

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 3, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 3, 2018 at 9:00 a.m. with the following individuals:

	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by:           A. Tenhove  
Seconded by:       T. Rock

*"The Minutes of the Meeting of April 5, 2018, be approved as printed and circulated."*

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence dated May 2, 2018 was received from Sarah Kish regarding Application B18-12-6 (Paul Papais).

Correspondence dated May 3, 2018 was received from Ron Forbes regarding Application B18-15-5 (John & Joanne Claessens).

APPLICATIONS FOR CONSENT:

B18-12-6 – Paul Renzo Papais (Part Lot 6, w/s Mill Street, Block 30, Plan 279, Town of Ingersoll)

Paul Papais was in attendance to speak to his application. Also in attendance was Brenda Seaton, 332 Oxford Street, Ingersoll ON N5C 2W3. P. Papais explained that he proposes a residential lot addition to prevent further development.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of approximately 0.62 ha (1.2 ac.), contains no buildings or structures and will be added to the residential lot to the immediate south that is currently 1.78 ha (4.4 ac.) in area. The enlarged lot contains an existing single detached dwelling, as well as a detached accessory building. The lot to be retained will cover an area of approximately 0.71 ha (1.77 ac.), and contains a single detached dwelling.

R. Versteegen briefly reviewed the staff Planning Report. He indicated that the severed lot will cover an area of approximately 1.52 acres while the lot to be retained will cover 1.76 acres. No new development is proposed. The application is consistent with the 2014 Provincial Policy Statement (PPS) and complies with the Official Plan policies. No concerns were raised as a result of the agency circulation. A letter of concern was received from S. Kish regarding any future development. R. Versteegen stated that if development occurs, it will require further applications.

P. Papais stated that he concurred with the findings and suggested conditions of the staff Report.

B. Seaton stated she had no objection to the application. Her only concern was that the new owner will have access to Oxford Street. She indicated that the prospective purchaser, Mr. Brown has enlarged the pond on his property, which in turn has changed the animal habitat and indicated she had concerns with what will happen in the future.

R. Versteegen confirmed with the Committee that the severed lot is to be merged with the property to the south and that no new development would result from this consent application.

P. Papais confirmed with B. Seaton that the prospective purchaser of the severed lot does not want neighbours in his backyard and that is why he is purchasing the lot.

Moved by: A. Tenhove  
Seconded by: T. Rock

*"Granted"*

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owners' existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The owner provide confirmation of the location of any existing structures on the retained lot to the satisfaction of the Town of Ingersoll.
3. The owner shall submit a recent survey to confirm lot sizes and building setbacks to the satisfaction of the Town of Ingersoll.
4. The owner shall connect the lands to be retained to the municipal sanitary sewer service to the satisfaction of the County Public Works Department and further, shall properly decommission any private services (septic system) located on the lot to be retained to the satisfaction of the County Public Health & Emergency Services Department or predecessor thereof, and the Town of Ingersoll.
5. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of sewer services to the lot to be retained have been complied with. This condition can be cleared by payment for the required services prior to the completion of the severance, to the satisfaction of the County of Oxford Public Works.
6. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
7. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll have been complied with.

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8. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

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B18-13-3 & B18-14-3 – Norjunction Estates Limited & Daniel Schmid (Part Lot 112, Plan 226; Part Lot 151, Plan 253, Township of Norwich, formerly Village of Norwich)

Daniel Schmid, together with his agent, Steve Jefferson of K. Smart Associates, were in attendance. S. Jefferson presented the application to the Committee. He explained that the severance is the final piece of the puzzle for the owner's subdivision. The proposal is to create two residential lots. He stated that he concurs with the findings and suggested conditions of the staff Planning Report. He noted that based on the progress to date, his client is confident to obtain final approval of subdivision. He requested amendment to the wording to Conditions 4 & 5 for B18-13-3 and Conditions 5 & 6 for B18-14-3.

