

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, July 7, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, July 7, 2011, at 9:00 a.m. with the following individuals:

Chairperson	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
	-	T. Rock
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m. In J. de Bruyn's absence, G. Brumby assumed the Chair.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: T. Rock
Seconded by: M. Hacon

"The Minutes of the Meeting of June 2, 2011, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

G. Hough told the Committee that Application #B11-10-8 (Jim & Cindy Walker) was appealed by the Walkers.

CORRESPONDENCE:

Correspondence was received from the Council of the Township of East Zorra-Tavistock regarding Application #B11-20-2 (Gerrit & Margriet Wensink) stating that Council had no objection to the application.

APPLICATIONS FOR CONSENT:

#B11-15-8 – 1623623 Ontario Ltd. (Lot 14, Compiled Plan 1626, City of Woodstock)

Astrid Clos, the owner's agent, was in attendance. A. Clos stated that she and the owners concurred with the findings and suggested conditions of the staff Report.

The purpose of the Application for Consent is to create a vacant industrial lot. The lot to be severed will cover an area of 15.78 ha (39 ac) and the lot to be retained will cover an area of 19.04 ha (47 ac). Both lots will continue to be used for industrial purposes.

G. Hough reviewed the staff Planning Report and pointed out that a 39 acre parcel is to be severed, while a 47 acre parcel is to be retained. He noted that the subject property was subject of a previous severance in 2004. He indicated that there has been a Holding provision on the subject property since 2004.

G. Brumby asked whether the Holding provision will stay. G. Hough answered in the affirmative.

W. Buchanan asked who owned the property zoned EP2-3 to the immediate west. In response, G. Hough indicated that those lands are owned by General Motors. He stated that the designation was put in place in 2004 to recognize the existing setbacks.

Moved by: T. Rock
Seconded by: H. Elliott

"Granted"

CONDITIONS:

1. Prior to the completion of the consent, the owner shall agree in writing to satisfy all requirements, financial and otherwise, of the City of Woodstock regarding the installation of services and drainage facilities.
2. Prior to the completion of the consent, the owner shall confirm that no underground or overhead services serving the retained lands traverse the severed parcel and visa versa. Where such services exist, the applicant shall relocate the services or obtain private easements to the satisfaction of the City of Woodstock.
3. The owner enter into any necessary easements between the lot to be severed and the lot to be retained for the municipal storm, sanitary and watermain services, to the satisfaction of the City of Woodstock Engineering Department.
4. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock 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 2005 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.

CARRIED.

#B11-16-4 – 711458 Ontario Limited (Part Lot 19, Conc. 10, Township of South-West Oxford,
formerly Township of Dereham)

David Van Gulp, of 711458 Ontario Limited, was in attendance to speak to the application. Also in attendance was Erwin Meyer, Culligan Real Estate, 6191 Cobblehills Road, R. R. #4, St. Marys ON N4X 1C7. Mr. Meyer appeared on behalf of the proposed purchaser of the severed lot.

E. Meyer stated that there has been a misunderstanding between the owner and the prospective purchasers. His clients, Mr. & Mrs. Rockx, do not wish to consolidate the severed parcel with their existing farm parcel. They intend the lot to be a separate parcel. He stated that he and his clients wish to proceed with the application today.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 34 ha (84 ac), contains farm buildings associated with a hog operation, and an accessory single detached dwelling and is in agricultural production. The severed lot will be added to the farm parcel to the immediate east covering an area of 108.5 ha (268 ac), and consisting of farm buildings and an accessory single detached dwelling. The lot to be retained will cover an area of 58 ha (153 ac), contains farm buildings and an accessory single detached dwelling, and will continue to be used for agricultural production. A Partial Discharge of Mortgage has also been applied for.

G. Hough explained that if the owner wishes to amend his application, it will require re-circulation and, therefore, a deferral is recommended. The application as it has been presented is for a lot consolidation.

D. Van Gulp appealed to the Committee to proceed with the application.

W. Buchanan suggested that there has been a change of mind or an oversight.

E. Meyer stated that he should have been informed of the application's process. The prospective purchasers' intent from the onset was to create a farm lot.

T. Rock agreed with W. Buchanan's comments and suggested that the matter is between the owner and the prospective purchasers, and he is not prepared to consider the application today until a decision has been made by those parties.

J. Palmer questioned whether the application could proceed as submitted and then the lot created at a later date. G. Hough stated that an application would have to be submitted to create an agricultural lot and would have to be reviewed by Planning staff. He suggested that the application could be deferred for one month and that this would be the better option for all the parties.

D. Van Gulp indicated that he wanted the Committee to proceed with the application today.

M. Hacon confirmed with the Corporate Manager whether the Committee could support the application today as submitted and reviewed. G. Hough answered in the affirmative.

E. Meyer stated that the purchasers have concerns if the lot is consolidated with their existing holdings. They wish the property to be separate.

G. Brumby requested that G. Hough review the staff Planning Report. G. Hough briefly reviewed the staff Planning Report and pointed out the application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Township's Zoning By-law. He indicated that the Township Chief Building Official in his comments has questioned the structure and integrity of the existing dwelling on the severed lot, and has recommended that it be removed prior to the completion of the severance.

E. Meyer questioned whether the house had to be removed prior to the closing of the real estate transaction. In response, G. Hough pointed out that all conditions will need to be completed prior to the issuance of the certificate. E. Meyer suggested that it would be reasonable to request a deferral of the application for one month in order to permit the owner and the prospective purchasers to discuss the application. He requested a 5-minute recess in order to allow the owner and the purchasers to discuss their options.

After an 8-minute recess, the parties returned to the Committee meeting. They indicated that there were not able to make a decision. D. Van Gorp indicated that he was not aware that the dwelling on the severed lot needed to be removed.

