farm operation.
- e) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water and any emissions to the environment shall meet the requirements of and be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority.
- f) Small scale overnight guest accommodation such as, farm vacation home, bed and breakfast or other temporary shelters to a maximum of six rooms may be permitted as temporary accommodation of guests to permitted on-farm diversified uses.

2.1.5.2 Notwithstanding Section 2.1.5.1 policy for on-farm diversified use the establishment of agri-tourism, farm related home occupations, farm related home industries and uses that produce value added agricultural products, the subject lands located at BAYHAM CON 10 PT LOT 21 RP; 11R10370 PART 2, and municipally known as 14077 Bayham Drive may have a secondary use with commercial and industrial characteristics for the operation of an electrical services business use as an on-farm diversified use to be operated within a building with maximum floor area of 520 square metres and adjacent parking and circulation yard.

The subject lands subject to this Amendment as designated "Agriculture" may be used, developed, and zoned to permit an oversized home occupation workshop as a non-resource based secondary use and an On-farm Diversified use in accordance to Section 2.1.5.2 of the Official Plan, as amended.

2.1.6 Division of Agricultural Parcels

2.1.6.1 It is a policy of this Plan to discourage the division of large farms into smaller holdings and to encourage continued farm use. However, the severance of surplus farm dwellings

pursuant to the process of farm consolidation shall be permitted in accordance with the policies of Section 2.1.7 of this plan.

2.1.6.2 The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The agricultural capability of the land;
- c) The type of agricultural activity engaged in and proposed to be engaged in;
- d) Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;
- e) The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;
- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

- a) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;
- b) Where a farm parcel with more than one existing dwelling is being

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 E75-23

Applicant Giesbrecht, N & M

Location Bayham – 11450 Ridge Line

PART 1 - OFFICIAL PLAN

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

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

Policies: ~~2.1.6.2~~ 2.1.7

PART 2 - ZONING

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

Comments: Zoning: Agricultural/LPRCA Regulation Limit

Rezoning required for both the severed and retained parcels in accordance with policies for surplus farm dwelling severances

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

See Letter attached with listed conditions.

See Staff Report DS-32/24 considered at the Council meeting held April 18, 2024

pursuant to the process of farm consolidation shall be permitted in accordance with the policies of Section 2.1.7 of this plan.

2.1.6.2 The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The agricultural capability of the land;
- c) The type of agricultural activity engaged in and proposed to be engaged in;
- d) Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;
- e) The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;
- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

- a) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;
- b) Where a farm parcel with more than one existing dwelling is being

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

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

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,
- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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

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

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015,

may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.7.6 Notwithstanding Section 2.1.1.2 and Section 2.1.7.1, the existing dwelling located in Part S½, Lot 9, Concession 10, and known municipally as 54728 Best Line, may be severed as a surplus farm dwelling and zoned for residential use, whereas a new lot represents the second surplus farm dwelling severance from the original farm parcel known municipally as 54744 Best Line, and whereas new lots and new residential uses are not permitted in the Agriculture designation.

The lands subject to this Amendment and designated "Agriculture" may be used, developed and zoned in accordance with surplus farm dwelling policies of Section 2.1.7 of the Official Plan, as amended.

2.1.7.7 Notwithstanding Section 2.1.7.1, the dwelling located in Concession 2, Part of Lots 10 and 11 and known municipally as 55106 Vienna Line, and existing as of May 2023, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.7.8 Notwithstanding Section 2.1.7.1, the dwelling located in Concession 1, Part of Lot 3 and known municipally as 53291 Nova Scotia Line, and existing as of October 19, 2023 (date of adoption), may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

2.1.8 **Existing Lots**

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

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

2.1.9 **Minor lot adjustments**

2.1.9.1 Consents to sever and convey land in areas designated "Agriculture" shall be permitted for minor lot adjustments, minor lot additions, minor boundary changes, easements and rights of way, technical severance or correction of title, provided no new conveyable lot(s) are created.

2.1.10 **Supplementary Farm Dwellings**

2.1.10.1 The Municipality supports the erection or placement of additional dwellings on farm parcels where the size or nature of the farming operation warrants additional dwellings. Such dwellings may only be permitted by a minor variance to the Zoning By-law and may not be severed from the farm operation. Such dwellings may be temporary dwellings in the form of a mobile home or modular home; or a permanent dwelling in the form of a converted dwelling or bunkhouse. Farming operations shall refer to any parcels owned, or owned in part by an applicant. Establishment of supplementary farm dwellings will be permitted subject to the following criteria:

- a) **Need**: Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;
- b) **Existing dwellings**: Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;
- c) **Location**: Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;
- d) **Size and type**: The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m²



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: April 18, 2024

REPORT: DS-32/24

FILE NO. C-07 / D09.23 GIES

Roll # 3401-000-006-07300

SUBJECT: Consent Application E75-23, Giesbrecht, N & M
11450 Ridge Line, Eden

BACKGROUND

On November 16, 2023, Council considered Consent application E75-23 received from the Elgin County Land Division Committee, as submitted by Neil and Maria Giesbrecht, proposing to sever 5,100 sq. m. (1.26 ac) parcel of land and retain 754,500 sq. m. (186.4 acres) of land for the purpose of creating one (1) residential lot containing an existing dwelling.

Council passed the following resolution:

Moved by: Deputy Mayor Weisler
Seconded by: Councillor Froese

THAT Report DS-62/23 regarding Consent Application E75-23 submitted by Neil and Maria Giesbrecht, be received for information;

AND THAT Council recommends **deferral** of Consent Application E75-23 and recirculation if the applicant *amends* the current application to meet existing policy framework in the Provincial Policy Statement 2020, Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law as follows:

- a) Consent Application E75-23 would be *amended* to sever the subject property into two (2) farm parcels, reestablishing parcel fabrics similar to when the subject property wasn't merged. Therefore, one (1) dwelling would be located on each of the proposed farm parcels. At the time of resubmission, the applicant's proposal would need to ensure the two (2) farm parcel configurations meet the 'A1/A1-A' Zone minimum lot frontage of 150 metres, as well as a minimum lot area of 40.0 hectares

for the westerly farm parcel and minimum lot area 20.0 hectares for the easterly farm parcel.

If the *amended* Consent Application is Conditionally Approved by the Elgin County's Land Division Committee, and the applicant satisfies the conditions and stamping of the deeds has occurred, then the subject property will be severed into two (2) farm parcels.

- b) Once the lands are successfully severed into two (2) farm parcels, a *new* Consent Application would be submitted by the applicant for a surplus farm dwelling severance. The *new* Consent Application would propose to sever the existing single-detached dwelling in the north-western corner of the subject property as a surplus farming dwelling, while the other existing single-detached dwelling would remain on the retained agricultural lands.

As a Condition of Approval on the *new* Consent Application, a Zoning By-law Amendment would be required to rezone the proposed severed surplus farm dwelling lot to 'Rural Residential' (RR) Zone, while the retained agricultural lot would be rezoned to 'Special Agricultural' (A2) Zone. The A2 Zone would prohibit any future construction of a new dwelling unit on the retained agricultural lot.

If the *new* Consent Application is Conditionally Approved by the Elgin County's Land Division Committee, and the applicant satisfies the conditions and stamping of the deeds has occurred, the proposed surplus farm dwelling lot and retained agricultural lot will be successfully severed.

On November 22, 2023, Elgin County Land Division Committee deferred the Consent Application E75-23 pending amendments to the application. Applications deferred by the Land Division Committee are held for a period of one (1) year from the date of deferral, at which time, if no action has been taken, the application will lapse.

DISCUSSION

In accordance with Council's resolution, the Giesbrechts have submitted an amended Consent Application E75-23 to sever the subject property into two (2) farm parcels whereby reestablishing parcel fabrics similar to when the subject property was not merged and a new Consent Application E30-24 to address the proposed surplus farm dwelling severance.

Please refer to the attached Arcadis Memorandum, dated April 11, 2024, for the full analysis of both Consent applications subject to the Provincial Policy Statement (2020), County of Elgin Official Plan, and the Municipality of Bayham Official Plan and Zoning By-law.

Based upon the review analysis, the applications as presented meet the PPS, Elgin County Official Plan, and Municipality of Bayham Official Plan and Zoning By-law. Staff and planner support the two (2) consent applications with the recommended conditions.

STRATEGIC PLAN

Not applicable.

ATTACHMENTS

1. Consent Application E30-24 Giesbrecht
2. Revised Consent Application E75-23 Giesbrecht
3. Arcadis Memorandum, dated April 11, 2024

RECOMMENDATION

THAT Report DS-32/24 regarding Consent Applications E75-23 and E30-24 submitted by Neil and Maria Giesbrecht, be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E30-24 and E75-23 be granted subject to the following for each:

E30-24 for the creation of a new agricultural lot, subject to the following conditions:

1. The Owner pay fees as required in Municipal By-law No. 2020-053 Cash- in-lieu of Parkland.
2. The Owner provides a digital copy of a survey of the subject lands.
3. The Owner provides a Planning Report Fee payable to the Municipality of Bayham upon consent approval.

E75-23 for a proposed surplus farm dwelling severance, subject to the following conditions:

1. That the Conditions of Approval are satisfied for Consent Application E30-24.
2. The Owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from the 'Agricultural (A1-A)' Zone to the "Rural Residential' (RR) Zone;
3. The Owner obtains approval of a Zoning By-law amendment for the proposed retained lot from the 'Agricultural (A1-A)' Zone to the 'Special Agricultural (A2)' Zone to prohibit new dwellings
4. The Owner purchases a civic number sign for the retained lot.
5. The Owner provides a digital copy of a survey of the subject lands.
6. The Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Respectfully submitted by

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

Memorandum

To/Attention	Municipality of Bayham	Date	April 11, 2024
From	Christian Tsimenidis, BES	Project No	3404 - 917
cc	William Pol, MCIP, RPP		
Subject	Neil Giesbrecht - 11306 and 11450 Ridge Line - Application for Consent E30-24 and E75-23		

Summary and Background

1. Arcadis has completed the review of two (2) Consent Applications submitted by Michael G. Szorenyi on behalf of Neil Giesbrecht, owner of the subject lands located at 11306 and 11450 Ridge Line:
 - E30-24 – Severance for the creation of a new Agricultural Lot.
 - E75-23 – Severance for a Surplus Farm Dwelling (Deferred by the Land Division Committee on November 22, 2023, until E30-24 was submitted by the applicant. Please see Paragraphs 5 to 6 of this Memo for further context).

One (1) Memo has been prepared for *both* Consent Applications in order to provide a comprehensive review of the proposal. **The main goal of these Consent Applications is to sever the existing single-detached dwelling in the north-western portion of the subject property (11306 Ridge Line) as a ‘surplus farm dwelling severance’.**

E30-24 (Agricultural Lot Severance)

2. The applicant is requesting consent for severance of 40.9 hectares (101.0 acres) of land and to retain 35.1 hectares (86.7 acres) of land. The intent of this application is to sever the current 66.0 hectare (163.1 acres) farm parcel into two (2) distinct farm parcels.
3. The proposed severed lot has a lot frontage of 230.7 metres (756.9 feet) and lot depth of 1,045.2 metres (3429.1 feet). The severed lot will accommodate the existing single-detached dwelling, accessory detached garage and shed on 11306 Ridge Line. The proposed retained lot has a lot frontage of 197.5 metres (647.9 feet) and lot depth of 1,045.2 metres (3429.1 feet). The lands to be retained will accommodate the existing single-detached dwelling and shop supporting the agricultural operations on 11450 Ridge Line. The existing accesses to each single-detached dwelling and parcel will remain as they exist today along Ridge Line. Both the single-detached dwellings on each lot will continue to utilize existing private water and sanitary septic systems.

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Existing natural heritage features are located throughout the southern portion of the subject property. Given that the proposed Consent Application will not result in new building/structures and the existing buildings are located outside of these features, the existing natural heritage features will not be impacted. The subject property is surrounded by agricultural lots in all directions, rural residential lots along Ridge Line, and natural heritage features/systems. The subject property is located south of the Hamlet of Eden.

4. The subject property is designated as 'Agriculture' land use, and the southern portion designated 'Natural Heritage', as per Schedule 'A1' of the Municipality of Bayham Official Plan. The subject property is zoned both 'A1-A' and 'A1' on Schedule 'A', Map No. 6 of Zoning By-law Z456-2003.

E75-23 (Surplus Farm Dwelling Severance)

5. Consent Application E75-23 was submitted by the applicant on October 5, 2023, and deferred by the Land Division Committee (LDC) on November 22, 2023. The applicant was seeking to sever the existing single-detached dwelling in the north-western corner (11306 Ridge Line), to what was believed to be a surplus farm dwelling as a result of a *previous* farm consolidation. As per the original Memo prepared by Arcadis on November 9, 2023, the applicant purchased the subject property in April 2021, under one PIN (353420172) being a consolidation of two roll numbers #3401-000-006-07300 and #3401-000-006-08201. Following the purchase, the applicant applied for a building permit to construct a new single-detached dwelling on roll #3401-000-006-08201 (north-eastern corner of the property), whereas the existing single-detached dwelling would remain on roll #3401-000-006-07300 (north-western corner of the property). At the time the building permit was applied for and issued, MPAC's sales and consolidation information stated there were two roll numbers, as previously noted above. It was later discovered that MPAC's sales and consolidation information was not up-to-date, and that only one PIN and one roll #3401-000-006-07300 exists for the subject property. The merging of the two properties also occurred *prior* to the applicant purchasing the subject property. **As such, the applicant applied for and was issued a building permit for the construction of a second single-detached dwelling on a property with one PIN and one roll number, which is not permitted in the A1 and A1-A Zone.**
6. Based on this information and the planning analysis performed in the original Memo with respect to the agricultural severance policies in the Provincial Policy Statement (PPS), County of Elgin Official Plan, and Municipality of Bayham Official Plan, the proposed Consent Application E75-23 did not meet the criteria to qualify as a 'surplus farm dwelling severance' based on the circumstances. Therefore, due to MPAC's sales and consolidation information not being up-to-date and the construction of a second single-detached dwelling occurring on one (1) farm parcel believed to be two (2) farm parcels, Arcadis recommended that the LDC defer E75-23. To rectify this unforeseen circumstance and ensure consistency to the PPS and conformity to the

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County Official Plan and Bayham Official Plan, Arcadis recommended the following actions:

- a) That a *new* Consent Application be submitted to first sever the subject property into two (2) farm parcels, reestablishing parcel fabrics similar to when the subject property wasn't merged. **This is where we are today, as the current Consent Application E30-24 is seeking to create two (2) distinct farm parcels.** Therefore, one (1) dwelling will be located on each of the proposed farm parcels. If Consent Application E30-24 is Conditionally Approved by the LDC, and the applicant satisfies the conditions and stamping of the deeds has occurred, then the subject property will be severed into two (2) farm parcels.
- b) Once the lands are successfully severed into two (2) farm parcels, Consent Application E75-23 would then allow for the surplus farm dwelling severance to occur, as it would now meet the planning policy criteria and qualify as a 'surplus farm dwelling severance'. If E75-23 is Conditionally Approved by the LDC, and the applicant satisfies the conditions and stamping of the deeds has occurred, the proposed surplus farm dwelling lot and retained agricultural lot will be successfully severed.

Provincial Policy Statement

E30-24 (Agricultural Lot Severance)

7. Section 2.3.4.1.a) of the PPS provides policy direction with respect to 'Lot Creation and Lot Adjustments', specifically for agricultural lot severances as follows:
 - 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*
 - a) *agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
8. **Comment:** It is Arcadis's opinion that the proposed severed lot with an area of 40.9 hectares (101.0 acres) and the retained lot with an area of 35.1 hectares (86.7 acres) are appropriately sized lots for the existing agricultural uses to remain. The proposed severed and retained agricultural lots will meet the minimum lot area and lot frontages required in the Bayham Zoning By-law.
9. Therefore, it is our opinion that the proposed Consent Application E30-24 is consistent with the PPS.

E75-23 (Surplus Farm Dwelling Severance)

10. Section 2.3.4.1.c) of the PPS provides policy direction with respect to 'Lot Creation and Lot Adjustments', specifically for surplus farm dwelling severances as follows:

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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*

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

2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*

Comment: As a Condition of Approval, the owner is required to rezone the proposed retained lot from the current 'A1-A' Zone to the 'A2' Zone in order to prohibit the development of a new dwelling on the retained lot.

11. Therefore, it is our opinion that the proposed Consent Application E75-23 is consistent with the PPS.

Elgin County Official Plan

E30-24 (Agricultural Lot Severance)

12. In the Elgin County Official Plan (hereafter, 'Elgin OP'), Section E1.2.3.4 provides specific policy direction with respect to "Lot Creation on Lands in the Agricultural Area". The following provides an analysis of the policy and criteria:

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if:

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

Comment: The proposed severed lot will have an area of 40.9 hectares (101.0 acres) and the retained lot with an area of 35.1 hectares (86.7 acres).

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As per the Bayham Zoning By-law, the 'A1-A' Zone pertaining to the proposed severed lot requires a minimum lot area of 40.0 hectares. The 'A1' Zone pertaining to the proposed retained lot requires a minimum lot area of 20.0 hectares. Therefore, both the severed and retained lot for the agricultural uses will meet the minimum required lot areas for their respective zone.

13. Therefore, it is our opinion that the proposed Consent Application E30-24 for the creation of a new agricultural lot conforms to the Elgin OP.

E75-23 (Surplus Farm Dwelling Severance)

14. In the Elgin OP, policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 (New Lots by Consent). Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the *Planning Act*. Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

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

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

Comment: The proposed severed and retained lots have adequate frontage and existing accesses along Ridge Line.

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

Comment: Not applicable, as Ridge Line is identified as a Local Road.

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

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

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

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

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

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraphs 25 and 26 below of this Memo for details.

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

Comment: The owner/applicant provided supporting private well and septic servicing information as part of the application submission, stating that the existing private well and septic system are in adequate condition for the proposed severed lot.

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

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

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

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

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

Comment: The proposed severed lot for a surplus farm dwelling severance is located outside of the natural heritage features that traverse the subject property.

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

Comment: As per the documentation provided by the applicant, no negative impacts are anticipated to the available ground water.

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

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

l) conform with the local Official Plan; and,

Comment: The proposed severance will conform to the Bayham Official Plan. Please see Paragraphs 18 to 21 of this Memo below for details.

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

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

15. Therefore, it is our opinion that the proposed Consent Application for a surplus farm dwelling severance conforms to the Elgin OP.