The purpose of the applications for consent is to create two new residential lots in the Village of Norwich. It is proposed that the lot to be severed by Application B18-13-3 (Lot 1) will be approximately 875 m<sup>2</sup> (9,418.4 ft<sup>2</sup>) in size, with a frontage of approximately 26.1 m (85.7 ft) and a depth of approximately 34 m (111.5 ft). The lot to be severed by Application B18-14-3 (Lot 2) will be approximately 654 m<sup>2</sup> (7,039.6 ft<sup>2</sup>) in size, with a frontage of approximately 19.5 m (63.9 ft) and a depth of approximately 34 m (111.5 ft). The lot to be retained will cover an area of approximately 502 m<sup>2</sup> (5,403.5 ft<sup>2</sup>), with approximately 15 m (49.2 ft) of frontage and approximately 34 m (111.5 ft) of depth. The existing single detached dwelling straddling the lot line between the lot to be severed by B18-14-3 and the lot to be retained will be removed and a new single detached dwelling is proposed for each of the lots to be severed and retained. It is proposed that each lot will front onto a new Township Road that will be constructed as part of the proposed Norjunction Subdivision. The owner has also applied for Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Planning Report and pointed out that currently there is no road access to the proposed lots and that it will be created through the subdivision process. The road will need to be completed prior to the severances being completed. The application is consistent with the 2014 Provincial Policy Statement (PPS), complies with the Official Plan policies and concurs with the R1 Zone of the Township's Zoning By-law. No concerns were raised as a result of the agency circulation. Municipal services will be completed through the Plan of Subdivision process.

The Committee members discussed the request of the owner to amend the wording of the conditions.

T. Rock stated that he did not understand the need for the change in the conditions. He questioned the clarity. R. Versteegen stated that the road must be assumed by the Municipality which means the road must be to an acceptable standard before the Township will assume ownership of the road.

G. Brumby suggested that he would rather see that Condition Nos. 5 & 6 remain as noted in the recommendation of the staff Report to the satisfaction of the CAO rather than to the Township.

B18-13-3

Moved by: T. Rock  
Seconded by: G. Brumby

*"Granted"*

CONDITIONS:

1. The existing private septic system be removed, to the satisfaction of the County of Oxford Public Health and Emergency Services department.
2. The lands designated as Block 6 on the draft approved Plan of Subdivision (SB16-03-3 - Norjunction Estates), shown as Block 48 (Plate 3) be merged on title and consolidated with the subject property prior to the issuance of the certificate for B18-13-3. A copy of the receipted Transfer be provided to the Secretary-Treasurer of the Land Division Committee.
3. The proposed subdivision (SB16-03-3 - Norjunction Estates) receive final approval from the County of Oxford and be registered with the Land Registry Office.
4. The proposed road servicing the draft approved plan of subdivision (SB16-03-3 - Norjunction Estates) be completed and deeded to the Township of Norwich.
5. If required, the owners enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
6. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-14-3

Moved by: G. Brumby  
Seconded by: H. Elliott

*"Granted"*

CONDITIONS:

1. The certificate be issued for Application B18-13-3, the Transfer be registered, and a copy of the registered Transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B18-14-3.
2. The existing single detached dwelling straddling the lot line between the lot to be severed by B18-14-3 and the lot to be retained, be removed, to the satisfaction of the Township of Norwich.
3. The lands designated as Block 6 on the draft Approval Plan of Subdivision (SB16-03-3, Norjunction Estates), shown as Block 48 (Plate 3) be merged in title and consolidated with the subject property, prior to the issuance of the certificate for B18-14-3. A copy of the receipted Transfer and Application Consolidation Parcels be provided to the Secretary-Treasurer of the Land Division Committee.
4. The proposed subdivision (SB316-03-3 - Norjunction Estates) receive final approval from the County of Oxford and be registered with the Land Registry Office.
5. The proposed road servicing the draft approved plan of subdivision (SB16-03-3 - Norjunction Estates) be completed and deeded to the Township of Norwich.
6. If required, the owners enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
7. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
8. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

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B18-15-5 – John & Jo-Ann Claessens (Part Lot 22, Conc. 3, Township of Zorra, formerly Township of North Dorchester)

P. Claessens explained the application to the Committee. A copy of Ron Forbes' letter was provided for the Committee.

The application proposes to sever a vacant rural residential lot comprising approximately 0.4 ha (1 ac) from an existing vacant agricultural parcel. The lot to be retained will comprise approximately 40.5 ha (100 ac), contains no buildings or structures, and is in agricultural production. The owners have also applied for a Partial Discharge of Mortgage.

