

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, October 3, 2019

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, October 3, 2019 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	M. Hacon - absent
	-	R. Jull
	-	J. Lessif
	-	P. Rigby
	-	A. Tenhove
	-	C. van Haastert
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

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

DECLARATIONS OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: A. Tenhove
Seconded by: C. van Haastert

"The Minutes of the Meeting of September 5, 2019, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence received from Vito Frijia, Thames Valley Aggregates Inc., regarding Application B19-67-5 (Ronald & Heather Forbes and David Forbes).

Correspondence received from the Clerk of the Township of Zorra, regarding Application B19-67-5 (Ronald & Heather Forbes and David Forbes).

APPLICATIONS FOR CONSENT:

B19-31-4 – Clarence & Wendy Markus (Part Lots 19-21, Concession 3, Township of South-West Oxford, formerly Township of West Oxford)

Clarence Markus, together with Lori Salverda, were in attendance. L. Salverda presented the application to the Committee. She indicated that she wishes to purchase the parcel of land to be added to her lot. No lands are being taken out of agricultural production.

The purpose of the application for consent is for a rural residential lot addition. The lot to be severed will cover an area of approximately 0.25 ha (0.62 ac) and contains a portion of a barn and shed which are both to be removed. The lot to be severed will be added to the residential lot to the immediate south. The lot to be enlarged covers an area of approximately 0.21 ha (0.52 ac) and contains a single detached dwelling and an accessory structure (detached garage). The lot to be retained will be approximately 76 ha (188 ac) in area, and is occupied by two barns, two sheds and two single detached dwellings accessory to the farm.

R. Versteegen reviewed the staff Report and indicated that the severance is for a non-farm rural residential lot addition to the immediate west. He pointed out that the newly enlarged lot and the retained lot will share the well. The application is consistent with the 2014 Provincial Policy Statement (PPS) and complies with the Official Plan policies. A zone change is necessary for the severed lot. No comments or objections were received as a result of the agency circulation and the public notice to the neighbours.

L. Salverda stated she concurred with the findings and suggested conditions of the staff Planning Report.

It was explained that the well will now be situate on Salverda's property and a new shared well agreement will be drawn up between the two parties. C. Markus will continue to own the retained lot.

Moved by: J. Lessif
Seconded by: A. Tenhove

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owner's 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.
3. Buildings and structures partially on the lot to be severed and retained be removed, to the satisfaction of the Township of South-West Oxford.
4. If required, the owners enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
5. 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.

B19-54-5 & B19-55-5 – James W. Shewan (Part Lot 1 & Lots 2-4, W of Elgin Street, Plan 134, Township of Zorra, Village of Embro)

Mark Burke, the owner's and applicant's agent, was in attendance to present the application. Also in attendance was Julia Penistan, 86 Commissioner Street, Embro, ON N0J 1J0. He explained that the 8-plex on the retained lot was formerly a school and the severed lands were the grounds to the school. The proposal is to create two lots for semi-detached dwellings.

The purpose of the Applications for Consent is to create two vacant residential lots for a semi-detached dwelling each comprising approximately 600 m² (6,458 ft²), with a frontage of 15.0 m (49 ft) on Elgin Street. The lot to be retained would comprise approximately 1,100 m² (11,840 ft²) and contains an existing 8-unit apartment building.

R. Versteegen reviewed the staff Report and indicated that the severance is to create two infill lots. Low density residential uses and industrial uses are located to the northwest. The retained lot contains an existing 8-plex apartment building. Access will be via Elgin Street on full municipal services. The application is consistent with the 2014 Provincial Policy Statement (PPS) and complies with the Official Plan policies. A zone change is necessary for both the severed and retained lots. No comments or objections were received as a result of the agency circulation and the public notice to the neighbours.

M. Burke stated that he concurred with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, M. Burke stated that the access could not be via Elgin Street due to the location of the retaining walls which will be needed for support.

J. Penistan stated that she has lived on the property for 20 years. She indicated she questioned the weeping tile bed and was concerned about soil contamination into the air. It was pointed out that development will be fully serviced and will need to conform to the Ontario Building Code with respect to the installation of the foundations.

J. Penistan questioned the six trees along the border of the property and questioned whether they would be damaged and if removed, would they be replaced? In response, M. Burke pointed out that the tree situate on the embankment is distressed and will likely be the only tree to be removed.

J. Penistan indicated that the neighbours enjoy seeing the vacant grounds and there are no water issues at present. She does not want to see any problems due to construction. R. Versteegen pointed out that Chief Building Official will require a drainage plan and that this has been included as a condition of the application(s) approval.