Municipality of Bayham Official Plan

E30-24 (Agricultural Lot Severance)

16. Section 2.1.6 of the Municipality of Bayham Official Plan provides policy direction with respect to the “Division of Agricultural Parcels”. More specifically, Section 2.1.6.2 of the Official Plan does permit the assembling and disassembling of agricultural land into more efficient or more productive farming units, provided that Consent Applications seeking to divide agricultural parcels have regard to the following criteria:

a) The need to discourage the unwarranted fragmentation of farmland;

Comment: It is Arcadis’s opinion that the proposed severance for the division of an existing agricultural lot into two (2) distinct agricultural lot will not result in the fragmentation of farmland. The proposed lot sizes will meet the minimum lot areas required in the Bayham Zoning By-law and will not have adverse impacts to the viability of the agricultural lands.

b) The agricultural capability of the land;

Comment: The existing agricultural use will continue to exist as a result of the severance.

c) The type of agricultural activity engaged in and proposed to be engaged in;

Comment: It is understood the farmlands are currently used to grow cash crop.

d) Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;

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Comment: It is Arcadis's opinion that the proposed severed and retained lot sizes will provide sufficient area to permit flexibility for future changes in farming operation. The minimum lot areas and lot frontages for the proposed retained and severed lots will be met, as per the current Zoning By-law. It is Arcadis's opinion that the proposed severance will not have adverse impacts to the viability of the agricultural lands for current and future use.

- e) *The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;*

Comment: The proposed severed and retained lot sizes are appropriate for the type of existing agricultural operation and future operations.

- f) *The requirements of the Planning Act;*

Comment: The proposed severance will meet the requirements of the *Planning Act*.

- g) *The minimum farm parcel size as established in the Zoning By-law; and,*

Comment: The proposed lot sizes and frontages for the severed and retained lot will meet the minimum requirements in the Bayham Zoning By-law.

- h) *The Minimum Distance Separation Formula I.*

Comment: MDS I does not apply for the proposed severance, as no new residential development is proposed on the severed or retained lot. The existing single-detached dwelling on the severed lot will remain as it exists today. No new residential development is proposed on the retained lot, as it will be prohibited.

17. Therefore, based on the analysis provided above, the proposed Consent Application E30-24 for the creation of a new agricultural lot is in conformity with the Bayham OP.

E75-23 (Surplus Farm Dwelling Severance)

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

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

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

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exist today. It is further understood that there are no livestock within proximity of the existing single-detached dwelling, thus minimizing land use conflict.

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

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

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

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

19. Sections 2.1.7.2 and 2.1.7.3 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

2.1.7.2 The severed lot with the surplus farm dwelling shall:

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

Comment: The proposed severed lot is no larger than necessary to support existing private well and sanitary servicing.

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

Comment: It is understood there are no livestock operations identified in the immediate area warranting MDS concerns. The single-detached dwelling to be severed as a surplus farm dwelling severance is already an existing use.

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

Comment: As a Condition of Approval, the owner is required to rezone the proposed severed lot from 'A1-A' to 'RR' in order to permit the proposed stand-alone single-detached dwelling as a result of a surplus farm dwelling severance.

2.1.7.3 The severed lot with the surplus farm dwelling may:

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

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Comment: The existing accessory detached garage and shed on the proposed severed lot will remain as they exist today. It is Arcadis's opinion that these existing accessory structures to remain on the proposed severed lot will not create a land use conflict.

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

Comment: The applicant is not including accessory buildings and structures on the proposed severed lot for the keeping of livestock. The keeping of livestock on the proposed severed lot is prohibited in the 'RR' Zone.

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

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

Comment: The proposed retained lot will meet the minimum lot area and lot frontage requirements of the 'A2' Zone, as the applicant will be required to rezone the proposed retained lot from the current 'A1-A' to the 'A2' Zone.

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

Comment: As a Condition of Approval, the owner is required to rezone the retained lot from the 'A1-A' to the 'A2' Zone in order to prohibit the development of a future residential dwelling.

21. Therefore, based on the analysis provided above, the proposed Consent Application E75-23 is in conformity with Bayham OP.

Municipality of Bayham Zoning By-law

E30-24 (Agricultural Lot Severance)

22. The proposed severed lot is within the existing 'A1-A' Zone and will meet the Minimum Lot Frontage of 150.0 metres and Minimum Lot Area of 40.0 hectares. As per Section 5.2 of the Zoning By-law, only one (1) existing single-detached dwelling or one (1) new single-detached dwelling on a lot zoned 'A1-A' is permitted. The existing single-detached dwelling on the proposed severed lot will remain as it exists today in accordance with all other provisions of the Zoning By-law. Arcadis has no concerns with the proposed severed lot for agricultural purposes.

23. The proposed retained lot is within the existing 'A1' Zone and will meet the Minimum Lot Frontage of 150.0 metres and Minimum Lot Area of 20.0 hectares. As per Section

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5.2 of the Zoning By-law, only one (1) existing single-detached dwelling or one (1) new single-detached dwelling on a lot zoned 'A1' is permitted. The existing single-detached dwelling on the proposed retained lot will remain as it exists today in accordance with all other provisions of the Zoning By-law. Arcadis has no concerns with the proposed retained lot for agricultural purposes.

24. Therefore, no Zoning By-law Amendments or Minor Variances are required for the proposed severed or retained agricultural lots for Consent Application E30-24.

E75-23 (Surplus Farm Dwelling Severance)

25. The proposed severed lot is currently zoned 'A1-A' and is to be rezoned to the 'Rural Residential (RR)' Zone consistent to the resulting residential use and Bayham Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the Minimum Lot Area of 0.4 hectares and Minimum Lot Frontage of 50 metres in the 'RR' zone. Therefore, Arcadis has no concerns with the proposed severed lot, and as a Condition of Approval, the applicant is required to submit a Zoning By-law Amendment for the proposed severed lot.

26. The proposed retained lot will meet the required Minimum Lot Frontage of 150.0 metres and Minimum Lot Area of 20.0 hectares in the A2 Zone. A new single-detached dwelling will be prohibited on the retained lot, as per the Section 6.3 of the Zoning By-law for the 'A2' Zone. Therefore, Arcadis has no concerns with the proposed retained lot.

Conclusion and Recommendations

27. Based on the above review of Consent Application **E30-24**, Arcadis has **no objection** to approval of the proposed severance for the creation of a new agricultural lot subject to the following conditions:

- a) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
- b) That the owner provides a digital copy of a survey of the subject lands, and;
- c) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

28. Based on the above review of Consent Application **E75-23**, Arcadis has **no objection** to approval of the proposed surplus farm dwelling severance subject to the following conditions:

- a) That the Conditions of Approval are satisfied for Consent Application E30-24;
- b) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from the 'Agricultural (A1-A)' Zone to the 'Rural Residential' (RR)' Zone;

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- c) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from the 'Agricultural (A1-A)' Zone to the 'Special Agricultural (A2)' Zone to prohibit new dwellings;
- d) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the Retained Lot;
- ~~e)~~ That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
- f) That the owner provides a digital copy of a survey of the subject lands, and;
- g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Christian Tsimenidis

Arcadis Professional Services (Canada) Inc.

Christian Tsimenidis, BES

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Ridge Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 30-24 and E 75-23

APPLICANT: Neil & Maria Giesbrecht

PROPERTY: LOT NO. Part of Lots 23 and 24 CONCESSION: 8
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: May 22, 2024
Application: E 30-24 and E 75-23

Owner: Neil Giesbrecht & Maria Giesbrecht
 11450 Ridge Line, Eden, ON
Agent: Michael G. Szorenyi
 36 Broadway Street, Tillsonburg, ON
Location: Part of Lots 23 & 24, Concession 8. Municipally known as 11306 and 11450 Ridge Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 230.68m (756 feet), a depth of 1004m (3294 feet) and an area of 40.9ha (101 acres) to create a new agricultural parcel and reverse a previous title merge on the subject lands. The applicant is retaining a lot with an area of 35.1ha (86 acres) proposed to remain in agricultural use.

The applicant proposes to sever a parcel with a frontage of 80.63m (264.5 feet), a depth of 62.8m (206 feet), and an area of 0.51ha (1.26 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of approximately 75ha (185 acres) proposed to remain in agricultural use.

County of Elgin Official Plan Agricultural Area	Local Municipality Official Plan Agriculture, Natural Heritage, Hazard Lands, Significant Woodlands	Local Municipality Zoning By-law Agricultural (A1-A)
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REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis

conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant proposes to sever a parcel with an area of 41ha to create a new agricultural parcel, and a subsequent severance of a parcel of 0.5ha to sever a surplus dwelling. The application for the surplus dwelling (E 75-23) was deferred last year so the applicant could submit an application to reverse the merging of two agricultural parcels held in identical ownership which each contained a house and affected the ability of the applicant to sever one of the dwellings, but not the other. These applications, being heard concurrently, will separate the merged agricultural land and enable the applicant to sever the surplus dwelling.

Agricultural lot creation and surplus farm dwelling severances are permitted within the Agricultural Area by the PPS. The proposed agricultural lot being created will be of sufficient size, and is considered a technical severance to reverse a merge on title.

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 creation for agricultural lots provided the newly created parcel is at least 40ha.

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 severed surplus farm lot will be rezoned to a Rural Residential (RR) zone, and the retained agricultural parcel will be rezoned to Special agricultural (A2), which prohibits residential development.

RECOMMENDATION:

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

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

Additionally, it is recommended that the following conditions from the Municipality of Bayham included as conditions for consent for E 75-23:

1. That the conditions of approval are satisfied for consent application E 30-24.
2. The owner obtains approval of a zoning by-law amendment for the proposed severed lot from the Agricultural (A1-A) zone to the Rural Residential (RR) zone.
3. The owner obtains approval of a zoning by-law amendment for the proposed retained lot from the Agricultural (A1-A) zone to the Special Agricultural (A2) zone to prohibit new dwellings.
4. The owner purchase a civic number sign for the retained lot.
5. The owner provides a digital copy of a survey of the subject lands.
6. The owner provides a planning report fee payable to the Municipality of Bayham.

Additionally, it is recommended that the following conditions from the Municipality of Bayham included as conditions for consent for E 30-24:

1. The owner pay fees as required in Municipal By-law No. 2020-053 cash-in-lieu of parkland.
2. The owner provides a digital copy of a survey of the subject lands.
3. The owner provides a planning report fee payable to the Municipality of Bayham upon consent approval.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 33-24**

**PART LOT 1, AND PART LOT 25, ON REGISTERED PLAN No. 117
MUNICIPALITY OF CENTRAL ELGIN
380 EDITH CAVELL BOULEVARD**

TAKE NOTICE that an application has been made by Stephen Cornwell, 261 Broadway, P.O. Box 460, Tillsonburg, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 380 Edith Cavell Boulevard.

The applicant proposes to sever a parcel with a frontage of 8.0m (26 feet), a depth of 47.14m (155 feet) and an area of 400m² (4,305.56ft²) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,380m² (0.59 acres) proposed to remain in use as a cottage.

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:

**MAY 22, 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 9th day of April, 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

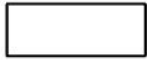

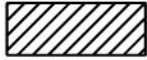




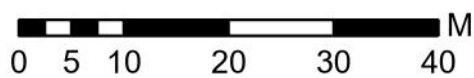
Location Map

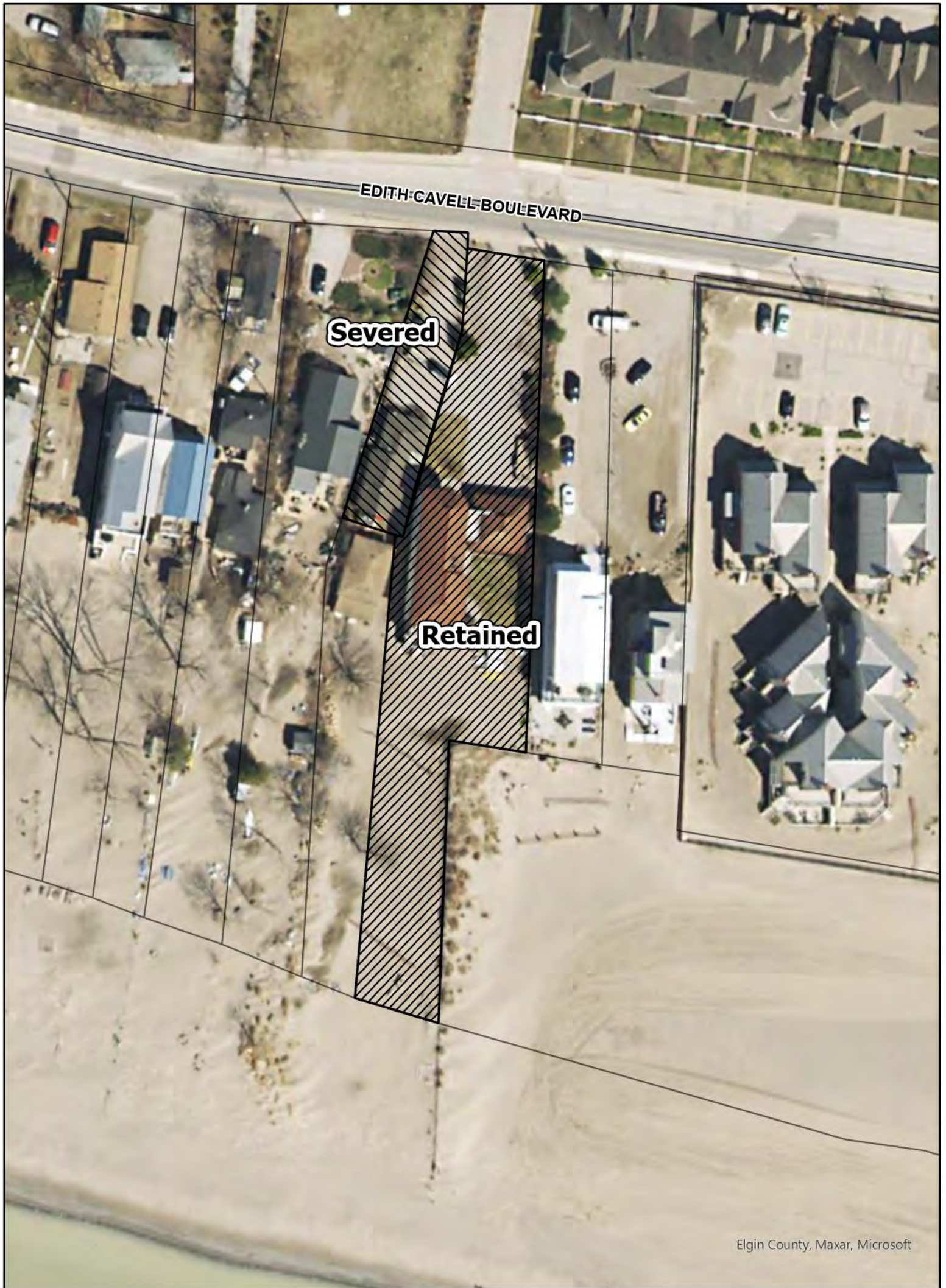
Subject Site: 380 Edith Cavell Boulevard
 File Number: E 33-24
 Owner: Adam Dukelow and Valerie Dukelow
 CA: Kettle Creek
 Created By: PC
 Date: 4/3/2024
 Municipality of Central Elgin



Legend

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









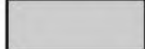
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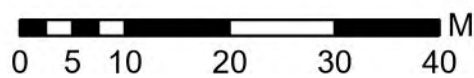
Location Map

Subject Site: 380 Edith Cavell Boulevard
 File Number: E 33-24
 Owner: Adam Dukelow and Valerie Dukelow
 CA: Kettle Creek
 Created By: PC
 Date: 4/3/2024
 Municipality of Central Elgin



Legend

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



Paul Clarke

[REDACTED]

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 afternoon,

Attached are staff's recommended conditions of approval for Consent Application E33/24:

1. Confirmation of a Zoning By-law Amendment to bring 380, 382 and 382A Edith Cavell Boulevard into conformity with the Village of Port Stanley Zoning By-Law 1507;
2. The applicants enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. Implementation of service installation/separation as represented on the Servicing Plan dated May 10, 2024, prepared by CJDL Engineering to the satisfaction of the Municipality of Central Elgin;
4. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that an easement as identified on the Servicing Plan dated May 10, 2024, prepared by CJDL Engineering for the purposes of construction and maintenance of the sanitary service for the severed parcel will be registered on title of the retained parcel;
5. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the existing right-of-way legally described as Parts 4, 6 & 8 on Plan 11R-2122 has been released, in accordance with letter prepared by LERNERS, dated May 13, 2024, File Number 89681-00002;
6. That the applicant through their solicitor enter into an agreement with the municipality for the purposes of using a limited distance that is not the property line in order to achieve compliance with the Ontario Building Code for spatial separation and further the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that an agreement has been registered against the title of the enlarged parcel that includes a covenant that the owner will not construct a building on the property unless the limiting distance for exposing building faces in respect of the proposed construction is measured from a point 0.05m from the new property line;
7. The severed lands be merged with the abutting lands to the south, legally described as Part Lot 25 North of Lake Erie, Plan No. 117, SS/Front and municipally known as 382A Edith Cavell Boulevard;

8. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
9. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
10. A copy of the reference plan be provided to the Municipality of Central Elgin.

If anyone has any comments, please advise.

Regards,



Steve Craig
Senior Planning Technician
City of St Thomas Planning & Building Services
Department

Phone: 519-631-1680 x4210
Phone: 519-633-2560
Email: scraig@stthomas.ca
9 Mondamin Street
St. Thomas, ON N5P 2T9

www.stthomas.ca



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COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Edith Cavell Blvd

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 33-24

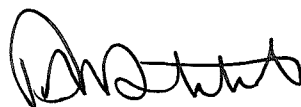
APPLICANT: Adam and Valerie Dukelow

PROPERTY: LOT NO. Part Lot 1 and Part Lot 25 CONCESSION: _____
 REG'D PLAN: 117 MUNICIPALITY: Central Elgin

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

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

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



 PETER DUTCHAK, CET
 Director of Engineering Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: May 22, 2024
Application: E 33-24

Owner:
Adam and Valerie Duklow
380 Edith Cavell Blvd. Port Stanley, ON

Agent:
Stephen Cornwell (CJDL)
261 Broadway, PO Box 460, Tillsonburg,
ON

Location: Part Lot 1, and Part Lot 25, On Registered Plan No. 117. Municipally known as 380 Edith Cavell Boulevard.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 8.0m (26 feet), a depth of 47.14m (155 feet) and an area of 400m² (4,305.56ft²) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,380m² (0.59 acres) proposed to remain in use as a cottage.

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

**Local Municipality Official
Plan**
Urban Settlement Area

**Local Municipality Zoning
By-law**
Residential Zone 1 (R1),
Open Space Three (OS3)
and Dynamic Beach Hazard
(DBS)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns

Kettle Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of 400m² which will be conveyed to an adjacent parcel (382 Edith Cavell Boulevard). Currently 382 Edith Cavell Boulevard does not have its own direct frontage, and instead relies on a right-of-way easement and this consent will address that. Technical severances including for lot additions are permitted by the PPS in all land use designations. This application will address a historical deficiency in the existing lot fabric and provide unencumbered legal frontage onto a public road for an existing parcel.