R. Versteegen briefly reviewed the application. He indicated that the severance is to create a rural residential lot. The intent is for a land swap. An existing RE lot is to be merged with the existing farm property to the north, and then a 1 acre vacant lot is to be severed. The retained lot will cover an area of approximately 99 acres. An Official Plan amendment was approved by County Council in the form of Amendment No. 215. This OPA provides site specific policies for the subject lands. The creation of the lot shall only be permitted where an existing non-farm rural residential lot has been merged with the abutting farm holding, the dwelling located on the said lot has been removed, and the zoning of the residential lot has been amended to permit agricultural uses. R. Versteegen explained that the severance is not consistent with the 2014 Provincial Policy Statement (PPS). Planning staff's recommendation was to deny the OPA based on the fact that it is not consistent with the 2014 Provincial Policy Statement. A rezoning will be required to rezone the severed lot to RR, and to rezone the RE lot to A2, prior to the merger of the RE lot. He noted that Council felt that no greater impact was being created on agriculture or aggregate policies.

The Committee reviewed the letter received from Mr. Forbes.

R. Versteegen explained to the Committee that County Council approved the Official Plan amendment against the recommendation of Planning staff.

T. Rock questioned whether the County could appeal the Committee's decision? He suggested that Council did not put enough thought in the decision-making of the Official Plan amendment. In response, R. Versteegen stated that the policies have been re-written in the OPA to grant the lot swap. He further noted that the argument now is to whether the severance is for a surplus farm, and the answer to that question is 'no'.

G. Brumby stated that County Council has put the Committee in an awkward position.

The Secretary-Treasurer provided the Committee and P. Claessens with suggested conditions.

P. Claessens stated that he concurred with the recommended conditions.

Moved by: G. Brumby  
Seconded by: H. Elliott

*"Granted"*

CONDITIONS:

1. The lot to severed be appropriately zoned.
2. The non-farm rural residential lot located at 622885 Road 62 be appropriately zoned.
3. The existing non-farm rural residential lot located at 622885 Road 62 be conveyed to the abutting landowner to the immediate north (622891 Road 62) and be consolidated with said owner's existing property. A draft of Transfer and Application Consolidation Parcels be provided to the Secretary-Treasurer of the Land Division Committee for review. Upon registration, a copy of the receipted Transfer and Application Consolidation Parcels be provided to the Secretary-Treasurer of the Land Division Committee.
4. If the existing dwelling located at 622885 Road 62 is to be occupied for a temporary period following the consolidation of the lot with the abutting lands to the immediate north (622891 Road 62), agreements and securities shall be required to ensure removal of the existing dwelling once the new dwelling on the lot to be severed is suitable for occupancy, to the satisfaction of the Township of Zorra.
5. Drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owners' expense, to the satisfaction of the Township of Zorra.
6. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.

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7. If required, the owners enter into a standard Severance Agreement with the Township of Zorra, to the satisfaction of the Township of Zorra.
  8. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
  9. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. It was the opinion of the County of Oxford Land Division Committee that the application for consent is consistent with the 2014 Provincial Policy Statement.
2. It was the opinion of the County of Oxford Land Division Committee that the application for consent is in keeping with Official Plan Amendment No. 215.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

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B18-16-3 – Andy Hornyak Part Lot 11, Conc. 10, Township of Norwich, formerly Township of South Norwich)

Andy Hornyak, together with his agent, David Roe, were in attendance. Tharren Watson, 185567 Cornell Road, Otterville ON N0J 1R0. D. Roe briefly explained the application to the Committee. He stated that the owner is proposing to create a vacant rural residential lot. He noted that the Township of Norwich approved a zone change for a second residence on the property. He indicated that there will be minimal impact on agricultural and the application represents a unique situation.

The purpose of the application for consent is to create one new non-farm, rural residential lot. It is proposed that the lot to be severed will be approximately 9,400 m<sup>2</sup> (2.3 ac) in size, with approximately 36 m (118.1 ft) of frontage along Cornell Road. A single detached dwelling and a private well and septic system are proposed on the lot to be severed. The lot to be retained will be approximately 12,000 m<sup>2</sup> (2.9 ac) in size, with approximately 76 m (249.3 ft) of frontage along Cornell Road. A single detached dwelling and private well and septic system currently exist on the lot to be retained.