In response to J. Penistan's concerns over lighting, it was pointed out that appropriate light fixtures will be subject to the Ontario Building Code.

B19-54-5

Moved by: A. Tenhove
Seconded by: C. van Haastert

"Granted"

CONDITIONS:

1. The lot to be severed and the lot to be retained be appropriately zoned.
2. The owner obtain approval for new entrances on the lot to be severed, to the satisfaction of the Township of Zorra.
3. The owner provide a grading plan of the lot to be severed and the lot to be retained, to the satisfaction of the Township of Zorra.

4. 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 water and sewer services to the lot to be severed have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
5. 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.
6. The owner provide cash-in-lieu of parkland, to the satisfaction of the Township of Zorra.
7. The owner shall 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. 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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B19-55-5

Moved by: A. Tenhove
Seconded by: P. Rigby

"Granted"

CONDITIONS:

1. The certificate be issued for Application B19-54-5, 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 B19-55-5.
2. The lot to be severed and the lot to be retained be appropriately zoned.
3. The owner obtain approval for new entrances on the lot to be severed, to the satisfaction of the Township of Zorra.
4. The owner provide a grading plan of the lot to be severed and the lot to be retained, to the satisfaction of the Township of Zorra.

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 water and sewer services to the lot to be severed have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
6. 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.
7. The owner provide cash-in-lieu of parkland, to the satisfaction of the Township of Zorra.
8. The owner shall enter into a standard Severance Agreement with the Township of Zorra, to the satisfaction of the Township of Zorra.
9. 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.
10. 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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B19-59-4 – Mt. Elgin Developments Inc. (Part Lot 10, Conc. 5, Township of South-West Oxford, formerly Township of Dereham)

Brian Graydon, the owner, was in attendance to present the application. He briefly explained the application.

The purpose of the application for consent is for a residential lot addition. The lot to be severed will cover an area of approximately 0.049 ha (0.12 ac) of vacant land and will be added to the residential lot to the immediate north. The lot to be enlarged covers an area of approximately 0.2 ha (0.5 ac) and contains a single detached dwelling. The lot to be retained will be approximately 5.23 ha (13 ac) in area, and is currently vacant. The purpose of the proposed severance is to facilitate the sale of a vacant block of land from a proposed draft plan of subdivision (currently in circulation, File SB18-06-4).

R. Versteegen briefly reviewed the staff Planning Report. He indicated that the severance proposes a residential lot addition. The retained lot is subject to a plan of subdivision. The applicant is consistent with 2014 Provincial Policy Statement and complies with the County Official Plan. A zone change will be necessary to re-zone the severed lot from Development (D) to Residential Type 1 (R1) to reflect the zoning on the enlarged lot. No concerns were received during the agency circulation or the public notification to the neighbours.

B. Graydon concurred with the findings and suggested conditions of the staff Planning Report.

In response to C. van Haastert, R. Versteegen indicated that the zoning on the retained lot will be addressed at the time the subdivision is reviewed.

B. Graydon indicated that the existing barn has been demolished. R. Versteegen pointed out that the aerial photographs in the planning report were taken in April, 2015 so the existing conditions have changed relative to the air photo.

Moved by: P. Rigby
Seconded by: J. Lessif

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and be consolidated with said owner's 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.
3. If required, the owner enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
4. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township have been complied with.
5. 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.

B19-67-5 – Ronald & Heather Forbes and David Forbes (Part Lot 23, Concession 3, Township of Zorra, formerly Township of North Dorchester)

Ron Forbes was in attendance to present the application in support of his proposal. Also in attendance was Craig Smith, 1224 Smith Road, Ancaster ON L9G 3L1. R. Forbes indicated that the staff Planning Report was not in favour of his proposal.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of approximately 25.7 ha (63.5 ac), contains no buildings or structures and will be added to the adjacent agricultural property to the immediate south. The lot to be enlarged has frontage on Road 62 and comprises approximately 40.5 ha (100 ac), including a single detached dwelling, a driveshed, swine barns and cropland. The lot to be retained has frontage on Road 64,