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. The CEOP permits lot creation and technical severances in all land use designations.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. A zoning by-law is required for this severance and has been applied for concurrently and is currently underway with Central Elgin.

RECOMMENDATION:

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

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

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

1. Confirmation of a Zoning By-law Amendment to bring 380, 382 and 382A Edith Cavell Boulevard into conformity with the Village of Port Stanley Zoning By-Law 1507;
2. The applicants enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. Implementation of service installation/separation as represented on the Servicing Plan dated May 10, 2024, prepared by CJDLE Engineering to the satisfaction of the Municipality of Central Elgin;
4. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that an easement as identified on the Servicing Plan dated May 10, 2024, prepared by CJDLE Engineering for the purposes of construction and

- maintenance of the sanitary service for the severed parcel will be registered on title of the retained parcel;
5. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the existing right-of-way legally described as Parts 4, 6 & 8 on Plan 11R-2122 has been released, in accordance with letter prepared by LERNERS, dated May 13, 2024, File Number 89681-00002;
 6. That the applicant through their solicitor enter into an agreement with the municipality for the purposes of using a limited distance that is not the property line in order to achieve compliance with the Ontario Building Code for spatial separation and further the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that an agreement has been registered against the title of the enlarged parcel that includes a covenant that the owner will not construct a building on the property unless the limiting distance for exposing building faces in respect of the proposed construction is measured from a point 0.05m from the new property line;
 7. The severed lands be merged with the abutting lands to the south, legally described as Part Lot 25 North of Lake Erie, Plan No. 117, SS/Front and municipally known as 382A Edith Cavell Boulevard;
 8. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
 9. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
 10. A copy of the reference plan be provided to the Municipality of Central Elgin.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 34-24**

**TOWN HALL, REGISTERED PLAN No. 74
TOWN OF AYLMER
11 LINDEN STREET**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 11 Linden Street.

The applicant proposes to sever a parcel with a frontage of 10.39m (34 feet), a depth of 30.18m (99 feet) and an area of 317.58m² (0.07 acres) to split a semi-detached dwelling. The applicant is retaining a lot with an area of 316.92m² (0.07 acres) proposed to remain in residential use.

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

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

**MAY 22, 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.

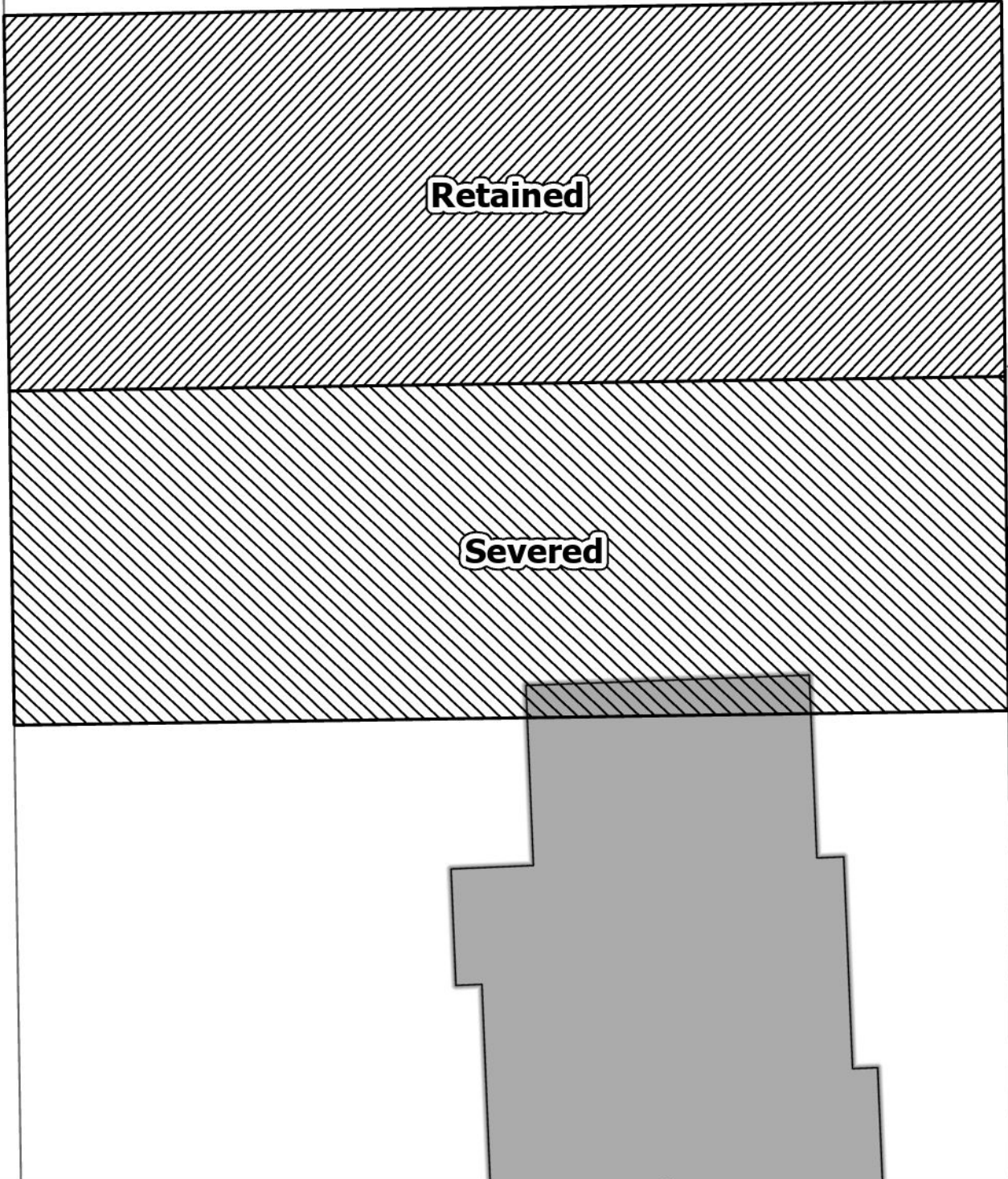
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9th day of April, 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



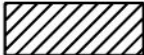




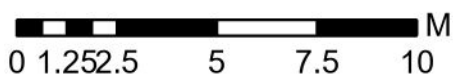
Location Map

Subject Site: 11 Linden Street
 File Number: E 34-24
 Owner: Tony Fehr and Michael Martens
 CA: Catfish Creek
 Created By: PC
 Date: 4/3/2024
 Town of Aylmer



Legend

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









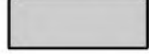
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Location Map

Subject Site: 11 Linden Street
 File Number: E 34-24
 Owner: Tony Fehr and Michael Martens
 CA: Catfish Creek
 Created By: PC
 Date: 4/3/2024
 Town of Aylmer



Legend

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



Paul Clarke

[REDACTED]

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,

Catfish Creek Conservation Authority has no concerns or comments in regards to the above noted application.

Thank You,



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

[REDACTED]

Subject: E 34-23 Notice of Application

Good morning,

Please see the attached notice of application. If you wish to provide comments on this application, please do so no later than **Tuesday May 14.**

Thanks,

Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer

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 E34-24

Owner/Applicant Tony Fehr and Michael Martens

Agent David Roe, Civic Planning Solutions Inc.

Location 11 Linden Street

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Low Density Residential

Policies: Land Severances: 5.1.2

PART 2 - ZONING

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

Comments:
None.

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

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

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner 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.
3. 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 E34-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

9. Does Council recommend the application?

Yes (X)

No ()

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

Council Resolution

At their Regular Meeting of Council on May 1, 2024, the Council of the Town of Aylmer passed the below resolution:

That Council of the Town of Aylmer receive Report PLAN14-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E34-24;

That the Application for Consent to Sever No. E34-24 relating to the property legally described as Part of Townhall Lot Registered Plan 74 (being Part 1 on RP 11R-10910), and known municipally as 11 Linden Street, be supported in principle with the recommended conditions for reasons set out in this report; and,

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



Alternative formats and communication support available upon request.

Please contact clerks@town.aylmer.on.ca or 519-773-3164 for assistance.

Date	April 23, 2024
To	Council – May 1, 2024
From	Heather James, Manager of Planning and Development
Report No.	PLAN 14-24
Report Title	Planning Evaluation Report: Application for Consent to Sever No. E34-24

Recommendation

That Council of the Town of Aylmer receive Report PLAN 14-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E34-24;

That the Application for Consent to Sever No. E34-24 relating to the property legally described as Part of Townhall Lot Registered Plan 74 (being Part 1 on RP 11R-10910), and known municipally as 11 Linden Street, be supported in principle with the recommended conditions for reasons set out in this report; and,

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

Purpose

The purpose of this Application for Consent is to sever the subject lands into two residential parcels. Currently a semi-detached residential building is being constructed on the lands and each semi-detached unit is proposed to be subdivided.

Background

Application	E34-24
Associated Applications	None
Owners	Tony Fehr and Michael Martens
Agent	David Roe, Civic Planning Solutions Inc.
Legal Description	Part of Townhall Lot Registered Plan 74 (being Part 1 on RP 11R-10910)
Frontage: Proposed Severed Parcel	10.39 m (34.09 ft.) (Part 1 on sketch)
Frontage: Proposed Retained Parcel	10.64 m (34.91 ft.) (Part 2 on sketch)
Depth: Proposed Severed Parcel	30.18 m (99.02 ft.)
Depth: Proposed Retained Parcel	30.18 m (99.02 ft.)
Area: Proposed Severed Parcel	317.58 m ² (3,418.40 ft. ²)
Area: Proposed Retained Parcel	316.92 m ² (3,411.30 ft. ²)
Buildings and/or structures: Proposed Severed Parcel	One semi-detached dwelling (under construction)
Buildings and/or structures: Proposed Retained Parcel	One semi-detached dwelling (under construction)
Services: Proposed Severed Parcel	Full municipal services (existing)
Services: Proposed Retained Parcel	Full municipal services (existing)
Surrounding Land Uses: Proposed Severed Parcel	Low and medium density residential
Surrounding Land Uses: Proposed Retained Parcel	Low and medium density residential

Figure One below depicts an aerial photograph of the subject lands taken in 2020.



Planning Evaluation and Analysis

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 includes direction on housing and stipulates in Section 1.4.3 that planning authorities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating the development of all types of housing options and residential intensification where appropriate. The dwelling units under construction on the subject lands are semi-detached units, which provide an alternative housing option from a single detached dwelling and represent residential intensification. The PPS is silent on consents in settlement areas, as the province defers consent policies in settlement areas to the local planning authority.

The proposal is for the creation of two residential parcels.

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

County of Elgin Official Plan

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

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

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

Town of Aylmer Official Plan

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

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

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

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

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

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

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

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

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

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

Other Issues/Matters

None.

Consultation

The application was circulated internally to Town staff and no comments of concern were received at the time of submission of this report.

Financial Impact

Not applicable.

Strategic Priorities

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

Conclusion

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

1. That the Owner meets all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. 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.
3. 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 E34-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,

Heather James
Manager of Planning and Development

Reviewed by Andy Grozelle, Chief Administrative Officer

Appendix

Attachments

1. Attachment A: [Provide a description.]

Follow Up

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

By-law

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

Social media/Website update or communication

Other communication – Specify:

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Linden Street

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 34-24

APPLICANT: Tony Fehr and Michael Martens

PROPERTY: LOT NO. Town Hall CONCESSION: _____
REG'D PLAN: 74 MUNICIPALITY: Aylmer

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: May 22, 2024
Application: E 34-24

Owner: Tony Fehr and Michael Martens
 8908 Morris Street, Iona Station, ON
Agent: David Roe
 61 Trailview Drive, Tillsonburg, ON
Location: Town Hall Lot, Registered Plan No. 74. Municipally known as 11 Linden Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10.39m (34 feet), a depth of 30.18m (99 feet) and an area of 317.58m² (0.07 acres) to split a semi-detached dwelling. The applicant is retaining a lot with an area of 316.92m² (0.07 acres) proposed to remain in residential use.

County of Elgin Official Plan	Local Municipality Official Plan	Local Municipality Zoning By-law
Tier 1 Settlement Area	Low Density Residential	Residential Type 2 (R2)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Recommends approval, subject to conditions.

County Engineering – No concerns

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 320m² for the purposes of splitting a semi-detached dwelling which is currently under construction. The applicant is retaining a parcel with an area of approximately 320m² containing the other semi-detached dwelling. The

PPS encourages intensification and redevelopment of vacant or underutilized lots and promotes a mix of land uses and densities 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.*

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. The CEOP directs that settlement areas, particularly tier 1 settlement areas, shall be the focus of growth and development within the County. Intensification and redevelopment is encouraged within settlement areas, where infrastructure is capable of supporting the proposed development.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Town of Aylmer Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed severed parcel meets the zoning requirements of the Residential Type 2 (R2) zone, and no rezonings or minor variances are required as a result of this proposal.

RECOMMENDATION:

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

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



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

Additionally, it is recommended that the following conditions from the 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 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.
3. 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 E34-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
4. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
5. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 35-24**

**LOTS 15-17, CONCESSION 8
MUNICIPALITY OF BAYHAM
10122 SANDYTOWN ROAD**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 11 Linden Street.

The applicant proposes to sever a parcel with a frontage of 129.84m (425 feet), a depth of 966.48m (3,170 feet) and an area of 18.4ha (45 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 26.25ha (64.87 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:

**MAY 22, 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.

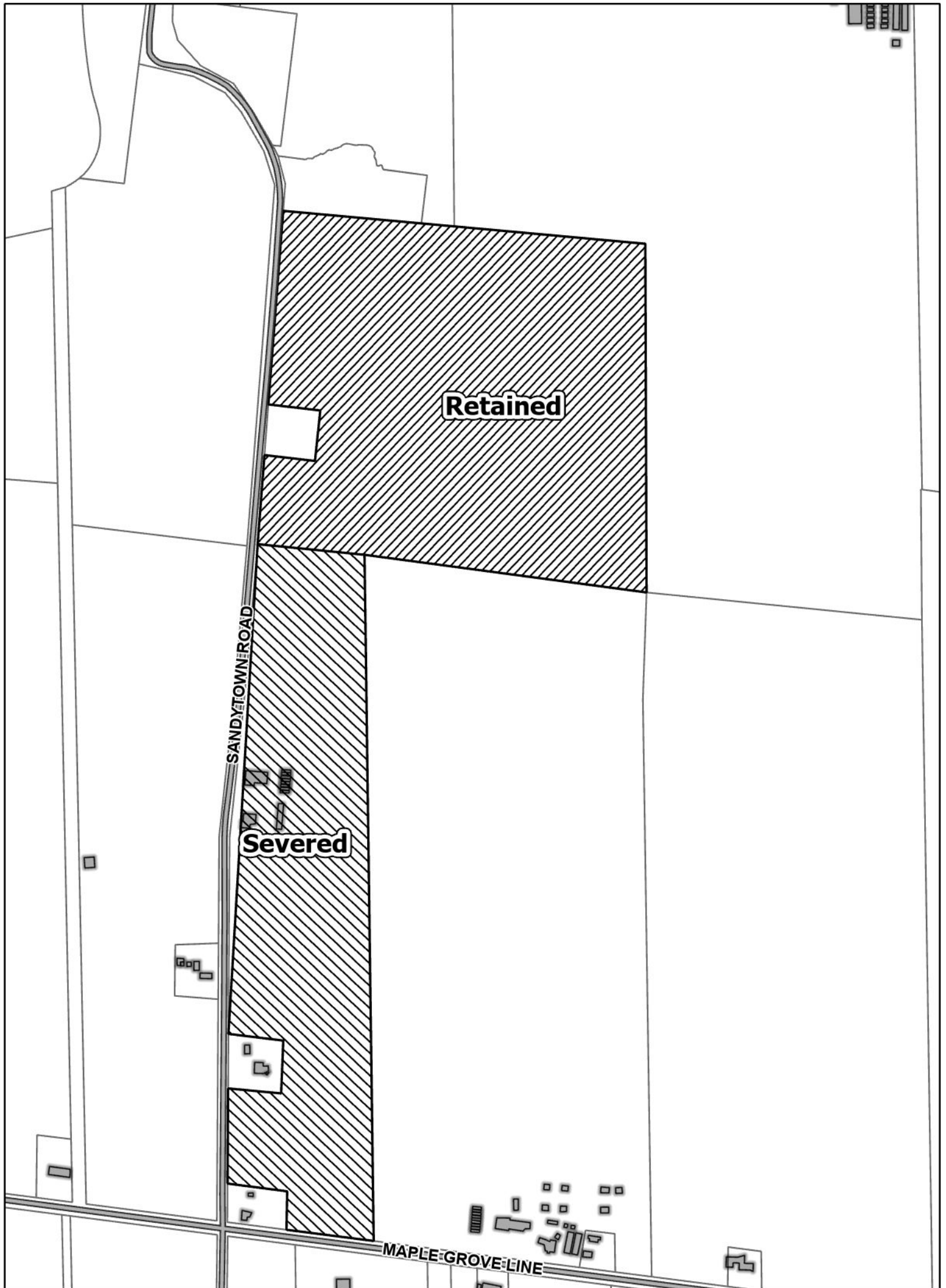
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9th day of April, 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

