



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, June 26, 2024, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 38-24 David Roe – Lot 18, Concession 8, Township of Malahide
 - 9:15 am E 12-24 David Roe – 11980 Imperial Road, Township of Malahide
 - 9:25 am E 39-24 Frank Fehr – 11156 Culloden Road,
E 40-24 Municipality of Bayham
 - 9:35 am E 41-24 Mark Coombes – 442C West Edith Cavell Blvd,
Municipality of Central Elgin
 - 9:45 am E 44-24 Eric Jensen & Lisa Veldman – 25248 Queens
Line, Municipality of West Elgin
 - 9:55 am E 45-24 Michael Ian Bechard & Tammy Lynn Bechard,
44350 Mapleton Line, Municipality of Central
Elgin
 - 10:05 am E 97-22 Harry Wismer, 37474 Lake Line, Township of
Southwold
 - 10:15 am E 98-22 Harry Wismer – 37510 Lake Line, Township of
Southwold



10:25 am E 23-24

Helen Button – 8169 Union Road, Township of Southwold

10:35 am E 42-24
E 43-24

Jamie Forsythe – 55358 / 53408 John Wise 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

May 22, 2024

County of Elgin Land Division Committee met this 22nd day of May, 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
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 9:05 a.m.

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

A request to defer application E 31-24 and E 32-24 was received by the applicants.

3. ADOPTION OF MINUTES

Moved by: Dave Jenkins

Seconded by: John Seldon

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			
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
TOTAL		6	0	

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

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 29-24 – 9:07 a.m.
Gurjit Singh Aulakh – 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.

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: John Horn attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No 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: Ian Fleck
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 29-24 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 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.

That the following requirements of the Township of Southwold are met, including the following:

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 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 30-24 / E 75-23 – 9:15 a.m.
Neil Giesbrecht – 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 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.

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: Neil Giesbrecht 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, subject to conditions

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

Moved by: John Andrews
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 30-24 and E 75-23 be approved subject to the following conditions:

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

4. Deeds for stamping for both applications be presented simultaneously.

Additionally, 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, 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 31-24 and E 32-24 – 9:20 a.m.
Gerry Hensels – 349 George Street

The applicant proposes to sever a parcel with a frontage of 22.9m (75 feet), a depth of 37.4m (122 feet) and an area of 788.4m² (0.2 acres) to create a new residential parcel. The applicant proposes to sever a second parcel with a frontage of 29.7m (97 feet), a depth of 128.3m (420 feet) and an area of 6,273.8m² (1.55 acres) to create a new residential parcel. The applicant is retaining a lot with an area of 3,361.8m² (0.83 acres) proposed to remain in residential use.

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

Owner: Not present
Agent: Not present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	No comments
2	Kettle Creek	No comments
3	Elgin County Engineering Services	No concerns
4	Elgin County Planning Services	Recommends deferral, as per applicants request

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

Moved by: Ian Fleck
Seconded by: Dave Jenkins

RESOLVED THAT severance applications E 31-24 and E 32-24 be deferred at the applicants request.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 33-24 – 9:35 a.m.
Stephen Cornwell – 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.

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: Adam Duklow attended virtually
Agent: Stephen Cornwell attended in-person

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Staff recommends approval of the application subject to the conditions provided
2	Kettle Creek	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 application E 33-24 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 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 be 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.

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			
Malahide	Dave Jenkins	x		

Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 34-24 – 9:45 a.m.
David Roe – 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.

Owner: Not present
 Agent: David Roe attended in-person

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: John Andrews
 Seconded by: Dave Jenkins

RESOLVED THAT severance application E 34-24 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 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 35-24 – 9:55 a.m.

David Roe – 10122 Sandytown Road

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.

Owner: Not present

Agent: David Roe 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 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: Dugald Aldred
 Seconded by: John Andrews

RESOLVED THAT severance application E 35-24 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 Municipality of Bayham be 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 7-24 – 10:05 a.m.
Robert McLeod – 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.

Owner: Not present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No 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: Ian Fleck
Seconded by: John Andrews

RESOLVED THAT conditions remain the same on the severance as previously approved

and that the notice of decision be amended to reflect the new lot measurements previously approved.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 36-24 – 10:15 a.m.
Kent Willmore – 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.

Owner: Not present
Agent: Not present

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	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: Dave Jenkins

RESOLVED THAT severance application E 36-24 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, 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 be included as conditions for consent:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 37-24 – 10:25 a.m.
David Roe – 46254 New Sarum Line

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.

Owner: Not present
Agent: David Roe 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	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: Ian Fleck
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 37-24 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 Municipality of Central Elgin be 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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Application E 13-23 & E 18-23 – 10:30 a.m.
David Roe – 51432 Wolleyville 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.

Owner: Not present
Agent: David Roe attended in-person

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No concerns
3	Elgin County Engineering Services	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: Dave Jenkins
 Seconded by: Ian Fleck

RESOLVED THAT severance application E 13-23 & E 18-23 be approved subject to the following conditions:

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

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent for application E 18-23:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
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.

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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

10. ADJOURNMENT

Moved by: Dave Jenkins

Seconded by: Ian Fleck

RESOLVED THAT the Committee adjourn at 10:38 am on May 22, 2024 to meet again at 9:00am on June 26, 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			
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		6	0	

- Motion Carried.

Paul Clarke
 Secretary-Treasurer

Tom Marks
 Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 38-24**

**LOT 18, CONCESSION 8
TOWNSHIP OF MALAHIDE**

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 legally described as Lot 18, Concession 8.

The applicant proposes to sever a parcel with an area of 402.336m² (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 39.5ha (97 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:

**JUNE 26, 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.

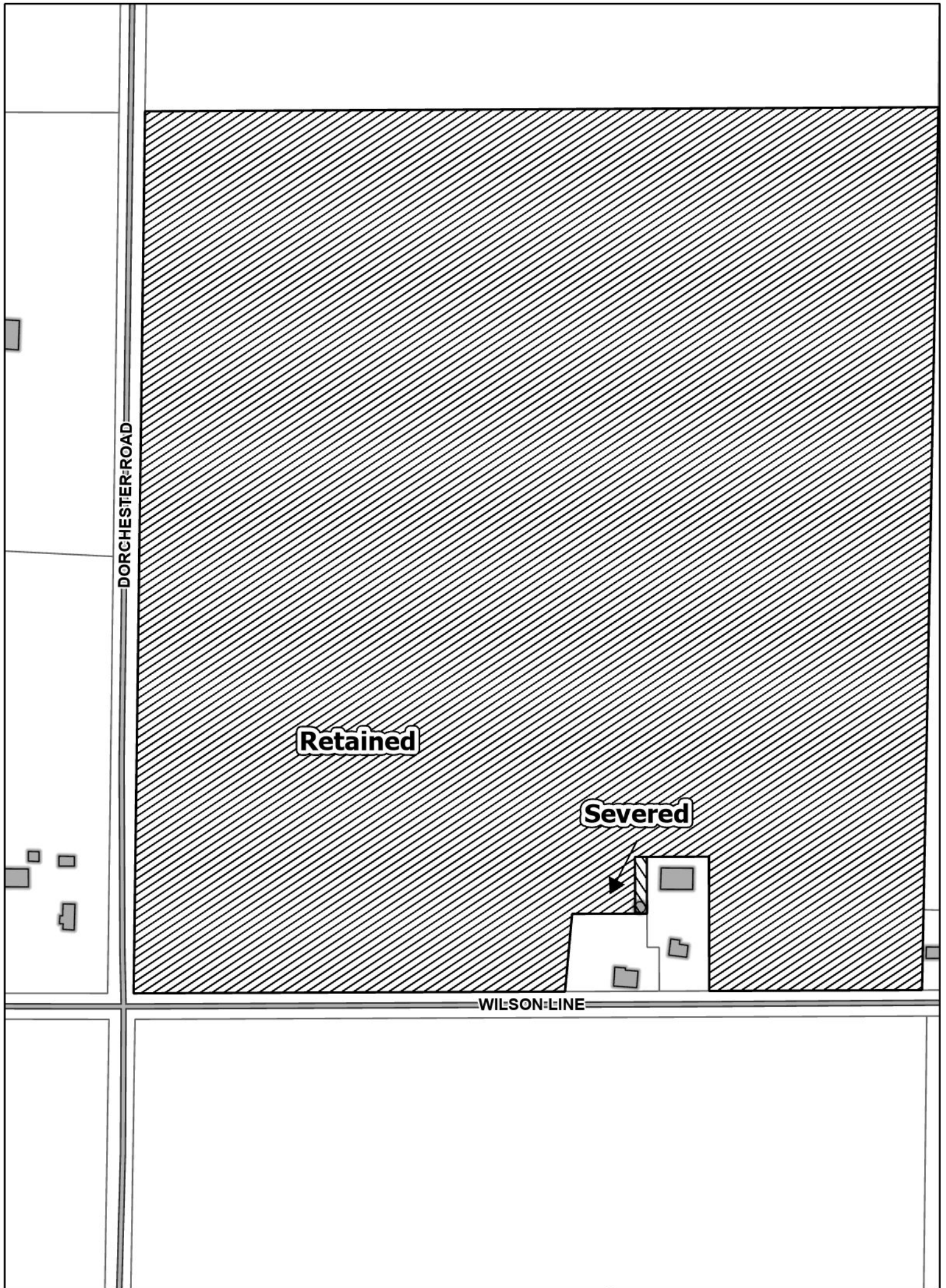
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 13th day of May, 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

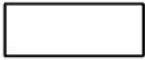

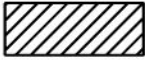




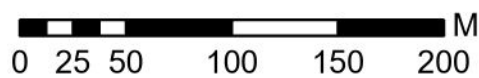
Location Map

Subject Site: Lot 18, Concession 8
 File Number: E 38-24
 Owner: Ankor Farm Ltd.
 CA: Kettle Creek Conversation
 Created By: PC
 Date: 5/13/2024
 Township of Malahide



Legend

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









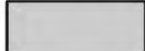
Elgin County, Maxar, Microsoft

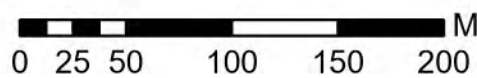
Location Map

Subject Site: Lot 18, Concession 8
 File Number: E 38-24
 Owner: Ankor Farm Ltd.
 CA: Kettle Creek Conversation
 Created By: PC
 Date: 5/13/2024
 Township of Malahide



Legend

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



Paul Clarke

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

Subject: RE: E 38-24 Notice of Application

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

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the notice of application for consent E38-24 affecting Lot 18, Concession 8, Township of Malahide and that based upon our mandate and policies, we have no objection to its approval.

I can also confirm that the subject lands are NOT affected by natural hazard regulations under the *Conservation Authorities Act*.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

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

Subject: E 38-24 Notice of Application

Good afternoon,

Please see the attached notice of application. If you wish to provide comments on this application, please do so no later than **Tuesday June 18th, 2024**.

Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



(519) 631-1460 x170



REPORT NO. DS-24-29

TO: Mayor & Members of Council
DEPARTMENT: Development Services
MEETING DATE: June 6, 2024
SUBJECT: **Application for Consent to Sever No. D10-E38-24 of Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe) relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide (48028 Wilson Line)**

RECOMMENDATION:

THAT Report No. DS-24-29 entitled “Application for Consent to Sever No. D10-E38-24 of Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe)” be received;

AND THAT the Application for Consent to Sever of Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48028 Wilson 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 Consent to Sever Application (the “Application”) has been submitted by Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc) to sever an area of approximately 402 m² from 48028 Wilson Line (“subject property”) and convey it to 48024 Wilson Line to accommodate the construction of a new home occupation structure.

The Application relates to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48028 Wilson Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on June 26, 2024.

COMMENTS & ANALYSIS:

The subject lands are approximately 41.0 hectares (101.3 acres) in area and have approximately 168 metres (551 feet) of frontage along Wilson Line. The subject property is an agricultural parcel that was previously subject to a surplus farm dwelling severance in 2015. The applicant (Kenneth Drabick) owns the residential parcel previously deemed surplus and is proposing to sever a portion of land from the agricultural parcel, with an area of approximately 402.3 square meters, conveying it to their property to facilitate the construction of a new building to accommodate a home occupation use for motor vehicle repair.

The applicant previously applied for a Zoning By-law Amendment (D14-Z12-23) to rezone the residential property from A3 to A4-27, to permit the nature and scale of the home occupation use. The Zoning By-law Amendment has been given two readings by Council but is waiting for the approval of this consent application before being given final approval.

The result of this severance would enlarge the residential parcel to an approximate area of 5,087 square meters while reducing the agricultural parcel to approximately 40.9 hectares (101.2 acres).

Provincial Policy Statement (PPS)

The PPS directs that agricultural lands shall be protected for long-term use for agriculture and permits a range of agricultural, agriculture-related, and on-farm diversified uses within prime agricultural areas (s. 2.3.1, 2.3.3.1).

Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons (s. 2.3.4.2). As the area proposed to be conveyed from the agricultural lot to the residential lot is 4 metres wide with an area of 402 m², and has not been historically used for agricultural production, the boundary adjustment is viewed as minor in size and impact.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and is identified as having frontage along a "Local" Road on Schedule 'B', "Transportation Plan".

The County Official Plan states that, in agricultural areas, consents may be granted for legal or technical reasons such as minor boundary adjustments that do not result in the creation of a new lot (s. E1.2.3.4). The proposed boundary adjustment does not create a new lot and can be seen as minor in both scale and impact.

Malahide Official Plan

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan) and no noted areas on Schedule ‘A2’ (Constraints Plan).

The Official Plan provides guidance on consents, stating that consents for lot additions are permitted in any designation provided the severed and retained parcels comply with the applicable requirements of the Official Plan and Zoning By-law (s. 8.7.1.7). A Zoning By-law Amendment has been introduced to council and is expected to be approved after the passing of this consent, ensuring the area to be conveyed is rezoned for its appropriate use.

Malahide Zoning By-law

Currently, both the agricultural and residential parcel are zoned as A3 on Key Map 3 of Schedule “A” to the Township’s Zoning By-law No. 18-22. At the March 7th Council Meeting, Township Council approved a Zoning By-law Amendment and gave two readings of the proposed By-law to rezone the land to be conveyed to align with the zoning of the receiving lands, as well as permit the size and scale of the home occupation use. The By-law would be brought back to Council for a third and final reading should the consent application be approved. The retained agricultural parcel will remain zoned as “Large Lot Agricultural (A3)”. The agricultural parcel will meet the minimum lot area and frontage requirements of the A3 zone.

FINANCIAL IMPLICATIONS:

The full cost of the application and associated 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 Photo;
2. Application Sketch; 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

APPLICATION FOR CONSENT TO SEVER

Owners: Ankor Farm Ltd.

48028 Wilson Line

Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
AGRICULTURAL

ZONING
Large Lot Agricultural (A3)



Subject Property

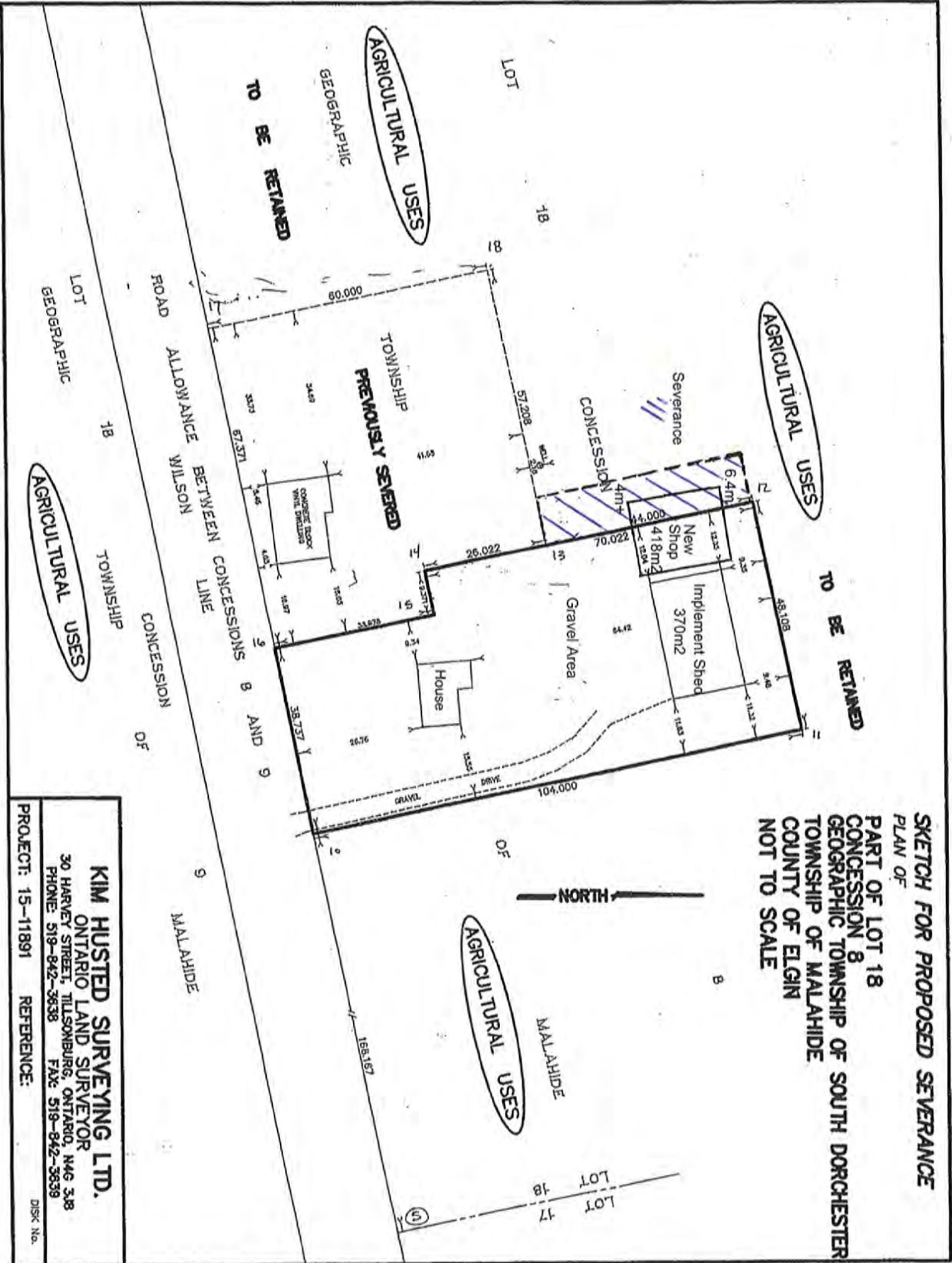


Receiving Lands



Area to be Severed and Conveyed

C:\INCAD2015\15-11891.dwg, 12/7/2015 11:58:59 AM, KIP 7100.pcs



SKETCH FOR PROPOSED SEVERANCE
 PLAN OF
 PART OF LOT 18
 CONCESSION 8
 GEOGRAPHIC TOWNSHIP OF SOUTH DORCHESTER
 TOWNSHIP OF MALAHIDE
 COUNTY OF ELGIN
 NOT TO SCALE

KIM HUSTED SURVEYING LTD.
 ONTARIO LAND SURVEYOR
 30 HARVEY STREET, TILSONBURG, ONTARIO, N4G 3J8
 PHONE: 519-842-3638 FAX: 519-842-3639
 PROJECT: 15-11891 REFERENCE: DISK No.



ELGIN MAPPING

48024 Wilson Line

Part Lot 18, Concession 8



253

0.1 0 0.06 0.1 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

1:2,257



Legend

- Elgin County Parcels
- Elgin Road Network
- Elgin Road Network
- Elgin Road Network
- Malahide Zoning
- E911
- Local
- Arterial
- Highways
- Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

E38-24 – Recommended Conditions

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
2. That 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, RSO1990, 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 applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.



June 12, 2024

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

Dear Committee Members:

RE: Land Severance Application E38-24 - Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe) - Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide (48028 Wilson Line)

The Malahide Township Council passed the following Resolutions on June 6, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. E38-24 of Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe) relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide (48028 Wilson Line), 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 both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
2. That 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, RSO1990, 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 applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.

We enclose Municipal Appraisal together with Municipal Report DS-24-29 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE



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

Copy – Dave Jenkins
Kenneth Drabick on behalf of Ankor Farm Ltd
Civic Planning Solutions Inc. c/o David Roe

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 E38-24

Applicant Kenneth Drabick, on behalf of Ankor Farm Ltd. (Authorized Agent: Civic Planning Solutions Inc. c/o David Roe)_____

Location Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide (48028 Wilson 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 8.7.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The retained agricultural parcel will remain zoned as "Large Lot Agricultural (A3)". The agricultural parcel will meet the minimum lot area and frontage requirements of the A3 zone.

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

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

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 31, 2024 ELGIN COUNTY ROAD NO.: Not a County Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 38-24

APPLICANT: Ken Drabick

PROPERTY: LOT NO. 18 CONCESSION: 8
REG'D PLAN: _____ MUNICIPALITY: Malahide

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

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

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

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

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

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

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

- 7) Technical Reports

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

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

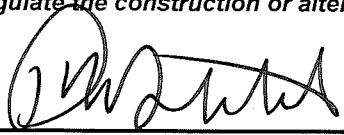
- 10) The County has no concerns.....

- 11) Not on County Road

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

- 13) Other...

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



PETER DUTCHAK, CET
Director of Engineering Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: June 26, 2024
Application: E 38-24

Owner: Ankor Farm Ltd.
2035 Avon Drive, Belmont, ON
Location: Lot 18, Concession 8. Township of Malahide

Agent: David Roe
61 Trailview Drive, Tillsonburg, ON

PROPOSAL

The applicant proposes to sever a parcel with an area of 402.336m² (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 39.5ha (97 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Agriculture (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns

Kettle Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of 402.336m² to be conveyed to an adjacent lot which is an existing residential parcel. The applicant is retaining a lot with an area of ~40ha which is proposed to continue its use as an agricultural parcel. The PPS permits minor lot boundary adjustments in the agricultural area.

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 technical severances and lot additions in the Agricultural Area, provided no new lots are being created. The applicant is requesting the lot addition to allow for the construction of a new accessory building at the rear of the existing residential lot which is receiving the lot addition.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is currently undergoing a zoning amendment for the conveyed land and is expected to receive final approval by Township council after the consent is granted conditional approval.

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 Section 3 or 5 of Section 50 of the Planning Act applies to any subsequent transfer or conveyance of the subject land.

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

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee

responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.

2. That 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, RSO1990, 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 applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.



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

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

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON N4G 0C6, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11980 Imperial Road and 11960 Imperial Road.