Moved by: T. Rock
Seconded by: W. Buchanan

"Deferred"

REASON:

1. The application for consent be deferred for up to one month to the August, 2011 meeting of County of Oxford Land Division Committee in order to permit the owner to further review the staff Planning report with the prospective purchaser and the purchaser's agent.

CARRIED.

#B11-22-7 – Ronald & Kimberley Cole (Lots 1284 & 1285, Plan 500, Town of Tillsonburg)

Michael Szorenyi had approached the Chair, Corporate Manager and the Secretary-Treasurer during the 5-minute recess for the previous application and indicated that he was not able to stay for the hearing of this application as he had another appointment. He indicated that he and his clients concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 187.7 sq. m (2,020 sq. ft.), contains no buildings or structures, and will be added to the residential lot to the immediate west. The lot to be retained will cover an area of 2,510 sq. m (27,018 sq. ft.), contains an existing single detached dwelling and will continue to be used for residential purposes.

G. Hough reviewed the staff Planning Report and explained that the severance proposes a residential lot addition between two property owners to straighten up a lot line. The application is consistent with the 2005 Provincial Policy Statement (PPS), complies with Oxford County Official Plan, and conforms to the Zoning By-law.

J. Palmer wondered whether the severance was a result of a misunderstanding between the two property owners.

Moved by: H. Elliott
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owners existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. If required, the owners enter into a standard Severance Agreement with the Town of Tillsonburg to the satisfaction of the Town.
3. The owners confirm that no underground or overhead services serving the retained lands traverse the severed parcel and visa versa. Where such services exist, the applicant shall relocate the services or obtain private easements over the severed and/or retained lands to the satisfaction of the Town of Tillsonburg Engineering Department.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.

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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 2005 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.

CARRIED.

#B11-17-3 – Claire & Caroline Utter (Part Lots 23, 24, & 25, Conc. 5, Township of Norwich, formerly Township of North Norwich)

Claire & Caroline Utter, together with their agent, David Roe, were in attendance. D. Roe presented the application to the Committee. D. Roe explained the application to the Committee and indicated that the Utters are severing a parcel of land from their property to be added to the existing church property to the immediate west. The existing church situated on the property will be removed and a new church is to be built. The church property will be acquiring approximately 1.29 acres of lands to be used for the area of the new septic system and for parking.

The purpose of the Application for Consent is for an institutional lot addition. The lot to be severed will cover an area of 0.52 ha (1.29 ac), contains no buildings or structures, and will be added to the church property to the immediate west. The lot to be retained will cover an area of 69 ha (170.5 ac), contains no buildings or structures, and is in agricultural production.

G. Hough briefly explained the application. He stated that the Official Plan allows expansions of institutional uses. The application is consistent with 2005 Provincial Policy Statement. He noted that there will be no issues with farming operations, nor will there be MDS issues.

D. Roe stated that he and his clients concur with the findings and suggested conditions of the staff Planning Report.

Moved by: M. Hacon
Seconded by: H. Elliott

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately re-zoned to 'Institutional Zone (I)' to recognize the change in use resulting from the boundary adjustment.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owners existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O. 1990, at the applicants' expense, to the satisfaction of the Township of Norwich.
4. 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.

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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 2005 Provincial Policy Statement.
 2. The application for consent complies with the policies of the County of Oxford Official Plan.
- CARRIED.
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#B11-20-2 – Gerrit & Margriet Wensink (Part Lot 13, Conc. 5, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Gerrit Wensink, together with his solicitor, Gordon Klein, were in attendance. G. Klein presented the application to the Committee. He noted that severance is for a lot addition of agricultural lands, while retaining a rural residential lot. Correspondence was received from the Council of the Township of East Zorra-Tavistock confirming that Council had no objection to the application.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 41.44 ha (102.4 ac), contains no buildings or structures, and will be added to the farm property to the immediate south. The lot to be retained will cover an area of 0.94 ha (2.33 ac), contains an existing single detached dwelling, a garage and a driveshed, and will be used for non-farm rural residential purposes.

G. Hough reviewed the staff Planning Report. He reviewed the policies of the 2005 Provincial Policy Statement (PPS) and stated that the application was consistent with its policies. He reviewed the Official Plan policies and pointed out that the applicant had indicated that the existing dwelling on the lot to be retained was constructed in 2001 as a replacement to the original farmhouse which was constructed in 1885. He explained that when considering applications for non-farm rural residential development, the policies indicate that a house built after the date of adoption of the current Official Plan (December 13, 1995), may not be retained as a result of a farm consolidation. However, in this application, the existing house replaced the previous house that was constructed prior to December 13, 1995 and, therefore, maintains the intent and purpose of the policies of the Official Plan.

G. Klein pointed out that the previous owner built the replacement home.

T. Rock requested that the Corporate Manager explain the framework of the Point System. G. Hough explained that the application accumulated +10 points for surrounding land use and received a credit of 2 points for the existing surplus dwelling. G. Hough further stated that consideration is given to the application as the house is surplus to the farm operation. He noted that the Official Plan policies only permit the severance of a rural residential lot through a farm consolidation. The PPS restricts the creation of new rural residential lots.

G. Brumby asked the owner who would own the lot to be retained. In response, G. Wensink stated that he will be retaining the property. It is presently rented out.

Moved by: J. Palmer
Seconded by: T. Rock

"Granted"

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.

- s2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owner's existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsection 3 and 5, Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. Drainage assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O., 1990, at the applicant's expense, to the satisfaction of the Township of East Zorra-Tavistock.
4. The Clerk of the Township of East Zorra-Tavistock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, 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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

On the motion of M. Hacon, the Committee meeting adjourned at 10:35 a.m.

"Gordon Brumby"

VICE-CHAIRPERSON