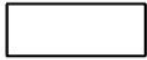

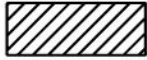




Location Map

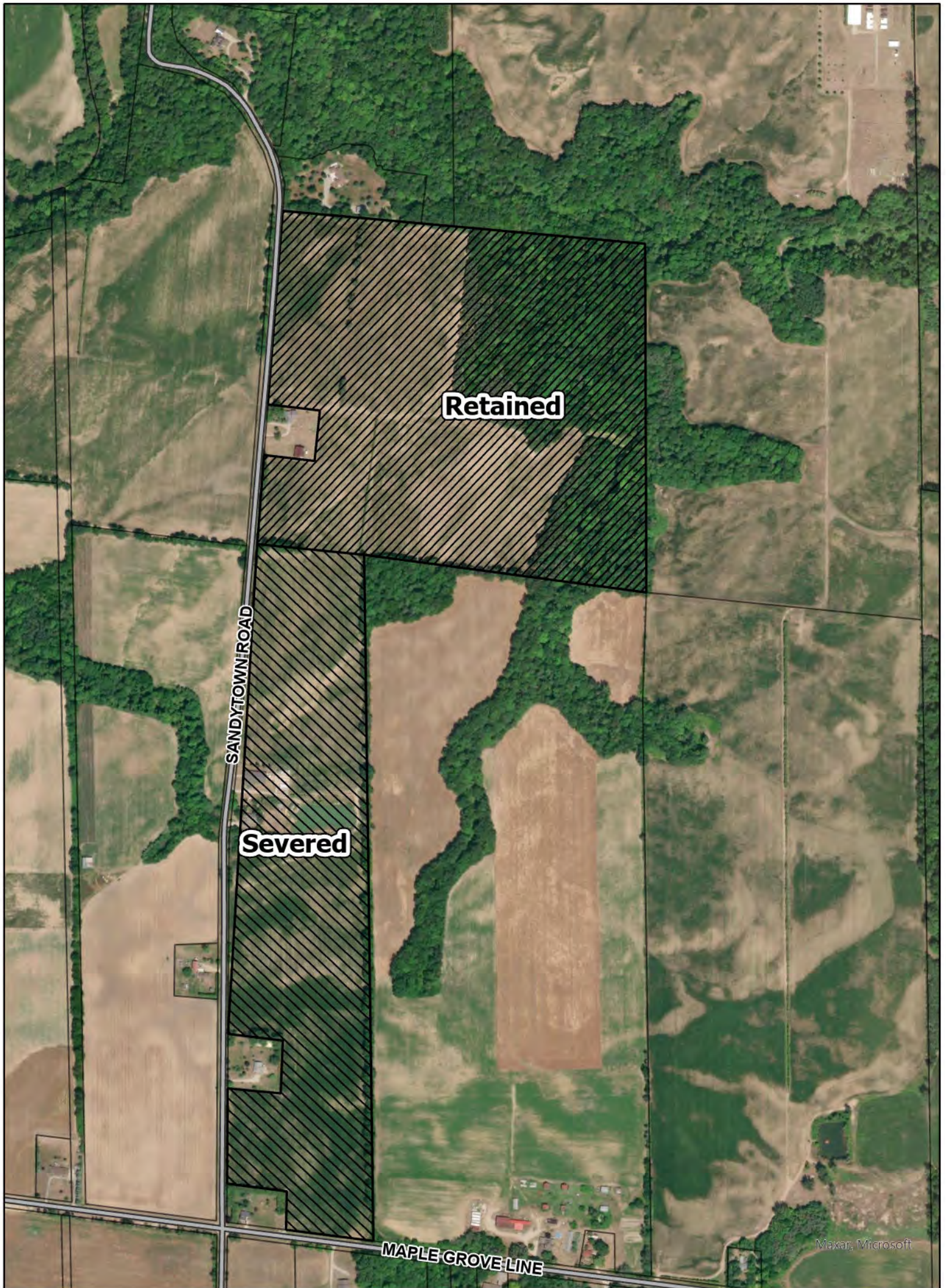
Subject Site: 10122 Sandytown Road
 File Number: E 35-24
 Owner: Penny and Peter Jurenas
 CA: Long Point Region
 Created By: PC
 Date: 4/3/2024
 Municipality of Bayham



Legend

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





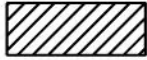

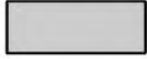


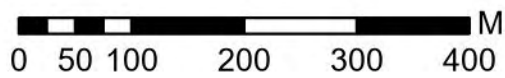
Location Map

Subject Site: 10122 Sandytown Road
 File Number: E 35-24
 Owner: Penny and Peter Jurenas
 CA: Long Point Region
 Created By: PC
 Date: 4/3/2024
 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

April 19, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E35-24 Jurenas

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 18, 2024 meeting:

THAT Report DS-31/24 regarding the Consent Application E35-24 Jurenas be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E35-24 be granted subject to the following conditions and considerations:

1. The Owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from a "Special Agricultural (A2)" Zone to a "Site-specific Special Agricultural (A2-XX) Zone to permit a Minimum Lot Area of 18.41 hectares.
2. That the Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal drain (Wilson 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.
3. The Owner pay the planning report fee due and payable to the Municipality upon consent approval.
4. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
5. The Owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
6. The Owner purchase a civic number sign for the retained lot.
7. The Owner obtain a Road Access Permit for an approved access to the retained lot.

Municipal Appraisal Sheet and Staff Report DS-31/24 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.JURE

cc: D. Roe, 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 E35-24

Applicant Jurenas. P & P

Location Bayham – 10122 Sandytown Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Heritage, Hazard Lands, Significant Woodlands
Policies: 2.1.6.2

PART 2 - ZONING

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

Comments: Zoning: Special Agricultural (A2)/LPRCA Regulation Limit

Rezoning required for the proposed severed lot from Special Agricultural A2 to Site-specific Special Agricultural A2-XX

5. If not, is the Municipality prepared to amend the By-Law? Yes () 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 () No ()
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Does the Municipality wish the Committee to impose conditions? Yes () No ()
9. Does Council recommend the application? Yes () No ()
10. Does the municipality have other concerns that should be considered by the Committee?

See Letter attached with listed conditions.

See Staff Report DS-31/24 considered at the Council meeting held April 18, 2024

In order to achieve design integration, site plan control measures may be used which relate to issues such as signage, buffering, parking, and building location.

- d) Agri-tourism operations will not be permitted to be severed as the intent of such uses is to remain as a secondary, integral part of the primary farm operation.
- e) The proposed potable water supply system and method of sanitary sewage treatment and disposal, solid waste disposal, taking of water and any emissions to the environment shall meet the requirements of and be approved by the Ministry of the Environment Conservation and Parks and/or the appropriate approval authority.
- f) Small scale overnight guest accommodation such as, farm vacation home, bed and breakfast or other temporary shelters to a maximum of six rooms may be permitted as temporary accommodation of guests to permitted on-farm diversified uses.

2.1.5.2 Notwithstanding Section 2.1.5.1 policy for on-farm diversified use the establishment of agri-tourism, farm related home occupations, farm related home industries and uses that produce value added agricultural products, the subject lands located at BAYHAM CON 10 PT LOT 21 RP; 11R10370 PART 2, and municipally known as 14077 Bayham Drive may have a secondary use with commercial and industrial characteristics for the operation of an electrical services business use as an on-farm diversified use to be operated within a building with maximum floor area of 520 square metres and adjacent parking and circulation yard.

The subject lands subject to this Amendment as designated "Agriculture" may be used, developed, and zoned to permit an oversized home occupation workshop as a non-resource based secondary use and an On-farm Diversified use in accordance to Section 2.1.5.2 of the Official Plan, as amended.

2.1.6 **Division of Agricultural Parcels**

2.1.6.1 It is a policy of this Plan to discourage the division of large farms into smaller holdings and to encourage continued farm use. However, the severance of surplus farm dwellings

pursuant to the process of farm consolidation shall be permitted in accordance with the policies of Section 2.1.7 of this plan.

2.1.6.2 The assembling and disassembling of agricultural land into more efficient or more productive farming units may be permitted. In considering applications to divide agricultural parcels of land the Municipality shall have regard to:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The agricultural capability of the land;
- c) The type of agricultural activity engaged in and proposed to be engaged in;
- d) Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;
- e) The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;
- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

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

- a) In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;
- b) Where a farm parcel with more than one existing dwelling is being

SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS

6.1 Purpose

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

6.2 Permitted Uses

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

Agricultural uses;

Accessory use.

6.3 Prohibited Uses

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

6.4 Minimum Lot Area

20.0ha

6.5 Minimum Lot Frontage

150.0m

6.6 Maximum Lot Coverage

20%

6.7 Maximum Building Height

20.0m

6.8 Minimum Front Yard Depth

15.0m

6.9 Minimum Side Yard Width

10.0m

6.10 Minimum Rear Yard Depth

10.0m

6.11 Supplementary Regulations – Agricultural (A2) Zone

6.11.1 Livestock Buildings and Structures and Mushroom Farming

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

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

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

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

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

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

6.12.1

6.12.1.1 Defined Area

Z475-2004

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

6.12.1.2 Permitted Uses

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

6.12.1.3 Holding (-h) Symbol

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

6.12.2

Z511-2005

6.12.2.1 Defined Area

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

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

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

6.12.3.2 Permitted Uses

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

6.12.4

Z528-2006

6.12.4.1 Defined Area

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

6.12.4.2 Additional Permitted Uses

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council

FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk

DATE: April 18, 2024

REPORT: DS-31/24

FILE NO. C-07 / D09.24JURE

Roll # 3401-000-006-04300

**SUBJECT: Consent Application E35-24 Jurenas
10122 Sandytown Road**

BACKGROUND

Consent application E35-24 was received from the Elgin County Land Division Committee, as submitted by Appointed Agent David Roe on behalf of Penny and Peter Jurenas, proposing to sever a parcel located at 10122 Sandytown Road, east side, and north of Maple Grove Line. The applicant is requesting consent to sever a parcel of 18.41 hectares (45.5 acres) of land and to retain 26.25 hectares (64.9 acres) of land with the intent to divide the existing 44.67 hectare (110.4 acre) agricultural lot into two (2) distinct agricultural lots.

The subject land is designated "Agriculture" and portions of "Natural Heritage" on Schedule 'A1' (Land Use) in the Official Plan. The north-eastern portion is located within 'Hazard Lands' and 'Significant Woodlands' associated with the "Natural Heritage" designation on Schedule 'A2' (Constraints of the Official Plan. The majority of the lands are zoned 'Special Agricultural (A2)' with the north-eastern portion being 'LPRCA Regulation Limit' on Schedule 'A1' Map No. 5 of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on May 22, 2024.

DISCUSSION

The planner's memorandum, dated April 10, 2024 and attached hereto, analyzes the application subject to the County of Elgin Official Plan, and the Municipality of Bayham Official Plan and Zoning By-law.

The standard conditions would include: civic numbering signage for the retained lot, survey, cash in lieu payment for the creation of a lot, and the planning report fee. Other conditions apply regarding an approved municipal road access for the retained lot, drain deposit for reassessment (Wilson

Drain).

Staff and municipal planner recommend the support of the consent application for the division of an agricultural parcel in to two (2) parcels fronting on Sandytown Road with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E35-24
2. Arcadis Memorandum, dated April 10, 2024

RECOMMENDATION

THAT Report DS-31/24 regarding the Consent Application E35-24 Jurenas be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E35-24 be granted subject to the following conditions and considerations:

1. The Owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from a "Special Agricultural (A2)" Zone to a "Site-specific Special Agricultural (A2-XX) Zone to permit a Minimum Lot Area of 18.41 hectares.
2. That the Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal drain (Wilson 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.
3. The Owner pay the planning report fee due and payable to the Municipality upon consent approval.
4. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
5. The Owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
6. The Owner purchase a civic number sign for the retained lot.
7. The Owner obtain a Road Access Permit for an approved access to the retained lot.

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

Memorandum

To/Attention	Municipality of Bayham	Date	April 10, 2024
From	Christian Tsimenidis, BES	Project No	3404 - 937
cc	William Pol, MCIP, RPP		
Subject	Penny and Peter Jurenas – 10122 Sandytown Road – Application for Consent E35-24		

Summary and Background

1. Arcadis has completed a review of Consent Application E35-24, submitted by David Roe, Civic Planning Solutions Inc., on behalf of Penny and Peter Jurenas, owners of the lands located at 10122 Sandytown Road, east side, and north of Maple Grove Line. The applicant is requesting consent for severance of 18.41 hectares (45.5 acres) of land and to retain 26.25 hectares (64.9 acres) of land. The intent is to divide the existing 44.67 hectare (110.4 acre) agricultural lot into two (2) distinct agricultural lots.
2. The proposed severed lot has a lot frontage of 579.4 metres (1,900.9 feet) and lot depth of 217.9 metres (714.9 feet). The severed lot will accommodate the existing single-detached dwelling, as well as the existing accessory buildings supporting the current agricultural operations. The proposed retained lot has a lot frontage of 409.3 metres (1,342.8 feet) and lot depth of 568.9 metres (1,866.5 feet). The lands to be retained will be vacant, consisting of no existing buildings or structures. The applicant is not proposing a new single-detached dwelling on the retained lot, as they are prohibited in the existing A2 Zone to remain. Both the retained and severed lot will continue to be used for agricultural purposes. There are three (3) existing driveway accesses along Sandytown Road to the subject property, all of which provide access to the proposed severed parcel. As a Condition of Approval, the owner is required to obtain a Road Access Permit for an approved access to the retained lot.
3. The surrounding uses are predominantly agricultural, with natural heritage features traversing through the subject property and surrounding lands to the north and east. Given that the proposed Consent Application will not result in a change of land use or new building/structures, the existing natural heritage features will not be impacted.
4. The lands are designated as 'Agriculture' and portions of 'Natural Heritage' on Schedule 'A1' (Land Use) in the Bayham Official Plan. The north-eastern portion

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of the lands are located within 'Hazard Lands' and 'Significant Woodlands' overlay, which are associated with the 'Natural Heritage' designation, on Schedule 'A2' (Constraints) of the Bayham Official Plan. The majority of the lands are zoned 'Special Agricultural (A2)', with the north-eastern portion being 'LPRCA Regulation Limit', on Schedule 'A1' Map No. 5 of the Municipality of Bayham Zoning By-law Z456-2003.

Provincial Policy Statement

5. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas. Section 2.3.4.1.a) of the PPS reads as follows:

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;

6. **Comment:** It is Arcadis's opinion that the proposed severed lot with an area 18.41 hectares (45.5 acres) and frontage of 579.4 metres (1,900.9 feet), as well as the proposed retained lot with an area of 26.25 hectares (64.9 acres) and frontage of 409.3 metres (1,342.8 feet) is appropriate for the type of agricultural use and crop grown on the subject lands. While the PPS does not prescribe a minimum size for agricultural lots, it is Arcadis's opinion that proposed agricultural lots will result in parcels that are adequately sized for current and future farm operations, as demonstrated by the applicant. Therefore, it is our opinion that the proposed severance is consistent with the PPS, subject to the Conditions of Approval listed below.

Elgin County Official Plan

7. In the Elgin County Official Plan (hereafter, 'Elgin OP'), policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 (New Lots by Consent). Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act. Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

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

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

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Comment: The proposed severed and retained lots will have direct access to Sandytown Road. As a Condition of Approval, the owner is required to obtain a Road Access Permit for an approved access to the retained lot.

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

Comment: Not applicable, as Sandytown Road is identified as a Local Road.

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

Comment: The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today. As a Condition of Approval, the owner is required to obtain a Road Access Permit for an approved access to the retained lot.

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

Comment: The proposed retained lot will meet the minimum lot frontage and area for the A2 Zone, however, the proposed severed lot will not meet the minimum lot area of 20.0 ha., as there will be a deficiency of 1.59 ha. As per Paragraph 11 of this Memo, the owner is required to submit a Zoning By-law Amendment to permit the undersized severed lot. It is our opinion that the 1.59 ha. deficiency will still provide an adequately sized severed lot for the continued agricultural use.

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

Comment: As a Condition of Approval, the applicant is required to rezone the proposed severed lot. Please see Paragraph 11 of this Memo below.

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

Comment: The owner/applicant provided supporting private water and septic servicing information as part of the complete application for the existing dwelling. It was demonstrated that the existing private servicing is in adequate condition to support the existing single-detached dwelling on the proposed severed lot. No servicing is required for the retained lot to remain vacant.

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

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

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

Comment: The proposed consent will not restrict the development of the retained lands (or other parcels), as the lands have frontage along Sandytown Road. As a Condition of Approval, the owner is required to obtain a Road Access Permit for an approved access to the retained lot.

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

Comment: The existing development is located outside of the natural heritage features that traverse the subject property in the north-eastern portion of the site. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

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

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

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

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

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

Comment: The proposed severance will conform to the Bayham Official Plan. Please see Paragraph 9 of this Memo below for details.

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

Comment: Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision and is not applicable to this application.

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8. Section E1.2.3.4 provides specific policy direction with respect to “Lot Creation on Lands in the Agricultural Area”. The following provides an analysis of the policy and criteria:

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if:

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

Comment: As per the local Zoning By-law, the A2 Zone requires a minimum lot area of 20.0 ha. As previously stated, the proposed retained lot will meet the minimum lot frontage and area for the A2 Zone, however, the proposed severed lot will not meet the minimum lot area of 20.0 ha., as there will be a deficiency of 1.59 ha. As per Paragraph 11 of this Memo, the owner is required to submit a Zoning By-law Amendment to permit the undersized severed lot. It is our opinion that the 1.59 ha. deficiency will still provide an adequately sized severed lot for the continued agricultural use.

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

Municipality of Bayham Official Plan

9. Section 2.1.6 of the Municipality of Bayham Official Plan provides policy direction with respect to the “Division of Agricultural Parcels”. More specifically, Section 2.1.6.2 of the Official Plan does permit the assembling and disassembling of agricultural land into more efficient or more productive farming units, provided that Consent Applications seeking to divide agricultural parcels have regard to the following criteria:

- a) *The need to discourage the unwarranted fragmentation of farmland;*

Comment: It is Arcadis’s opinion that the proposed severance for the division of an existing agricultural parcels into two (2) distinct agricultural parcels will not result in the fragmentation of farmland. The proposed lot sizes, current and historical crops grown on the subject lands would not have adverse impacts to the viability of the agricultural lands.

- b) *The agricultural capability of the land;*

Comment: Corn is currently grown on the subject lands and have historically been used to grow tobacco, as well as vegetable crops like cucumbers and tomatoes. While the soils are indicated as Class 2 and 4,

Municipality of BayhamMunicipality of Bayham – April 10, 2024

as per the Canadian Land Inventory, the applicant has previously grown higher value vegetable crops.

- c) *The type of agricultural activity engaged in and proposed to be engaged in;*

Comment: The applicant has noted and demonstrated that the farmlands are currently used to grow corn and are capable of growing high value vegetable crop.

- d) *Both the severed and retained parcels must be sufficiently large enough to permit flexibility for future changes in the type or size of the farming operation, in order to meet changing economic conditions;*

Comment: It is Arcadis's opinion that the proposed severed and retained parcel sizes will provide sufficient area to permit flexibility for future changes in farming operation. The minimum lot areas and lot frontages for the proposed retained lot will be met, however, the minimum lot area for the proposed severed lot will have a deficiency of 1.59 ha. Based on the current and historical operations of the subject lands, it is our opinion that this deficiency will not have significant or adverse impacts to the viability of the agricultural lands for current and future use.

- e) *The severed and retained parcels are both suitable for the type of agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;*

Comment: The proposed severed and retained lot sizes are appropriate for the type of existing agricultural operation and future operation. It is Arcadis's opinion that the proposed 1.59 ha. deficiency for the proposed severed lot will not have significant or adverse impacts to the viability of the agricultural lands.

- f) *The requirements of the Planning Act;*

Comment: The proposed severance will meet the requirements of the Planning Act.

- g) *The minimum farm parcel size as established in the Zoning By-law; and,*

Comment: The A2 Zone requires a minimum lot area of 20.0 ha. As previously stated, the proposed retained lot will meet the minimum lot frontage and area for the A2 Zone, however, the proposed severed lot will not meet the minimum lot area of 20.0 ha., as there will be a deficiency of 1.59 ha. As per Paragraph 11 of this Memo, the owner is required to submit a Zoning By-law Amendment to permit the undersized severed lot. It is our opinion that the 1.59 ha. deficiency will still provide an adequately

Municipality of BayhamMunicipality of Bayham – April 10, 2024

sized severed lot for the continued agricultural use and will not have significant impacts to future agricultural operations.

h) The Minimum Distance Separation Formula I.