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

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

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

**JUNE 26, 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.

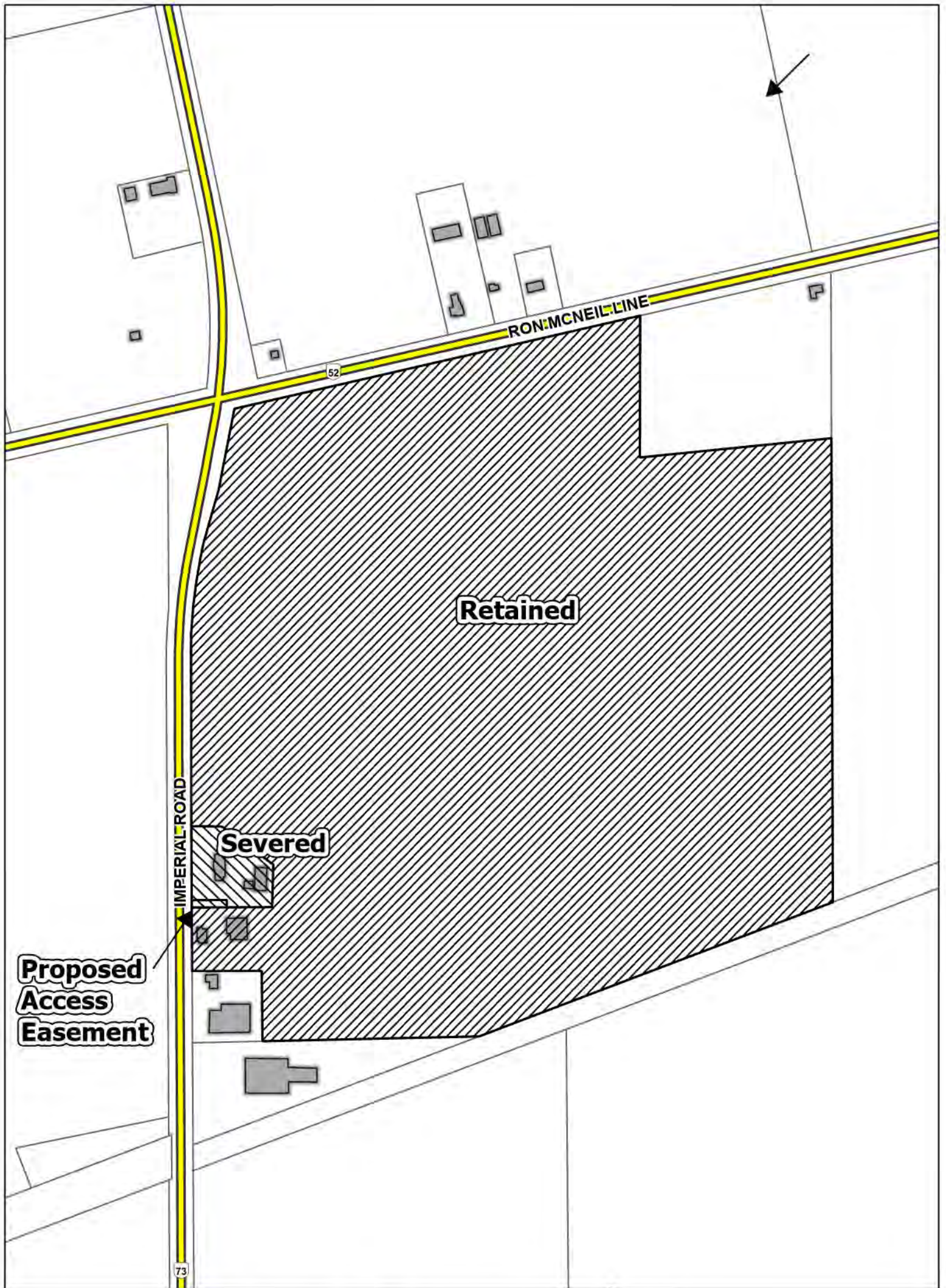
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 15th day of May, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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








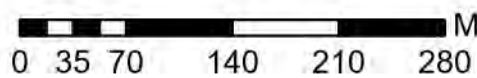
Location Map

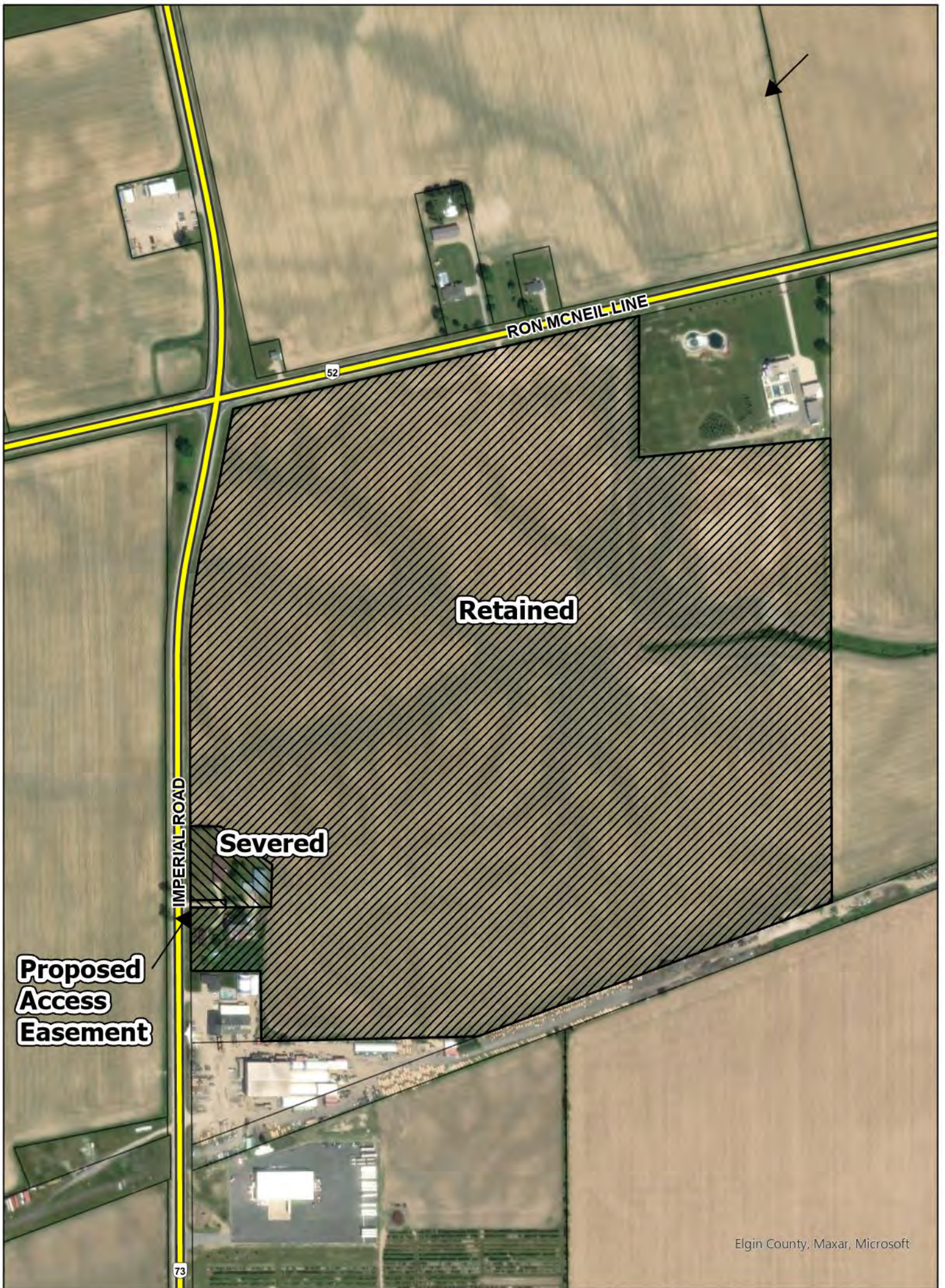
Subject Site: 11980 and 11960 Imperial Road
 File Number: E 12-24
 Owner: Buehlmann Farms Inc.
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 1/8/2024
 Township of Malahide



Legend

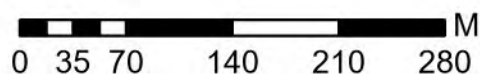
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings





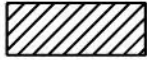




Location Map

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



Legend

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

Paul Clarke

From: [REDACTED]
Sent: March 1, 2024 3:29 PM
To: Paul Clarke
Subject: RE: E 12-24 Notice of Application

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

Hello,

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

Thank You,



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

From: Paul Clarke <pclarke@ELGIN.ca>
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: E 12-24 Notice of Application

Good morning,

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

Thanks,

Paul Clarke CPT



June 12, 2024

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

Dear Committee Members:

RE: Land Severance Application E 12-24 - Buehlmann Farms Inc (David Roe c/o Civic Planning Solutions Inc) - 11960 and 11980 Imperial Road, Part of Lots 11 and 12, Concession 9, Township of Malahide

The Malahide Township Council passed the following Resolutions on June 6, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. E 12-24 in the name of Buehlmann Farms Inc, relating to the property located Part of Lots 11 and 12, Concession 9, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.

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

We enclose Municipal Appraisal together with Municipal Report DS-24-28 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 – Dave Jenkins
Buehlmann Farms Inc
David Roe c/o Civic Planning Solutions Inc



REPORT NO. DS-24-28

TO: Mayor & Members of Council
DEPARTMENT: Development Services
MEETING DATE: June 6, 2024
SUBJECT: **Application for Consent to Sever No. D10-E12-24 of Buehlmann Farms Inc (Authorized Agent: David Roe C/O Civic Planning Solutions Inc), relating to the property located at Part of Lots 11 and 12, Concession 9, Township of Malahide (11960 and 11980 Imperial Road)**

RECOMMENDATION:

THAT Report No. DS-24-13 entitled “Application for Consent to Sever No. E 12-24 of Buehlmann Farms Inc (Authorized Agent: David Roe c/o Civic Planning Solutions Inc)” be received;

AND THAT the Application for Consent to Sever of Buehlmann Farms Inc (Authorized Agent: David Roe C/O Civic Planning Solutions Inc), relating to the property located at Part of Lots 11 and 12, Concession 9, Township of Malahide and known municipally as 11960 and 11980 Imperial Road, be supported for the reasons set out in this Report;

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

PURPOSE & BACKGROUND:

The subject application for Consent to Sever (the “Application”) has been submitted by Buehlmann Farms Inc (Authorized Agent: David Roe c/o Civic Planning Solutions Inc in order to sever an existing dwelling as a result of a farm consolidation.

The Application relates to the property located at Part of Lots 11 and 12, Concession 9, Township of Malahide, and known municipally as 11960 and 11980 Imperial Road.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on June 26, 2024.

COMMENTS & ANALYSIS:

The subject farm property is approximately 44.2 hectares (109.3 acres) in area, has approximately 444.5 metres (1458.3 feet) of frontage along Ron McNeil Line, and has approximately 543 metres (1781.5 feet) of frontage along Imperial Road. There are two

existing single-detached dwellings, and several accessory structures. The subject property is bounded by Ron McNeil Line to the north, agricultural land to the east, industrial and agricultural land to the south, and Imperial Road to the west.

The proposed severed parcel is approximately 0.6 hectares (1.4 acres) in area, has 88 metres of frontage on Imperial Road, and would contain an existing dwelling.

The proposed retained parcel is approximately 43.6 hectares in size, has 526 metres of frontage along Imperial Road, and would contain the other existing dwelling and accessory structures.

An easement is also proposed for a shared access between the proposed severed and retained parcels onto Imperial Road (County Road 73). While planning staff would generally discourage shared access via easements, it is noted that County Road 73 is under the jurisdiction of the County, which would regulate access. As a result, staff will defer to the County on matters relating to access.

Provincial Policy Statement (PPS)

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that no new residential uses are permitted on any remnant parcel of farmland (Section 2.3.4.1c).

The proposed severed parcel is of a minimum size (0.6 ha) to accommodate the existing dwelling and private septic, and no land would be removed from agricultural production. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses on the farmland.

It is noted that under proposed changes to the Provincial Policy Statement, consents for surplus farm dwellings would be limited to the severance of one surplus farm dwelling per farm consolidation.

County of Elgin Official Plan

The subject lands are designated "Agriculture Area" on Schedule 'A', Land Use Plan.

Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b).

As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling along with rezoning the severed dwelling to 'Small Lot Agriculture (A4)' to reflect the surplus farm dwelling.

Malahide Official Plan

The subject lands are designated “Agriculture” on Schedule ‘A1’ (Land Use Plan).

Section 2.1.7 of the Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be built and occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by a private sanitary waste disposal system and a potable water supply that is situated within the severed lot; is located within 100 metres of an opened travelled road; and the severed parcel be rezoned to a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law, has municipally piped water and the existing septic system and is appropriately setback from the proposed lot boundaries. A letter supporting the good working condition of the septic system has been provided alongside the application. Further, the proposed lot and existing dwelling are located within 100 metres of a public road.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4). The retained farm parcel exceeds the minimum lot area requirements of the Zoning By-law and is of suitable size to support agriculture. A Zoning by-law Amendment to prohibit new residential dwellings is recommended as a condition of consent approval.

Malahide Zoning By-law No. 18-22

The subject property is within the “Special Agricultural (A2) Zone” on Key Map 26 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Regulated Area”. It is noted that the subject lands were subject to a previous surplus farm severance application in 2013, which received conditional approval, but lapsed before all of the conditions were fulfilled. It is staff’s opinion that the A2 zone that currently applies to the subject lands was applied through the conditions of the previous severance. However, when the severance lapsed, the consent did not take place resulting in the property’s current zoning.

As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is anticipated that the proposed retained parcel would be rezoned to the ‘Special Agricultural (A2)’ zone to prohibit a new residential dwelling. The proposed retained parcel meets the minimum lot area (20 ha) and frontage (150 m) requirements of the ‘A2’ zone.

It is also anticipated that the proposed severed parcel be rezoned to ‘Small Lot Agriculture Special (A4)’. The ‘A4’ zone is intended to be applied to lots created as a result of a surplus farm dwelling severance to reflect the primary use of the lot for residential purposes.

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 Photo;
2. Application Sketch; 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

APPLICATION FOR A CONSENT TO SEVER

OWNER: BUEHLMANN FARMS INC

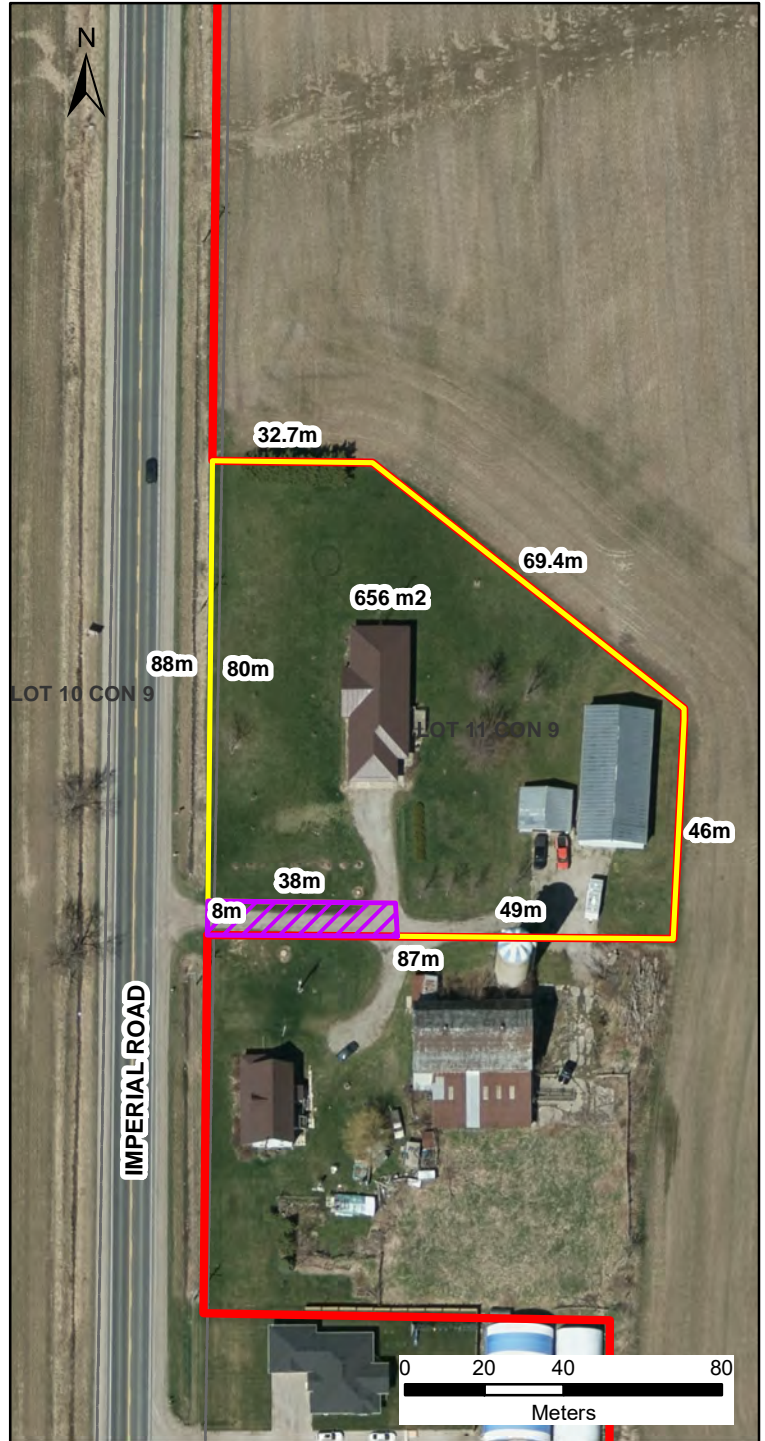
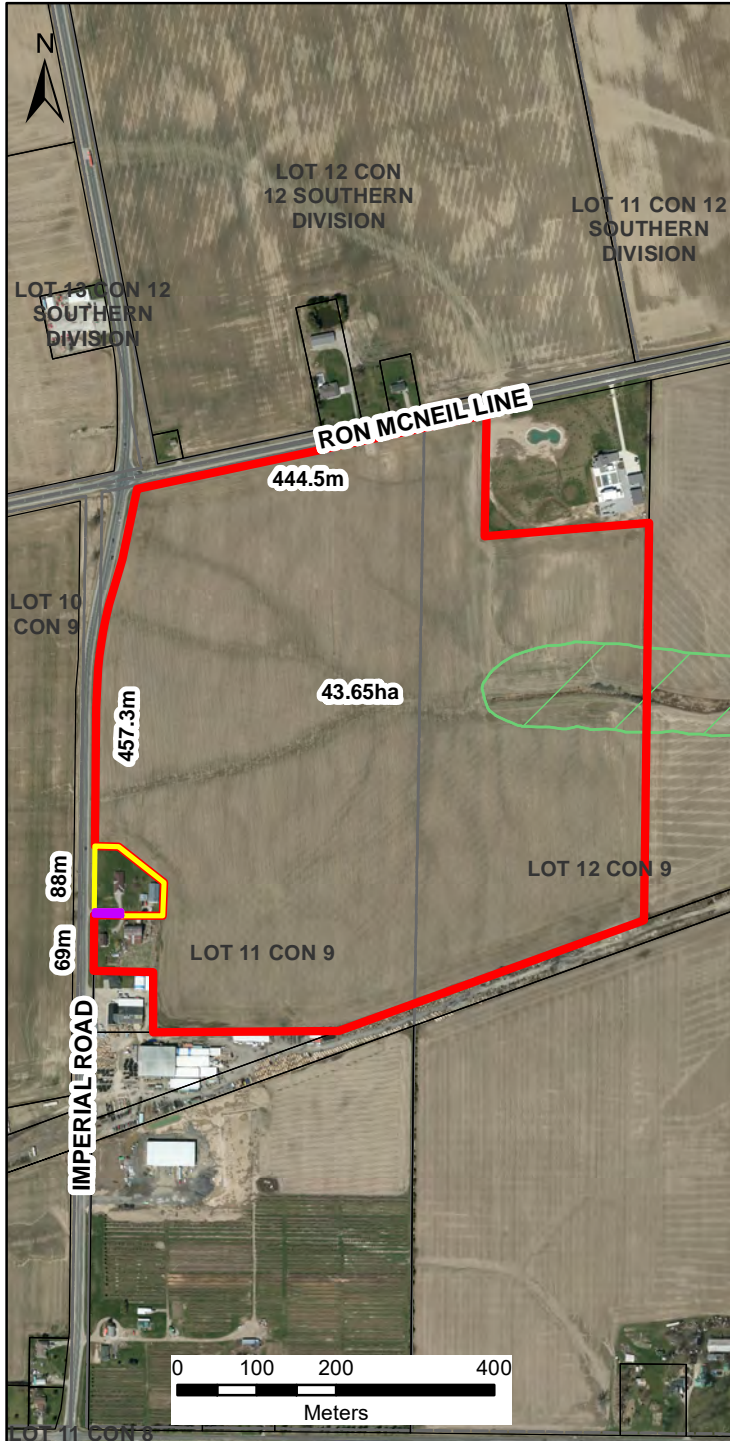
AUTHORIZED AGENT: DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC

Part of Lots 11 and 12, Concession 9

Township of Malahide

(11960 and 11980 Imperial Road)

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A2 SPECIAL AGRICULTURAL

-  Easement
-  Severed
-  Retained

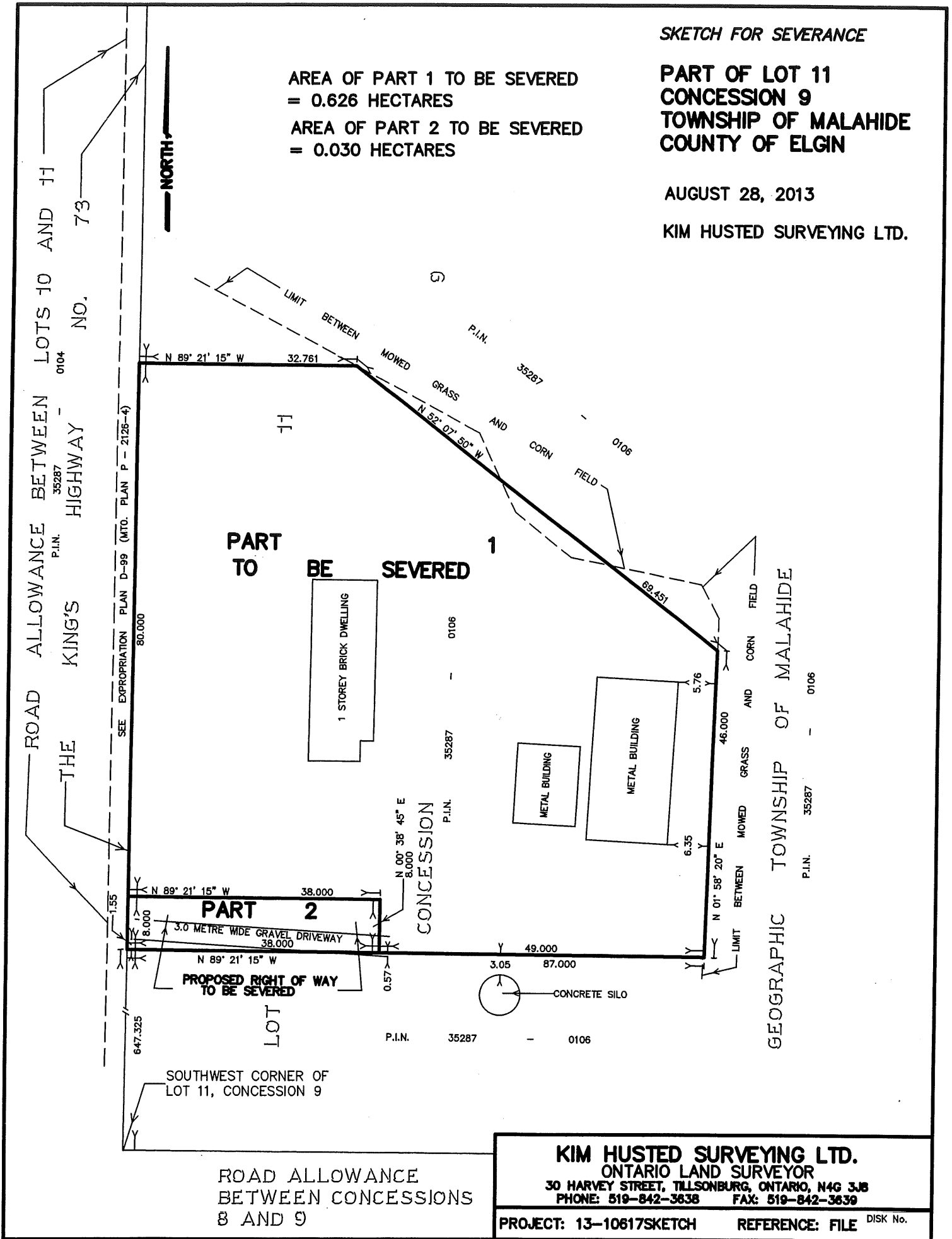
 Conservation Authority Regulated Lands

SKETCH FOR SEVERANCE

PART OF LOT 11
CONCESSION 9
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

AUGUST 28, 2013

KIM HUSTED SURVEYING LTD.



AREA OF PART 1 TO BE SEVERED
= 0.626 HECTARES
AREA OF PART 2 TO BE SEVERED
= 0.030 HECTARES



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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

COUNTY OF ELGIN ROAD SYSTEM

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

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 12-24

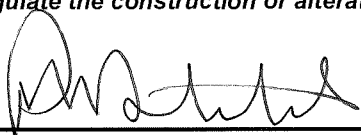
APPLICANT: Buehlmann Farms Inc.