R. Versteegen reviewed the staff Report. He noted that the Village of Otterville is located to the north with a number of residential existing lots situated to the north and south. A new home is proposed to be constructed south of the existing lot. The RE-special zoning was approved by Township Council to permit the construction of a second residence on the subject property. Agricultural lands are located to the east. He stated that the application is not consistent with the 2014 Provincial Policy Statement (PPS) and does not comply with the Official Plan policies. He indicated that if the property was situated in the Rural Cluster, the development would be permissible. A zone change will be required if the severance is approved. No objections or concerns received as a result of the agency circulation or the public notification to the neighbours.

D. Roe re-iterated that there will be no negative impact on agriculture.

T. Rock suggested that the application is premature at this time, and that stated that powers are being taken from the decision-making bodies. In response, R. Versteegen stated that, in his opinion, the application was not premature as a number of RE lots already exist.

A. Tenhove suggested that the application could be looked at differently if a house already existed on the lot. In response, R. Versteegen indicated it would not as the applicant is proposing to create a non-farm rural residential lot in the Agricultural Reserve Area of the Official Plan.

The Secretary-Treasurer reviewed the recommended conditions with the Committee.

D. Roe stated that he and his client concurred with the recommended conditions.

Moved by: A. Tenhove  
Seconded by: H. Elliott

*'Granted'*

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. If required, the owner shall enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township of Norwich.
3. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. It was the opinion of the County of Oxford Land Division Committee that the application for consent is consistent with the 2014 Provincial Policy Statement.
2. It was the opinion of the County of Oxford Land Division Committee that the application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

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B18-10-5 – Lillian Knight (Part Lot 15, Conc. 10, Township of Zorra, formerly Township of East Nissouri)

Lillian Knight was in attendance to present her application. She indicated that she wishes to recreate the lot that once was a severed lot.

The purpose of the application is to sever a lot approximately 2,211.9 sq. m (23,800 sq. ft) in size, consisting of an existing single-detached dwelling, from an existing agricultural parcel. The lot was previously separate and, according to the owner, has inadvertently merged on title. The lot to be retained will cover an area of approximately 40.1 ha (99 ac), contains a barn and an accessory single detached dwelling, and is in agricultural production. The severed and retained lands each have separate sewage disposal (septic) systems, share a driveway/access, and share



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a water supply (well). The area proposed for the lot to be severed is larger than the previously separate lot, in order to wholly encompass the existing septic system.

R. Versteegen briefly reviewed the staff Planning Report. He pointed out that the lot proposed by the application will be slightly larger than the lot that previously existed in order to accommodate the septic system. The application is consistent with the 2014 Provincial Policy Statement (PPS), and complies with the Official Plan policies. The proposed lot is located within a Settlement Area. The lot to be severed will need to be rezoned. He noted that the Public Health department objected to the application as the lot area is less than 2,787 m<sup>2</sup> (30,000 ft<sup>2</sup>). The County Public Works Department stated that if separate wells are not feasible, then a legal agreement for the shared well will have to be entered into and registered on title for both properties. Public Works has also requested that a legal agreement for the shared entrance be entered into and registered on title for both properties. No objections or concerns were raised as a result of the public notification. He indicated that Planning staff feel that the lot size of 23,800 sq. ft. proposed meets their requirements. He further stated that the severed lot has a separate driveway, and that the owner is in agreement that a well could be drilled if required, and is agreeable to register an Agreement for a shared well.

In response to T. Rock, R. Versteegen indicated that there is sufficient area on the lot should a new septic system be required.

In response to G. Brumby, R. Versteegen indicated that the shared driveway is with the farm property to the west.

Moved by: H. Elliott  
Seconded by: A. Tenhove

*'Granted'*

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The owner register an Agreement on the titles of both the severed lot and retained lot regarding shared access, to the satisfaction of the County of Oxford Public Works Department. The owner undertakes to register the Agreement upon registration of the Transfer of severed lot, and to provide a copy of the registered Agreement to the Secretary-Treasurer of the Land Division Committee.
3. A well sharing agreement between the severed and retained lots be entered into and registered on title, to the satisfaction of County of Oxford Public Works Department.
4. Drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Zorra.
5. If required, the owner enter into a standard Severance Agreement with the Township of Zorra, to the satisfaction of the Township of Zorra.
6. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

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On the motion of A. Tenhove, the Committee meeting adjourned at 10:45 a.m.

*"Brian George"*

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CHAIRMAN