Comment: MDS I does not apply for the proposed severance, as no new residential development is proposed on the severed or retained lot. The existing single-detached dwelling will remain as it exists today on the proposed severed lot, while the retained lot will remain vacant with no dwelling, as required in the A2 Zone.

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

Municipality of Bayham Zoning By-law

10. The subject property is currently zoned A2, with the north-eastern portion being 'LPRCA Regulation Limit', on Schedule 'A1' Map No. 5 of the Municipality of Bayham Zoning By-law Z456-2003. As mentioned throughout this Memo, the LPRCA regulated lands will not be impacted by the proposed Consent Application, as the existing land use and buildings/structures will remain as they exist today. The following will only discuss the A2 zoned portion of the lands.
11. The proposed severed lot will meet the required Minimum Lot Frontage of 150.0 metres in the A2 Zone, however, the required Minimum Lot Area of 20.0 hectares will not be met. The proposed severed lot, being 18.41 hectares in size, will have a lot area deficiency of 1.59 hectares. Therefore, as a Condition of Approval, the applicant is required to submit a Zoning By-law Amendment for the proposed severed lot from a 'Special Agricultural (A2)' Zone to a 'Site-Specific Special Agricultural (A2-XX)' to permit a Minimum Lot Area of 18.4 hectares. It Arcadis's opinion that the proposed lot area deficiency is appropriate and can be supported, as the 1.59 hectares will not have a significant impact to the existing agricultural operation and create the fragmentation of agricultural lots.
12. The proposed retained lot will meet the required Minimum Lot Frontage of 150.0 and Minimum Lot Area of 20.0 hectares in the A2 Zone. A new single-detached dwelling will be prohibited, as per the Section 6.3 of the Zoning By-law for the A2 Zone. Therefore, Arcadis has no concerns with the proposed retained lot.

Conclusion and Conditions of Approval

13. Based on the above review of Consent Application E35-24 we have **no objection** to the proposed consent to create a new agricultural parcel and recommend the following conditions for approval:
 - a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed lot from a 'Special Agricultural (A2)' Zone to a 'Site-

Municipality of BayhamMunicipality of Bayham – April 10, 2024

Specific Special Agricultural (A2-XX)' to permit a Minimum Lot Area of 18.4 hectares;

- b) That the owner obtains approval from the Municipality of Bayham for a Road Access Permit for a new access on Sandytown Road to the proposed Retained Lot;
- c) That the owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal drain (Wilson 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;
- d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham;
- e) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
- f) That the owner provides a digital copy of a survey of the subject lands, and;
- g) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the retained lot.

Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Sandytown Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 35-24

APPLICANT: Penny and Peter Jurenas

PROPERTY: LOT NO. 15 to 17 CONCESSION: 8
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: May 22, 2024
Application: E 35-24

Owner: Penny and Peter Jurenas
10122 Sandytown Road, Eden, ON
Agent: David Roe
61 Trailview Drive, Tillsonburg, ON
Location: Lots 15-17, Concession 8. Municipally known as 10122 Sandytown Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 129.84m (425 feet), a depth of 966.48m (3,170 feet) and an area of 18.4ha (45 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 26.25ha (64.87 acres) proposed to remain in agricultural use.

County of Elgin Official Plan
Agricultural Area

Local Municipality Official Plan
Agriculture, Natural Heritage, Hazard Lands, Significant Woodlands

Local Municipality Zoning By-law
Special Agricultural (A2)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of 18ha to create a new agricultural parcel. The applicant is retaining a parcel with an area of approximately 26ha proposed to remain in agricultural use. The PPS discourages lot creation in the agricultural area except in

certain circumstances, which include the creation of new agricultural lots with sufficient area to maintain the existing agricultural use and which allows for flexibility of future agricultural uses.

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

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

County of Elgin Official Plan

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 creation in the agricultural area for new agricultural parcels provided they are a minimum size of 40ha, or otherwise established in local planning documents.

E1.2.3.4 Lot Creation on Lands in the Agricultural Area In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if:

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

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The Municipality of Bayham has established a minimum size of 20ha for agricultural parcels. The retained lot will meet the requirement; however, the severed lot is deficient in lot area by 1.59ha. Given the minor nature of this deficiency, Bayham is willing to amend the Zoning By-law to address 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.

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 severed lot from a "Special Agricultural (A2)" zone to a "Site-Specific Special Agricultural (A2-XX)" zone to permit a minimum lot area of 18.41ha.
2. That the owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal drain (Wilson Drain) in accordance with the Drainage Act, R.S.O., 1990, as amended with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. The owner pay the planning report fee due and payable to the Municipality upon consent approval.
4. The owner pay the Cash-in-Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
5. The owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
6. The Owner purchase a civic number sign for the retained lot.
7. The Owner obtain a road access permit for an approved access to the retained lot.



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

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

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

The applicant proposes to sever a parcel with a frontage of 38.49m (126 feet), a depth of 61.27m (201 feet) and an area of 2,490m² (0.61 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,368m² (0.83 acres) proposed to remain in residential use.

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

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

**MAY 22, 2024 AT 10:05 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

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

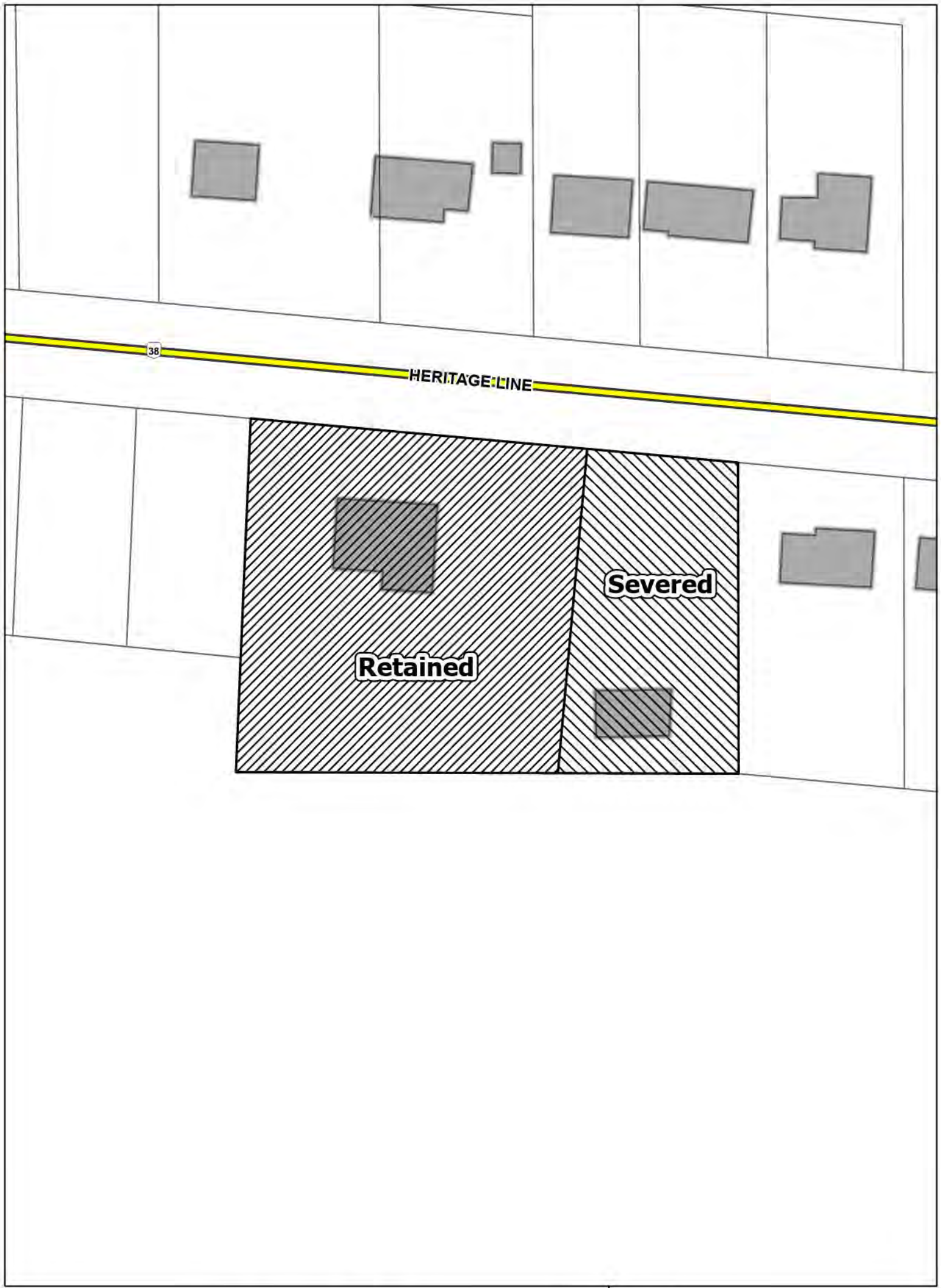
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 9th day of April, 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

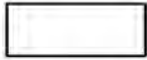



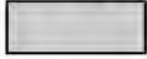


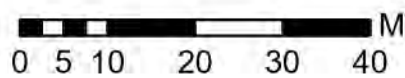
Location Map

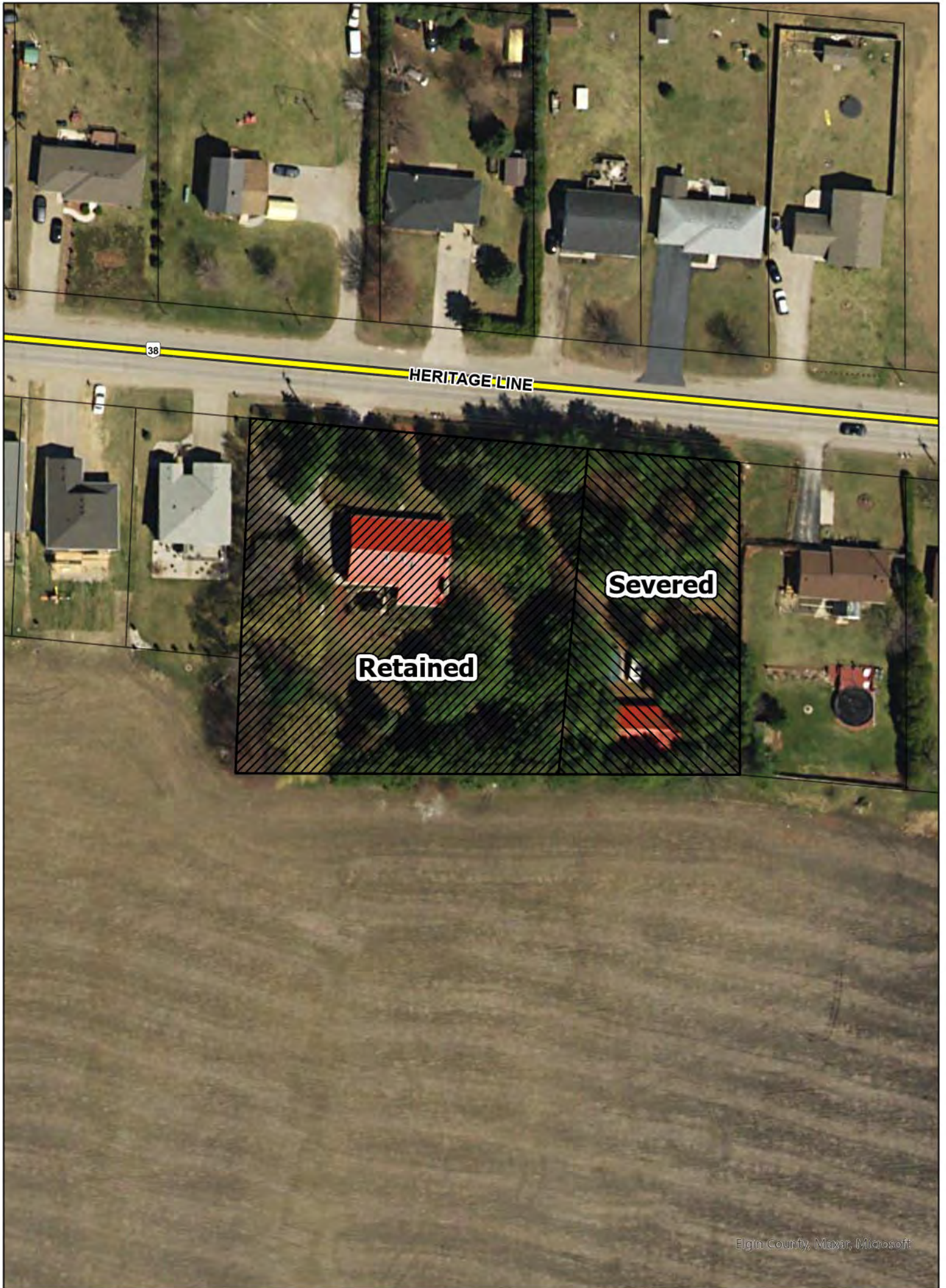
Subject Site: 56557 Heritage Line
 File Number: E 7-24
 Owner: Robert McLeod
 CA: Long Point Region Conservation
 Created By: PC
 Date: 11/29/2023
 Municipality of Bayham



Legend

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







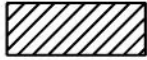

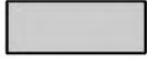
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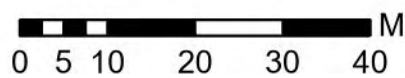
Location Map

Subject Site: 56557 Heritage Line
 File Number: E 7-24
 Owner: Robert McLeod
 CA: Long Point Region Conservation
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 Municipality of Bayham



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: January 24, 2024
Application: E 7-24

Owner: Robert McLeod
Agent: None.

56557 Heritage Line, Straffordville, ON

Location: Lot 127, South of Talbot Road. Municipally known as 56557 Heritage Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 38.49m (126 feet), a depth of 61.27m (201 feet) and an area of 2,490m² (0.61 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,368m² (0.83 acres) proposed to remain in residential use.

Original Proposal:

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

**County of Elgin Official
Plan**

Tier 2 Settlement Area

**Local Municipality Official
Plan**

Residential

**Local Municipality Zoning
By-law**

Village Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – Requests conditions.

Long Point Region Conservation Authority – No comments.

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

The applicant has applied to amend the decision for this file to move the dividing property line between the severed and retained lots by 10m. While this is a minor change, it exceeds the allowable variance and thus the Committee must pass a subsequent resolution to alter the decision. The planning merits are unaffected by this change.



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

RECOMMENDATION:

That the Committee resolve to amend the notice of decision to reflect the amended lot measurements, with all original conditions remaining.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 36-24**

**LOT A, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
19911 PIONEER LINE**

TAKE NOTICE that an application has been made by Kent Willmore (AGinvest Farmland IV Inc.), 80 Keil Drive, Chatham, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 19911 Pioneer Line.

The applicant proposes to sever a parcel with a frontage of 44.423m (145 feet), a depth of 101.263m (332 feet) and an area of 0.450ha (1.11 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 65.41ha (161 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:

**MAY 22, 2024 AT 10:15 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

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

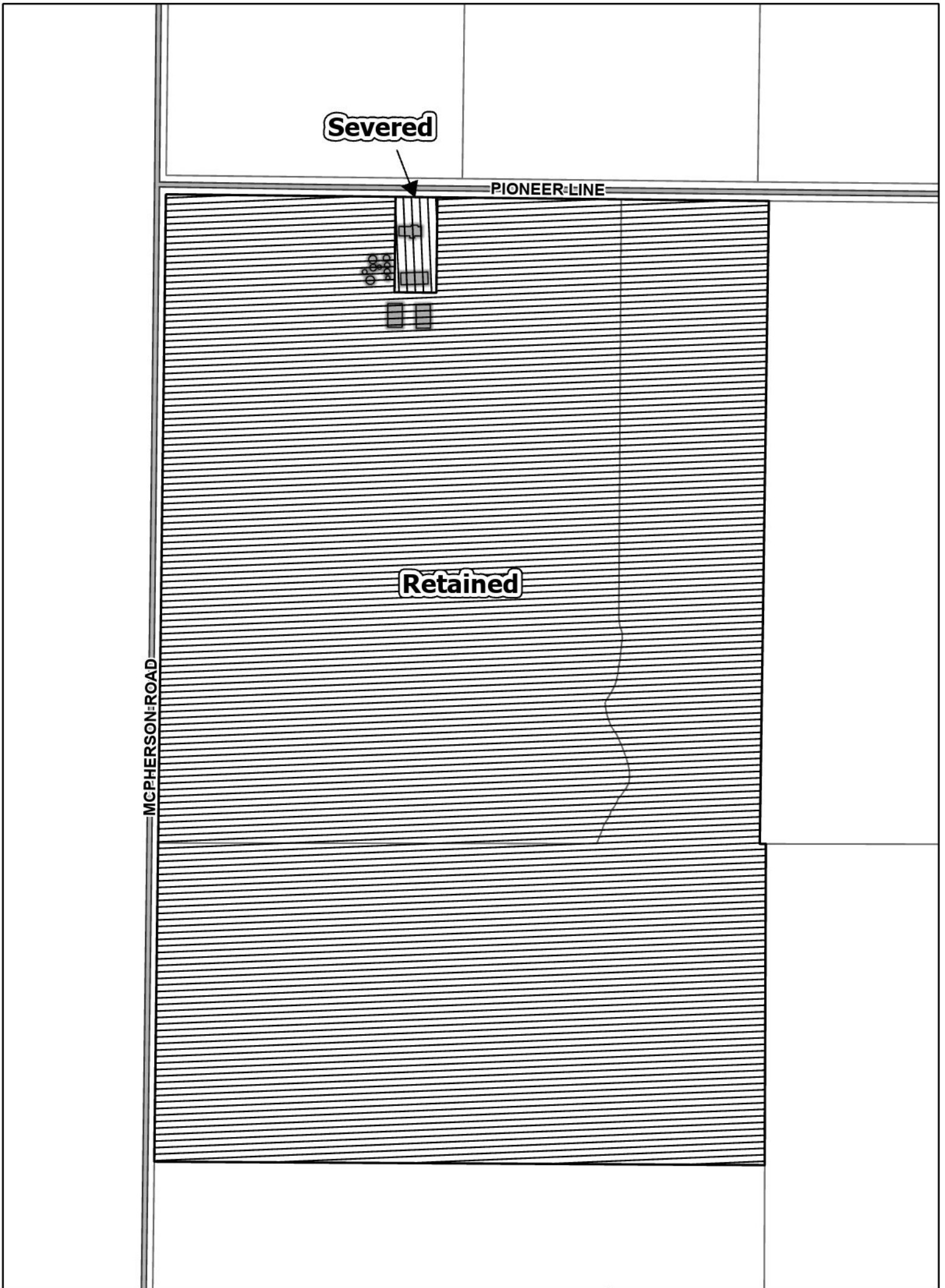
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 9th day of April, 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



Severed

PIONEER LINE

Retained

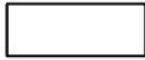

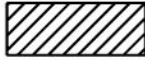


MCPHERSON ROAD

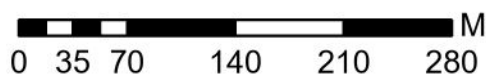
Location Map

Subject Site: 19911 Pioneer Line
 File Number: E 36-24
 Owner: AGinvest Farmland IV Inc.
 CA: Lower Thames Valley
 Created By: PC
 Date: 4/3/2024
 Municipality of West Elgin



Legend

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









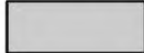
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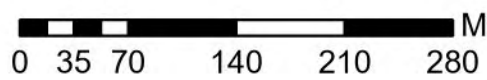
Location Map

Subject Site: 19911 Pioneer Line
 File Number: E 36-24
 Owner: AGinvest Farmland IV Inc.
 CA: Lower Thames Valley
 Created By: PC
 Date: 4/3/2024
 Municipality of West Elgin



Legend

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



Planning Report 2024-12: Severance Report E36-24 –
Comments to the County of Elgin

Appendix Two: Severance Application E36-24 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the septic system assessment completed for the severed parcel, dated March 8, 2024 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall have a private water well assessment completed on the retained parcel to ensure the drinking water source supplying the severed parcel is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the applicant establish an easement in favour of the severed parcel for access to and maintenance of the water well and water line on the retained parcel;
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2024-04-23
Subject: Severance Application E36-24 – Comments to Elgin County – Recommendation Report (Planning Report 2024-12)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E36-24 – Comments to Elgin County (Planning Report 2024-12);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E36-24, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

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

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E36-24, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the owner at 19911 Pioneer Line. A draft outline of the proposed lot is attached as Appendix One.