PROPERTY: LOT NO. 11 and 12 CONCESSION: 9
REG'D PLAN: _____ MUNICIPALITY: Malahide

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

- 1) Land for road widening is required
*[Section 51 (25) of the Planning Act – Road Property Widening is required along the frontage of Imperial Road (North of Severed Property, Imperial Road, County Road (73) and Ron McNeil Line, County Road (52) to achieve a minimum of 18.25 m from the center of existing road. Plus, a 15 m x 15 m Daylight Triangle at Imperial Road and Ron McNeil Line.
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: June 26, 2024
Application: E 12-24

Owner:
Beuhmann Farms Inc.

52075 Pressey Line, Springfield, ON

Location: Lot 11 and 12, Concession 9. Municipally known as 11980 and 11960 Imperial Road.

Agent:
David Roe

61 Trailview Drive, Tillsonburg, ON

PROPOSAL

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

**County of Elgin Official
Plan**

Agricultural Area

**Local Municipality Official
Plan**

Agriculture

**Local Municipality Zoning
By-law**

Special Agricultural (A2)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – Requests conditions.

Catfish Creek Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever a parcel with an area of approximately 0.656ha to sever a dwelling that is surplus to a farming operation. The retained land will be approximately

43.65ha in area and will continue to be used for agricultural uses. Additionally, the applicant is proposing to create an 8m wide easement for a shared driveway.

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

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

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

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

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 consents in the Agricultural Area for surplus dwellings provided that the severed lot is of the size necessary to accommodate the existing dwelling and required on-site services. The CEOP also permits technical severances and the creation of easements in all land use designations.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is already zoned Special Agricultural (A2), which prohibits residential development as a result of a previous consent application from 2013, which lapsed before it could be finalized. The Township is requesting a condition to rezone the severed parcel to Small Lot Agricultural (A4).

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. Road widening is required along the frontage of Imperial Road (north of severed property) County Road 73 and Ron McNeil Line County Road 52 to achieve a minimum of 18.25m from the center of the existing road. Plus, a 15m x 15m daylight triangle at Imperial Road and Ron McNeil Line. All costs to be borne by the owner.

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.



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

9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 39-24 and E 40-24**

**NORTH PART OF LOT 6, CONCESSION 9
MUNICIPALITY OF BAYHAM
11156 CULLODEN ROAD**

TAKE NOTICE that an application has been made by Frank Fehr, 8987 Power Road, Central Elgin, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 11156 Culloden Road.

The applicant proposes to sever two (2) parcels, the first with a frontage of 27.4m (90 feet), a depth of 64.6m (211 feet) and an area of 1,770m² (0.44 acres) to create a new residential lot. The second parcel will have a frontage of 29.99m (98 feet), a depth of 64.6m (211 feet) and an area of 1,937.35m² (0.47 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1,937.35m² (0.47 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:

**JUNE 26, 2024 AT 9:25 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

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

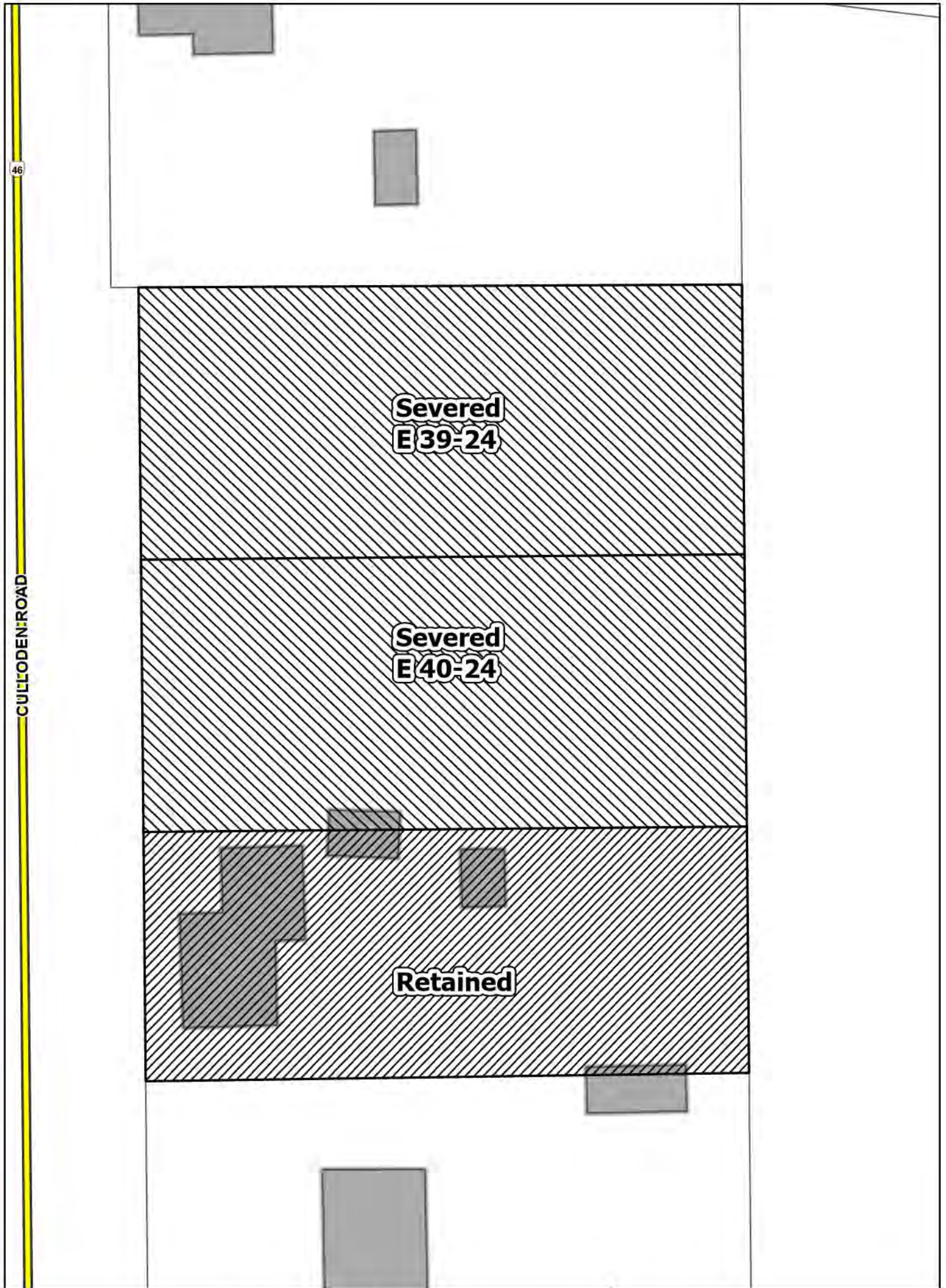
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 13th day of May, 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








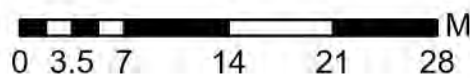
Location Map

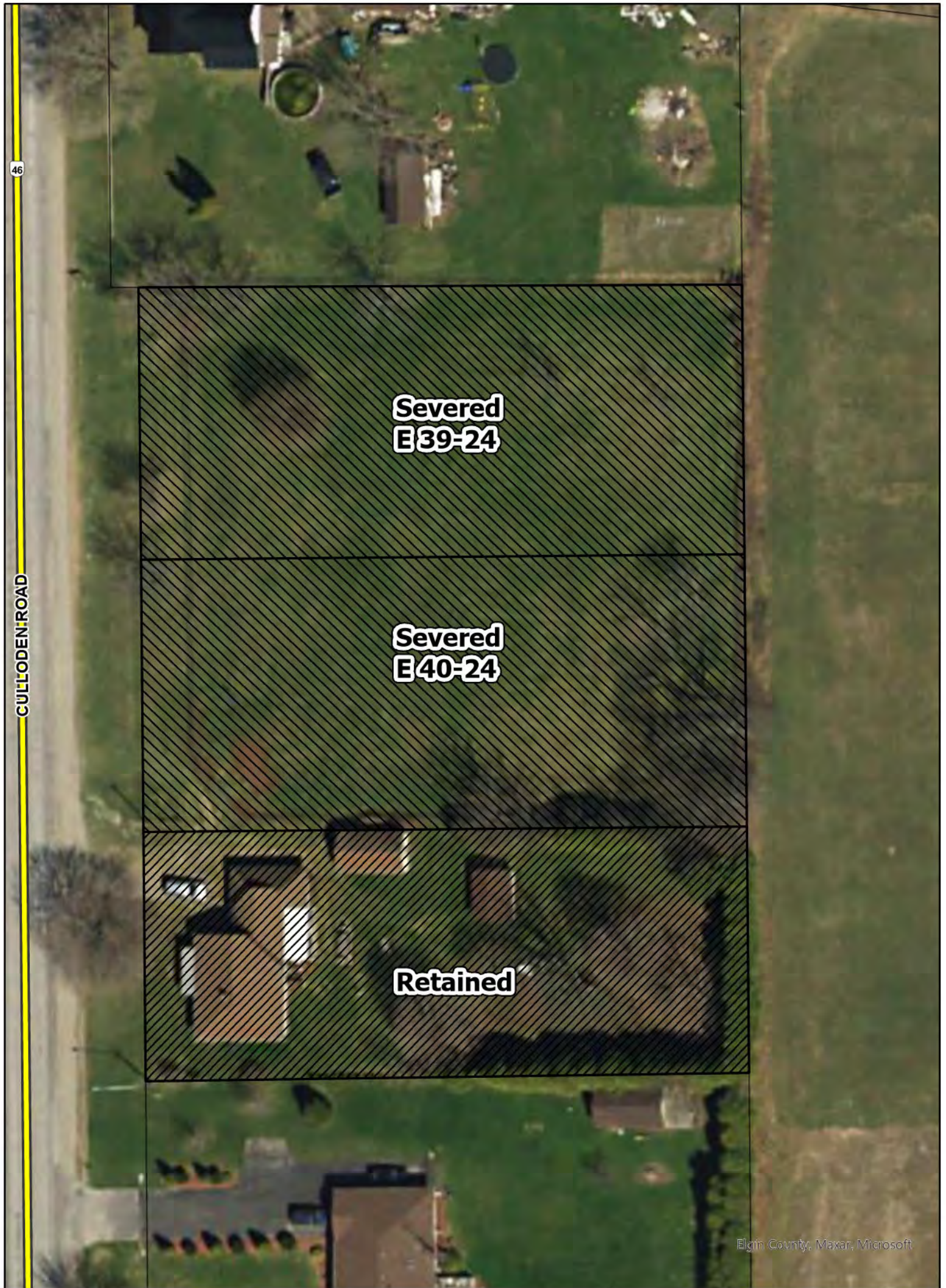
Subject Site: 11156 Culloden Road
 File Number: E 39-24 & E 40-24
 Owner: Best Line Construction
 CA: Long Point Region
 Created By: PC
 Date: 5/13/2024
 Municipality of Bayham



Legend

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







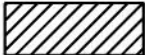

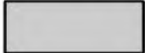
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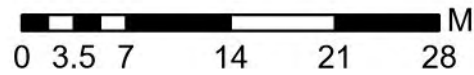
Location Map

Subject Site: 11156 Culloden Road
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 Date: 5/13/2024
 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



June 7, 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. E39-24 and E40-24 Best Line Construction

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the June 6, 2024 meeting:

THAT Report DS-45/24 regarding the Consent Applications E39-24 and E40-24 Best Line Construction (Frank Fehr) be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E39-24 and E40-24 be granted subject to the following conditions and considerations:

1. That the owner obtains approval from the County of Elgin for road entrance permits for new accesses to the proposed severed Parcels A and B.
2. That the owner obtains a municipal lot assessment and provides soil testing results for the proposed severed Parcels A and B in accordance with Provincial Standards for a future septic system.
3. That the owner obtains approval from the Municipality of Bayham for the installation of a new private well on each of the proposed severed Parcels A and B providing the Municipality with water quantity and water quality reports for bacteria and nitrates content for each lot meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the owner provides an engineered grading, drainage and storm water management plan for each of the proposed severed Parcels A and B to demonstrate that the severed lands will drain properly to a legal outlet with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality of Bayham.
5. That the applicant initiate and assume, if required by the Municipality, all engineering costs associated with the preparation of a revised assessment schedule for any associated municipal 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.

6. That the owner pay Cash-in-lieu of Parkland fees for each of the proposed severed Parcels A and B as required in Municipal By-law No. 2020-053.
7. That the owner provides a digital copy of a survey of the subject lands.
8. That the owner applies and pays all fees to the Municipality with respect to Civic Addressing/signage for each of the proposed severed Parcels A and B.
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham upon consent conditional approval.

Municipal Appraisal Sheet and Staff Report DS-45/24 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.BEST

cc: F. Fehr (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 E39-24 and E40-24

Applicant Best Line Construction

Location Bayham – 11156 Culloden Road

PART 1 - OFFICIAL PLAN

- | | | |
|---|---|---------------------------------|
| 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: Hamlets

Policies: Section 4.4.2.2

PART 2 - ZONING

- | | | |
|---|---|---------------------------------|
| 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 checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |

Comments: Zoning: Hamlet Residential (HR)

No rezoning required

- | | | |
|--|----------------------------------|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (<input 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 checked="" type="checkbox"/>) | No (<input type="checkbox"/>) |
| 7. If so, is the Municipality prepared to provide those services? | Yes (<input checked="" 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"/>) |
| 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? | | |

See Letter attached with listed conditions.

See Staff Report DS-45/24 considered at the Council meeting held June 6, 2024



subdivision or plans of condominium with more than five (5) lots, may be permitted on lands within the Village of Straffordville and Hamlet of Eden which are not serviced by municipal water services, without an Official Plan amendment in accordance with the following criteria:

- a) The developer shall provide servicing plans for future municipal water services for the subject lands and connection(s) to municipal water services in the design of any draft plan of subdivision or condominium application to ensure that these services or facilities can be provided up to the appropriate standard, which complies with all regulatory requirements, and protects human health and the natural environment in the event of future municipal service extensions to the area.
- b) Hydrogeological and/or geotechnical reports must be submitted to the satisfaction of the Municipality, which demonstrate that no long-term negative impacts to water quantity and quality will be produced by the development and there is sufficient long-term water quantity and quality available for the development.
- c) Confirmation from the Municipality of sufficient reserve sewage system capacity within municipal sewage services for any proposed development is required.
- d) The policies of the County Official Plan B2.7 Settlement Capability Studies will apply. Determination of this requirement will be addressed through the pre-consultation process for subdivisions/condominiums.

4.2.2 **Residential Uses**

4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.

4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.

4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.

4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.

4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.

4.2.3.4 All existing agricultural uses will be permitted in the areas designated as “Hamlets” and “Villages” with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

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

4.2.4 **Intensification and Redevelopment**

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

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

a) The permitted forms of residential intensification and redevelopment shall

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

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

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 Minimum Lot Area

- No public water supply or sanitary sewage disposal service: 1,390 m²
- Public water supply, but no sanitary sewage disposal service: 1,100 m²
- Public sanitary sewage disposal service, but no public water supply: 900 m²

Z698-2020

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: June 6, 2024
REPORT: DS-45/24 **FILE NO. C-07 / D09.24BEST**
Roll # 3401-000-005-07000

SUBJECT: Consent Applications E39-24 and E40-24 Best Line Construction
11156 Culloden Road, Corinth

BACKGROUND

Consent applications E39-24 and E40-24 were received from the Elgin County Land Division Committee, as submitted by Best Line Construction (Frank Fehr), proposing to sever lands from subject lands located at 11156 Culloden Road, east side, in the Hamlet of Corinth. The subject property is designated as 'Hamlets' in Schedule 'A1' (Land Use) of the Municipality of Bayham Official Plan. The subject lands are currently zoned 'Hamlet Residential (HR)' in Schedule 'B' (Corinth) of Zoning By-law No. Z456-2003.

The owner is seeking to create two (2) new residential lots within the Hamlet of Corinth. Given that two (2) new residential lots are being created, two (2) Consent Applications were required by Elgin County.

Elgin County Land Division Committee will consider the application on June 26, 2024.

DISCUSSION

The planner's memorandum attached dated, May 29, 2024, analyzes the applications subject to the Municipality of Bayham Official Plan and Zoning By-law.

The standard conditions would include: engineered storm water management with drainage/grading plan, civic numbering signage for the retained lot, survey, cash-in-lieu payment for the creation of a lot, and the planning report fee. Other conditions apply regarding a new County Road access for the new lots, drain deposit for reassessment (if required), municipal lot assessment for soil capability for private septic systems and installation of a well for each lot.

Staff and municipal planner recommend the support of the consent applications for the creation of two (2) residential dwelling lots fronting on Culloden Road in the hamlet of Corinth with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E39-24 Best Line Construction (Frank Fehr)
2. Consent Application E40-24 Best Line Construction (Frank Fehr)
3. Aerial Map – 11156 Culloden Road
4. Arcadis Memorandum, dated May 29, 2024

RECOMMENDATION

THAT Report DS-45/24 regarding the Consent Applications E39-24 and E40-24 Best Line Construction (Frank Fehr) be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E39-24 and E40-24 be granted subject to the following conditions and considerations:

1. That the owner obtains approval from the County of Elgin for road entrance permits for new accesses to the proposed severed Parcels A and B.
2. That the owner obtains a municipal lot assessment and provides soil testing results for the proposed severed Parcels A and B in accordance with Provincial Standards for a future septic system.
3. That the owner obtains approval from the Municipality of Bayham for the installation of a new private well on each of the proposed severed Parcels A and B providing the Municipality with water quantity and water quality reports for bacteria and nitrates content for each lot meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the owner provides an engineered grading, drainage and storm water management plan for each of the proposed severed Parcels A and B to demonstrate that the severed lands will drain properly to a legal outlet with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality of Bayham.
5. That the applicant initiate and assume, if required by the Municipality, all engineering costs associated with the preparation of a revised assessment schedule for any associated municipal 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.
6. That the owner pay Cash-in-lieu of Parkland fees for each of the proposed severed Parcels A and B as required in Municipal By-law No. 2020-053.
7. That the owner provides a digital copy of a survey of the subject lands.
8. That the owner applies and pays all fees to the Municipality with respect to Civic Addressing/signage for each of the proposed severed Parcels A and B.
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham upon consent conditional approval.

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** May 29, 2024
From Christian Tsimenidis, BES **Project No** 3404 - 943
cc William Pol, MCIP, RPP
Subject Best Line Construction - 11156 Culloden Road, Corinth - Application for Consent E39-24 and E40-24

Background and Summary

- Arcadis has completed a review of two (2) Consent Applications submitted by Don Prendergast on behalf of Best Line Construction (c/o Frank Fehr), owner of the lands located at 11156 Culloden Road in the Hamlet of Corinth. One (1) Memo has been prepared for both Consent Applications in order to provide a comprehensive review of the proposal, as well as the “final parcel layouts”, should the applications be Conditionally Approved by the LDC, and the Conditions are satisfied by the owner within the statutory deadline.
- The owner is seeking to create two (2) new residential lots within the Hamlet of Corinth. Given that two (2) new residential lots are being created, two (2) Consent Application were required by Elgin County. The proposed Severed Lots accommodate a future single-detached dwellings, while the existing single-detached dwelling on the proposed Retained Lot will remain as it exists today. The following table provides a breakdown of the proposed Severed Lots (Parcels A and B) and Retained Lot (Parcel C), notably the proposed Lot Frontages and Areas for each parcel:

Parcel	Lot Frontage	Lot Area
A (Severed Lot)	29.9 m (98.1 ft.)	1,937.4 m ² (0.193 ha.)
B (Severed Lot)	29.9 m (98.1 ft.)	1,937.4 m ² (0.193 ha.)
C (Retained Lot)	27.4 m (89.9 ft.)	1,770.0 m ² (0.117 ha.)

Subject Property and Surrounding Area

- The subject property is designated as ‘Hamlets’ in Schedule ‘A1’ (Land Use) of the Municipality of Bayham Official Plan. The subject lands are currently zoned ‘Hamlet Residential (HR)’ in Schedule ‘B’ (Corinth) of Zoning By-law Z456-2003.
- The subject property is currently serviced by private well and private septic services, being located in the Hamlet of Corinth. The proposed Retained Lot accommodating the existing single-detached dwelling will continue to utilize the existing private servicing. The proposed Severed Lots would both require approval for separate

Municipality of Bayham – May 29, 2024

private well and septic services, should the Severed Lots be developed for new single-detached dwellings.

5. The existing driveway access from Culloden Road would remain unaltered and be utilized for the proposed Retained Lot to access the existing single-detached dwelling. Separate driveway accesses would be required for each of the proposed Severed Lots in order to provide access to the future single-detached dwellings. Culloden Road is identified as a County Road, therefore, as a Condition of Approval the owner would be required to obtain an access permit from the Elgin County.
6. The subject lands are surrounded by existing low-rise residential uses, being located into the Hamlet of Corinth. To the west and/or rear of the property is existing agricultural lands located outside of the settlement boundary. It is Arcadis's opinion that the proposed Consent Applications will maintain the low-rise residential nature of the existing surrounding area and are compatible with the adjacent uses.

Municipality of Bayham Official Plan

7. Section 4.2.2.1 of the Municipality of Bayham Official Plan provides direction with respect to 'General Policies Applicable to all Settlement Areas', specifically residential uses. As such, this policy of the Official Plan encourages new residential development within existing settlement areas, like the Hamlet of Corinth, by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion. Further, Section 4.2.4 of the Official Plan provides further direction with respect to the 'Intensification and Redevelopment' within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land.

Comment: It is Arcadis's opinion that the creation of two (2) new residential lot within the Hamlet of Corinth to accommodate future single-detached dwellings makes efficient use of developable lands in a settlement area and is in conformity with the Official Plan general residential policies.

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

Comment: The existing single-detached dwelling on the proposed Retained Lot is a permitted use in the Official Plan and meets the intent of the 'Hamlet' land use designation, as low-rise residential dwellings are strongly encouraged and permitted. The future single-detached dwellings on the proposed Severed Lots would also be permitted and in keeping with the 'Hamlet' designation. Therefore, the

Municipality of Bayham – May 29, 2024

existing and proposed residential nature of the Severed Lots and Retained lot are permitted and in conformity with the above noted Official Plan policy.

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

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

Comment: The proposed Retained Lot would continue to utilize the existing private well and septic servicing for the single-detached dwelling. As part of the Consent Application package submitted by the applicant, documentation was provided with respect to water quality and quantity of the existing well, as well as the condition of the existing septic system. It is understood that the private services are in working order. The proposed Severed Lots would require a independent private wells and septic servicing in order to serve the future single-detached dwellings, which can be addressed at the Building Permit Application stage and noted as Conditions of Approval below.

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

Comment: The Severed Lots and Retained Lot would continue to have frontage along Culloden Road.

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

Comment: The proposed severance would facilitate the creation of two (2) new lots for residential purposes within the existing developed area and built boundary of the settlement area, thus making efficient use of developable lands.

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

Comment: The proposed Severed Lots size and frontage is adequate to accommodate low-density residential uses in accordance with the Zoning By-law and has sufficient space for private well and septic servicing.

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

Comment: Culloden Road is identified as an Elgin County Road. It is understood that the existing driveway will remain as it exists today in order to provide access to the proposed severed lot. As a Condition of Approval, Arcadis

Municipality of Bayham – May 29, 2024

is requesting that the owner obtain an access permit from Elgin County for the proposed new accesses to the two (2) Severed Lots.

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

Comment: Culloden Road, south of Best Line, can be described as a straight and flat Elgin County Road with numerous existing private driveways along the road. It is our opinion that two (2) additional driveways would not have adverse impacts with respect to traffic safety and limited sight lines. As mentioned above, Arcadis will defer comment to Elgin County with respect to the required access from Culloden Road to the proposed Severed Lots.

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

Comment: The proposed severance will not interfere with subsequent access to interior lands.

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

Comment: Not applicable.