comprises approximately 4.05 ha (10 ac) and contains an existing single detached dwelling, a garden suite, a shed/workshop, sheep barns, and pasture/cropland. The owners have also applied for a Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Planning Report. He explained that Appendix I (attached to the staff Report) represents what the owners submitted as part of their application. He pointed out the existence of a licenced gravel pit to the north of the property along Road 64. The severed lot will cover an area of approximately 87.5 acres and is to be added to the 100 acre agricultural property, and will retain approximately 10 acres to be used for agricultural purposes. Based on this, in Planning staff's opinion the application is not consistent with the 2014 Provincial Policy Statement. The retained lot would not of a sufficient size for the type of production common in the area or sufficiently large enough to maintain flexibility for various farm operations in the future. Further, the application does not comply with the Official Plan in that the proposed severance fragments farmland. He indicated that staff reviewed the details provided by the applicant regarding farm viability and that they were not satisfied that the details were sufficient to address the farm viability report requirements. Additionally, Township staff did not recommend approval of the severance. A petition in support of the proposal was received as well as three letters in support of the application from Vito Frijia, Craig Smith and Township of Zorra Council.

R. Forbes explained that he and his wife reside in the garden suite and that their son and his family reside in the farm house. He responded to the land use and indicated that a welding shop is operated by his son on the subject property and last year's earnings was approximately \$120,000. In terms of farm viability, Mr. Forbes indicated that the information he provided was what was he felt most comfortable providing for consideration by staff. He noted that on Key Map 81 (of the Township's Zoning By-law), a large gravel pit exists in the immediate area and that there are no commercial-sized farms exist in the area. Further Mr. Forbes noted that a number of undersized lots exist around the Village of Thamesford. He indicated he is a full-time farmer and suggested that the Official Plan is outdated. He further disagreed with Planning staff stating that the proposed severance fragments farmland.

C. Smith stated he had no comments to make.

R. Versteegen indicated that while no new lot is being created, enlarging the adjacent farm parcel results in the creation of a remnant 10-acre parcel that does represent fragmentation of prime agricultural lands. And further, the creation of an undersized agricultural parcel is contrary to both PPS policy and objectives of the County Official Plan. He noted that the 10-acre lot would effectively function as a hobby farm/rural residential lot and that it is important to keep the farm parcels as large as possible to maintain sustainability for existing and future farming purposes.

It was noted that C. Smith owns approximately 100 acres and is the prospective purchaser of the severed lot. In response to a question raised, R. Versteegen indicated that it is preferred that non-farm residential lots are as small as possible and are only permitted where a residence is surplus through a farm consolidation. Creating larger non-agricultural parcels opens the door to potential uses being established in the rural that are more appropriately located within a settlement area.

R. Jull noted that Township staff is not in support of the application; however, Township Council is in support.

G. Brumby stated that a minimum lot size is not mentioned in the PPS. In response, R. Versteegen explained that the PPS policies speak to agricultural lots being appropriately sized to accommodate the type of agriculture found in the area and to ensure future farming flexibility. Additionally, it was noted that the minimum lot area requirement of the A2 Zone in the Township's Zoning By-law is 75 acres. Therefore, the proposal does not satisfy Section 3.1.4.4.1 of the Official Plan. G. Brumby suggested that the 10-acre retained lot could potentially become a non-farm rural residential lot.

In response, R. Forbes stated that he felt Section 3.1.4.4.1 speaks to severed lots in farm consolidations and not retained lots. R. Versteegen indicated that in reviewing this section planners interpret the policy to read that both the severed and retained lots must satisfy the policy.

A. Tenhove suggested the owner could request a lot consolidation resulting in a 2-acre retained lot. In response, R. Forbes stated that it would be difficult to get the lot down to 2 acres due to the location of the welding shop and home which they want to retain on 1 lot.

G. Brumby suggested that the owner could request a deferral of the application to amend the proposal for an agri-business lot. In response, R. Forbes stated that the Committee has been struck to consider applications on their individual merits. He is looking to retire but wishes to continue to farm on a smaller scale. He stated he felt that the application may not meet the 75-acre requirement, but that the property could still be viable if other factors were considered.

J. Lessif stated that he felt that small parcels are an asset and commended R. Forbes on his presentation. He indicated he is in support of the application.

C. van Haastert questioned whether nutrient management needed to be factored into the decision. In response, R. Forbes indicated that the property would need to be zoned A1 to regulate the number of animal units.

Moved by: R. Jull
Seconded by: J. Lessif

'Granted'

NOT CARRIED.

R. Forbes requested a deferral of the application.

Moved by: A. Tenhove
Seconded by: C. van Haastert

'Deferred'

REASON:

1. To obtain further information on the viability of the retained lot.

CARRIED.

On the motion of A. Tenhove, Committee meeting adjourned at 11:15 a.m.

"Gordon Brumby"

CHAIRMAN