Background:

Below is background information, in a summary chart:

Application	E36-24
Owner	AGinvest Farmland IV Inc.
Legal Description	Part Lot of A, Concession 9
Civic Address	19911 Pioneer Line
Entrance Access	Pioneer Line
Services	Private water well (easement required) & on-site septic system
Existing Land Area	33.5 ha (82.7 ac.)

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

Application	Severed Parcel (RED)			Retained Parcel (BLUE)		
	Frontage	Depth	Area	Frontage	Depth	Area
E36-24	44.423 m (145.7 ft.)	101.263 m (332.2 ft.)	0.45 ha (1.11 ac)	482 m+/- (1,581 ft.)	683 m+/- (2,241 ft.)	33 ha (81.6 ac.)

The Public Hearing is scheduled for May 22, 2024, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Financial Implications:

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

Policies/Legislation:

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

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

PPS:

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

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

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

The property does not contain any wooded areas. As such, the proposal is consistent with the PPS.

CEOP:

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

OP:

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

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

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

Administration advises that:

- The applicant has noted that the residence is surplus to the owner's farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is no livestock operation in close proximity of the proposed lot;
- The proposed severed parcel excludes productive farmland, and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

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

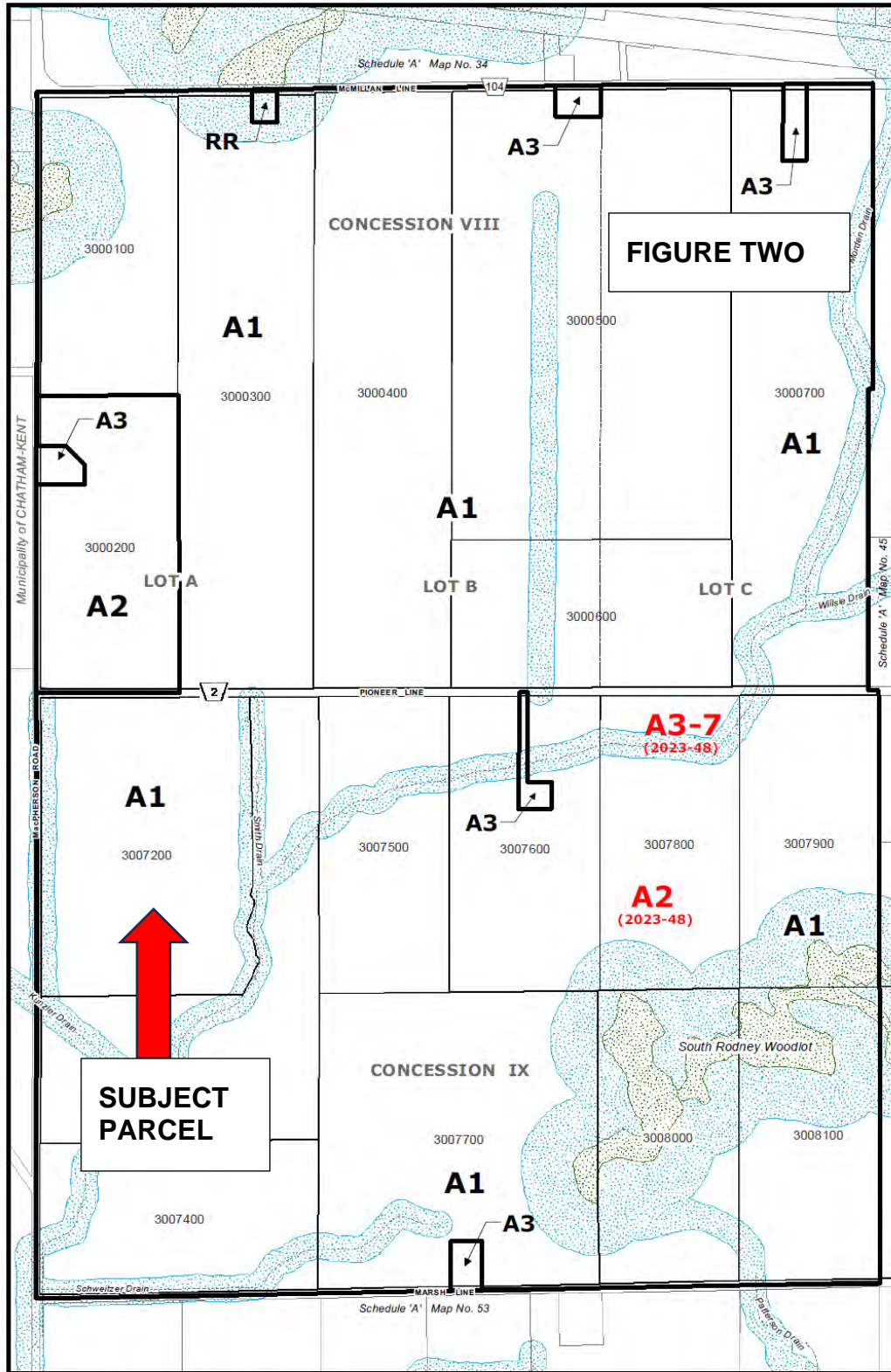
Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 44 of the ZBL, as depicted in Figure Two below.

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

The proposed severed parcel area is 0.45 ha (1.11 ac.), with a lot frontage of 44.423 m (145.7 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel would require rezoning to the Agricultural (A2) Zone to prohibit future dwellings.

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



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000



Municipality of West Elgin Zoning By-Law

Map No. 44

Interdepartmental Comments:

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

Drainage:

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

Planning Staff notes that the reassessment process will be addressed as a condition of approval.

Public Works:

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

There is currently separate access to the lot and farm parcel.

Building Dept:

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

The septic system has been assessed and will be provided to the Building Department for final clearance.

No other comments or concerns were received from Administration.

Summary:


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

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

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



Robert Brown, H. Ba, MCIP, RPP
Planner, Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E36-24 - Comments to Elgin County - Recommendation Report - 2024-12-Planning.docx
Attachments:	- Appendix One - 19911 Pioneer R-Plan.pdf - Planning Report 2024-12 Appendix Two - Conditions to the County of Elgin.pdf
Final Approval Date:	May 1, 2024

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

Terri Towstiuc

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: Pioneer Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 36-24

APPLICANT: Kent Wentmore

PROPERTY: LOT NO. A CONCESSION: 9
REG'D PLAN: _____ MUNICIPALITY: West Elgin

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

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

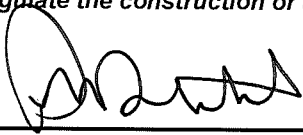
- 10) The County has no concerns.....

- 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: May 22, 2024
Application: E 36-24

Owner: AGinvest Farmland IV Inc.
 80 Keil Drive South, Chatham, ON
Agent: Kent Willmore
 80 Keil Drive South, Chatham, ON
Location: Lot A, Concession 9. Municipally known as 19911 Pioneer Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 44.423m (145 feet), a depth of 101.263m (332 feet) and an area of 0.450ha (1.11 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 65.41ha (161 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)
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REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of 0.45ha to sever a dwelling that is surplus to a farming operation. The applicant is proposing to retain a parcel with an area of 65ha to continue its use as an agricultural parcel.

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 lot creation in the agricultural area for surplus dwelling severance provided that the severed lot is a minimum area required and the retained land is rezoned to prohibit residential development. The severed lot is 0.45ha (just over 1 acre) and contains the existing dwelling, on-site private services and an outbuilding, no actively cultivated land is being included with the severed dwelling. There is an existing hydro line which crosses over the proposed retained land to service the proposed severed residential lot, the County is requesting a condition that an easement be registered to allow for servicing of the hydro line in favour of the retained land if there is not already an easement in place.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. A zoning amendment is required for the severed lot to be rezoned to Restricted Agricultural (A3), and the retained land will be rezoned to Agricultural (A2), which prohibits residential development.

RECOMMENDATION:

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

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

4. That, if necessary, an easement be registered in favour of the severed parcel for the access and maintenance of the exiting hydro line across the retained lands.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the septic system assessment completed for the severed parcel, dated March 8, 2024 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall have a private water well assessment completed on the retained parcel to ensure the drinking water source supplying the severed parcel is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the applicant establish an easement in favour of the severed parcel for access to and maintenance of the water well and water line on the retained parcel;
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 37-24**

**LOT 21, CONCESSION 9
MUNICIPALITY OF CENTRAL ELGIN
46254 NEW SARUM LINE**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 11 Linden Street.

The applicant proposes to sever a parcel with a frontage of 38.1m (125 feet), a depth of 46.42m (152 feet) and an area of 0.214ha (0.52 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 0.764ha (1.88 acres) proposed to remain in residential use.

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

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

**MAY 22, 2024 AT 10:25 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.

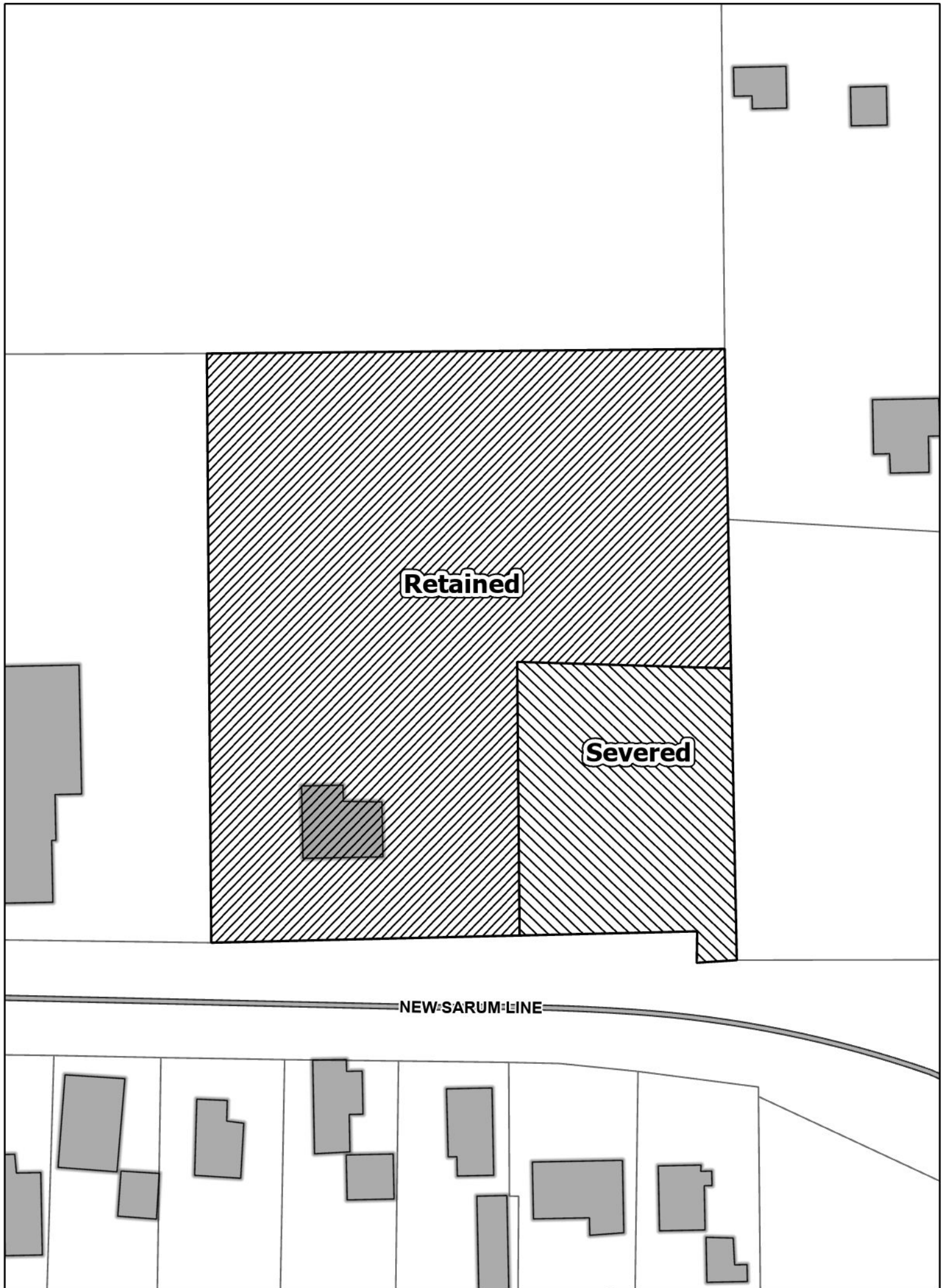
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 9th day of April, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
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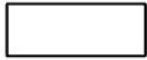

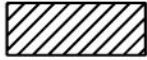




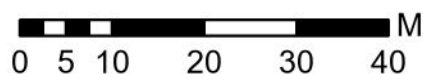
Location Map

Subject Site: 46254 New Sarum Line
 File Number: E 37-24
 Owner: Kory and Kaylie Kuipers
 CA: Catfish Creek
 Created By: PC
 Date: 4/3/2024
 Municipality of Central Elgin



Legend

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





Retained

Severed

NEW SARUM LINE






Elgin County, Maxar, Microsoft

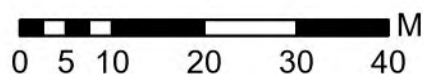
Location Map

Subject Site: 46254 New Sarum Line
 File Number: E 37-24
 Owner: Kory and Kaylie Kuipers
 CA: Catfish Creek
 Created By: PC
 Date: 4/3/2024
 Municipality of Central Elgin



Legend

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



Paul Clarke

[REDACTED]

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 Afternoon,

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

Thank You,



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

[REDACTED]

Subject: E 37-24 Notice of Application

Good morning,

Please see the attached notice of application. If you wish to provide comments on this application, please do so no later than **Tuesday May 14.**

Thanks,

Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



May 6, 2024

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: E34/24 - 46254 New Sarum Line, Applicant Kory and Kaylie Kuipers

Dear Mr. Clarke:

Please be advised that Council discussed a Planning Report on the above noted application at their Regular Meeting of Council dated Monday, April 29th, 2024 and the following Resolution was passed:

THAT Report CEP.15.24 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E34/24 to the Land Division Committee, staff recommends the following conditions:

- 1) the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
- 2) the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
- 3) the Municipality of Central Elgin be provided with a copy of the Reference Plan.

As per Council's direction, please note a copy of the planning report has been included for your reference.

Please feel free to contact municipal staff should you require additional information.

Kind Regards,

Delany Leitch

Delany Leitch
Deputy Clerk
deleitch@centralelgin.org
519-631-4860 ext. 286

Attach.

c.c. Kory and Kaylie Kuipers, Owners
S. Craig, CEPO, Sr. Planning Technician



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.15.24
CEPO FILE NO. E34/24
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 46254 New Sarum Line
Name of Applicant – Kory and Kaylie Kuipers
DATE April 29, 2024

RECOMMENDATION

THAT Report CEP.15.24 be received for information;

AND THAT

- 1) the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
- 2) the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
- 3) the Municipality of Central Elgin be provided with a copy of the Reference Plan.

REPORT

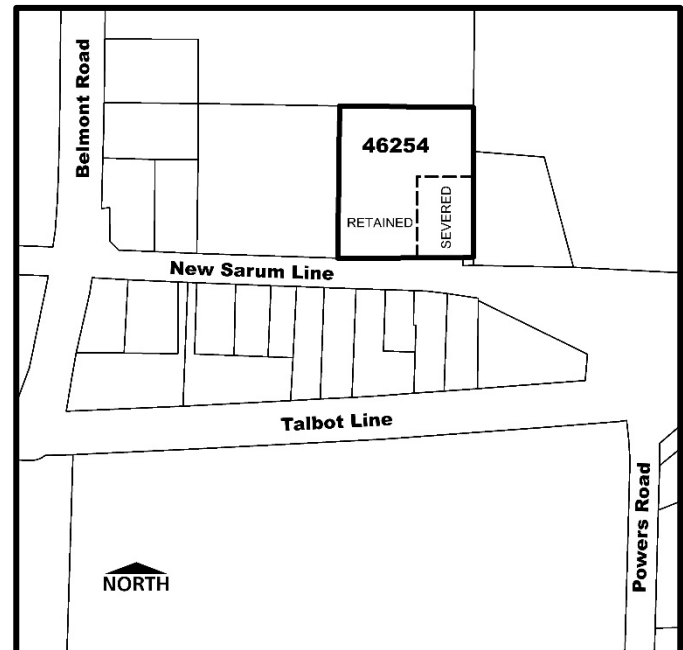
Background:

Consent application E34/24 has been filed for the purpose of creating one residential building lot with frontage on New Sarum Line.

Location:

The subject lands are on the north side of New Sarum Line, the lands are legally described as, Concession 9, South Part of Lot 21, RP11R-4845, Part 1, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicant is proposing to sever one vacant lot with frontage of 38.1m on New Sarum Line, a depth of 46.42m and an area of 2,139.99sqm. The severed lot will be used for a residential building lot. The applicant is proposing to retain one lot with frontage of 59.32m on New Sarum Line, a depth of 101m and an area of 7,639.99m², containing one residential dwelling and two sheds. The retained lot will continue to be used for residential purposes.