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

Municipality of Bayham Zoning By-law

10. The subject lands are currently zoned 'Hamlet Residential (HR)' in Schedule 'B' (Corinth) of Zoning By-law Z456-2003. As per Section 9.1 of the Zoning By-law, the existing single-detached dwelling on the proposed Retained Lot (Parcel C) is considered a permitted use and meets the provisions of the Zoning By-law. The intended use and development of future single-detached dwellings on the proposed Severed Lots (Parcels A and B) would also be considered a permitted use.
11. The Severed Lots and Retained Lot would meet the minimum lot area requirement of 1,390.0 m² (where no public water or sanitary sewage disposal services are available), as per Section 9.2 of the Zoning By-law. Further, the proposed Severed Lots and Retained Lot would meet the minimum lot frontage requirement of 20.0 m, as per Section 9.3 of the Zoning By-law. Therefore, the proposed Severed Lots and Retained Lot are in conformity with the Zoning By-law.

Conclusion and Recommendations

Municipality of Bayham – May 29, 2024

12. Based on the above review of Consent Applications E39-24 and E40-24, Arcadis has **no objection** to the approval of the proposed consent for the creation of two (2) new residential lots subject to the following conditions:
- a) That the owner obtains approval from the County of Elgin for road entrance permits for new accesses to the proposed Severed Lots (Parcels A and B);
 - b) That the owner obtains a municipal lot assessment and provides soil testing results for the proposed Severed Lots (Parcels A and B) in accordance with Provincial Standards for a future septic system;
 - c) That the owner obtains approval from the Municipality of Bayham for the installation of a new private well on the proposed Severed Lots (Parcels A and B) 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.
 - d) That the owner provides an engineered grading, drainage and storm water management plan for both Parcels A and B to demonstrate that the severed lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham, and;
 - e) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
 - f) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
 - g) That the owner provides a digital copy of a survey of the subject lands;
 - h) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the Severed Lots (Parcels A and B), and;
 - i) 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 31, 2024 ELGIN COUNTY ROAD NO.: Culloden Road CR # 46

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 39 and 40 - 2024

APPLICANT: Frank Fehr

PROPERTY: LOT NO. N Pt Lot 6 CONCESSION: 9
REG'D PLAN: 11R 8075 Pt 1 MUNICIPALITY: Bayham

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

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

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

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

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

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

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

- 7) Technical Reports

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

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

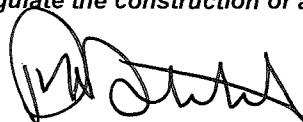
- 10) The County has no concerns.....

- 11) Not on County Road

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

- 13) Other...

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



PETER DUTCHAK, CET
Director of Engineering Services



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

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: June 26, 2024
Application: E 39-24 and E 40-24

Owner:
Best Line Construction

8987 Power Road, Central Elgin, ON

Location: North Part of Lot 6, Concession 9, municipally known as 11156 Culloden Road,
Municipality of Bayham.

Agent:
Don Prendergast

10 Sydenham Street, Aylmer, ON

PROPOSAL

The applicant proposes to sever two (2) parcels, the first with a frontage of 27.4m (90 feet), a depth of 64.6m (211 feet) and an area of 1,770m² (0.44 acres) to create a new residential lot. The second parcel will have a frontage of 29.99m (98 feet), a depth of 64.6m (211 feet) and an area of 1,937.35m² (0.47 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1,937.35m² (0.47 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 3 Settlement Area

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – Requests conditions.

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever two (2) parcels, the first with an area of 1,770m² and the second with an area of 1,937m² while retaining a lot with an area of 1,937m². Both proposed severed lots will be used for residential purposes and the subject land is within the settlement area of Cornith.

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 directs that settlement areas be the focus of growth and development in the County and that intensification of underutilized or vacant parcels is encouraged. Tier 3 Settlement Areas are the smallest in size, generally on private services and primarily residential in use. The proposed severances meet the requirements of the CEOP policies.

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 proposed severed and retained lots will meet the required minimum lot area and frontage requirements of the existing zoning on the subject lands.

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

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

1. That the owner obtains approval from the County of Elgin for road entrance permits for new accesses to the proposed severed Parcels A and B.
2. That the owner obtains a municipal lot assessment and provides soil testing results for the proposed severed Parcels A and B in accordance with Provincial Standards for a future septic system.
3. That the owner obtains approval from the Municipality of Bayham for the installation of a new private well on each of the proposed severed Parcels A and B providing the Municipality with water quantity and water quality reports for bacteria and nitrates content for each lot meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the owner provides an engineered grading, drainage and storm water management plan for each of the proposed severed Parcels A and B to demonstrate that the severed lands will drain properly to a legal outlet with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality of Bayham
5. That the applicant initiate and assume, if required by the Municipality, all engineering costs associated with the preparation of a revised assessment schedule for any associated municipal drain in accordance with the Drainage Act, R.S.O., 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.
6. That the owner pay cash-in-lieu of parkland fees for each of the proposed severed Parcels A and B as required in Municipal By-law 2020-053.
7. That the owner provides a digital copy of a survey of the subject lands.
8. That the owner applies and pays all fees to the Municipality with respect to Civic Addressing/signage for each of the proposed severed Parcels A and B.
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham upon consent conditional approval.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 41-24**

**PART OF LOT 13 ON REGISTERED PLAN No. 117
MUNICIPALITY OF CENTRAL ELGIN
442C WEST EDITH CAVELL BLVD**

TAKE NOTICE that an application has been made by Mark T. Coombes, 2 Second Avenue, St. Thomas, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 442C West Edith Cavell Blvd.

The applicant proposes to sever a parcel with a frontage of 7.010m (23 feet), a depth of 10.668m (35 feet) and an area of 74.79m² (0.01 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 401.84m² (0.10 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:

**JUNE 26, 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 13th day of May, 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

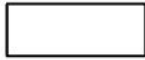

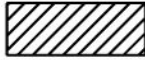




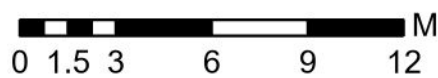
Location Map

Subject Site: 442C West Edith Cavell Blvd.
 File Number: E 41-24
 Owner: Charles Wickens, Kara Deshaw and Frederick Deshaw
 CA: Kettle Creek Conversation
 Created By: PC
 Date: 5/13/2024
 Municipality of Central Elgin



Legend

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





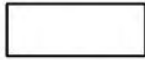

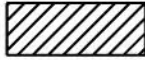

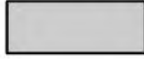
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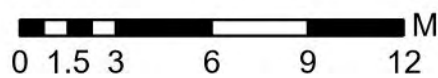
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 Date: 5/13/2024
 Municipality of Central Elgin



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.

Hi Paul

Please accept this email as confirmation that the staff of KCCA has reviewed the notice of application for consent E41-24 affecting 442C Edith Cavell Blvd, Municipality of Central Elgin, and that based upon our mandate and policies, we have no objection to its approval.

I can also confirm that the subject lands are affected by natural hazard regulations under the *Conservation Authorities Act* as they are located within the Lake Erie Flood Uprush area. However, we further understand that the purpose of the subject consent application is to sever a parcel to be conveyed as an addition to an adjacent lot with existing development.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

[REDACTED]

Subject: E 41-24 Notice of Application

Good afternoon,

Please see the attached notice of application. If you wish to provide comments on this application, please do so no later than **Tuesday June 18th, 2024**.

Thanks,

Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



June 18, 2024

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: 442c West Edith Cavell Boulevard; Applicant – Chuck Wickens, Kara Deshaw and Frederick Deshaw

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, May 27th, 2024 and the following Resolution was passed:

THAT Report CEP.17.24 regarding Consent Application E41/24 – 442c West Edith Cavell Boulevard be received for information;

AND THAT consent application E41/24 be supported, subject to the following conditions:

1. confirmation that municipal services are to the satisfaction of the Municipality of Central Elgin;
2. confirmation from the applicant's solicitor that all easements and/or rights are provided to facilitate the lot boundary adjustment and further any existing easements and/or rights-of-ways that are no longer required, as a result of the lot boundary adjustment are removed;
3. the severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard;
4. 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;
5. 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
6. the Municipality of Central Elgin be provided with a copy of the Reference Plan;

AND THAT such support be provided to the County of Elgin's Land Division Committee for consideration.

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. Charles Wickens, Kara Deshaw, Frederick Deshaw, Owners
Mark Coombes, Bowsher + Bowsher LLP
S. Craig, CEPO, Sr. Planning Technician



THE MUNICIPALITY OF CENTRAL ELGIN
REPORT TO COUNCIL

REPORT NO. CEP.17.24
CEPO FILE NO. E41/24
TO Mayor & Members of Council
PREPARED BY Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 442c West Edith Cavell Boulevard
Applicant – Chuck Wickens, Kara Deshaw and Frederick Deshaw
DATE May 27, 2024

RECOMMENDATION

THAT Report CEP.17.24 regarding Consent Application E41/24 – 442c West Edith Cavell Boulevard be received for information;

AND THAT consent application E41/24 be supported, subject to the following conditions:

1. confirmation that municipal services are to the satisfaction of the Municipality of Central Elgin;
2. confirmation from the applicant's solicitor that all easements and/or rights are provided to facilitate the lot boundary adjustment and further any existing easements and/or rights-of-ways that are no longer required, as a result of the lot boundary adjustment are removed;
3. the severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard;
4. 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;
5. 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
6. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

AND THAT such support be provided to the County of Elgin's Land Division Committee for consideration.

REPORT

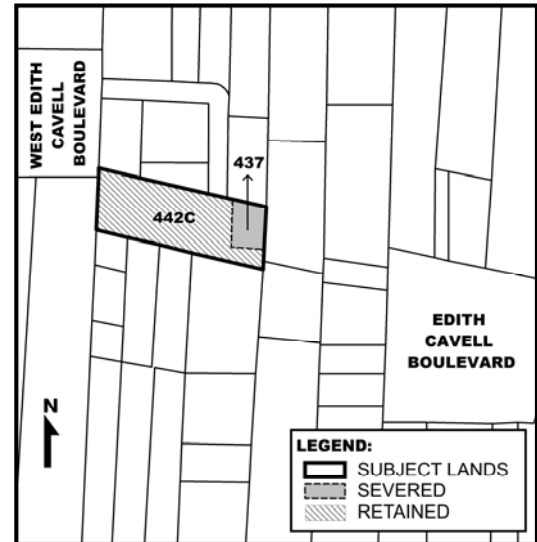
Background:

Consent application E41/24 has been filed for the purpose of a lot addition to facilitate the reconstruction of the existing cottage municipally know as 437 Edith Cavell Boulevard.

Location:

The subject lands are located west of Edith Cavell Boulevard, legally described as, Plan 117, Part Lots 13 and 14 and RP 11R729, Part 5 and 82, Municipality of Central Elgin.

Location Plan:



Proposal:

The applicants are proposing to convey a parcel of land with an area of area of 74.79m² to the abutting lot to the east, municipally known as 437 Edith Cavell Boulevard, the lands will be used to reconstruct the existing cottage that is currently encroaching on the subject lands. The applicants are proposing to retain a lot 29.32m x 13.7m and an area of 401.84m², containing one cottage, proposed to continue to be used for residential use.

Staff Report

1. Official Plan

- The subject lands are located within the “Urban Settlement Area” designation in accordance with Schedule “A” - Land Use Plan, and further designated “Residential” in accordance with Schedule “G” - Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan. Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- The subject lands are also partly within the area identified as “Regulatory Flood Uprush” and “Modified Regulatory Flood Uprush” on Schedule “G2” - Community of Port Stanley Natural Hazards. All development on the lands within the Lake Erie Regulatory Flood Uprush as shown on Schedule G2 to this Plan shall be floodproofed to the 1:100-year flood uprush level of 176.8m Geodetic Survey of Canada (3.2.4(ii)a)).
- Many of the residential uses along Edith Cavell Boulevard West existing at the date of adoption of this Official Plan are former cottages which have been converted to permanent residences. In many instances the existing lots are generally inadequate in size to comply with the residential lot standards in the Zoning By-law and, in the area west of the Edith Cavell turnaround, rights-of-way for the access roads have insufficient width to satisfy municipal engineering standards for services, road plowing, etc. (4.6.6.8).
- Where an existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the

provisions or regulations of the applicable zone, the use will be considered to be legal non-complying (5.3.11). Applications for the expansion, alteration, reconstruction, or addition of a non-complying building will be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal (5.3.11.1).

- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are located within the Open Space Zone 3 (OS3) of the Village of Port Stanley Zoning By-law No. 1507. The OS3 zone permits farm uses, private, public, and commercial recreational uses which may include a clubhouse, restaurant, marina, or similar use, summer cottages, residential uses lawfully existing at the time of passing of the by-law, home occupations and accessory uses.
- The height, floor area and location of any buildings and other structures, the floor area ratio, the size, frontage, and depth of the lot on which the buildings and other structures are located, the front, side and rear yards on such lots, the maximum coverage and the number and location of off-street parking spaces, shall remain as they lawfully exist on the day of the passing of this by-law (8.1.1). Where the frontage and area of a lot on which buildings and other structures are located is less than that required, the lot frontage and lot area which lawfully exist on the day of the passing of the by-law shall be the minimum lot frontage and the minimum lot area of such lot for the purposes of the by-law (8.1.3).

3. County of Elgin Official Plan:


- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space (B1).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).

4. Comments

- Consent Application E41/24 is a resubmission from 2022 (E4/22), the application was approved by the Land Division Committee, however the provisional consent lapsed before a reference plan could be deposited and transfer stamped.
- The neighbouring cottage to the east municipally known as 437 West Edith Cavell Boulevard was recently damaged by a motor vehicle and deemed non-repairable.
- A building permit for the reconstruction of the cottage could not be issued as the building is encroaching on 442c Edith Cavell Boulevard, the accompanying aerial photograph delineates the limits of the lots and building encroachment.
- The applicants own 442c and 437 Edith Cavell Boulevard and have filed Consent Application E41/24 to resolve the encroachment and facilitate the reconstruction of the cottage.
- The applicant's solicitor will need to demonstrate to the satisfaction of the Municipality of Central Elgin that the proposed lot addition will not impact existing municipal services (i.e. water and sewer) and existing rights-of-ways and/or easements.




Respectfully submitted:



Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Geoff Brooks
Director of Infrastructure & Community Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 31, 2024 ELGIN COUNTY ROAD NO.: Not a County Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 41-24

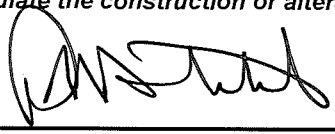
APPLICANT: C. Wickens, K. Deshaw, F. Deshaw

PROPERTY: LOT NO. Pt Lt 13 CONCESSION: 8
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: June 26, 2024
Application: E 41-24

Owner: C. Wikens, K. Deshaw and F. Deshaw
1228 Eagletrace Drive, London, ON
Agent: Mark T. Coombes
2 Second Avenue, St. Thomas, ON
Location: Part of Lot 13 on Registered Plan No. 117. Municipally known as 442C Edith Cavell Boulevard.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 7.010m (23 feet), a depth of 10.668m (35 feet) and an area of 74.79m² (0.01 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 401.84m² (0.10 acres) proposed to remain in residential use.

County of Elgin Official Plan Tier 1 Settlement Area	Local Municipality Official Plan Urban Settlement Area	Local Municipality Zoning By-law Open Space 3 (OS3)
--	--	---

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – Not on a County road.

Kettle Creek Conservation Authority – No concerns.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 a lot addition where a parcel with an area of ~75m² will be severed from the subject land and conveyed to an adjacent lot. The subject lands are located within Port Stanley which is a Tier 1 Settlement Area in the County Official Plan. The Provincial

Policy Statement permits lot creation and lot adjustments within settlement areas for a variety of land uses and densities. The purpose of the application is to sever the lands which contain a cottage that is not situated within its property limits and encroaches on the adjacent lot. This lot addition will sever the portion that will address the encroachment by transferring the portion of the property that contains the cottage to the appropriate lot.

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 additions and technical severances in all land use designations. This application is necessary to address an existing encroachment.

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.

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. The County of Elgin should receive a digital copy of the draft and final deposited reference plan.
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 Section 3 or 5 of Section 50 of the Planning Act applies to any subsequent conveyance or transfer of the subject land.

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

1. confirmation that municipal services are to the satisfaction of the Municipality of Central Elgin;
2. confirmation from the applicant's solicitor that all easements and/or rights are provided to facilitate the lot boundary adjustment and further any existing easements and/or rights-of-ways that are no longer required, as a result of the lot boundary adjustment are removed;
3. the severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard;
4. 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;
5. 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



County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
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- and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. 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 44-24**

**LOT 19, CONCESSION 7
MUNICIPALITY OF WEST ELGIN
25248 QUEENS LINE**

TAKE NOTICE that an application has been made by Eric Jensen & Lisa Veldman, 25464 Queens Line, West Lorne, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 25248 Queens Line.

The applicant proposes to sever a parcel with a frontage of 48m (156 feet), a depth of 90m (295 feet) and an area of 0.432ha (1.07 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 9.68ha (23 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:

**JUNE 26, 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.

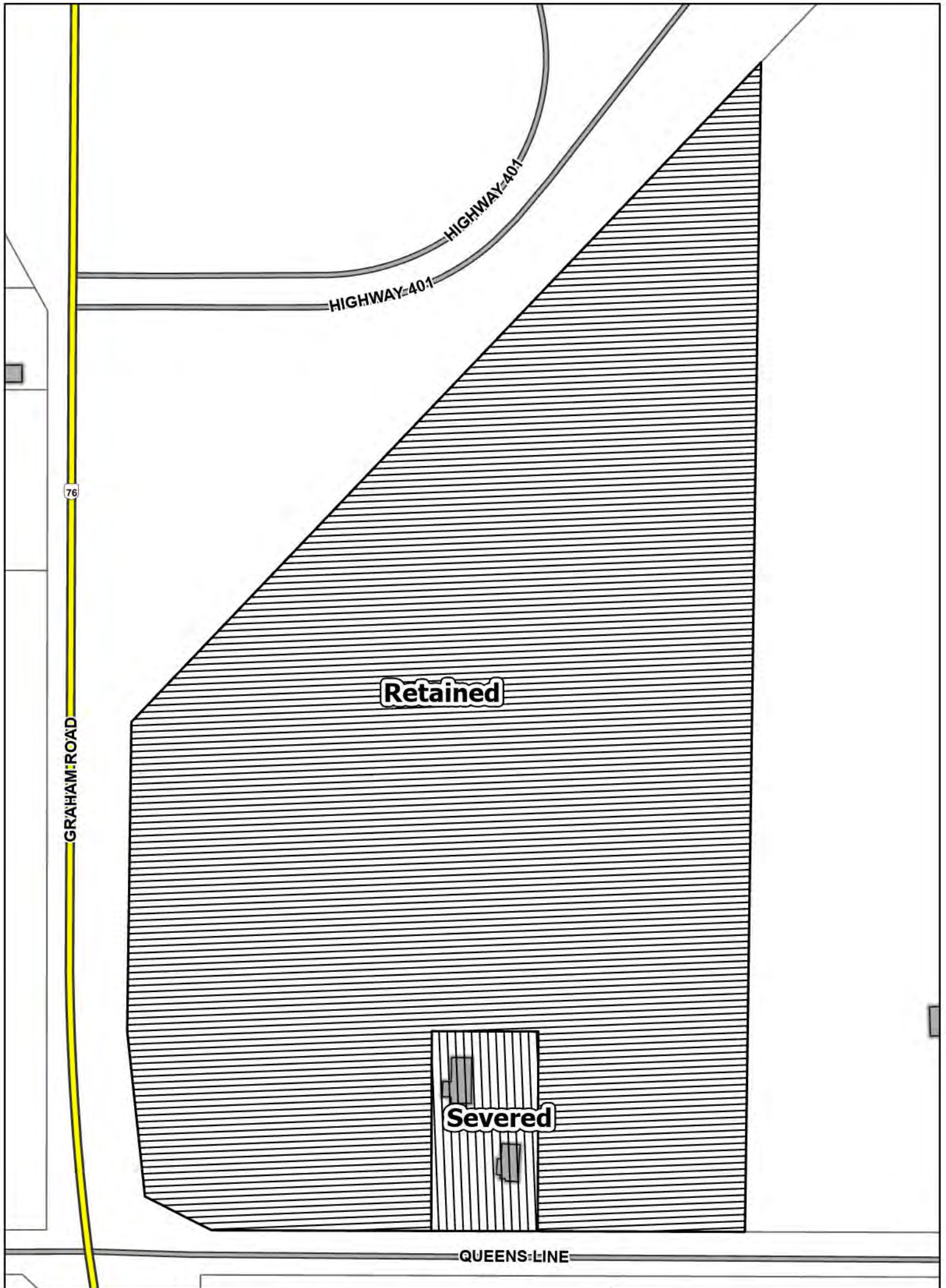
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 13th day of May, 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





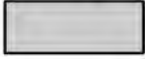


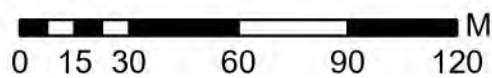
Location Map

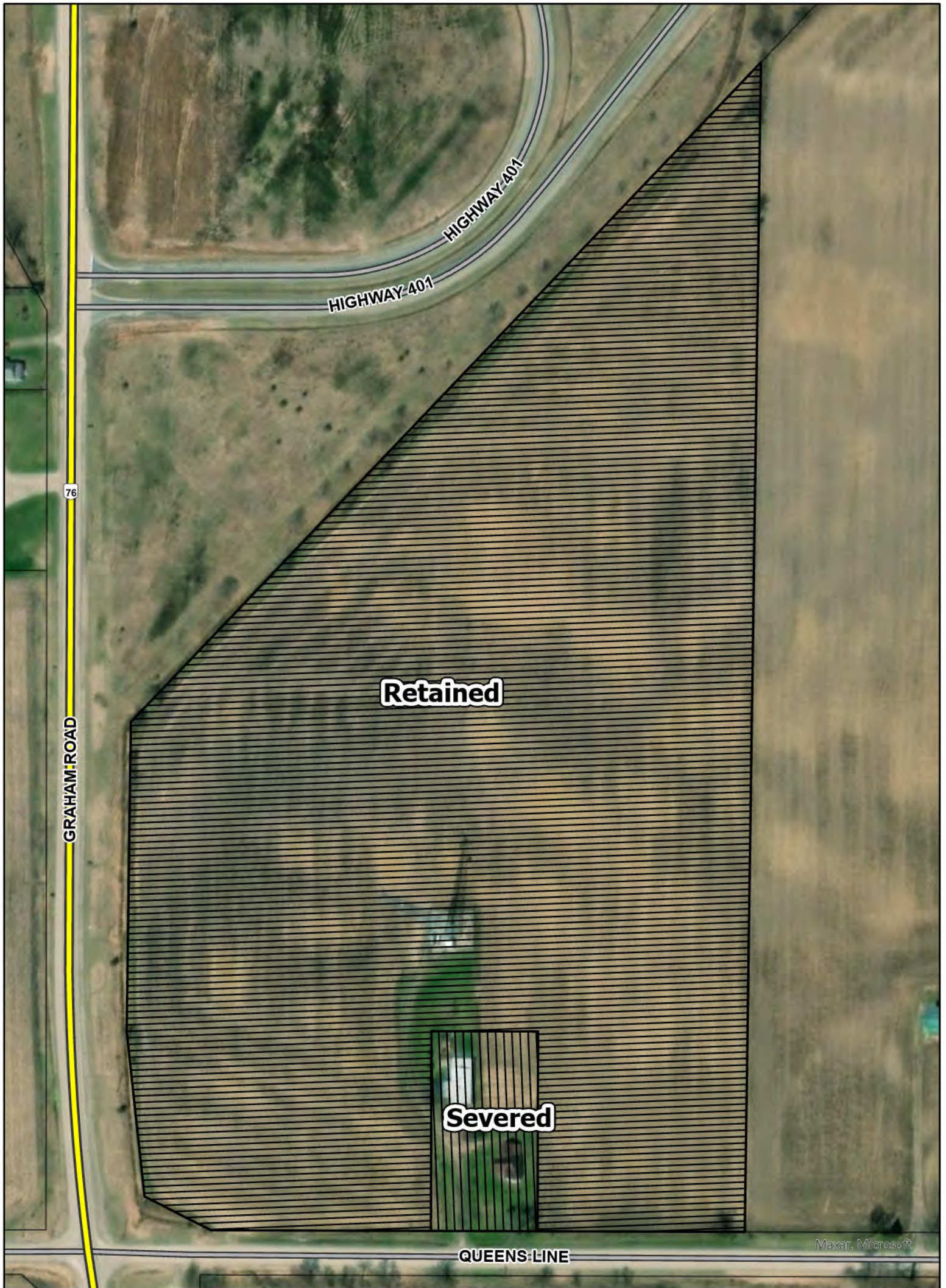
Subject Site: 25248 Queens Line
 File Number: E 44-24
 Owner: Jen-Veld Farms Inc.
 CA: Lower Thames Valley Conversation
 Created By: PC
 Date: 5/13/2024
 Municipality of West Elgin



Legend

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





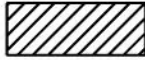

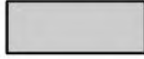


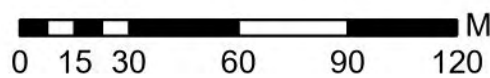
Location Map

Subject Site: 25248 Queens Line
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 Owner: Jen-Veld Farms Inc.
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 Date: 5/13/2024
 Municipality of West Elgin



Legend

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



Planning Report 2024-15: Severance Report E44-24 –
Comments to the County of Elgin

Appendix One: Severance Application E44-24 Conditions

Severance Application E44-24 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 a septic system assessment be completed for the severed parcel to the satisfaction and clearance of the Municipality.
5. That a new access to the retained farm parcel be installed at the applicant's expense and to the satisfaction of the Municipality;
6. 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.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. 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.
9. 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: 2024-05-22
Subject: Severance Application – E44-24 – Comments to Elgin County – Recommendation Report – Planning Report 2024-15

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-44-24 – Comments to Elgin County (Planning Report 2024-15);

And that West Elgin Council hereby recommends approval to the Land Division Committee for the County of Elgin for Severance application, File E-44-24, subject to the Lower-Tier Municipality conditions in Appendix One 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 E44-24, 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 applicant at 25248 Queens Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

Background:

Below is background information, in a summary chart:

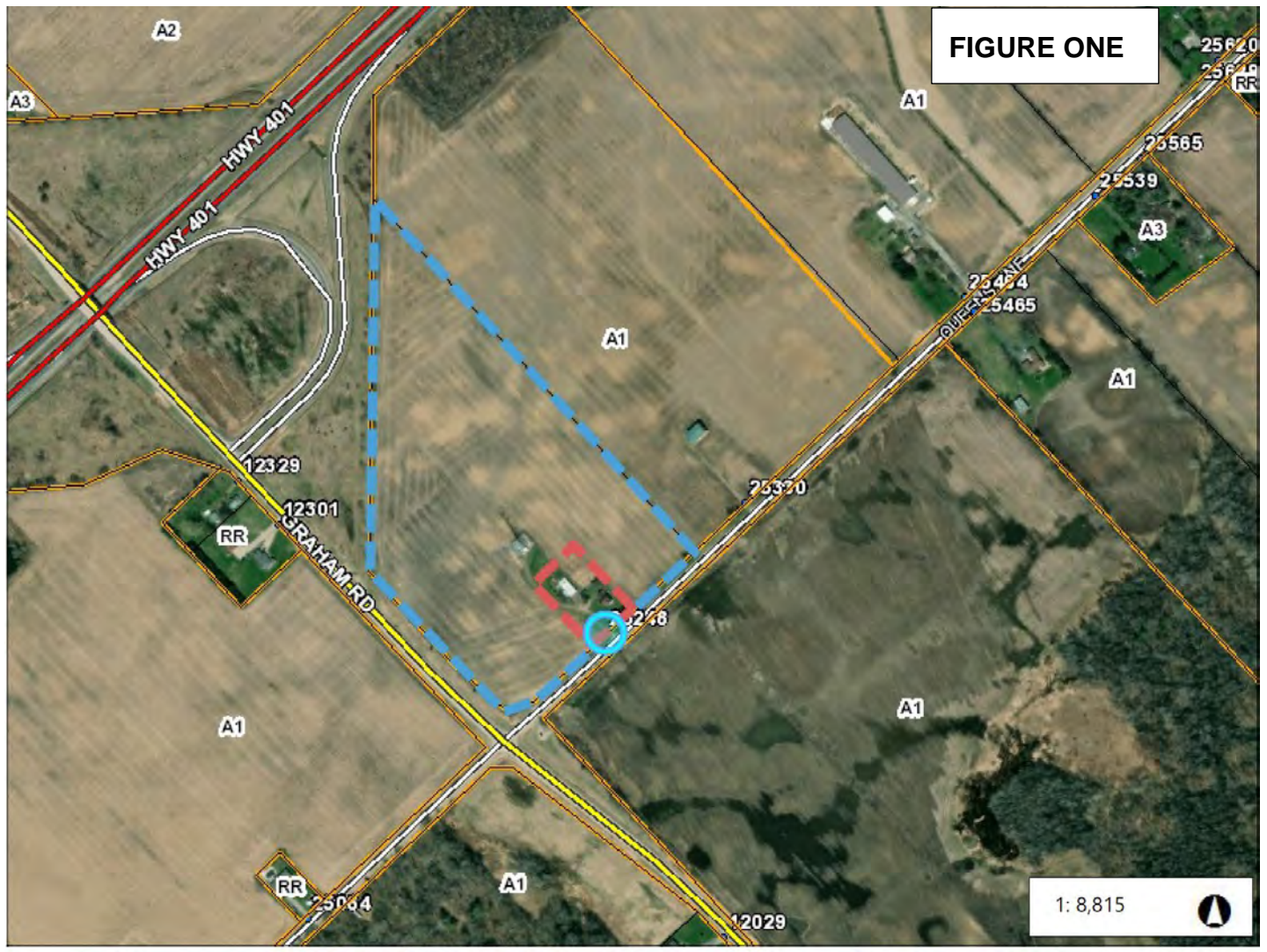
Application	E44-24
Owner	Jen-Veld Farms Inc.
Applicant	Eric Jensen & Lisa Veldman
Legal Description	Part Lot of 19, Concession 7 ED
Civic Address	25248 Queens Line
Entrance Access	Queens Line
Services	Private on-site septic system & municipal water
Existing Land Area	10.11 ha (25 ac.)

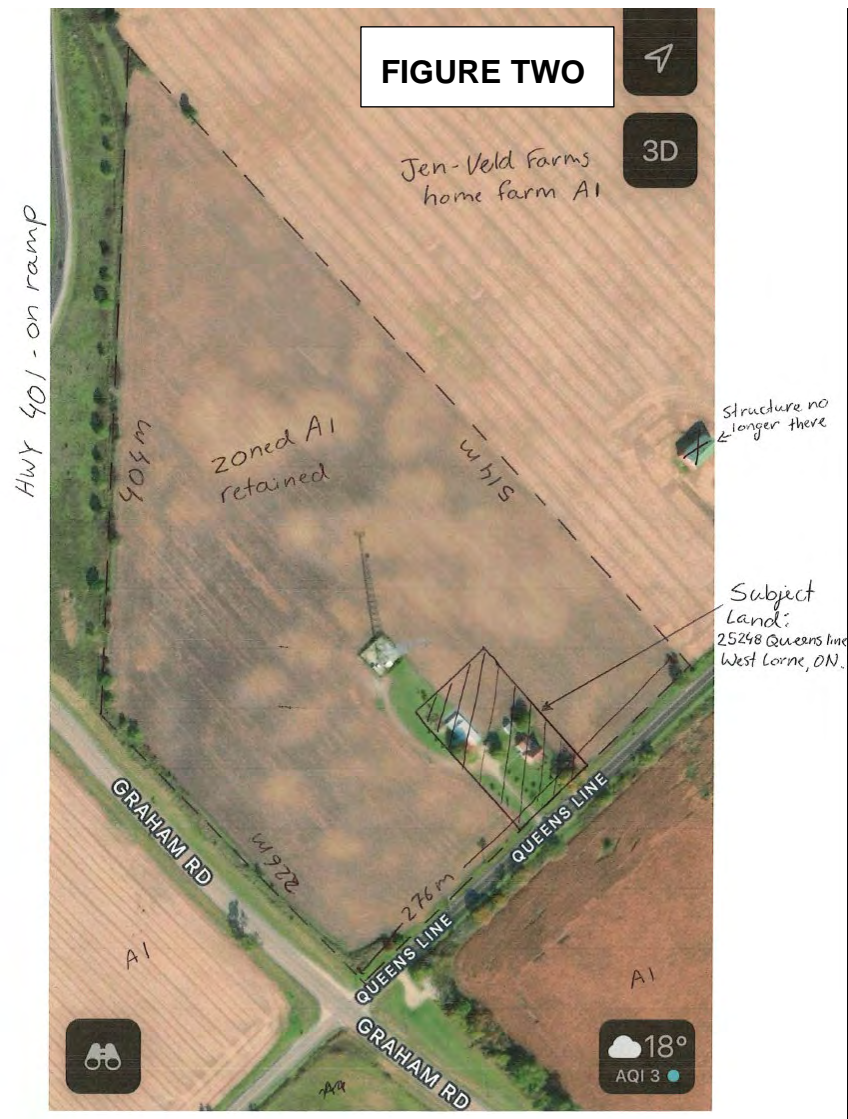
Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E44-24	48 m (157.5 ft.)	90 m (295.3 ft.)	0.432 ha (1.07 ac)	228 m (748 ft.)	irregular	9.68 ha (23.9 ac.)

The Public Hearing is scheduled for June 26, 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 does include a small amount of actively farmed land to create a regular shaped lot and provide adequate room for the septic system both presently and longer term.

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 livestock facilities within approximately 520 m of the proposed lot. However, severance of the existing dwelling does not create any additional impact on the livestock operation as the required setback would be calculated from the location of the nearest dwelling regardless of it being on the farm or a severed lot. The MDS I calculations were completed as a matter of record and the required setback, if applicable, is 482 m so the new lot would actually meet the requirement.

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 owners' farming operations. The residence is serviced by municipal water and a private individual on-site septic system.

Therefore, this proposal conforms to the CEOP.

OP:

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

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 demonstrated that the residence is surplus to their farming operation and the dwelling has been in existence greater than ten years and is structurally sound and is currently occupied;
- 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 a livestock operation within approximately 520 m of the proposed lot however the required setback, if applicable, is only 482 m;
- The proposed severed parcel does include a small amount of productive farmland to square off the lot and provide adequate long-term room for the provision of private on-site septic service; and
- There are no older farm buildings which are deteriorated, derelict or abandoned for consideration of removal.

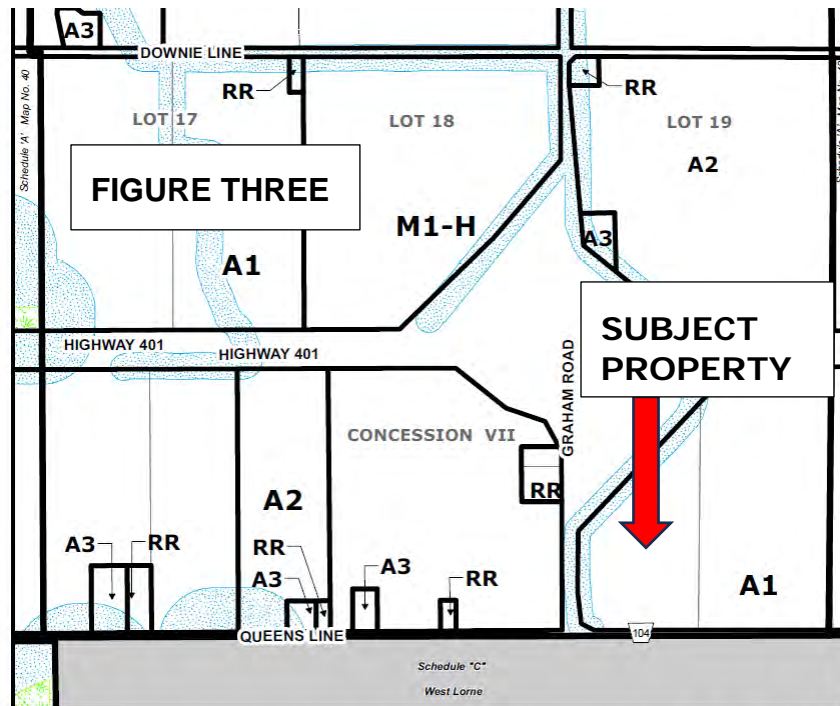
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms 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 41 of the ZBL, as depicted in Figure Three 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 0.432 ha (1.07 ac.), with a lot frontage of 48 m (157.5 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel will be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new 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
 0 50 100 200 300 400 500 Metres
 Municipality of West Elgin Zoning By-Law
 Map No. 41

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 E44-24 - Comments to Elgin County - Recommendation Report - 2024-15-Planning.docx
Attachments:	- Planning Report 2024-15 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 5, 2024

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

Terri Towstiuć

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 31, 2024

ELGIN COUNTY ROAD NO.:

Queens Line County Road
104

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 44-24

APPLICANT: Eric Jensen and Lisa Veldman

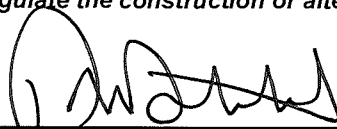
PROPERTY: LOT NO. 19 CONCESSION: 7

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



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: June 26, 2024
Application: E 44-24

Owner: Jen-Veld Farms Inc.
25464 Queens Line, West Lorne, ON
Agent: Eric Jensen & Lisa Veldman
25464 Queens Line, West Lorne, ON
Location: Lot 19, Concession 7. Municipally known as 25248 Queens Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 48m (156 feet), a depth of 90m (295 feet) and an area of 0.432ha (1.07 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 9.68ha (23 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

The applicant proposes to sever an existing dwelling that is surplus to a farming operation. The severed lot will be slightly more than 1 acre in area and the retained land is 23 acres.

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 the severance of surplus farm dwellings provided that the severed lot is a minimum size and the retained lands are rezoned to prohibit residential development. As a condition of consent, the Municipality of West Elgin will require the retained land to be rezoned to Agricultural (A2) which does not permit residential development.

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. The proposed severed and retained lots meet the zone provisions of the Zoning By-law, and the retained farmland will be rezoned to prohibit future residential development in accordance with the PPS and OP policies of both the County and Municipality of West Elgin.

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. The County of Elgin should receive a digital copy of the draft and final deposited reference plan.
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 the County.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed 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 a septic system assessment be completed for the severed parcel to the satisfaction and clearance of the Municipality.
5. That a new access to the retained farm parcel be installed at the applicant's expense and to the satisfaction of the Municipality;
6. 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.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. 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.
9. 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 45-24**

**LOT 10, CONCESSION 11
MUNICIPALITY OF CENTRAL ELGIN
44350 MAPLETON LINE**

TAKE NOTICE that an application has been made by Michael Ian Bechard and Tammy Lynn Bechard, 44350 Mapleton Line, St. Thomas, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 44350 Mapleton Line.

The applicant proposes to sever a parcel with a frontage of 213m (698 feet), a depth of 650m (2,132 feet) and an area of ha 13.7593ha (34 acres) to be conveyed as an addition to an adjacent lot, as well as an access easement on the severed lot in favour of the retained lands. The applicant is retaining a lot with an area of 26ha (64 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:

**JUNE 26, 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.

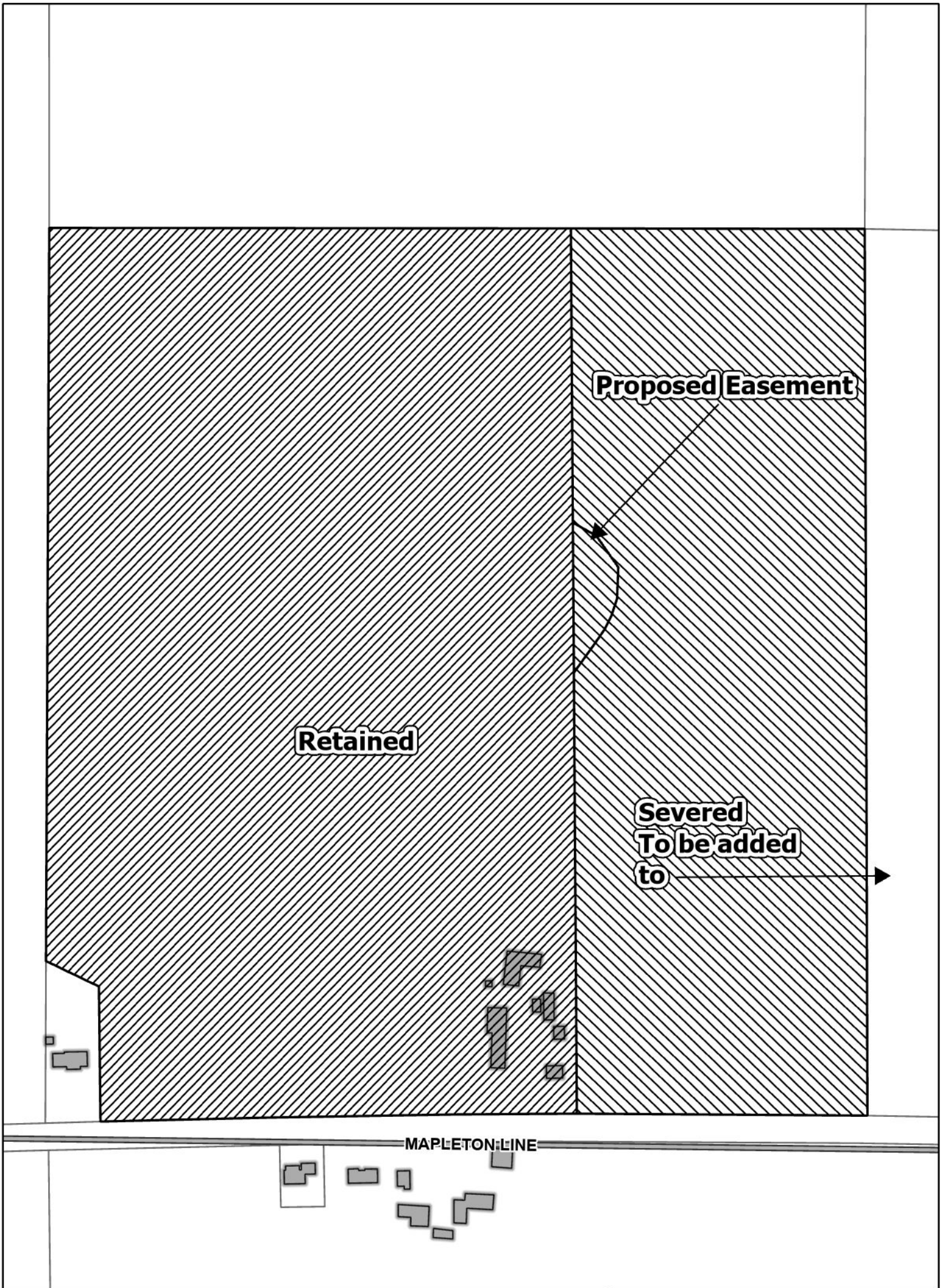
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 13th day of May, 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



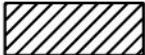




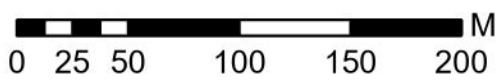
Location Map

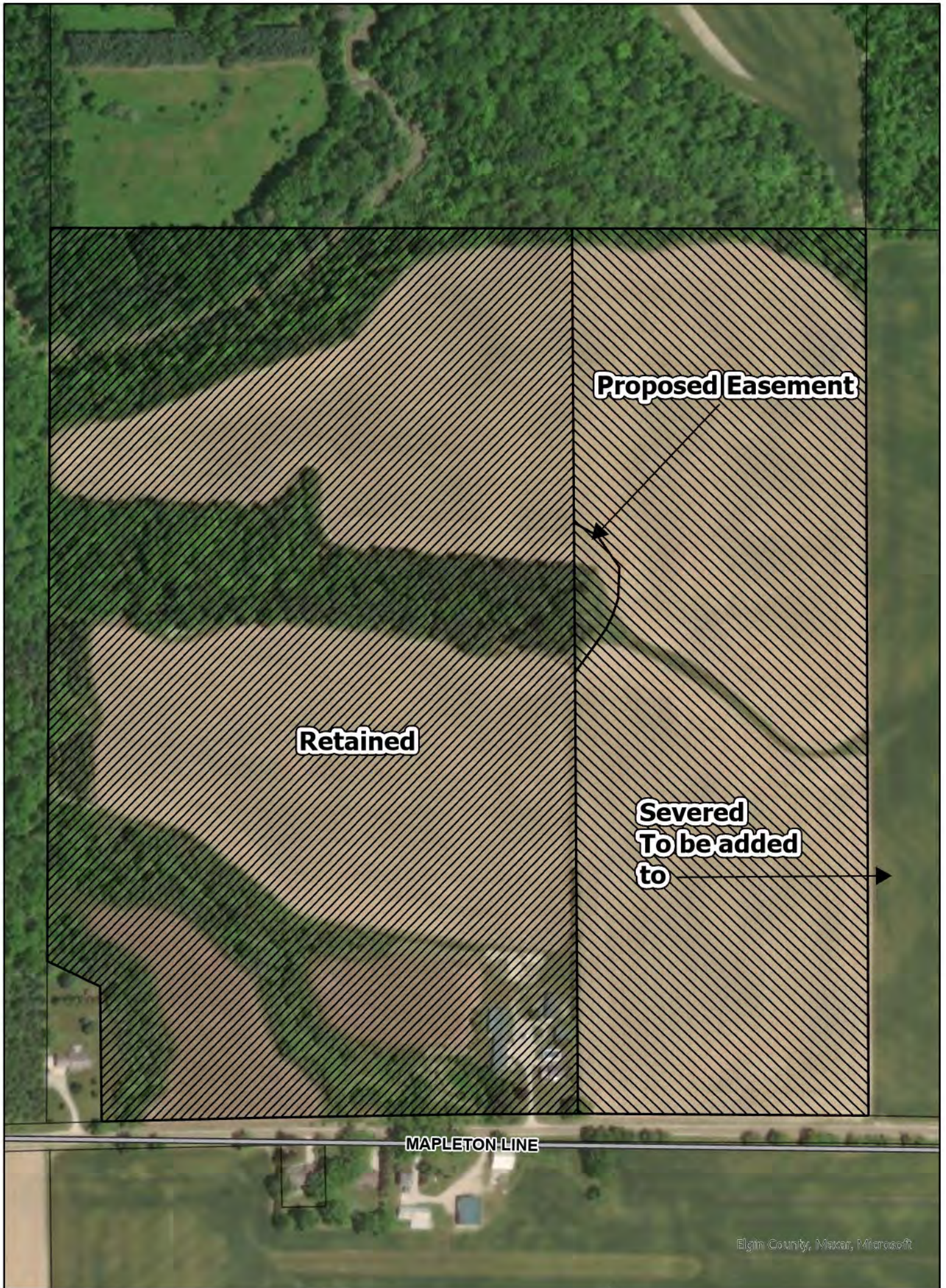
Subject Site: 44350 Mapleton Line
 File Number: E 45-24
 Owner: Michael Ian Bechard and Tammy Lynn Bechard
 CA: Kettle Creek Conversation
 Created By: PC
 Date: 5/13/2024
 Municipality of Central Elgin



Legend

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





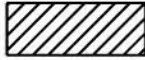




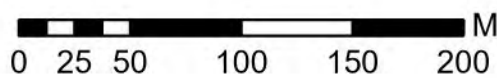
Location Map

Subject Site: 44350 Mapleton Line
 File Number: E 45-24
 Owner: Michael Ian Bechard and Tammy Lynn Bechard
 CA: Kettle Creek Conversation
 Created By: PC
 Date: 5/13/2024
 Municipality of Central Elgin



Legend

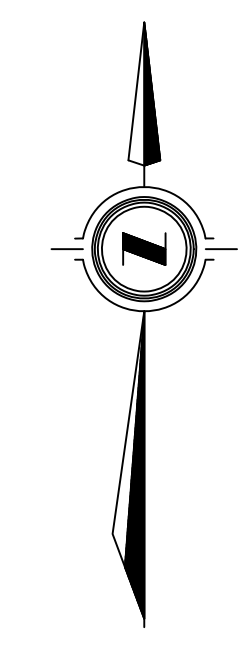
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings



PART SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 10	CONCESSION 11	PART OF 35268-0161
2	PART OF 10	CONCESSION 11	PART OF 35268-0161

PARTS 1 AND 2, COMPRISE PART OF PIN 35268-0161

DRAFT



AREA SCHEDULE

PART 1	132210.51 sq.m.	32.6698 Acres
PART 2	1398.53 sq.m.	0.3451 Acres
TOTAL (SEVERED PARCEL)	133607.04 sq.m.	33.0149 Acres

PLAN OF SURVEY
OF PART OF
LOT 10, CONCESSION 11
(GEOGRAPHIC TOWNSHIP OF YARMOUTH)
IN THE
MUNICIPALITY OF CENTRAL ELGIN
COUNTY OF ELGIN
SCALE 1:1500

SCALE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 610mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1500

2024
ARCHIBALD, GRAY & McKAY LTD.
ONTARIO LAND SURVEYORS

NOTES & LEGEND

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- SU DENOTES SOURCE UNKNOWN
- 1355 DENOTES B. VAUGHAN, O.L.S.
- 1130 DENOTES J. G. RUPERT, O.L.S.
- P1 DENOTES PLAN 11R-7362
- P2 DENOTES PLAN OF SURVEY BY B. VAUGHAN, DATED APRIL 11, 1994, FILE No. 94-42

TOPOGRAPHIC LEGEND

- A/C DENOTES AIR CONDITIONER
- DIA DENOTES DIAMETER IN MILLIMETRES
- HMR DENOTES HYDRO METER
- HP DENOTES HYDRO POLE
- OHW DENOTES OVERHEAD WIRE
- WS DENOTES WOOD STAKE

UTM GRID NOTES

BEARINGS ARE U.T.M. GRID NAD83 (CSRS) (2010), DERIVED FROM G.N.S.S. OBSERVATIONS AND THE LEICA SMARTNET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999569600162.