Staff Report

1. Official Plan

- The subject lands are located within a Rural Settlement Area, in accordance with Schedule “1” – Land Use Structure, and further designated Residential, in accordance with Schedule “H” – Community of New Sarum, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached dwellings (4.3.1(a)).
- The Community of New Sarum Special Policies (4.7.7) provide that infilling through the creation of a new lot, may be permitted on partial or private services, subject to following (4.7.7.1(c)):
 1. New lot creation shall only occur by way of consent in accordance with Subsection 2.8 (Infrastructure), Subsection 5.3.9 (Consents) to this Plan; and
 2. Development and/or redevelopment must be at a density that is consistent and compatible with existing development in the area.
- The subject lands are within 120m of the Natural Heritage designation, in accordance with Schedule “H” – Community of New Sarum Land Use Plan. Where development or site alteration is proposed on adjacent lands the proponent shall demonstrate to the satisfaction of the Municipality that there will be no negative impacts to the natural features and/or functions for which the area is designated (3.1.2(a)1.).
- In accordance with the Natural Heritage policies the applicant obtained the services of MTE Consultants to prepare an Issues Scoping Report (ISR), dated January 15, 2024 (MTE File No.: 54529-100). According to the report MTE Consultants evaluated the proposed severance and determined no protected species or potential habitat was identified within the area to be severed, however, suitable habitat for protected species was identified in the Adjacent Lands. As a result, some precautionary construction recommendations have been provided with respect to vegetation removal and contractor awareness. No natural heritage features and/or significant wildlife habitat was identified within the Subject Lands; however, the plantation to the north of the Subject Lands and the wooded area to the west are designated as natural heritage on Schedule H (Community of New Sarum - Land Use Plan) of the Municipality of Central Elgin Official Plan (2023). There is sufficient distance that indirect impacts of construction grading and clearing pose minimal risk to the features beyond provided standard erosion control practices are in place. Provided the recommendations in this ISR memorandum are followed, it is our opinion that an Environmental Impact Study is not required to move forward with the proposed property severance.

2. Zoning By-Law

- The subject lands are located within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- The OS1 zone permitted uses include residential uses, home occupations and accessory uses (8.2.1.1), permitted building and other structures include one single-detached dwelling on a rural residential lot and accessory buildings and structures (8.2.1.2).
- The minimum lot area for rural residential lots 1,858sqm (8.2.1.3) and the minimum lot frontage is 30.48m (100ft).

3. County of Elgin Official Plan:

- The subject lands are within the "Tier 3 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan. Tier 3 settlement areas include those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). The boundaries of these settlement areas are established in the local Official Plans, limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services (B2.5(d)).

4. Comments

- According to the Sketch prepared by Kim Husted Surveying LTD, Parcel "C" will be conveyed to the Municipality of Central Elgin for future road widening purposes.
- The Corridor Management Planner, Ministry of Transportation (MTO) reviewed the proposed severance on 03/29/23 and confirmed through email that the MTO does not object to the proposed severance. The property is located within the MTO permit control area, as such, an MTO permit will be required prior to constructing any new buildings, etc.

Respectfully submitted:

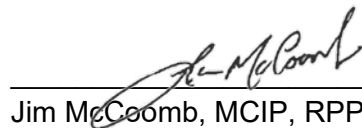


Steve Craig
Sr. Planning Technician

Approved for submission:



Robin Greenall
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 14, 2024 ELGIN COUNTY ROAD NO.: New Sarum Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 37-24

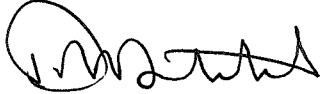
APPLICANT: Kory and Kaylie Kuipers

PROPERTY: LOT NO. 21 CONCESSION: 9
REG'D PLAN: Part 1, Plan 11R-4845 MUNICIPALITY: Central Elgin

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

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

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



PETER DUTCHAK, CET
Director of Engineering Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: May 22, 2024
Application: E 37-24

Owner: Kory and Kaylie Kuipers
 46254 New Sarum Line, St. Thomas, ON
Agent: David Roe
 61 Trailview Drive, Tillsonburg, ON
Location: Lot 21, Concession 9. Municipally known as 46254 New Sarum Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 38.1m (125 feet), a depth of 46.42m (152 feet) and an area of 0.214ha (0.52 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 0.764ha (1.88 acres) proposed to remain in residential use.

County of Elgin Official Plan	Local Municipality Official Plan	Local Municipality Zoning By-law
Tier 3 Settlement Area	Rural Settlement Area	Open Space 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – 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 0.214ha to create a new residential parcel within an existing settlement area. The applicant is retaining a lot with an area of 0.764ha which contains a dwelling and accessory building and is proposed to remain in

residential use. The PPS permits lot creation for a variety of land uses 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.*

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 permits lot creation within settlement areas. Tier 3 Settlement Areas are the smallest settlement areas within the County and are generally reliant on private on-site services. The CEOP directs that Tier 3 Settlement Areas shall be primarily residential in nature.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. As the subject lands are located near a natural heritage feature, any future development will need to demonstrate that the proposal will not negatively impact the nearby natural heritage feature, to the satisfaction of Central Elgin.

RECOMMENDATION:

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

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



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

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

1. The applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
and
3. The Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 13-23 & E 18-23**

**LOTS 23 AND 24, CONCESSION NORTH GORE
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 51432 WOOLEYVILLE LINE**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON N4G 0C6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51432 Wooleyville Line.

The applicant proposes to sever a parcel with a frontage of 43.89m (144 feet) and a depth of 134.112m (440 feet) and an area of 5,845.1m² (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is also severing a parcel with an area of 0.47ha (1.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 37.97ha (98.77 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:

**MAY 22, 2024 AT 10:35 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

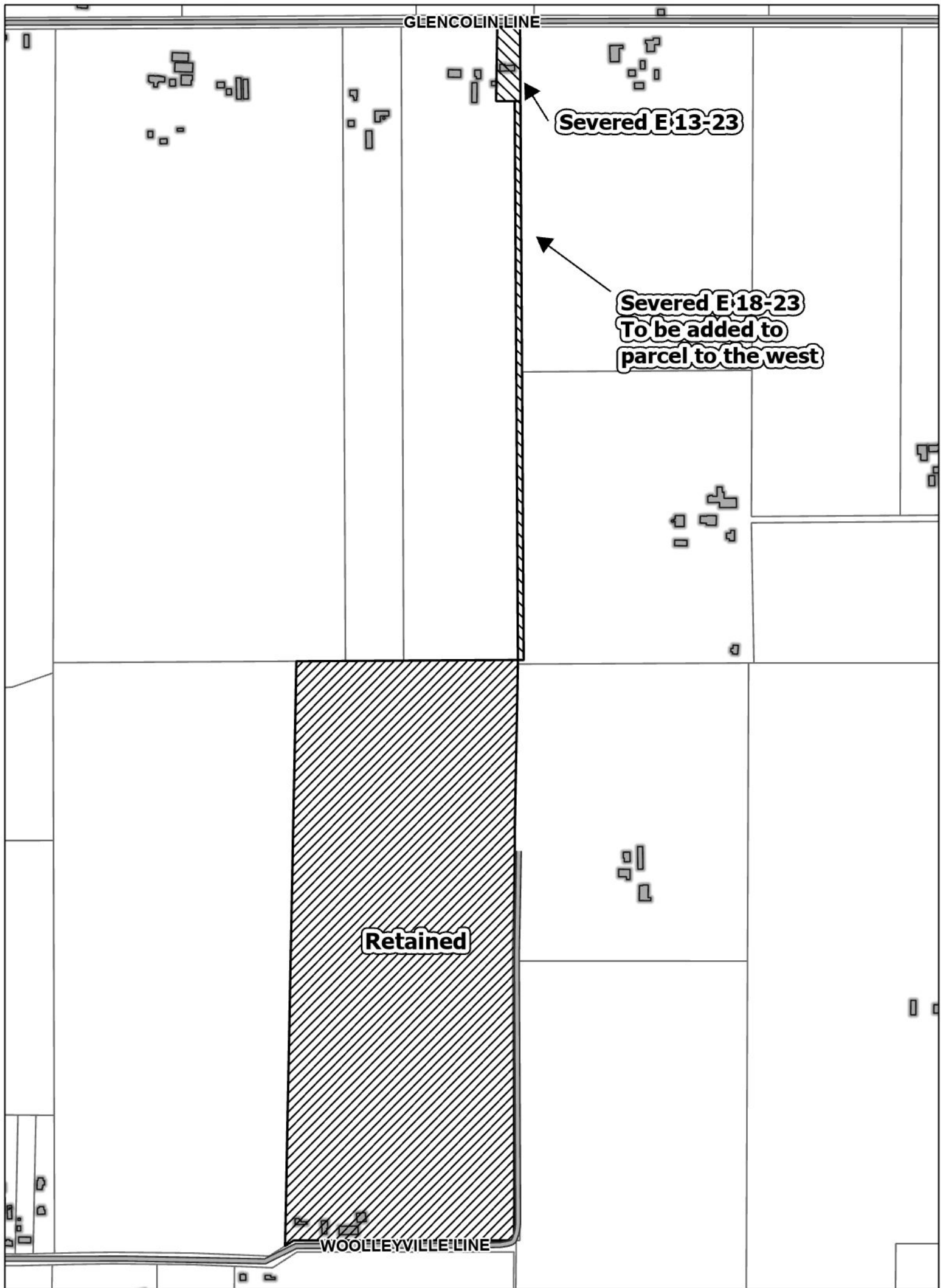
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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

Dated at the Municipality of Central Elgin this 8th day of March, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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

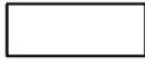

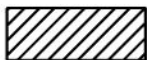




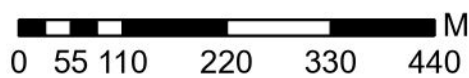
Location Map

Subject Site: 51432 Wooleyville Line
 File Number: E 13-23 and E 18-23
 Owner: John and David Loewen
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 02/24/2023
 Township of Malahide



Legend

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







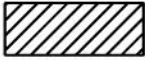

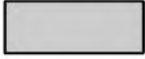
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

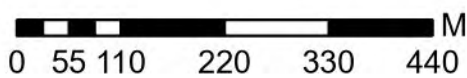
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 File Number: E 13-23 and E 18-23
 Owner: John and David Loewen
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 02/24/2023
 Township of Malahide



Legend

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



Paul Clarke

[REDACTED]

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

Hello,

CCCA has no comments or concerns with the above note application at this time.

Thank You,



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

[REDACTED]

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the March 22nd meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, March 14, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

Paul Clarke, CPT



REPORT NO. DS-24-25

TO: Mayor & Members of Council

DEPARTMENT: Development Services

MEETING DATE: May 16, 2024

SUBJECT: Applications for Consent to Sever No. E13-23 & E18-23 of John & David Loewen (Authorized Agent: David Roe) relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road (“NTR”), and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) (51432 Woolleyville Line)

RECOMMENDATION:

THAT Report No. DS-24-25 entitled “Applications for Consent to Sever No. E13-23 & E18-23 of John & David Loewen (Authorized Agent: David Roe) relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road (“NTR”), and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) (51432 Woolleyville Line)” be received;

AND THAT the Applications for Consent to Sever of John & David Loewen (Authorized Agent: David Roe) relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road (“NTR”), and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) (51432 Woolleyville Line) 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.

PURPOSE & BACKGROUND:

The subject applications for Consent to Sever (“the applications”) were originally submitted in 2021 under file nos. E51-21 & E52-21 and were approved provided a number of conditions were completed. The original applications lapsed and were resubmitted in 2023 as E13-23 and E18-23 with no changes.

The applications were submitted to facilitate the severance of a surplus farm dwelling and a lot addition between two agricultural parcels. These applications were deferred by the Land Division Committee on April 26, 2023, to provide the opportunity for zoning conformity concerns raised by the Township to be addressed.

The Application relates to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) and known municipally as 51432 Woolleyville Line & 51499

Glencolin Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on May 22, 2024.

COMMENTS & ANALYSIS:

The subject lands are 38.55 hectares in area, have 403 metres of frontage on Woolleyville Line, and have 43 metres of frontage on Glencolin Line. The subject lands are irregular in shape with the majority of the lands comprising a farm operation with an existing dwelling along Woolleyville Line that is connected to a small area of land on Glencolin Line via a thin strip of land. The three areas of the subject lands described above are shown on the submitted report photo as:

- Parcel “A”: the surplus dwelling property at 51499 Glencolin Line.
- Parcel “B”: a long, narrow access connecting parcels “A” and “C” to be conveyed to the adjacent farm parcel to the west.
- Parcel “C”: a larger agricultural parcel of land to the south having frontage on Woolleyville Line.

The purpose of Consent E13-23 is to sever the existing dwelling located at 51499 Glencolin Line (Parcel A) that is surplus as a result of farm consolidation. The proposed severed parcel would have an area of approximately 5,845 m², have approximately 43 metres of frontage along Glencolin Line, and contain the existing dwelling.

The purpose of Consent E18-23 is to convey a narrow strip of land (Parcel B) approximately 0.47 ha in area and convey it to the adjacent agricultural parcel to the west, known municipally as 51477 Glencolin Line, and is also under the same ownership as the subject lands.

The retained farm parcel (Parcel C) would have an area of approximately 37.5 hectares, have 403 metres of frontage along Woolleyville Line, and contain an existing dwelling and several accessory structures. The retained lands are proposed to be sold to John Walker Farms Ltd., which owns an adjacent farm parcel.

General Comments

The Provincial Policy Statement, County Official Plan, and Township of Malahide Official Plan contain criteria for surplus farm dwelling severances and lot additions in prime agricultural areas. The subject lands are zoned on Key Map 47 of Schedule ‘A’ of the Township Zoning By-law as follows:

- Parcel “A” is zoned “Small Lot Agricultural (A4)”.
- Parcel “B” is zoned “General Agricultural – Site Specific (A1-20-H-1)”.
- Parcel “C” is zoned “Large Lot Agricultural (A3-4)”.

It is noted that the proposed severed and retained lots, as well as the proposed enlarged lot, would comply with all applicable provisions of the A1, A3, and A4 zones.

The original applications were found to conform to the application planning policies and were recommended by staff to be supported. The Development Services Staff have 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 subject to the recommended conditions.

As part of previous conditions for the consent applications, it had been recommended that the applicant be required to address zoning conformity for two businesses: one auto repair business operating under the name "Endeavour Enterprises" on 51432 Woolleyville Line which was permitted under the Township's Zoning By-law; and one transport truck repair business on 51477 Glencolin Line that was not appropriately zoned. Two Zoning By-law Amendment applications had been submitted and approved that removed the truck repair use as a permitted use from 51432 Woolleyville Line. The application then rezoned 51477 Glencolin to permit a truck repair use, effectively moving the operation from the Woolleyville property. These applications were approved in 2022.

During the previous Council Meeting on April 6, 2023, concerns had been raised regarding the cessation of the use on Woolleyville Line, as well as the reluctance of the applicant to undertake building code upgrades and obtain a change of use permit for an existing agricultural building that was to contain the truck repair use, since the upgrades would be cost prohibitive. As previously noted in this report, the consent applications were deferred for these matters to be addressed. The applicant has since obtained a Zoning Compliance Certificate, confirming that the previous truck repair use on 51432 Woolleyville Line has ceased. Additionally, the applicant is proposing to construct a new building on the 51477 Glencolin Line to contain the truck repair use. Further development of the 51477 Glencolin Line will be regulated through the Site Plan Control and building permit processes.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably, the Township's Drainage Superintendent/ Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

As per the previous consent applications and staff reports, Public Works has also recommended a condition for a required road widening and turning circle block at the east terminus of Woolleyville Line. The applicant's surveyor has prepared and provided a reference plan which has been reviewed by Township staff. Once the land dedication is complete, Council would be required to pass a by-law to dedicate the turning block as part of the road allowance for Woolleyville Line.

FINANCIAL IMPLICATIONS:

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.

LINK TO STRATEGIC & OPERATIONAL PLANS:

Priorities:	Unlock Responsible Growth
Tangible Results:	Policy Driven Decision Making

CONSULTATION:

N/A

ATTACHMENTS:

1. Report Photos;
2. Application Sketches; and
3. Recommended Conditions.

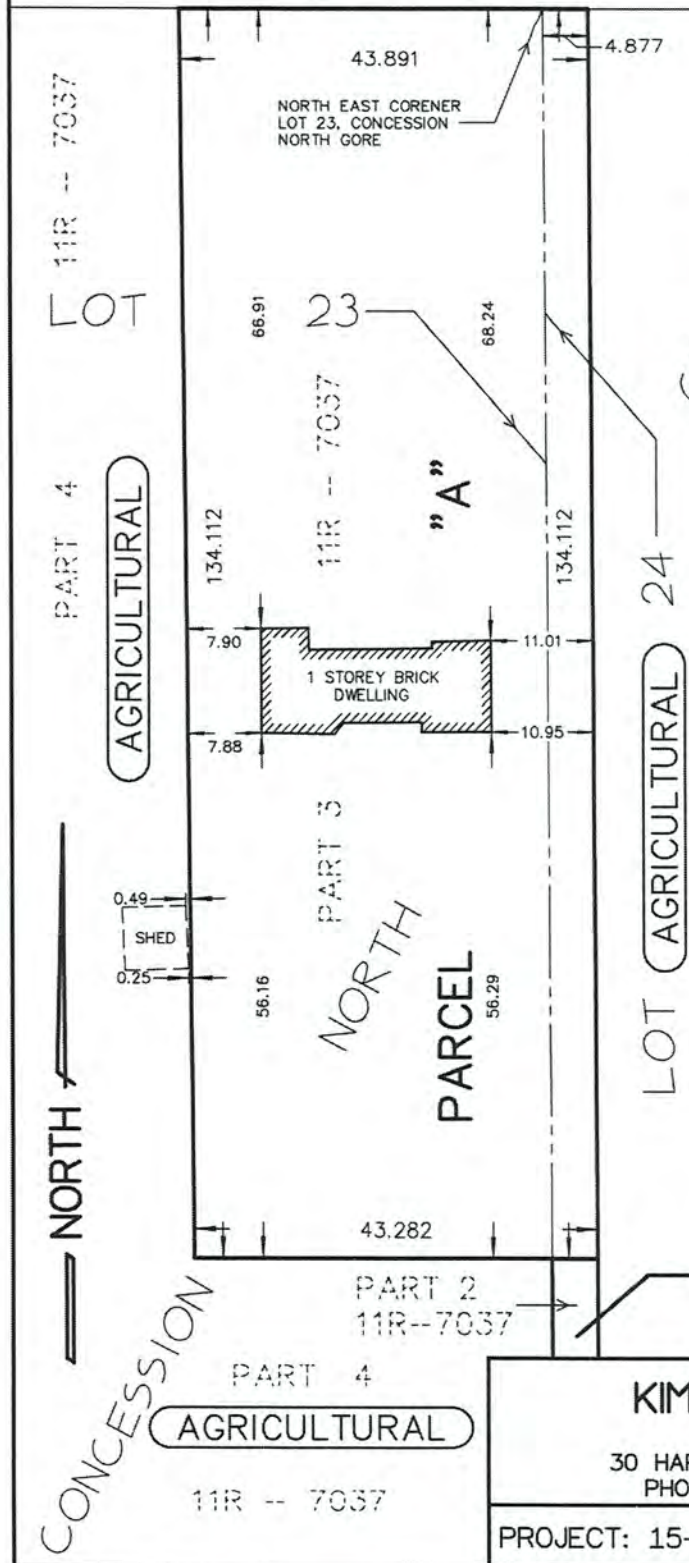
Prepared by: E. Steele, MBPC, Consulting Planner for the Township