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM G.N.S.S. OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17, NAD83 (CSRS) (2010), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4741224.885	488348.383
ORP 2	4741219.243	488954.722

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS, A ROTATION OF 00°04'30" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN P1 AND P2 TO CONVERT TO GRID BEARINGS.

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

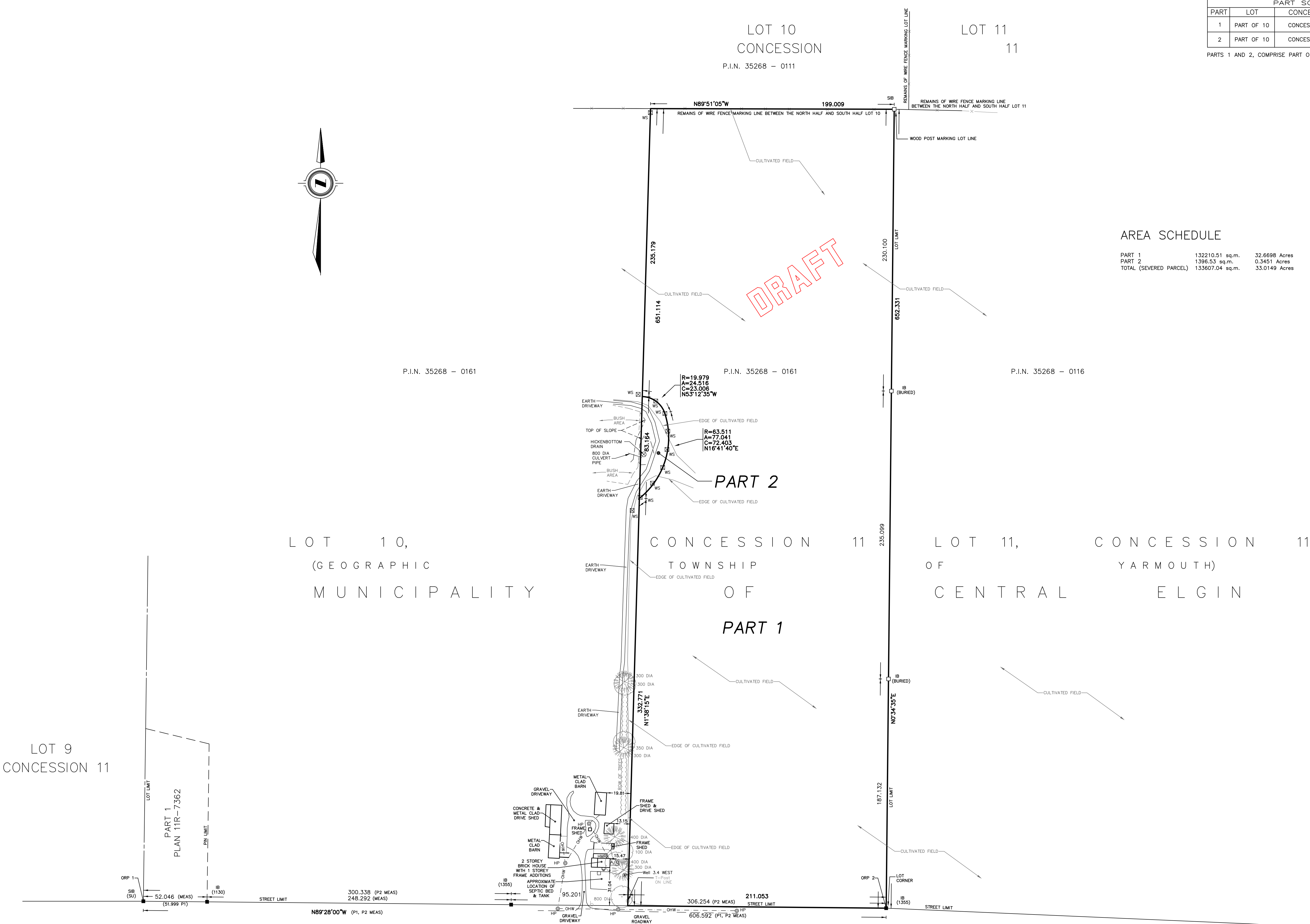
SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE th DAY OF , 2024.

ROBERT WOOD
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY IS RELATED TO AOLS PLAN SUBMISSION FORM NUMBER V80707.

		ARCHIBALD, GRAY & McKAY LTD. 3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9 PHONE 519-685-5300 FAX 519-685-5303 EMAIL info@agm.on.ca WEB www.agm.on.ca	
		PLAN • SURVEY • ENGINEER	DRAWN BY: CRC DIGITAL FILE: YA2403RP1.dwg PLAN No: CHECKED BY: RMM JOB FILE: YA-11-10-1 CSRS JOB No: Plot date: Jun 10, 2024 FILE No: YA-11-10-1



LOT 9
CONCESSION 11

LOT 10, CONCESSION 11
(GEOGRAPHIC TOWNSHIP OF YARMOUTH)
MUNICIPALITY OF CENTRAL ELGIN

LOT 11, CONCESSION 11
(GEOGRAPHIC TOWNSHIP OF YARMOUTH)
MUNICIPALITY OF CENTRAL ELGIN

MAPLETON LINE
(NAMED BY THE TOWNSHIP OF YARMOUTH BY-LAW No. 3452, DATED JULY 10, 1996)
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 10 AND 11)
(20.117 WIDE) P.I.N. 35268 - 0103

Paul Clarke

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Subject:

RE: E 45-24 Notice of Application

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

Hi Paul

Please accept this email as confirmation that the staff of KCCA has reviewed the notice of application for consent E45-24 affecting 44350 Mapleton Line, Municipality of Central Elgin, and that based upon our mandate and policies, we have no objection to its approval.

I can confirm that portions of the retained parcel are affected by natural hazard regulations under the *Conservation Authorities Act* as they are within or adjacent to a river or stream valley. However, we further understand that the purpose of the subject consent application is to sever a parcel outside of the river or stream valley to be conveyed as an addition to an adjacent lot and the creation of an access easement.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

Manager of Planning and Development
Kettle Creek Conservation Authority

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: E 45-24 Notice of Application

Good afternoon,

Please see the attached notice of application. If you wish to provide comments on this application, please do so no later than **Tuesday June 18th, 2024**.

Thanks,

Paul Clarke CPT



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.21.24
CEPO FILE NO. E45/24
TO Mayor & Members of Council
PREPARED BY Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – 44350 Mapleton Line
Name of Applicant – Michael and Tammy Bechard
DATE May 27, 2024

RECOMMENDATION

THAT Report CEP.21.24 regarding Consent Application E45/24 be received for information;

AND THAT Consent Application E45/24 be supported, subject to the following conditions:

- 1) the severed lands be merged in title with the abutting lot to the east, municipally know as 44632 Mapleton 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.

Location Plan:



AND THAT such support be provided to the County of Elgin's Land Division Committee for consideration.

REPORT

Background:

Consent application E45/24 has been filed for the purpose of adjusting the lot boundary between 44350 Mapleton Line and 44632 Mapleton Line, as shown on the accompanying Location Plan.

Location:

The subject lands are located on the north side of Mapleton Line, the lands are legally described as, Concession 11, South Part of Lot 10, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a vacant parcel of land with frontage of 213m on Mapleton Line and an area of 13.75ha (34 acres), it is proposed that the lands will be merged with the abutting lot to the east, municipally known as 44632 Mapleton Line and used for agricultural purposes. The applicant is proposing to retain a lot with frontage of 399m on Mapleton Line and an area of 25.89ha (64 acres), it is proposed that the lot will continue to be used for agricultural purposes. The applicant is also proposing to create an easement/right-of-way over the severed lands for the purpose of providing legal access over an existing driveway/lane to the back of the retained lands.

Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation, Natural Heritage designation and Natural Hazard overlay designation in accordance with Schedule A – Land Use Plan to the Municipality of Central Elgin Official Plan.
- Permitted uses within the Natural Heritage designation include passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, existing agricultural uses, and accessory buildings and structures thereto (3.1.1(a)).
- Where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those permitted in the underlying land use designation (3.2.1(c)). The proposed lot addition and easement/right-of-way are not considered development under the Provincial Policy Statement (PPS), as the application does not contemplate the creation of a new lot, a change in land use, the construction of buildings and structures requiring approval under the Planning Act and further is not considered site alteration as the application does not contemplate activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- The Agricultural designation which permits all types, sizes and intensities of agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices will be promoted and protected in accordance with Provincial standards (4.1.1(a)).

- In addition to the specific land division and/or consent policies associated with the applicable land use designation a consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way is permitted (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1), on Zoning Map 62, of the Township of Yarmouth Zoning By-Law 1998.
- Permitted uses of the OS1 zone include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot frontage required is 30.48m (8.2.1.4).

3. County of Elgin Official Plan:

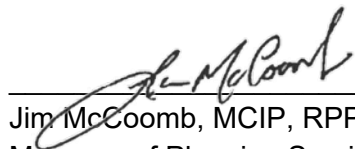
- The subject lands are within the Agricultural Area designation in accordance with Schedule A - Land Use, to the County of Elgin Official Plan. Permitted uses in the Agricultural Area designation include agricultural uses, a single detached dwelling in conjunction with an agricultural use, a single detached dwelling on an existing vacant lot, accessory accommodation, agriculture-related uses, secondary uses, farm winery, forest, wildlife and fisheries management, watershed management and flood and erosion control projects carried out or supervised by a public agency, passive non-motorized recreational uses, conservation uses and, temporary agricultural demonstration events. All uses in the Agricultural Area designation shall be designed, located, and managed to not detract from the primary role of the Agricultural Area (C2.3).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected (E1.2.3.2).

4. Comments


- The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario, planning decisions must conform with the policies of the PPS. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons, including minor boundary adjustments, which do not result in the creation of a new lot (Section 2.3.4.2).

Respectfully submitted:

Approved for submission:



Jim McCoomb, MCIP, RPP
Manager of Planning Services



Geoff Brooks
Director of Infrastructure & Community Services



June 18, 2024

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: CEP.21.24 - Consent Application – 44350 Mapleton Line; Name of Applicant – Michael and Tammy Bechard

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, May 27th, 2024 and the following Resolution was passed:

THAT Report CEP.21.24 regarding Consent Application E45/24 be received for information;

AND THAT Consent Application E45/24 be supported, subject to the following conditions:

1. the severed lands be merged in title with the abutting lot to the east, municipally know as 44632 Mapleton 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.

AND THAT such support be provided to the County of Elgin's Land Division Committee for consideration.

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. Michael and Tammy Bechard, Owners
Donald Ferguson, Ferguson DiMeo Law
S. Craig, CEPO, Sr. Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 31, 2024 ELGIN COUNTY ROAD NO.: Mapleton Line Not a County Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 45-24

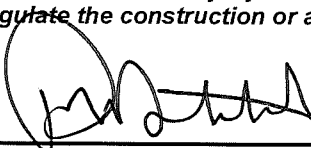
APPLICANT: Michael and Tammy Bechard

PROPERTY: LOT NO. 10 CONCESSION: 11
REG'D PLAN: 11R-7362 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: June 26, 2024
Application: E 45-24

Owner: Michael Ian & Tammy Lynn Bechard
44350 Mapleton Line, St. Thomas, ON
Agent: Don Ferguson
750 Talbot Street, St. Thomas, ON
Location: Lot 10, Concession 11. Municipally known as 44350 Mapleton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 213m (698 feet), a depth of 650m (2,132 feet) and an area of ha 13.7593ha (34 acres) to be conveyed as an addition to an adjacent lot, as well as an access easement on the severed lot in favour of the retained lands. The applicant is retaining a lot with an area of 26ha (64 acres) proposed to remain in agricultural use.

County of Elgin Official Plan
Agricultural Area

Local Municipality Official Plan
Agriculture, Natural Heritage and Natural Hazards Overlay

Local Municipality Zoning By-law
Open Space 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – Not on a County road.

Kettle Creek Conservation Authority – No concerns

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 of approximately 34 acres in area to be conveyed as a lot addition to an adjacent agricultural parcel. The applicant is also requesting the

creation of an easement on the severed lot in favour of the retained lands to provide for access to the rear portion of the parcel, which is on the north side of a watercourse and forested area that would otherwise be inaccessible.

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

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits lot additions in the agricultural area provided no new lots are created. The severed lot will be conveyed to the parcel to the east to expand the existing agricultural operation. An easement is required to provide access to the rear of the retained land as a result of the lot addition and due to the presence of an impassable watercourse and forested area. No new lots are being created by this application.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposed retained land will meet the current zone provisions and a zoning amendment is not required.

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. The County of Elgin should receive a digital copy of the draft and final deposited reference plan.
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 will apply to any subsequent conveyance or transaction involving the subject lands.
4. An easement agreement be provided along with the necessary transfers for the lot addition, detailing the conditions of the proposed easement.



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 severed lands be merged in title with the abutting lot to the east, municipally know as 44632 Mapleton 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION No. E 97-22**

**LOT 14 ON REGISTERED PLAN No. 20
TOWNSHIP OF SOUTHWOLD
MUNICIPALLY KNOWN AS 37474 LAKE LINE**

TAKE NOTICE that an application has been made by Harry Wismer, 37538 Lake Line, Port Stanley, ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 37474 Lake Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 54.099 metres (177 feet) and a depth of 77.958 metres (255 feet, and an area of 5,392m² (1.3 acres) to create a new residential parcel. The applicant is retaining an irregular lot with an area of 11 hectares (27.18 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:

**WEDNESDAY JUNE 26 AT 10:05 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

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

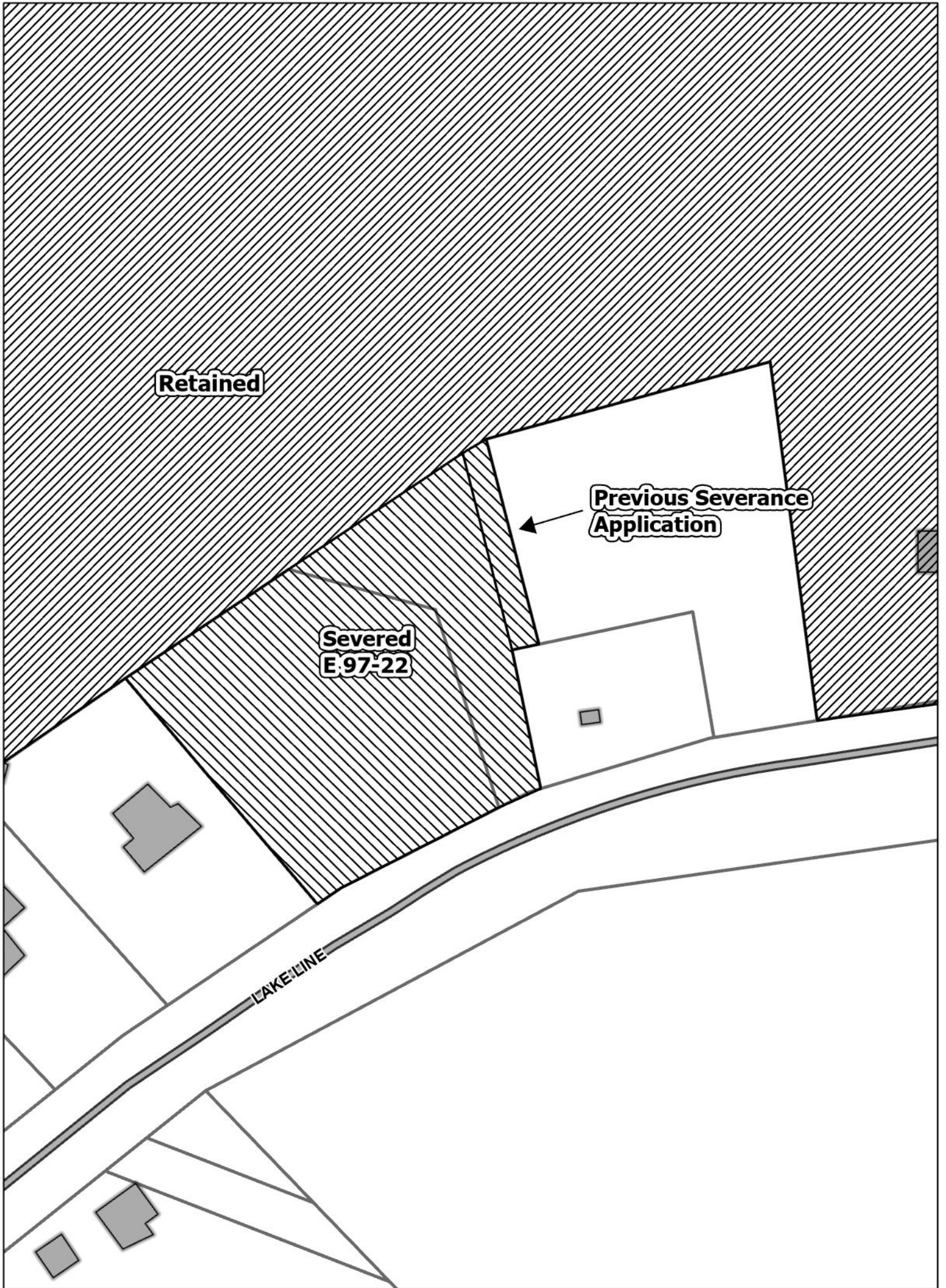
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 15th day of May, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee



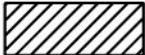


**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map

Subject Site: 37538 Lake Line
 File Number: E 97-22 Amended
 Owner: Harry Wismer
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 04/13/2024
 Township of Southwold

Legend

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



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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: June 26, 2024
Application: E 97-22

Owner: Harry Wismer
37238 Lake Line, Port Stanley, ON N5L1J1
Agent: None.
Location: 37538 Lake Line, Port Stanley.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 54.099 metres (177 feet) and a depth of 77.958 metres (255 feet, and an area of 5,392m² (1.3 acres) to create a new residential parcel. The applicant is retaining an irregular lot with an area of 11 hectares (27.18 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**
Residential (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle Creek Conservation Authority – No concerns.

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

Summary

This application was first brought to the Committee in 2022 for a lot addition to an existing parcel. However, in the course of finalizing the severance it was discovered that deeds for the parcel which was receiving the lot addition were never stamped. Despite this, the Land Registry Office did create the parcel in 1996 and it does have a separate Property Identification Number (PIN). To address this, staff are recommending that the application be amended to include the original parcel from 1996 as well as the proposed addition in 2022 as one severed lot. The transfers for the newly created parcel will be stamped and properly registered. As the lot in question already exists, and this is simply to address a previous error, staff are recommending the decision be amended and conditions which were



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previously fulfilled be removed to allow the applicant and his lawyer to finalize this severance as soon as possible.

RECOMMENDATION:

These applications are 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.

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



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: June 26, 2023
Application: E 98-22

Owner:
Harry Wismer
37238 Lake Line, Port Stanley, ON N5L1J1
Location: 37538 Lake Line, Port Stanley.

Agent:
None.

REVIEW & ANALYSIS:

The applicant received permission from the Land Division Committee for a lot addition in 2022. However, because the parcel receiving the lot addition was previously the subject of a consent in 1996, the parcels are unable to merge because the receiving lot has a stamp from the Secretary-Treasurer of the time. So long as that lot has this stamp, it cannot merge with the parcel from 2022. To address this, the Land Division Committee can authorize the Secretary-Treasurer to issue a cancellation of consent certificate removing the stamp from the 1996 severance and allowing the parcel from 2022 to merge. The ability to issue cancellation of consent certificates is a relatively new power under the *Planning Act* which was introduced specifically to address these issues.

RECOMMENDATION:

That the Land Division Committee authorizes the Secretary-Treasurer to issue a certificate of cancellation for E 5-96



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF AMENDED APPLICATION FOR CONSENT
APPLICATION No. E 23-24**

**PART OF LOT 98 ON REGISTERED PLAN No. 31
MUNICIPALITY OF BAYHAM
8169 UNION ROAD**

TAKE NOTICE that an application has been made by Helen Button, 108 Centre Street, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8169 Union Road.

The applicant proposes to sever a parcel with a frontage of 61.24m (200 feet), a depth of 69.08m (226 feet) and an area of 0.44ha (1.08 acres) to create a new residential lot. The applicant is retaining a lot with an area of 0.81ha (2 acres) proposed to be used for future residential development.

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:

**JUNE 26, 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 15th day of May, 2024.

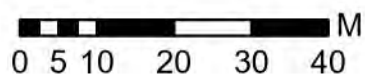
Paul Clarke
Secretary-Treasurer
Land Division Committee

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Location Map

Subject Site: 8169 Union Road
 File Number: E 23-24
 Owner: Daniel Edward Kikkert
 CA: Lower Thames Valley Conversation
 Created By: PC
 Date: 5/15/2024
 Township of Southwold



Legend

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

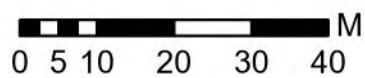


Elgin County, Maxar, Microsoft



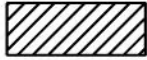

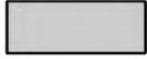
Location Map

Subject Site: 8169 Union Road
 File Number: E 23-24
 Owner: Daniel Edward Kikkert
 CA: Lower Thames Valley Conversation
 Created By: PC
 Date: 5/15/2024
 Township of Southwold

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



Legend

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

May 28, 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 Resubmission of Comments to Land Division Committee

County File Numbers: E23-24

Please be advised that the Council for the Township of Southwold reviewed the above-noted application at the May 27th, 2024 Council Meeting and passed the following resolution:

2024-178 Councillor Emons – Councillor Adzija

THAT Council for the Township of Council recommends approval of Consent Application E23-24 to Elgin County Land Division Committee for the creation of a new residential lot from the property located at 8169 Union Road subject to the Lower Tier Municipal conditions provided in Schedule D of Report CAO 2024-36; and,

THAT the comments attached as Schedule E be provided to the Land Division Committee with respect to the fencing requirements recommended by staff.

CARRIED

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

Regards,



Lisa Higgs, CAO/Clerk
Email: cao@southwold.ca

Attach: CAO 2024-36 Consent Application Deferral Resubmission Kikkert

cc: Dan Kikkert, Owner via email dkikkert@gmail.com
Helen Button, Solicitor, via email hbutton@harrisonpensa.com



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: May 27, 2024

PREPARED BY: Lisa Higgs, CAO/Clerk

REPORT NO: CAO 2024-36

SUBJECT MATTER: Consent Application E23-24 (RESUBMISSION)

8169 Union Road (D. & C. Kikkert)

Township Comments to Elgin County

Recommendation:

1. THAT Council for the Township of Council recommend refusal of Consent Application E23-24 to the Elgin County Land Division Committee for the creation of a new residential lot from the subject property located at 8169 Union Road;

OR ALTERNATIVELY, if Council for the Township of Southwold chooses to recommend approval:

2. THAT Council for the Township of Council recommends approval of Consent Application E23-24 to Elgin County Land Division Committee for the creation of a new residential lot from the property located at 8169 Union Road subject to the Lower Tier Municipal conditions provided in Schedule D of Report CAO 2024-36.
3. AND THAT the comments attached as Schedule E be provided to the Land Division Committee with respect to the fencing requirements recommended by staff.

Purpose:

The purpose of this report is to provide updated comments to Elgin County with respect to the resubmission of Consent Application E23-24, submitted by Helen Button, on behalf of Daniel and Christina Kikkert.

Background:

Consent Application E23-24 had been submitted to Elgin County for lands located within the Township of Southwold at 8169 Union Road, Fingal and legally described as Part of Lot 68, on Registered Plan No. 68. Council had previously reviewed the report and recommended approval to Elgin County, subject to a list of conditions. The original Planning Report is attached as Schedule A to this report.

The application seeks to sever a new residential lot containing the existing dwelling from the balance of the subject property. The proposed retained lot would include the vacant lands located behind the existing single detached dwelling.

Elgin County Land Division Committee reviewed the application at their meeting on April 24, 2024 and Deferred the application, "so that the applicant can 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." The Land Division Committee's deferral decision is attached as Schedule B to this report.

The Land Division Committee also enquired about more details with respect to the Township's fencing requirement, requesting clarification on the reasoning for the privacy fencing request.

Comment:

An updated application and sketch were submitted by the applicant on May 8th, 2024 and the Sketch is attached as Schedule C to this report. The applicant has increased the frontage of the retained parcel to 14.93 meters from 12.19 meters, that was included with the first application. The shed that was shown on the first application has been removed and the driveway at the opening of the retained parcel has been increased to 5 meters.

The application was recirculated to staff and the various Planning Agencies. The following comments were received:

Infrastructure and Development:

- Needs to obtain LTVCA approval, regulated area extends well into the proposed severance. LTVCA may want the structure and septic to be removed with buffers from the regulated area.
- Applicant should demonstrate that they can safely provide servicing to the property (i.e. water and sewer in that three-meter driveway, alternatively the applicant could provide an easement along the northern bank of the fowler drain to support servicing to the Luyks lands, which would provide them access for future sanitary connections)
- Mutual agreement drain to allow for water to continue to pass across the newly created lot from the retained lands and the lands from the neighbour to the north and drain reapportionment required

Building:

- Noting that the new drawing has the rear yard shed removed from the plan. Other than that, no further comments than the original

LTVCA:

"After reviewing the diagram of the proposed change to the above noted severance submission, the LTVCA will not be amending our comments to the original submission. The LTVCA has no issues with the proposed changes to the driveway access to the proposed severed parcel."

Summary:

In response to the resubmission, municipal staff's recommendation for refusal remains, for the same reasons noted in the original staff report, included in Schedule A to this report. However, in light of the resubmission, staff recommend an amendment to the original conditions proposed, if the application is endorsed for approval. Notably, staff recommends the following be added as a condition:

"Submission of a servicing plan, demonstrating that the proposed driveway servicing the retained lands can adequately accommodate municipal water servicing and future sanitary service within the proposed three-metre driveway; OR provision of an easement over the severed lands for water and sanitary servicing of the retained lands".

The conditions included in Schedule D of this report includes this updated wording.

In response to the Land Division Committee's request for clarification surrounding the requirement for fencing, the comments on the original circulation include that there is a requirement for compliance with the fencing By-Law with respect to the existing pool and a delineation marker between the rear of the severed parcel and the retained vacant lands. More elaboration on this comment is included in Schedule E of this report, to be forwarded to the Land Division Committee.

Financial Implications:

None.

Strategic Plan Goals:

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

- Managed Growth.
- Welcoming and Supportive Neighbourhoods
- Economic Development
- Fiscal Responsibility and Accountability.

Respectfully Submitted by:
Lisa Higgs, CAO/Clerk
"Submitted electronically"

SCHEDULE 'A'



TOWNSHIP OF SOUTHWOLD Report to Council

MEETING DATE: April 8, 2024
PREPARED BY: Danielle Truax, Planner
REPORT NO: PLA 2024-05
SUBJECT MATTER: **Consent Application E23-24**
8169 Union Road (D. & C. Kikkert)
Township Comments to Elgin County

Recommendation(s):

1. THAT Council for the Township of Council recommend refusal of Consent Application E23-24 to the Elgin County Land Division Committee for the creation of a new residential lot from the subject property located at 8169 Union Road;

OR ALTERNATIVELY, if Council for the Township of Southwold chooses to recommend approval:

2. THAT Council for the Township of Council recommends approval of Consent Application E23-24 to Elgin County Land Division Committee for the creation of a new residential lot from the property located at 8169 Union Road subject to the Lower Tier Municipal conditions provided in Appendix 2 of Report PLA 2024-05.

Purpose:

Consent Application E23-24 has been submitted to Elgin County for lands located within the Township of Southwold. The subject land is located at 8169 Union Road, Fingal and is legally described as Part of Lot 68, on Registered Plan No. 68. The subject property is highlighted in yellow on the Key Map provided below.

The application seeks to sever a new residential lot containing the existing dwelling from the balance of the subject property. The proposed retained lot would include the vacant lands located behind the existing single detached dwelling. A copy of the proposed severance sketch has been attached to this report as Appendix 1.

Background:

Property Information

Application No.	E23-24
Owner:	D. & C. Kikkert
Address:	8169 Union Road
Water Supply:	Municipal Water
Sewage Supply:	Private On-site Sanitary System (Septic)
Buildings/Structures	Single Detached Dwelling, 1 Detached Accessory Building, Above Ground Pool and Deck
Elgin County Official Plan	Tier Two Settlement Area
Settlement Area:	Fingal Settlement Area
Official Plan Designation	Residential
Zoning By-law 2011-14	Residential 1 (R1) Zone

Key Map of 8169 Union Road



Proposed Lot Creation

The application seeks to create a new residential lot fronting Union Road containing the existing single detached dwelling addressed as 8169 Union Road. The proposed lot will have 63.98m of frontage on Union Road and will be 0.45ha (1.11 ac) in area. The

property also contains a detached accessory building labeled as shed on the attached sketch, as well as an above ground pool and deck.

The proposed severed lot and primary single detached dwelling will comply with the R1 zone provisions, including the required side yard setback for the existing dwelling.

The proposed retained lot is an irregular shaped lot which will be accessed via a strip of land located immediately to the north of the existing dwelling at 8169 Union Road with the balance of the lot located to the rear of the property. The proposed retained lot has a frontage of 12.19m which is flared at Union Road and continues west for a length of approximately 70m with a width of 3.67m at its narrowest point. The proposed retained lot will have a total lot area of 0.8ha (1.98 ac).

The configuration of the retained lot is what is commonly referred to as a “hammerhead lot” where a strip of land is used to access the balance of the buildable portion of the property. The land used to access the buildable portion of the property is located immediately north of the existing single detached dwelling.

The subject property is located in an area regulated by Lower Thames Valley Conservation Authority and is bisected by two municipal drains across the front of the property and along the southern property boundary.

Comment/Analysis:

Consent Application E23-24 was submitted to and declared complete by Elgin County. The applications were circulated to the public and prescribed bodies under the provisions of the Planning Act on March 8th, 2024. The Land Division Committee for Elgin County is the Approval Authority for lot creation under Section 53 of the Planning Act. The Township of Southwold provides comments to the Land Division Committee for consideration in making a decision and assigning conditions to any provisional approval given.

Relevant planning documents were reviewed by staff with regards to the proposed lot creation 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
<p><u>Provincial Policy Statement</u></p>	<p>PPS 1.1.3 Settlement Areas</p>	<ul style="list-style-type: none"> • Settlement Areas shall be focus of growth and development; • appropriate for the level of services; • avoid land use patterns that may cause public safety concerns; 	<ul style="list-style-type: none"> • Development permitted; • Lot configuration does not satisfactorily address: <ul style="list-style-type: none"> ○ emergency access, ○ vehicle access to Union Road ○ adequate delivery of municipal and private servicing
<p><u>Elgin County Official Plan</u></p>	<p>A6.1.1. Settlement Areas C1.1.1 Residential C1.3 Housing E1. 2.3. Consents</p>	<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 • Will not cause traffic hazard; negative impact on drainage patterns; 	<ul style="list-style-type: none"> • Development permitted • Proposed lot does not reflect orderly development that will result in the efficient use of available and planned infrastructure; • Sufficient frontage is not provided for access and servicing;
<p><u>Township of Southwold Official Plan</u></p>	<p>5.2 Settlement Area Land Use 7.2.3 Consents</p>	<ul style="list-style-type: none"> • Lands are intended for Residential development; • Consent applications can be considered 	<ul style="list-style-type: none"> • Development permitted; • Proposed lot will not comply with lot frontage or driveway setback requirements; • Proposed lot configuration does

		subject to conditions;	provide adequate lands for safe access and appropriate servicing; <ul style="list-style-type: none"> • Township Conditions – Appendix Two
<u>Township of Southwold Zoning Bylaw</u>	8.0 Residential 1 (R1) Zone	<ul style="list-style-type: none"> • Retained lands are deficient in frontage; and driveway setbacks • Severed lands deficient in accessory structure setback 	<ul style="list-style-type: none"> • ZBA required to address deficiencies • ZBA required to address compatibility

Planning has had an opportunity to review Consent Application E23-24 and comments received from internal staff. Comments from external agencies such as the Lower Thames Valley Conservation Authority and Elgin County Engineering will be provided directly to the Elgin County Land Division Committee of consideration.

Building and Community Services:

- Potential conflicts could be created as a result of the front yard of one dwelling being directly in the rear yard of another dwelling;
- Emergency access to rear dwelling is not sufficient;
- Snow removal along driveway access to proposed lot may not be adequate without placing snow on abutting severed property or abutting property to the north.

Water – No comments;

Drainage – Requires the reapportionment of the Fowler Drain.

Infrastructure and Development:

- Need to provide access that supports the installation of water and sanitary sewer systems with appropriate separations;
- Separate entrances for each property;
- Drainage and grading plans showing the new severance/building won't be negatively impacted by the retained;
- Overhang on shed encroaches on access driveway; shed to be removed on proposed severed parcel to provide unimpeded access;
- Recommend the installation of naturalized or constructed privacy fencing on to protect the served and retained parcels privacy with it being a hammerhead;

- Septic area looks small, and must be verified as adequate given abutting regulated area;

Chief Administrative Officer/Clerk:

- Site specific re-zoning to recognize reduced frontage of retained parcel;
- Proposed driveway on retained lot does not meet s. 3.38 (g) of the Zoning By-law (requiring 1 m planting strip between driveway and lot line on each side), site specific re-zoning required;
- The existing “above ground” pool is partially inground, meaning that the height requirements of the Fencing By-Law are not likely met; the exemption granted under the provisions of the Fencing By-law are voided by the presence of new development on the property; compliance with the provisions of the Fencing By-law required.

Planning

Both the Elgin County Official Plan and Southwold Official Plan permit lot creation in settlement areas where the appropriate level of servicing is available, growth can be accommodated in a manner that enhances the identity and character of an area and the resulting land development pattern creates an attractive built form, is cost effective, efficient, minimizes land consumption and reduces servicing costs.

- The proposed lot creation would be considered infill development. The proposed lot does not represent an efficient use of residential land and will not provide for additional housing that could not otherwise be provided for within the serviced settlement area.
- The subject property is located within the planned service area for future sewers in Fingal. The provisions of municipal services including water and sanitary sewers to the proposed retained lot is not a cost-effective use of servicing or land.
- The proposed lot creation does not conform to the general growth management policies of the applicable official plans.
- The proposed lot creation is not appropriate for the permitted residential use or those rights for additional dwelling units.

The Southwold Official Plan and Zoning By-law do not contain policies or provide direction on the creation of “hammerhead” lots in residential areas. At a minimum, lots to be developed with this type of configuration should be able to comply with the intent of the minimum lot frontage requirements. Both the severed and retained lots should be able to satisfactorily address matters of safe access, adequate servicing and compatibility with abutting uses.

The limited frontage, the position of the existing dwelling and reduced access lands do not support the creation of a new residential lot in the manner proposed.

- The access lands have not been shown to be adequate to provide for the installation and long term maintenance of municipal sanitary and water service connections, proper drainage and snow removal, the delivery of curbside recycling or garbage collection services and safe vehicular access for the subject properties or those properties in the immediate area with frontage on Union Road.
- The length, width and manner of construction of the access lands may constrain the provision of emergency services to the proposed residential use on the retained lands to the rear.
- The width of the access lands and close proximity of the existing dwelling to the proposed lot line are not adequate to satisfactorily address compatibility concerns. The proposed access may create conflicts associated with reoccurring noise associated with traffic and access to the rear lands.

The orientation of the buildable area of the proposed retained lot effectively allows for the construction of a new dwelling within 1.2m of the rear lot line of the existing dwelling. Furthermore, accessory structures, parking areas and open storage can also be located along the common lot line between the proposed severed and retained lots.

- Potential compatibility issues for future uses and structures should be addressed through the establishment of site specific setback provisions for the retained lands. It is recommended that a typical front yard setback of 6m (20 ft.) be applied to the lot lines to any structures, parking and open storage areas between the proposed retained and severed lots.
- Any proposed structures, installation of septic or drainage systems or site alteration must also comply with the setback requirements of the Lower Thames Valley Conservation Area.
- The resulting lots and structures do not comply with the following zoning provisions and applicable municipal by-laws:

Lot	Regulation		Action
Retained	ZB Section 8.2 R1 Zone	Minimum lot frontage 15m	Obtain ZBA
Retained	ZB Section 3.38 Parking and Loading	1m planting strip between driveway and lot lines	Obtain ZBA Demonstrate ability to provide separate accesses to each lot
Severed	ZB	1m planting strip between driveway and lot lines	Obtain ZBA

	Section 3.38 Parking and Loading		Demonstrate ability to provide separate accesses to each lot
Severed	ZB Section 3.1 Accessory Uses	1.2m side yard setback for accessory building	Obtain ZBA Remove Shed
Severed	Fencing By-law Section VI	Provision of fencing and gates	Installation of fencing

Planning is not in a position to support the lot creation in the manner and configuration proposed. Planning is not in a position to support a subsequent zoning by-law amendment to address the noted deficiencies to the regulations of the zoning by-law.

If Council so chooses to support the requested lot creation, it is recommended that the conditions listed in Appendix 2 be forwarded to the Elgin County Land Division Committee and applied to any granting of 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, including **prepared deeds** for review by Township
4. **Undertaking** to provide proof of registration of deeds and agreements, if required
5. **Drainage reapportionment** of Fowler Drain
6. **911 addressing** and signage
7. Provision of **lot grading** plan
8. Submission of written to Township requesting **clearance of conditions** to County

Site Specific

9. Obtain **zoning by-law amendment** to address all compliance matters related to severed and retained lots
10. **Septic system assessment and drawing for retained lands** to the satisfaction of the Township, in consultation with Lower Thames Valley Conservation Authority

11. **Septic system assessment for severed lands** to demonstrate compliance with Building Code requirements
12. **Installation of separate entrances** to severed and retained lands, in consultation with the Township and permitted by County permit;
13. Compliance with **municipal Fencing By-law** provisions
14. Provision of **perimeter fencing** along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
15. **Removal of or relocation of existing shed** on severed lot in compliance with zoning by-law

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 E23-24

CAUTION

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

SKETCH FOR PROPOSED SEVERENCE FOR NOT TO SCALE

ROAD ALLOWANCE BETWEEN LOTS 18 AND 19 (KNOWN AS UNION ROAD) (COUNTY ROAD 20) (VARIOUS WIDTHS)



LEGAL DESCRIPTION
PART OF LOT 98
REGISTERED PLAN 31
GEOGRAPHIC TOWNSHIP
OF SOUTHWOLD
COUNTY OF ELGIN

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

SOUTH WESTERN SURVEYING LTD.

Blake van der Veen
ONTARIO LAND SURVEYOR
PORT STANLEY, ONTARIO
BLAKE@SURV.CA
DWB: GES
PROJECT: 23-010

MILL STREET REGISTERED PLAN 31 (CLOSED BY INSTRUMENT 112607) PART 2 11R - 5380

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Appendix Two: Township Conditions Consent Application E23-24

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. That a digital copy of the draft and final deposited **reference plan** be provided to the Township of Southwold.
4. That the Applicant's Solicitor provides an **undertaking** to the Township, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Township.
5. That the Applicant have a **drainage reapportionment** of the Fowler Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That **911 addressing and signage** be obtained and installed.
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 severed and retained parcels into compliance with all applicable regulations of the Zoning By-law to the satisfaction and clearance of the Township.
8. That the Applicant obtain a **septic system assessment** and drawing, completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township, in consultation with the Lower Thames Valley Conservation Authority.
9. That the Applicant obtain a **septic system assessment** completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system complies with the applicable Building Code regulations to the satisfaction and clearance of the Township, in consultation.

10. That the Applicant successfully obtain the necessary permits from Elgin County and **install separate entrances** to the proposed severed and retained lots, in consultation with the Township.
11. That the Applicant demonstrate compliance with the provisions of the municipal **Fencing By-law** to the satisfaction of the Township.
12. That the Applicant install **perimeter fencing** along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
13. That the Applicant **remove or relocate the existing shed** located on the proposed severed lot in compliance with the provisions of the zoning by-law, including obtaining any necessary building or demolition permits.
14. 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
15. 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.
16. 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*.



April 24, 2024

Helen Button

468-470 Talbot Street
St. Thomas, ON
N5P 1C2

RE: Severance Application E 23-24

8169 Union Road
Township of Southwold

Dear Helen Button,

A decision on application E 23-24 was deferred by the Land Division Committee, on April 24, 2024, so that the applicant can 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.

Applications deferred by the Land Division Committee will be held for a period of one year from the date of deferral, at which time if no action has been taken the application will lapse. If no action is taken on this file by **April 24, 2025**, this application will lapse.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Clarke".

Paul Clarke
Secretary Treasurer
Land Division Committee
County of Elgin

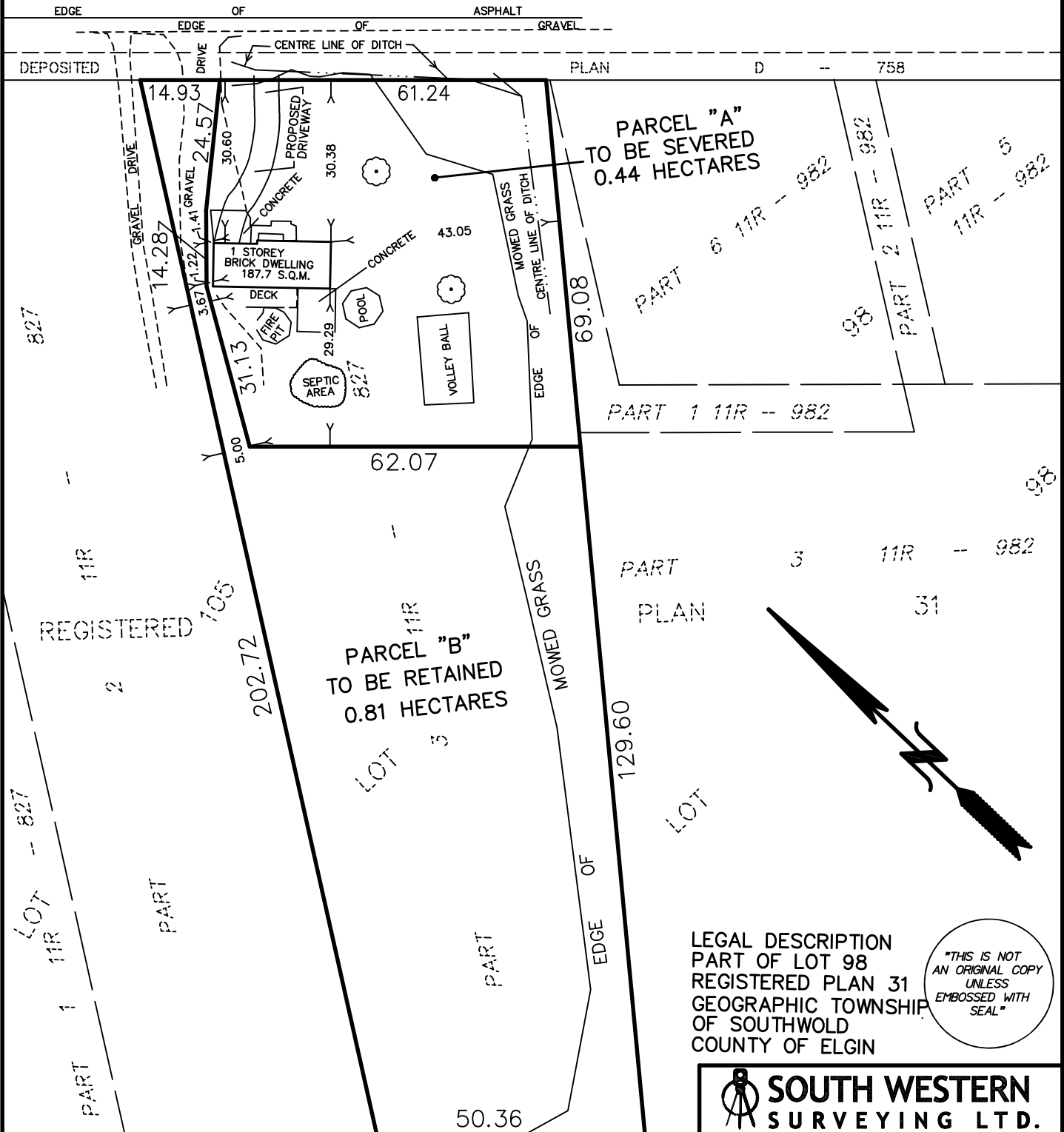
SCHEDULE 'C'

SKETCH FOR PROPOSED SEVERENCE FOR NOT TO SCALE

CAUTION

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

ROAD ALLOWANCE BETWEEN LOTS 18 AND 19 (KNOWN AS UNION ROAD) (COUNTY ROAD 20) (VARIOUS WIDTHS)



LEGAL DESCRIPTION
PART OF LOT 98
REGISTERED PLAN 31
GEOGRAPHIC TOWNSHIP
OF SOUTHWOLD
COUNTY OF ELGIN

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

SOUTH WESTERN SURVEYING LTD.

Blake van der Veen
ONTARIO LAND SURVEYOR
PORT STANLEY, ONTARIO
BLAKE@SURV.CA
DWG: GES
PROJECT: 23-010

MILL STREET REGISTERED PLAN 31 (CLOSED BY INSTRUMENT 112607) PART 2 11R -- 5380

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SCHEDULE 'D'

Township Conditions Consent Application E23-24

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. That a digital copy of the draft and final deposited **reference plan** be provided to the Township of Southwold.
4. That the Applicant's Solicitor provides an **undertaking** to the Township, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Township.
5. That the Applicant have a **drainage reapportionment** of the Fowler Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That **911 addressing and signage** be obtained and installed.
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 severed and retained parcels into compliance with all applicable regulations of the Zoning By-law to the satisfaction and clearance of the Township.
8. That the Applicant obtain a **septic system assessment** and drawing, completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township, in consultation with the Lower Thames Valley Conservation Authority.
9. That the Applicant obtain a **septic system assessment** completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system complies with the applicable Building Code regulations to the satisfaction and clearance of the Township, in consultation.