Reviewed by: J. McGuffin, MBPC, VP & Principal Planner

Approved by: N. Dias, Chief Administrative Officer

SKETCH FOR PROPOSED SEVERANCE

ROAD ALLOWANCE BETWEEN CONCESSION 8
AND CONCESSION NORTH GORE
GLENCOLIN LINE



PARCEL "A" (PART 3, 11R-7037)
AREA = 5845.1 SQ. METRES
(0.58 HECTARES)

AREA OF DWELLING = 224.0 SQ. METRES
WIDTH = 43.891m
DEPTH = 134.112m

PARCEL "B" (PART 2, 11R-7037)
AREA = 4734.8 SQ. METRES
(0.47 HECTARES)

WIDTH = 4.877m
DEPTH = 971.282m

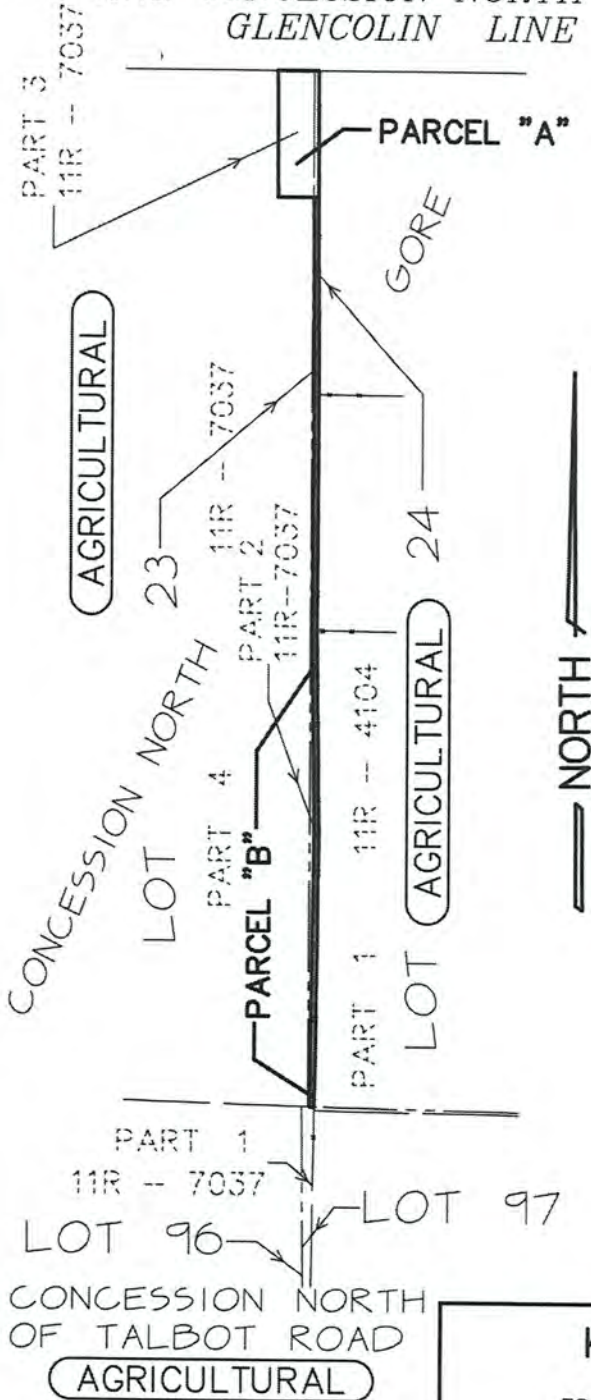
PART OF LOTS 23 & 24
CONCESSION NORTH GORE
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

NOT TO SCALE (METRIC)
KIM HUSTED SURVEYING LTD.

KIM HUSTED SURVEYING LTD. ONTARIO LAND SURVEYOR 30 HARVEY STREET, TILLSONBURG, ONTARIO. N4G 3J8 PHONE: 519-842-3638 FAX: 519-842-3639		
PROJECT: 15-11895SKETCH-1	REFERENCE: FILE	DISK No.

SKETCH FOR PROPOSED SEVERANCE

ROAD ALLOWANCE BETWEEN CONCESSION 8
AND CONCESSION NORTH GORE
GLENCOLIN LINE



PARCEL "A" (PART 3, 11R-7037)
AREA = 5845.1 SQ. METRES
(0.58 HECTARES)

AREA OF DWELLING = 224.0 SQ. METRES
WIDTH = 43.891m
DEPTH = 134.112m

PARCEL "B" (PART 2, 11R-7037)
AREA = 4734.8 SQ. METRES
(0.47 HECTARES)

WIDTH = 4.877m
DEPTH = 971.282m

PART OF LOTS 23 & 24
CONCESSION NORTH GORE
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

NOT TO SCALE (METRIC)

KIM HUSTED SURVEYING LTD.

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ONTARIO LAND SURVEYOR
30 HARVEY STREET, TILLSONBURG, ONTARIO. N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 15-11895SKETCH REFERENCE: FILE

DISK No.




1:9,028 

0.5
 0
 0.23
 0.5 Kilometers
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

-  Elgin County Parcels
-  Elgin Road Network
-  Elgin Road Network
-  Elgin Road Network
-  Local
-  Arterial
-  Highways
-  Boundary
-  World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

APPLICATION FOR A CONSENT TO SEVER E13-23⁹¹
David Roe, agent for John and David Loewen

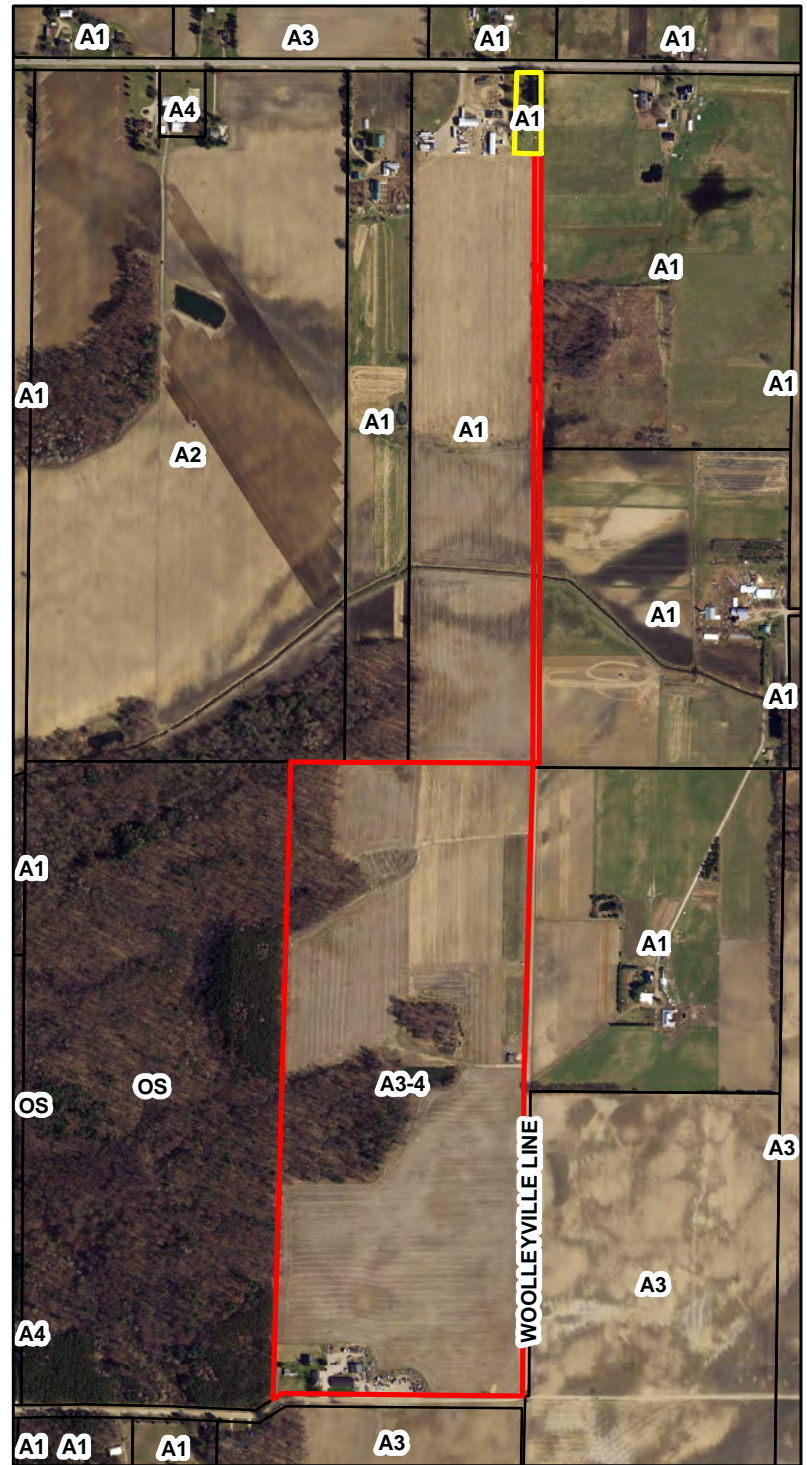
51432 Wooleyville Line
Part Lot 23 and 24, North Gore
Township of Malahide



**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
Agricultural



-  Lands to be Severed
-  Lands to be Retained

0 100 200 400
Meters



APPLICATION FOR A CONSENT TO SEVER E18-23⁹²
David Roe, agent for John and David Loewen

51432 Wooleyville Line
 Part Lot 23 and 24, North Gore
 Township of Malahide

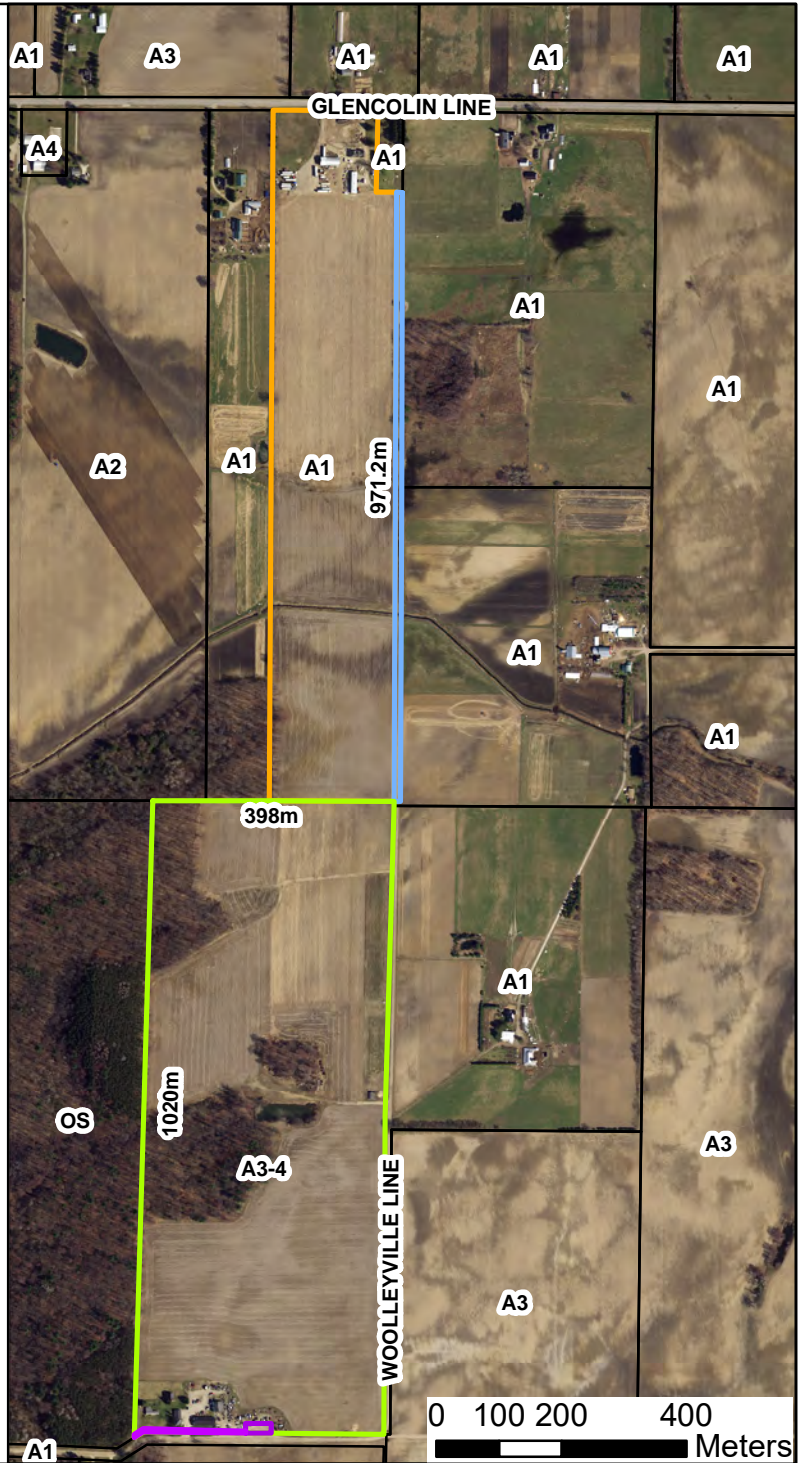
**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING

A1 General Agricultural
 A3 Large Lot Agricultural



- Parcel B to be Severed
- Parcel C to be Retained
- Lands to which parcel B will be conveyed to as a lot addition

Proposed road widening and turning circle. The precise location, extent, and size of road widening and turning circle block to be determined by the Township.



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 resub E51-21 and 52-21 (E 13-23 & E 18-23)

Applicant John & David Loewen (Authorized Agent: David Roe)

Location Part of Lots 96 & 97, Concession 7, North Talbot Road (“NTR”), and Part of Lot 24, Concession Gore NTR (specifically described as Part 2 on 11R-7037) (51432 Woolleyville Line and 51499 Glencolin Line)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: “Agriculture” on Schedule ‘A1’ (Land Use Plan).

Policies: The policies of Section 2.1.6 of the Malahide Official Plan

PART 2 - ZONING

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

Comments:

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

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

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



May 17, 2024

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

Dear Committee Members:

RE: Land Severance Application No. E13-23 of John & David Loewen (Authorized Agent: David Roe) - Part of Lots 23 and 24, Concession North Gore (specifically described as Parts 2-4 on 11R-7037), Township of Malahide.

The Malahide Township Council passed the following Resolutions on May 16, 2024:

THAT the Township of Malahide has no objection to the Application for Land Severance No. E13/23 (formerly E51/21, lapsed) in the name of John Loewen & David Loewen, relating to the property located at Part of Lots 23 and 24, Concession North Gore (specifically described as Parts 2-4 on 11R-7037), Geographic Township of Malahide, subject to the following conditions:

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for the severed parcel. 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 the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. That 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 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.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.

6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That all required land dedications to the Township of Malahide are complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the stamping of the deed, specifically:
 1. Road widening along Woolleyville Line; and,
 2. A turning block of a sufficient area and at a location along Woolleyville Line.The above-noted land dedications shall be to the satisfaction of the Township of Malahide Director of Public Works.
8. That the Township of Malahide be satisfied that associated Consent Application No. E18-23 (formerly E52-21, lapsed) be completed prior to the stamping of any deeds

We enclose Municipal Appraisal together with Municipal Report DS-24-25 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy - Rosemary Kennedy
David Roe
Linda Loewen



May 17, 2024

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

Dear Committee Members:

RE: Land Severance Application No. E18-23 of John & David Loewen (Authorized Agent: David Roe) - Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession North Gore (specifically described as Parts 1 & 2 on 11R-7037 and Part 1 on 11R-4182), Township of Malahide.

The Malahide Township Council passed the following Resolutions on May 16, 2024:

THAT the Township of Malahide has no objection to the Application of Land Severance No. E18-23 (formerly No. E52/21, lapsed) in the name of John Loewen and David Loewen relating to the property located at Part of Lots 96 & 97, Concession 7, North Talbot Road, and Part of Lot 24, Concession North Gore (specifically described as Parts 1 & 2 on 11R-7037 and Part 1 on 11R-4182), Geographic 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.
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5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. That all required land dedications to the Township of Malahide are complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the stamping of the deed, specifically:
 - a) Road widening along Woolleyville Line; and,
 - b) A turning block of a sufficient area and at a location along Woolleyville Line.The above-noted land dedications shall be to the satisfaction of the Township of Malahide Director of Public Works.

We enclose Municipal Appraisal together with Municipal Report DS-24-25 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink that reads "A Adams". The signature is written in a cursive, slightly slanted style.

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

Copy - Rosemary Kennedy
David Roe
Linda Loewen



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: May 22, 2024
Application: E 13-23 and E 14-23

Owner:
John and David Loewen
51477 Glencolin Line, Aylmer, ON N5H 2R3

Agent:
David Roe
61 Trailview Line, Aylmer, ON N5H 2R3

Location: Lot 23 and 24, North Gore. Municipally known as 51432 Wooleyville Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 43.89m (144 feet) and a depth of 134.112m (440 feet) and an area of 5,845.1m² (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is also severing a parcel with an area of 0.47ha (1.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 37.97ha (98.77 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 Agriculture (A1) and
Large Lot Agriculture (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns

Catfish Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of 5,800m² to sever a dwelling that is surplus to a farming operation, the applicant is also proposing to sever a parcel with an area of 4,700m² to be conveyed as an addition to an adjacent lot. The PPS permits surplus dwelling severances and minor lot boundary adjustments in prime agricultural areas.

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*

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 creation in the agricultural area for surplus farm dwellings and minor lot boundary adjustments.

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. This application was previously deferred to address zoning deficiencies which zoning amendments have been applied for and approved by Malahide's council.

RECOMMENDATION:

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

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

3. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That Section 3 or 5 of Section 50 of the Planning shall apply to any subsequent transfer or conveyance of the land subject to application E 18-23.

Additionally, it is recommended that the following conditions from the Township of Malahide included as conditions for consent on application E 13-23:

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for the severed parcel. 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.
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8. That the Township of Malahide be satisfied that associated Consent Application No. E18-23 (formerly E52-21, lapsed) be completed prior to the stamping of any deeds

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