10. That the Applicant **submit a servicing plan**, demonstrating that the proposed driveway servicing the retained lands can adequately accommodate municipal water servicing and future sanitary service within the proposed three-metre driveway; OR **provision of an easement** over the severed lands for water and sanitary servicing of the retained lands.
11. That the Applicant successfully obtain the necessary permits from Elgin County and **install separate entrances** to the proposed severed and retained lots, in consultation with the Township.
12. That the Applicant demonstrate compliance with the provisions of the municipal **Fencing By-law** to the satisfaction of the Township.
13. That the Applicant install **perimeter fencing** along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
14. That the Applicant **remove or relocate the existing shed** located on the proposed severed lot in compliance with the provisions of the zoning by-law, including obtaining any necessary building or demolition permits.
15. 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
16. 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.
17. 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*.

SCHEDULE 'E'**Fencing Comments and Clarifications:**

Municipal Staff provide the following additional clarifications with regard to the Fencing Requirements included as conditions of approval of the severance.

Pool Fencing:

The existing "above ground" pool is partially inground, meaning that the height requirements of the Fencing By-Law are not likely met; the exemption granted under the provisions of the Fencing By-law are voided by the presence of new development on the property; compliance with the provisions of the Fencing By-law required.

"Privacy" Fencing:

Staff offers the following commentary with respect to the condition to provide fencing:

The fence was intended to act as a marker or property line delineation between the rear of the severed parcel (existing house) and the retained vacant lands. The fence was not intended to act as a privacy fence and could be a naturalized "fence".

COUNTY OF ELGIN ROAD SYSTEM

DATE: May 31, 2024

ELGIN COUNTY ROAD NO.:

Union Road County Road
20

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 23-24

APPLICANT: Daniel Kiket

PROPERTY: LOT NO. Part of Lot 98 CONCESSION:
REG'D PLAN: 31 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.....

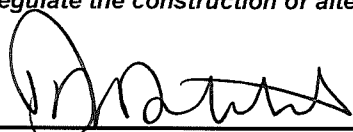
- 10) The County has no concerns.....

- 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: June 26, 2024
Application: E 23-24

Owner: Daniel Edward Kikkert 8169 Union Road, Fingal, ON	Agent: Helen Button 108 Centre Street, St. Thomas, ON
Location: Part of Lot 98 on Registered Plan No. 31. Municipally known as 8169 Union Road.	

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 61.24m (200 feet), a depth of 69.08m (226 feet) and an area of 0.44ha (1.08 acres) to create a new residential lot. The applicant is retaining a lot with an area of 0.81ha (2 acres) proposed to be used for future residential development.

County of Elgin Official Plan
 Tier 2 Settlement Area

Local Municipality Official Plan
 Settlement Area

Local Municipality Zoning By-law
 Residential 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends Approval

County Engineering – Requests conditions

Long Point Region Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

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

This application was deferred by the LDC in April 2024 so that the applicant can 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. The applicant has now made the requested amendments and is bringing the amended application back to the Land Division Committee.

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

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

The subject land is within the settlement area of Fingal. The applicant proposes to sever a new parcel containing an existing dwelling. The retained land is proposed to have a dwelling constructed in the future.

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 does not comply with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. The CEOP encourages development within Elgin to be directed to settlement areas and provides for a variety of land uses and densities, where appropriate. As per the LDC's request in April, the applicant has amended the application to provide a wider frontage for the retained lot, a new sketch, and access to the retained lands of at least 5m at the rear of the severed lot.

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 does not conform to the Municipal Official Plan. The retained lands are deficient in frontage and driveway setbacks. The severed lot is deficient in the accessory structure setback, and as such, the Township is requiring a zoning by-law amendment to address these deficiencies. The overhang on the existing shed encroaches on the driveway and will need to be removed to provide required access. Municipal staff have expressed concern over the provision of emergency vehicle access to the proposed retained land due to the reduced lot frontage and driveway width. Southwold's planner is of the opinion that the proposal does not meet the general intent of the growth policies of the Official Plan.

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 municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Township.
3. That a digital copy of the draft and final deposited reference plan be provided to the Township of Southwold.
4. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Township.
5. That the Applicant have a drainage reapportionment of the Fowler Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That 911 addressing and signage be obtained and installed.
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 severed and retained parcels into compliance with all applicable regulations of the Zoning By-law to the satisfaction and clearance of the Township.
8. That the Applicant obtain a septic system assessment and drawing, completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township, in consultation with the Lower Thames Valley Conservation Authority.
9. That the Applicant obtain a septic system assessment completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system complies with the applicable Building Code regulations to the satisfaction and clearance of the Township, in consultation.

10. That the Applicant successfully obtain the necessary permits from Elgin County and install separate entrances to the proposed severed and retained lots, in consultation with the Township.
11. That the Applicant demonstrate compliance with the provisions of the municipal Fencing By-law to the satisfaction of the Township.
12. That the Applicant install perimeter fencing along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
13. That the Applicant remove or relocate the existing shed located on the proposed severed lot in compliance with the provisions of the zoning by-law, including obtaining any necessary building or demolition permits.
14. 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
15. 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.
16. 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 42-24 and E 43-24**

**LOT 35, CONCESSION 5
TOWNSHIP OF MALAHIDE
53358 AND 53408 JOHN WISE LINE**

TAKE NOTICE that an application has been made by Jamie Forsythe, 11245 Imperial Road, Aylmer, ON for a consent pursuant to Section 53 of the Planning Act, 1990, as amended to sever lands municipally known as 53358 and 53408 John Wise Line.

The applicant proposes a land swap severance between two (2) parcels. A lot with an area of 10.23ha (25.29 acres) will be severed from 53358 John Wise Line and conveyed to 53408 John Wise Line. A subsequent lot with an area of 0.457ha (1.13 acres) will be severed from 53408 John Wise Line and conveyed as a lot addition to 53358 John Wise Line.

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:

**JUNE 26, 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 rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

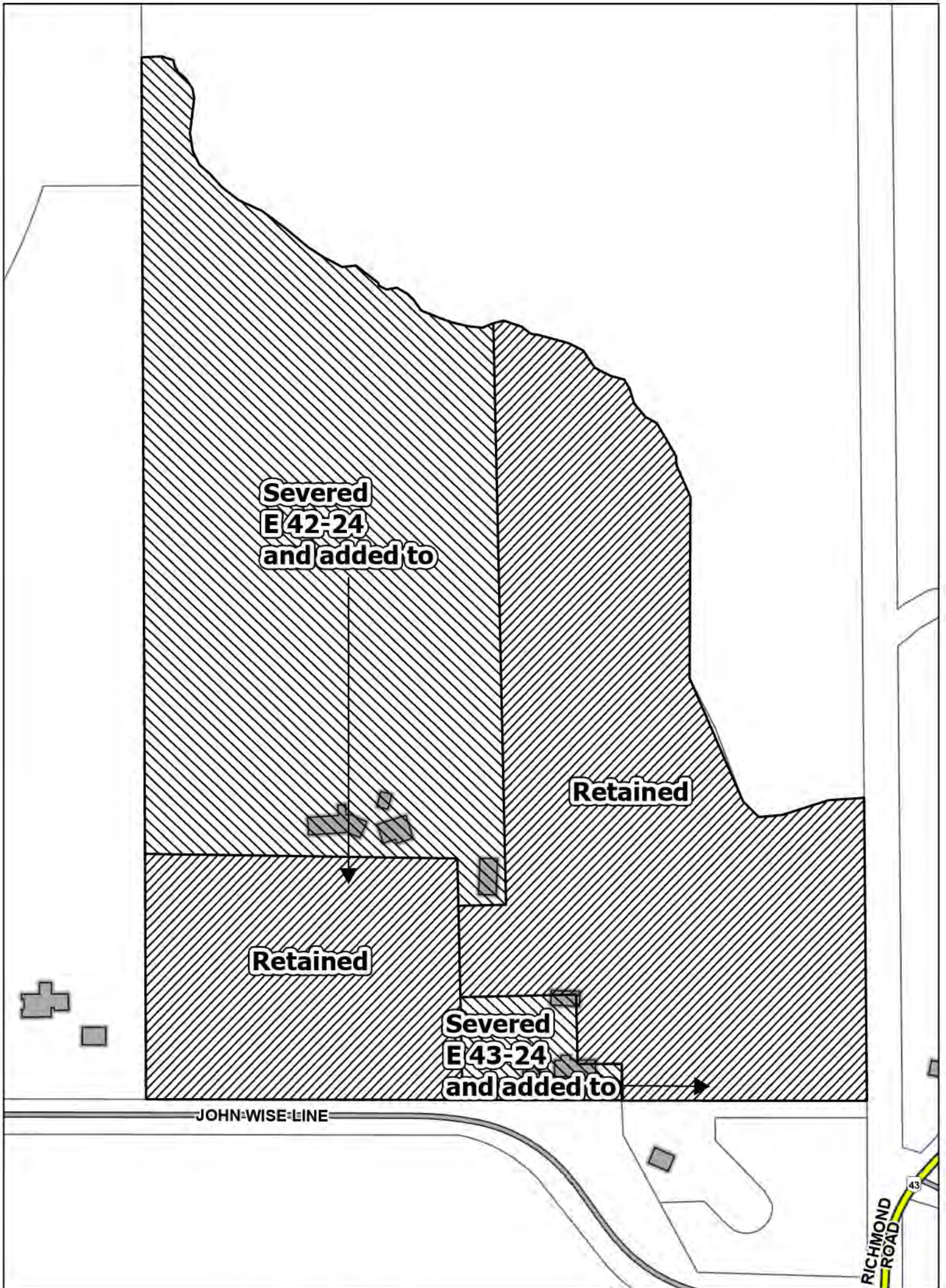
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 29th day of May, 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





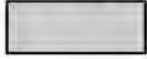


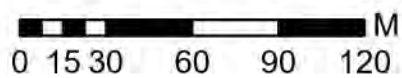
Location Map

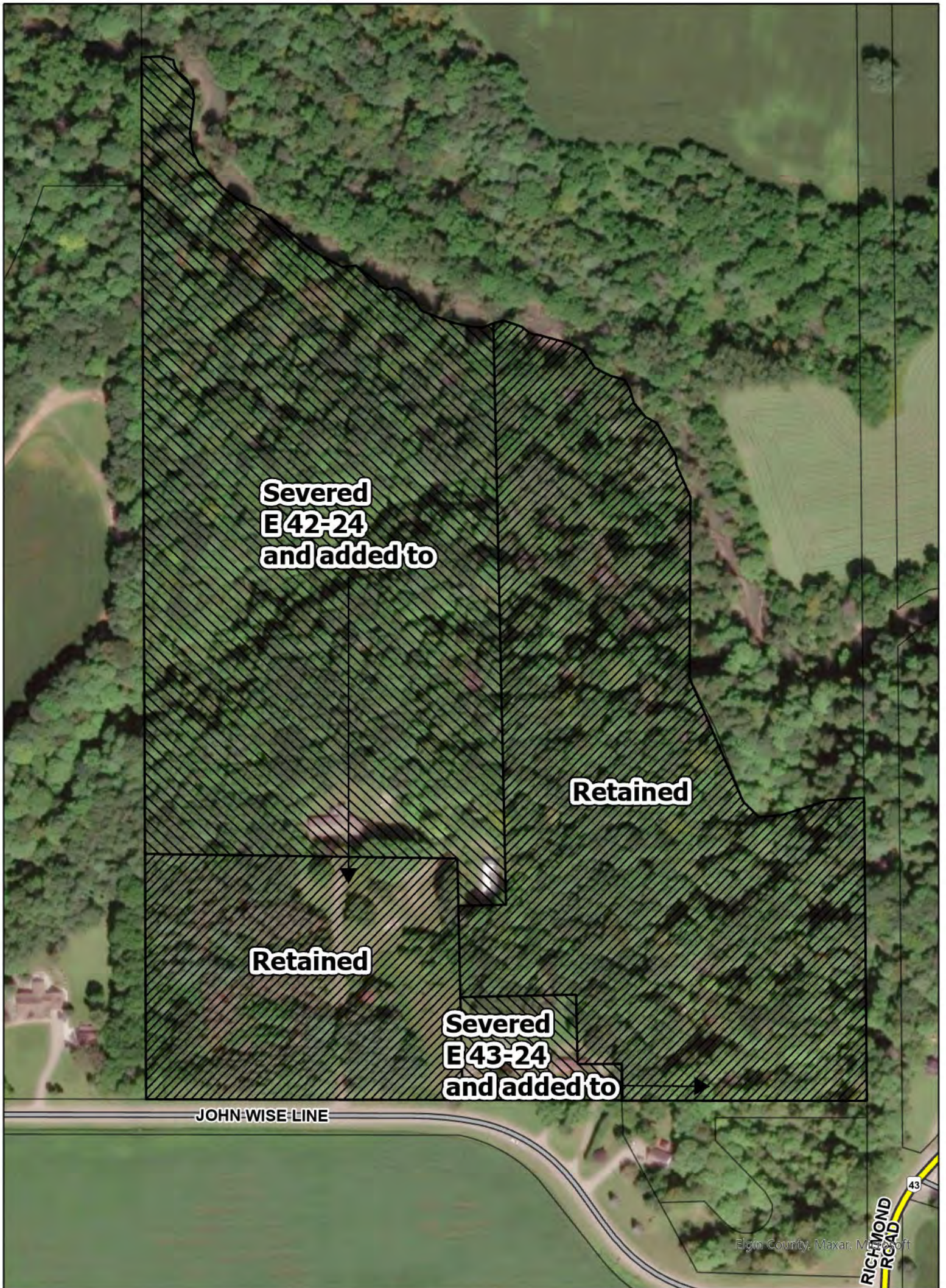
Subject Site: 53358 John Wise Line
 File Number: E 42-24 and E 43-24
 Owner: Aidan Wilkins and Maitland Williams
 CA: Long Point Region Conversation
 Created By: PC
 Date: 5/29/2024
 Township of Malahide



Legend

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

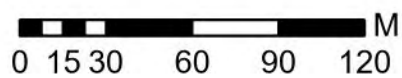








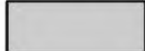
Location Map

Subject Site: 53358 John Wise Line
 File Number: E 42-24 and E 43-24
 Owner: Aidan Wilkins and Maitland Williams
 CA: Long Point Region Conversation
 Created By: PC
 Date: 5/29/2024
 Township of Malahide

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



Legend

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

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission

Applicant Maitland Williams and Aidan Wilkins

Location CON 5 S PT LOT 35 RP 11R;3317 PART 1 and CON 5 S PT LOT 35, Township of Malahide (53358 and 53408 John Wise 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: "Natural Heritage" and "Agriculture" on Schedule 'A1' (Land Use Plan) and "Provincially Significant (20+ ha)", "Significant A.N.S.I.'s" and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

The policies of Section 2.1.1.1, 2.5.4.3, 2.5.4.5, 8.7.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: It is recommended that a Zoning By-law Amendment be required as a condition of severance to permit the proposed reduced lot area and frontage of the proposed lots.

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

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

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



June 21, 2024

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

Dear Committee Members:

RE: Land Severance Application No. E42-24 of Aidan Wilkins relating to the properties located at CON 5 S PT LOT 35 RP 11R;3317 PART 1, Township of Malahide (53358 and John Wise Line)

The Malahide Township Council passed the following Resolutions on June 20, 2024:

THAT Report No. DS-24-30 entitled "Application for Consent to Sever No. D10- E42/E43-24 of Maitland Williams and Aidan Wilkins" be received;

AND THAT the Application for Consent to Sever No. D10-E42/43-24 of Maitland Williams and Aidan Wilkins relating to the properties located at CON 5 S PT LOT 35 RP 11R;3317 PART 1 and CON 5 S PT LOT 35, Township of Malahide (53358 and 53408 John Wise 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.:

1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted 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.

We enclose Municipal Appraisal together with Municipal Report DS-24-30 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 – Dave Jenkins
Maitland Williams
Aidan Wilkins
Jamie Forsythe



REPORT NO. DS-24-30

TO: Mayor & Members of Council

DEPARTMENT: Development Services

MEETING DATE: June 20, 2024

SUBJECT: **Application for Consent to Sever No. D10-E42/E43-24 of Maitland Williams and Aidan Wilkins relating to the properties located at CON 5 S PT LOT 35 RP 11R;3317 PART 1 and CON 5 S PT LOT 35, Township of Malahide (53358 and 53408 John Wise Line)**

RECOMMENDATION:

THAT Report No. DS-24-30 entitled “Application for Consent to Sever No. D10-E42/E43-24 of Maitland Williams and Aidan Wilkins” be received;

AND THAT the Application for Consent to Sever No. D10-E42/43-24 of Maitland Williams and Aidan Wilkins relating to the properties located at CON 5 S PT LOT 35 RP 11R;3317 PART 1 and CON 5 S PT LOT 35, Township of Malahide (53358 and 53408 John Wise 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:

Two consent to sever applications (“the applications”) have been submitted by Maitland Williams and Aidan Wilkins to adjust the boundary between the two properties under their respective ownership.

Maitland Williams owns the property located at CON 5 S PT LOT 35 and known municipally as 53408 John Wise Line and Aidan Wilkins owns the adjacent property located at CON 5 S PT LOT 35 RP 11R;3317 PART 1, known municipally as 53358 John Wise Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on June 26, 2024.

COMMENTS & ANALYSIS:

53408 John Wise Line is approximately 3.0 ha (7.48 acres) in area and has approximately 270 metres along John Wise Line. The property contains a single detached dwelling and is primarily wooded.

53358 John Wise Line is approximately 13.3 ha (32.92 acres) in area and has no legal frontage. It shares an irregular lot line with 53048 John Wise Line to the south. The property is primarily wooded, bounded by Big Otter Creek to the north. Access to the property currently crosses through 53408 John Wise Line.

Maitland Williams is proposing to sever 6.35 acres from his property and convey it to the adjacent property owned by Aiden Wilkins at 53358 John Wise Line, while Wilkins is proposing to simultaneously sever 13.98 acres from his property and convey it to Williams at 53408 John Wise Line.

After the severance, 53408 John Wise Line will have an area of approximately 10.2 ha (25.29 acres), gaining a total of approximately 17.81 acres, with the frontage reduced to approximately 182 meters. 53358 John Wise Line will have an area of approximately 6.1 ha (15.11 acres), losing a total of approximately 17.81 acres, but gaining approximately 88 metres of frontage on John Wise Line.

Provincial Policy Statement (PPS)

Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons (s. 2.3.4.2), where legal and technical reasons are defined as:

“severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

The proposed boundary adjustment would result in 53358 John Wise Line having a legal road frontage on John Wise Line and would create a more regular and orderly lot boundary compared to the current irregular lot line. It is noted that the properties are heavily constrained by natural heritage features and have not been used for agricultural production. The proposed boundary adjustment would not impact the ability of the parcels to continue to be used for existing and permitted uses and would not result in the creation of a new lot.

A natural heritage feature covers the majority of both parcels. The PPS does not permit development and site alteration within or adjacent to natural heritage features unless it has been demonstrated that there will be no negative impacts. The PPS defines development as the creation of a new lot, change in land use or construction of buildings and structures requiring approval under the planning act (s. 6.0). As a result, no development is being proposed by the applications.

County of Elgin Official Plan

The subject properties are designated “Agriculture Area” on Schedule ‘A’, Land Use Plan, is identified as having frontage along a “Local” Road on Schedule ‘B’, “Transportation Plan”, and is designated as “Significant Woodlands” on Appendix 1.

The County Official Plan states that, in agricultural areas, consents may be granted for legal or technical reasons such as minor boundary adjustments that do not result in the creation of a new lot (s. E1.2.3.4). The proposed boundary adjustment corrects the existing condition of 53358 John Wise Line having no frontage onto an open public road and the irregular shared lot line between the two properties. The applications would not result in the creation of a new lot.

The PPS does not permit development and site alteration within or adjacent to natural heritage features unless it has been demonstrated that there will be no negative impacts. It is noted that the shared lot line currently bisects the natural heritage feature and the proposed boundary adjustment would not be considered development in the context of the PPS as defined therein.

Malahide Official Plan

The subject properties are designated “Natural Heritage” with a small portion as “Agriculture” on Schedule ‘A1’ (Land Use Plan). The properties are identified as being in a “Provincially Significant (20+ ha)”, “Significant A.N.S.I.’s” and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan).

The Official Plan provides guidance on consents, stating that consents for minor boundary adjustments are permitted in any designation provided the severed and retained parcels comply with the applicable requirements of the Official Plan and Zoning By-law (s. 8.7.1.7). The proposed boundary adjustment would be considered minor and would bring both parcels into greater conformity with the Zoning By-law. The Natural Heritage and Hazard features are not being altered, and no development, as defined by the PPS, is occurring as a result of the applications, the proposed lot boundary adjustment meets the applicable requirements of the Official Plan.

Malahide Zoning By-law

Currently, both properties are zoned as A1 on Key Map 68 of Schedule “A” to the Township’s Zoning By-law No. 18-22 and are legally existing undersized lots. 53408 John Wise Line meets the minimum frontage required in the zoning by-law both before and after the severance. 53358 John Wise Line currently has no lot frontage but will have a frontage of approximately 88 meters after the severance. As such, the applications bring the undersized lot closer to conformity to the zoning by-law than prior to the severance and would provide legal road frontage to 53358 John Wise Line, as required under Section 4.8 of the Zoning By-law. It is recommended that a Zoning By-

law Amendment be required as a condition of severance to permit the proposed reduced lot area and frontage of the proposed lots.

FINANCIAL IMPLICATIONS:

The full cost of the application and associated 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 Photo;
2. Application Sketch; 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

Paul Clarke

From: Peter Dutchak
Sent: June 5, 2024 9:59 AM
To: Paul Clarke
Subject: RE: E 42-24 and E 43-24 ES Comments

Hi Paul,

These applications are not on a County road, therefore no concerns.

Peter

Peter Dutchak, CET, CRS

Director, Engineering Services

519-631-1460 ext. 124 (Main Office)
www.elgincounty.ca
450 Sunset Drive, St. Thomas, ON N5R 5V1



From: Paul Clarke <pclarke@ELGIN.ca>
Sent: Wednesday, June 5, 2024 9:39 AM
To: Peter Dutchak <pdutchak@elgin.ca>
Subject: E 42-24 and E 43-24 ES Comments

Hi Peter,

E 42-24 and E 43-24 have been added to the June LDC agenda if you don't mind providing any comments you have on those applications.

Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer



(519) 631-1460 x170



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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: June 26, 2024
Application: E 42-24 and E 43-24

Owner: Aidan Wilkins (53358 John Wise Line)
Agent: Jamie Forsythe
Maitland Williams (53408 John Wise Line) 11245 Imperial Road, Aylmer, ON
Location: Lot 35, Concession 5. Municipally known as 53358 and 53408 John Wise Line.

PROPOSAL

The applicant proposes a land swap severance between two (2) parcels. A lot with an area of 10.23ha (25.29 acres) will be severed from 53358 John Wise Line and conveyed to 53408 John Wise Line. A subsequent lot with an area of 0.457ha (1.13 acres) will be severed from 53408 John Wise Line and conveyed as a lot addition to 53358 John Wise Line.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural / Natural
Heritage

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – Not on a County road.

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 a land swap severance to sever two (2) portions of the existing land between each existing lots. These applications are two lot additions which will be conducted

simultaneously to readjust the lot fabric and separate the existing homes and address access concerns with the existing parcel fabric.

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

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. The CEOP permits lot additions and technical severances in all land use designations. No new parcels will be created as a result of these severances.

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. Both properties are currently zoned the same (Agricultural [A1]), and the application will allow both properties to have legal frontage and bring them closer to the minimum lot area required. However, there is still a slight deficiency in lot area which will be addressed through a zoning amendment.

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. The County of Elgin should receive a digital copy of the draft and final deposited reference plan.
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 Section 3 or 5 of Section 50 of the Planning Act applies to any subsequent conveyance or transfer of the subject lands.

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

1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.



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3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted 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.